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TITLE 3—THE PRESIDENT

PROCLAMATION 3154

AMERICAN EDUCATION WEEK, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS since the founding of our Nation, our citizens have zealously worked and sacrificed to provide schools and colleges for the education of our children, our youths, and our adults; and

WHEREAS the White House Conference on Education held in 1955, with delegates from all the States and Territories, representing millions of citizens of all races, faiths, and walks of life, reemphasized the needs of the Nation for more and better schools and colleges to the end that our people through improved education may make a greater contribution to the progress and future welfare of America, and to the peace and well-being of the world; and

WHEREAS the setting aside of a special education week each year provides a fitting opportunity for parents and educators and the public generally to visit schools and educational institutions, to express their appreciation of the work of our teachers and school officials, and to exchange views upon educational problems and progress:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the period from November 11 to November 17, 1956, as American Education Week; and I urge the fullest possible participation in the observance of that week by the people throughout the United States. This week of dedication to education and to the efforts and achievements of teachers, school and college administrators, and others in this important area of public service is especially significant during this first year of appraisal, in terms of local community needs and required action, of the recommendations made by the White House Conference on Education. Let us all stress the need for good schools to keep America strong.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of September in the year of our Lord nineteen hundred and fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
The Secretary of State.

[F. R. Doc. 56-7292; Filed, Sept. 6, 1956; 2:28 p. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023—Allotments—(Burley, Flue, Fire, Air, Sun-57)-1]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

TOBACCO MARKETING QUOTA REGULATIONS, 1957-58 MARKETING YEAR

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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.

AUTHORITY: §§ 725.811 to 725.828 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66 Stat. 597, as amended; 7 U. S. C. 1301, 1313, 1315, 1363.

GENERAL

§ 725.811 *Basis and purpose.* The regulations contained in §§ 725.811 to 725.828 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1957 farm acreage allotments and normal yields for burley, flue-cured, fire-cured, dark air-cured, and Virginia Sun-cured tobacco. The purpose of the regulations in §§ 725.811 to 725.828 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for burley, flue-cured, fire-cured, dark air-cured, and Virginia Sun-cured tobacco for the 1957–58 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.811 to 725.828, public notice (21 F. R. 5116) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 725.811 to 725.828, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 725.812 *Definitions.* As used in §§ 725.811 to 725.828, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the group of persons within any State designated by the Secretary of Agriculture to act as the Agricultural Stabilization and Conservation State Committee.

(b) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(c) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(e) "New farm" means a farm on which tobacco will be harvested in 1957 for the first time since 1951. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this part shall include the meaning described in paragraph (c) of § 725.816 with respect to 1956 harvested acreage.

(f) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1952 through 1956. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this part shall include the meaning described in paragraph (c) of § 725.816 with respect to 1956 harvested acreage.

(g) "Cropland" means farm land which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, an erosion hazard to the community.

(h) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1956 into the total of the 1956 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State

committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factors of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(i) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(j) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(l) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(m) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(n) "Tobacco" means:

(1) Burley tobacco type 31; flue-cured tobacco types 11, 12, 13, and 14; fire-cured tobacco types 21, 22, 23, and 24; dark air-cured tobacco types 35 and 36; and Virginia sun-cured tobacco type 37, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both, as indicated by the context.

(2) Any tobacco that has the same characteristics, and corresponding qualities, colors, and lengths as either burley, flue-cured, fire-cured, dark air-cured or Virginia sun-cured tobacco shall be considered respectively either burley, flue-cured, fire-cured, dark air-cured or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 725.813 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one hundredth acre. The rule of fractions will be to round upward fractions of more than five-thousandths and to round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00, and 0.0051 would be 0.01).

§ 725.814 *Instructions and forms.* The Director, Tobacco Division, Commodity Stabilization Service, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 725.815 *Applicability of §§ 725.811 to 725.828.* Sections 725.811 to 725.828 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1957, in the case of burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, and July 1, 1957 in the case of flue-cured tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.816 *Determination of 1957 preliminary acreage allotments for old farms.* The 1957 preliminary acreage allotment for an old tobacco farm shall be the 1956 farm acreage allotment with the following exceptions:

(a) If the harvested acreage (as that term is explained in paragraph (c) of this section) of flue-cured, fire-cured, dark air-cured or Virginia sun-cured tobacco on the farm in each of the three years 1954–56 was less than 75 percent of the farm acreage allotment for each of such respective years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1952–56: *Provided,* That any 1957 preliminary allotment shall not exceed the 1956 farm acreage allotment or be less than 0.01 acre.

(b) If the harvested acreage (as that term is explained in paragraph (c) of this section) of burley tobacco on the farm in each of the five years 1952–56 was less than 50 percent of the farm acreage allotment for each of such respective years, the 1957 preliminary allotment shall be the largest acreage of tobacco harvested on the farm in any one of such five years, but not less than 0.01 acre.

(c) For the purposes of paragraphs (a) and (b) of this section, the 1956 harvested acreage shall include any acreage on the farm applicable to the kind of tobacco involved which is devoted in 1956 to participation in the Acreage Reserve Program or the Conservation Reserve Program. Also, for such purposes, the 1956 harvested acreage shall be deemed to be the 1956 farm acreage allotment in any case, except involving flue-cured tobacco, in which (1) the tobacco planted acreage in 1956 was less than the acreage allotment for such farm, (2) the owner or operator of such farm notified the county committee not later than August 1, 1956, that he desired to preserve such allotment; and (3) no quantity of excess tobacco produced on the farm prior to January 1, 1956, and carried over or stored to postpone or avoid payment of penalty, has been reduced because the 1956 acreage allotment was not fully planted.

(d) If the county and State committees determine that a farm has been retired from agricultural production, no 1957 preliminary acreage allotment (or 1957 farm tobacco acreage allotment) shall be determined for such farm: *Provided,* That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production.

(e) For the purpose of determining 1957 preliminary acreage allotments, the 1956 farm acreage allotment shall mean the correctly determined 1956 farm acreage allotment prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year, except that the 1956 farm acreage allotment as referred to in paragraphs (a), (b) and (c) of this section shall mean the 1956 alltoment after any such reduction.

§ 725.817 *1957 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 725.816 shall be adjusted uniformly so that the total of such allotments for old farms plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 725.818 shall not exceed the State acreage allotment: *Provided,* That in the case of burley tobacco, the farm acreage allotment shall not be less than the smallest of (a) the 1956 allotment, (b) fifty-hundredths of an acre, or (c) 10 percent of the cropland in the farm: *Provided further,* That no 1956 burley tobacco allotment of seventy-hundredths of an acre or less shall be reduced more than one-tenth of an acre, and no 1956 burley tobacco farm acreage allotment of eight-tenths of an acre or more will be reduced to less than six-tenths of an acre.

§ 725.818 *Adjustment of acreage allotments for old farms, correction of errors, and allotments for overlooked old farms.* Notwithstanding the limitations contained in § 725.816, the individual 1957 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of the State committee or its representative as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed one-tenth of one percent of the total acreage allotted to all tobacco farms in the State for the 1956–57 marketing year.

§ 725.819 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a differ-

ent farm, the acreage allotments established for both such farms for 1957 shall be reduced, as provided in this section, except that such reduction for any such farm shall not be made if the county and State committees determine that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) If any producer files, or aids or acquiesces in the filing of, any false report with respect to the acreage of tobacco grown on the farm in 1956, the acreage allotment for the farm shall be reduced, as provided in this section, except that if each producer on the farm establishes to the satisfaction of the county and State committees that the filing of, or aiding or acquiescing in the filing of, the false report was unintentional on his part and that he could not reasonably have been expected to know that the report was false, reduction of the allotment will not be required if the report is corrected and payment of all additional penalty is made.

(d) Any such reduction shall be made with respect to the 1957 farm acreage allotment, provided it can be made no later than (1) April 1, 1957 in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia or (2) May 1, 1957 in all other States. If the reduction cannot be so made effective with respect to the 1957 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made no later than corresponding dates to be specified in a subsequent year. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(e) The amount of reduction in the 1957 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified, or for which satisfactory proof of disposition has not been furnished, or with respect to which a false acreage report was filed, shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided,* That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purpose of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown or with respect to which a false acreage report was filed in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(f) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a), (b), or (c) of this section.

(g) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraph (a), (b), or (c) of this section.

§ 725.820 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided,* That such allotment shall not exceed 20 percent of the acreage of cropland on the farm (50 percent of the acreage of cropland on the farm in the case of flue-cured tobacco).

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm or due to a false acreage report.

§ 725.821 *Farms divided or combined.* (a) If land operated as a single farm in 1956 will be operated as two or more farms in 1957, or is otherwise required under the definition of a farm to be divided for 1957, the 1957 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in 1956 bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that the 1957 tobacco acreage allotment determined, or which otherwise would have been determined, for the entire farm shall, if the farm to be divided for 1957 consists of two or more tracts which were separate and distinct farms before being combined within the past five years (1952–56), be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment when combined: *Provided,* That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-hundredth of an acre or 10 percent of the 1957 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated seperately in 1956 are combined and operated in 1957 as a single farm, the 1957 allotment shall be the sum of the 1957 allotments determined for each of the farms comprising the combination, or, in the case of burley tobacco, if smaller, the allotment determined or which would have been determined for the farm as constituted in 1957.

(c) If a farm is to be divided in 1957 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section or on such other basis as the State committee determines will result in equitable allotments.

§ 725.822 *Determination of normal yields for old farms.* The county committee will determine a normal yield for each farm for which a 1957 tobacco acreage allotment was established by first obtaining the average of the three highest yields for such farms in any three years during the period 1950–55, or if tobacco was grown in less than three

years of such period the yield for one year or the average yield of two years in such period. If in any case the yield so obtained exceeds 125 percent or is less than 80 percent of the county check yield (to be ascertained as hereafter provided) such yield shall be adjusted to the applicable percentage, and any yield may be also adjusted for drought, flood, or other abnormal conditions affecting the yield, but the yield so adjusted shall not exceed 125 percent or be less than 80 percent of the county check yield. If the total production extension for all farms in the county in 1956 obtained by multiplying the 1956 acreage allotment for each farm by the yield so computed for such farm in 1956 varies more than one percent from the total production extension obtained by multiplying the county check yield by the total of all allotted tobacco acreage in the county for 1956, the yield for each farm will then be factored to the extent required to eliminate any variance. Subject to the approval of the State committee, the yields may be further factored to provide a yield for each farm in the county that is not more than 125 percent or less than 80 percent of the county check yield. The yield for the farm thus determined shall be the normal yield for the farm: *Provided,* That if the farm has been reconstituted since 1950, the normal yield for such farm shall be determined by the county committee by appraisal taking into consideration available yield data for the land involved and yields established as heretofore provided in this section for similar farms in the community. The county check yield shall be determined by the Deputy Administrator on the basis of the average of the three highest yields in the county in any three years during the period 1950–55 adjusted where necessary so as to conform with and, except for factoring, to not exceed 125 percent or be less than 80 percent of the State check yield; such State check yield to be determined by the Deputy Administrator on the basis of the average of the three highest yields in the State in any three years during the period 1950–55, but not to exceed 125 percent or be less than 80 percent of the average of the three high year averages of all States.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 725.823 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 725.820, for a new farm shall be that acreage which the county committee with the approval of the State committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided,* That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge: *And provided further,* That production of tobacco on a farm in 1955 or 1956 for which, in accordance with applicable law and regulations no 1955 or 1956 tobacco acreage allotment, respectively, was determined shall not be deemed such experience for any producer.

(2) The farm operator shall live on and obtain 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco allotment is established for the 1957–58 marketing year.

(4) The farm shall be operated by the owner thereof.

(5) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1952–56 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1951 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1952–56 and at time of division of the farm contained cropland but received no part of the allotment due (*a*) to division of the allotment on a contribution basis, or (*b*) to agreement and approval of all interested parties as provided in the section of this part governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-fourth of one percent of the 1957 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

§ 725.824 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office prior to February 16, 1957, unless the farm operator was discharged from the armed services subsequent to December 31, 1956, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 725.825 *Determination of normal yields for new farms.* The normal yield for a new farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 725.822 for similar farms in the community.

MISCELLANEOUS

§ 725.826 *Determination of acreage allotments and normal yield for farms returned to agricultural production.* (a) Nothwithstanding the foregoing provisions of §§ 725.811 to 725.825, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain, for any purpose and which is returned to agricultural production in 1957, or which was returned to agricultural production in 1956 too late for a 1956 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1957 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to whch the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 725.822 for similar farms in the community.

§ 725.827 *Approval of determinations made under §§ 725.811 to 725.826, and notices of farm acreage allotments.* (a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm

is located and shall be reviewed by or on behalf of the State committee, and the State committee may revise or require revision of any determinations made under §§ 725.811 to 725.826. All acreage allotments and yields shall be approved by or on behalf of the State committee and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been approved by or on behalf of the State committee.

(b) The county committee shall mail a written notice of the farm acreage allotment and marketing quota to the operator of each farm shown by the records of the county committee to be entitled to such allotment. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. A copy of such notice, containing thereon the date of mailing, shall be kept among the records of the county committee, and, upon request, a copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided,* That the notice of allotment for any farm shall, insofar as practicable, be mailed no later than (1) April 1, 1957, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina and Virginia, or (2) May 1, 1957, in all other States.

(d) If the county committee determines with the approval of the State committee that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1957–58 marketing year, provided the acreage of tobacco harvested from the farm is not in excess of the acreage shown on the erroneous notice. In the event the acreage of tobacco harvested exceeds the farm acreage allotment shown on the erroneous notice, the acreage allotment for the farm as correctly determined and shown on a revised notice of farm acreage allotment and marketing quota shall be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1957–58 marketing year.

§ 725.828 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. This procedure governing the review of farm acreage allotments and marketing quotas is contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 5th day of September 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 56–7210; Filed, Sept. 7, 1956; 8:47 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.30, Supp. 11]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

UTAH PROPORTIONATE SPARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Utah State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 30,614 acres established for Utah by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 222 SW. Temple Street, Salt Lake City, Utah, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Utah. These bases and procedures incorporate the following:

§ 850.41 *Utah*—(a) *Proportionate share areas.* Utah shall be divided into seven proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Garland, West Jordan, Gunnison, Cache, Ogden, Layton and Holly. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a floor of 98.5 percent of the 1953–54 average acreage and with pro rata adjustments to a total of 30,614 acres. Acreage allotments computed as aforestated are established as follows: Garland Area—7,024 acres; West Jordan Area—8,088 acres; Gunnison Area—6,142 acres; Cache Area—3,758 acres; Ogden Area—2,030 acres; Layton Area—2,826 acres; and Holly Area—746 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows:

(1) *For new producers.* Garland Area—47.0 acres; West Jordan Area—80.9 acres; Gunnison Area—79.8 acres; Cache Area—76.0 acres; Ogden Area—20.3 acres; Layton Area—21.0 acres; and Holly Area—7.5 acres.

(2) *For appeals.* Garland Area—93.4 acres; West Jordan Area—80.9 acres; Gunnison Area—62.4 acres; Cache Area—38.0 acres; Ogden Area—20.3 acres; Layton Area—35.6 acres; and Holly Area—7.5 acres.

(3) *For making adjustments in initial shares.* Garland Area—136.0 acres; West Jordan Area—0 acres; Gunnison Area—0 acres; Cache Area—196.7 acres; Ogden Area—51.5 acres; Layton Area—0 acres; and Holly Area—0 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases.* For each farm, a farm base shall be established from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production",

and a weighting of 25 percent to the average acreage of the crops of 1953–54, as a measure of "ability to produce".

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availbility of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other areas wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Utah State Committee for determining farm proportionate shares in Utah in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. Utah is again divided into seven areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955–crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedure for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 16, 1956.

[SEAL] J. TAYLOR ALLEN,
Chairman, Agricultural Stabilization and Conservation Utah State Committee.

Approved: August 24, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7214; Filed, Sept. 7, 1956; 8:47 a. m.]

[Sugar Determination 850.30, Supp. 12]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

WYOMING PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Wyoming State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 34,745 acres established for Wyoming by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 345 East Second Street, Casper, Wyoming, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Wyoming. These bases and procedures incorporate the following:

§ 850.42 *Wyoming*—(a) *Proportionate share areas.* Wyoming shall be divided into six proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Lovell, Lyman-Gering, Wheatland, Worland, Torrington, and Sheridan. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area, a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a floor of 93.8 percent of the 1953–54 average acreage and with pro rata adjustments to a total of 34,745 acres. Acreage allotments computed as aforestated are established as follows: Lovell Area—6,671 acres; Lyman-Gering Area—739 acres; Wheatland Area—2,206 acres; Worland Area—9,570 acres; Torrington Area—14,966 acres; and Sheridan Area—593 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from each area allotment of 1 percent each for new producers and appeals. In addition, acreages for making adjustments in initial proportionate shares shall be set aside as follows: Lovell Area—115.0 acres; Lyman-Gering Area—36.8 acres; Wheatland Area—330.1 acres; Worland Area—96.2 acres; Torrington Area—0.8 acre; and Sheridan Area—0 acre.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases.* For each farm operated by an old producer (any producer except a new producer or a second-year producer) the farm base shall be established as follows:

(a) *Lovell and Lyman-Gering Areas.* For each farm in the Lovell or the Lyman-Gering Area, the factors "past production" and "ability to produce" shall be measured by establishing a farm base computed by multiplying the average planted sugar beet acreage for the farm for the crops of 1950 through 1954

(total planted acreage divided by the number of crops for which beets were actually planted) by the percentage shown for the category applicable to the farm and area, as follows:

	Lovell	Lyman-Gering
	Percent	*Percent*
Planted acreage for all 5 crops	100	98
Planted acreage only for last 4 crops	88	87
Planted acreage only for 4 crops other than last 4 consecutive crops	83	82
Planted acreage only for last 3 crops	74	72
Planted acreage only for 3 crops other than last 3 consecutive crops	72	70
Planted acreage only for last 2 crops	58	58
Planted acreage only for 2 crops other than last 2 consecutive crops	52	50
Planted acreage only for 1954 crop	40	40
Planted acreage only for one crop other than 1954 crop	18	18

(b) *Wheatland, Worland, Torrington and Sheridan Areas.* For each farm in the Wheatland, Worland, Torrington or Sheridan Area, the farm base shall be computed from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production," and a weighting of 25 percent to the largest acreage of the crops of 1950–54, as a measure of "ability to produce".

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other areas wherein it may be used.

(7) *Notification of farm operators.* The farm operators shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Wyoming State Committee for determining farm proportionate shares in Wyoming in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. Wyoming is again divided into six areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedure for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 14, 1956.

[SEAL] MARVIN YOUNG,
Chairman, Agricultural Stabilization and Conservation Wyoming State Committee.

Approved: August 23, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7213; Filed; Sept. 7, 1956; 8:47 a. m.]

[Sugar Determination 850.30, Supp. 14]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

OHIO PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159)[1] as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Ohio State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 20,367 acres established for Ohio by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the Old Post Office Building, Third and State Streets, Columbus, Ohio, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Ohio. These bases and procedures incorporate the following:

§ 850.44 *Ohio*—(a) *Proportionate share areas.* Ohio shall be divided into two proportionate share areas or districts comprising beet sugar factory districts as served by two beet sugar companies. These areas shall be designated "Northern Ohio District" and "Buckeye District", respectively. Acreage allotments for these districts shall be computed by applying to the planted sugar beet acreage record for each district a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a ceiling of 125 percent of the 1954 acreage and prorata adjustments to a total of 20,367 acres. Acreage allotments computed as aforestated are established as follows: Northern Ohio District—14,417 acres and Buckeye District—5,950 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from district allotments as follows: Buckeye District—700 acres for new producers, 59 acres for appeals, and 992 acres for adjustments in initial shares; Northern Ohio District—1,500 acres for new producers, 144 acres for appeals, and 2,596 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share district, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-

crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30) an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases.* Farm bases shall be established in each proportionate share district by giving a weighting of 50 percent to the average acreage of the crops of 1952 through 1954, as a measure of "past production", and a weighting of 50 percent to the largest acreage of the crops of 1952 through 1954, as a measure of "ability to produce".

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each district on a pro rata basis so that the total of the farm shares equals the district allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share district, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the district by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share district, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share district from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in one district shall be reallotted to the other district wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Ohio State Committee for determining farm proportionate shares in Ohio in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. Ohio is again divided into two districts, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under a formula which measures "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 20, 1956.

[SEAL] WALTER E. SOLLARS,
Chairman, Agricultural Stabilization and Conservation Ohio State Committee.

Approved: August 23, 1956.

THOS H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–7211; Filed, Sept. 7, 1956; 8:47 a. m.]

[Sugar Determination 850.30, Supp. 16]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

WISCONSIN FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Wisconsin State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 12,149 acres established for Wisconsin by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 3010 E. Washington Avenue, Madison, Wisconsin, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Wisconsin. These bases and procedures incorporate the following:

§ 850.46 *Wisconsin*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(b) *Establishment of individual farm proportionate shares.* For each farm in Wisconsin for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 12,149 acres so as to coincide with the acreage of 1956-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Wisconsin State Committee for determining farm proportionate shares in Wisconsin in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by old producers, second-year producers, and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 15, 1956.

[SEAL] W. R. MERRIAM,
Chairman, Agricultural Stabilization and Conservation Wisconsin State Committee.

Approved: August 24, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56-7216; Filed, Sept. 7, 1956; 8:48 a. m.]

[Sugar Determination 850.30, Supp. 17]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

ILLINOIS FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986), and (21 F. R. 3670), the Agricultural Stabilization and Conservation Illinois State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 2,007 acres established for Illinois by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at Room 232, U. S. Post Office and Court House, Springfield, Illinois, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Illinois. These bases and procedures incorporate the following:

§ 850.47 *Illinois*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(b) *Establishment of individual farm proportionate shares.* For each farm in Illinois for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 2,007 acres so as to coincide with the acreage of 1956-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Illinois State Committee for determining farm proportionate shares in Illinois in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 16, 1956.

[SEAL] EDMUND C. SECOR,
Chairman, Agricultural Stabilization and Conservation Illinois State Committee.

Approved: August 24, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56-7215; Filed, Sept. 7, 1956; 8:47 a. m.]

[Sugar Determination 850.30, Supp. 21]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

NEW MEXICO FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation New Mexico State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 764 acres established for New Mexico by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 1015 Tijeras Avenue NW., Albuquerque, New Mexico, and at the office of the Agricultural Stabilization and Conservation Committee in Estancia, Torrance County, New Mexico. These bases and procedures incorporate the following:

§ 850.51 *New Mexico*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(b) *Establishment of individual farm proportionate shares.* For each farm in New Mexico for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 764 acres so as to coincide with the acreage of 1956-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation New Mexico State Committee for determining farm proportionate shares in New Mexico in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 15, 1956.

[SEAL] H. M. RICKMAN,
Chairman, Agricultural Stabilization and Conservation New Mexico State Committee.

Approved: August 23, 1956.

THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56-7212; Filed Sept. 7, 1956; 8:47 a. m.]

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

[Valencia Orange Reg. 85]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.385 *Valencia Orange Regulation 85*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22,

as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on September 6, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 9, 1956, and ending at 12:01 a. m., P. s. t., September 16, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 970,200 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

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

Dated: September 7, 1956.

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

[F. R. Doc. 56-7321; Filed, Sept. 7, 1956; 11:12 a. m.]

[Lemon Reg. 658]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.765 *Lemon Regulation 658*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to eeffctuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 5, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter specified; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 9, 1956, and ending at 12:01 a. m., P. s. t., September 16, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: September 6, 1956.

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

[F. R. Doc. 56-7296; Filed, Sept. 7, 1956; 8:55 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

SUBPART—1957

Through the Agricultural Conservation Program, all people share in the cost of protecting the most vital of our natural resources—our farm and ranch lands. This program is one of the many forms of public assistance essential to this protection. Research, education, technical services, and cost-sharing all are designed to help preserve or restore the physical characteristics of our agricultural lands so that a stable agriculture will be assured. The need for achievements beyond those which come just from wise use of the land for crop production is very great.

INTRODUCTION

GENERAL PROGRAM PRINCIPLES

DEFINITIONS

ALLOCATION OF FUNDS

STATE AGRICULTURAL CONSERVATION PROGRAM

APPROVAL OF CONSERVATION PRACTICES

AUTHORITY: §§ 1105.600 to 1105.674 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 70 Stat. 233; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1105.600 *Introduction.* (a) The United States Department of Agriculture offers every farmer in the Territory

of Hawaii an opportunity to conserve and improve the productivity of his land through participation in the 1957 Agricultural Conservation Program.

(b) Under this program, part of the costs of the conservation practices is borne by the Government, and this represents the Nation's interest in what happens to its basic land and water resources.

(c) Costs will be shared on the performance of recommended practices at approved rates to the extent of available funds. Developed under the provisions of the Soil Conservation and Domestic Allotment Act, the program is designed to meet local conservation needs.

(d) The information contained in this subpart outlines the general provisions of the 1957 Agricultural Conservation Program for Hawaii and the general specifications and rates of Federal cost-sharing for practices.

GENERAL PROGRAM PRINCIPLES

§ 1105.601 *General program principles.* The 1957 Agricultural Conservation Program for Hawaii has been developed and is to be carried out on the basis of the following general principles:

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

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1957 on the lands where they are to be applied.

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

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers or ranchers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers or ranchers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing in the program are to be the minimum required to result in substantially increased performance of needed soil and water conservation practices within the limits prescribed.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland as a result of drainage. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers and ranchers otherwise would not perform but which are essential to sound soil and water conservation, the farmers and ranchers should assume responsibility for the upkeep and maintenance of those practices through their life span.

DEFINITIONS

§ 1105.602 *Definitions.* For the purposes of the 1957 program:

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

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

(c) "State" means the Territory of Hawaii.

(d) "State Office" means the Hawaii Agricultural Stabilization and Conservation Office in Honolulu, Territory of Hawaii.

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

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

(g) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, an erosion hazard to the community.

(h) "Orchardland" means the acreage in planted fruit trees, nut trees, coffee trees, papaya trees, banana plants, or vineyards.

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

(j) "Rangeland" means land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(k) "Merchantable timber" means any processed or unprocessed timber which is sold for cash by the producer.

(l) "Forest Service" means the Division of Forestry, Territorial Board of Agriculture and Forestry.

ALLOCATION OF FUNDS

§ 1105.603 *Allocation of funds.* The amount of funds available for conservation practices under this program is $182,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1105.618.

STATE AGRICULTURAL CONSERVATION PROGRAM

§ 1105.604 *Agencies participating in development of State program.* This program was developed within the pattern of the national program authorized by the Congress under the provisions of the Soil Conservation and Domestic Allotment Act of 1938, as amended. Adaptation to Hawaii's needs has been accomplished over a period of years through the cooperative assistance and advice of interested farmers, as well as Government agency representatives from the Extension Service, Soil Conservation Service, Board of Agriculture and Forestry, Farmers Home Administration, and Agricultural Stabilization and Conservation Office. The program has been approved by the Administrator, ACPS, in Washington.

APPROVAL OF CONSERVATION PRACTICES

§ 1105.605 *Method and extent of approval.* The State Office will determine the extent to which program funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the available funds, the conservation problems of the individual farm or ranch and other farms and ranches, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1957. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice.

§ 1105.606 *Section of practices.* (a) The practices included in the program are only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

(b) Each farm or ranch operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm or ranch. The State Office, taking into consideration the

farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 1105.607 *Pooling agreements.* Farmers or ranchers in any local area may agree in writing, with the approval of the State Office, to perform designated amounts of practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

§ 1105.608 *Prior request for cost-sharing.* Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farm or ranch operator before performance thereof is started. For practices for which (a) approval was given under the 1956 Agricultural Conservation Program, (b) performance was started but not completed during the 1956 program year, and (c) the State Office believes the extension of the approval to the 1957 program is justified under the 1957 program regulations and provisions, the filing of the request for cost-sharing under the 1956 program may be regarded as meeting the requirement of the 1957 program that a request for cost-sharing be filed before performance of the practice is started.

§ 1105.609 *Program year and technical aid.* (a) Costs will be shared at the rates specified and within the limitations set forth in this subpart for carrying out during the period from October 1, 1956, through December 31, 1957, the conservation practices, or components thereof, included in this subpart which are approved for a farm or ranch.

(b) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1105.641, 1105.642, 1105.644, 1105.645, 1105.654, 1105.655, 1105.657 to 1105.663, 1105.665 to 1105.670, 1105.673, and 1105.674 (practices 1, 2, 4, 5, 14, 15, 17 to 23, 25 to 30, 33, and 34). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. For the practice contained in § 1105.643 (practice 3), the Soil Conservation Service is responsible (1) for determining that the practice is needed and practicable on the farm, and (2) for necessary site selection, other preliminary work, and layout work of the practice. For the practices contained in §§ 1105.646, 1105.653, and 1105.656 (practices 6, 13, and 16), the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. In addition, upon agreement of the State Office and the State Conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

(c) The Forest Service (Forestry Division, Territorial Board of Agriculture and Forestry) is responsible for the technical phases of the practice contained in § 1105.664 (practice 24). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the State Office, determining compliance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

§ 1105.610 *Practice specifications and approval.* (a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing are set forth in this subpart. Additional specifications may be secured from the State Office or the Soil Conservation Service Territorial Office in Honolulu.

(b) For those practices in this subpart which authorize Federal cost-sharing for minimum required applications of liming materials and commercial fertilizers, the minimum required application on which cost-sharing is authorized shall in each case be determined on the basis of current soil tests: *Provided, however,* That if the State Office determines available facilities are inadequate to provide the necessary tests, the minimum required applications of these materials shall be those recommended for the area by the Agricultural Extension Service. Liming materials contained in commercial fertilizers, phosphate rock, or basic slag will not qualify for Federal cost-sharing.

(c) Practice specifications shall provide minimum performance requirements which will qualify the practice for cost-sharing and, where applicable, may also provide maximum limits of performance which will be eligible for cost-sharing. The minimum performance requirements established for a practice shall represent those levels of performance which are necessary to assure a satisfactory practice. The maximum limits of performance for cost-sharing established for a practice shall represent those levels of performance which are needed in order for the practice to be most effective in meeting the conservation problem and which are not in excess of levels for which cost-sharing can be justified.

(d) Costs for the practices contained in §§ 1105.643, 1105.647 to 1105.649, and 1105.672 (practices 3, 7 to 9, and 32) may be shared even though a good stand is not established, if the State Office determines, in accordance with approved standards, that the practices were carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The State Office may require as a condition of cost-sharing in such cases that the area be reseeded, or that other needed protective measures be carried out.

§ 1105.611 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1105.612 and 1105.613, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1105.612 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1957 program year, if the State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions.

§ 1105.613 *Practices requiring more than one program year for completion.* (a) Cost-sharing may be approved under the 1957 program for a component of a practice completed during the program year in accordance with all applicable specifications and program provisions, provided:

(1) The farmer or rancher agrees in writing to complete all remaining components of the practice in accordance with all applicable specifications and program provisions within the time prescribed by the State Office, if cost-sharing is offered to him therefor under a subsequent program; and

(2) The State Office determines that under the circumstances prevailing on the farm in 1957, completion of that component is a reasonable attainment in 1957 toward the ultimate completion of all components of the practice.

(b) Any advance cost-share so paid shall be refunded if the remaining components of the practice are not completed in accordance with all specifications and program provisions within the time prescribed by the State Office, provided the farmer or rancher is offered cost-sharing under a subsequent program for completing such components. The extension of the period for completion of the remaining components of the practice will not constitute a commitment to approve cost-sharing therefor under a subsequent program. Approval of cost-sharing for other practices under subsequent programs may be denied until the remaining components are completed.

§ 1105.614 *Initial establishment or installation of practices.* (a) Under the initial establishment principle as it ap-

plies to the 1957 program, cost-sharing may be authorized:

(1) For the first establishment or installation of a practice with cost-sharing since the 1953 program on a particular piece of land while under the control of the current operator. This will include reestablishment or replacement of (i) practices carried out without cost-sharing, (ii) practices carried out with cost-sharing prior to the 1954 program, and (iii) practices carried out while the land was under the control of a person other than the current operator.

(2) For the reestablishment or replacement of a practice which was carried out with cost-sharing under the 1954 or a subsequent program while the land was under the control of the current operator and which has served for its normal life span.

(3) For the reestablishment or replacement of a practice which was carried out with cost-sharing under the 1954 or a subsequent program while the land was under the control of the current operator and which has not served for its normal life span due to conditions other than lack of proper maintenance by the current operator, if both of the following conditions exist:

(i) Reestablishment or replacement of the practice is needed to meet the conservation problem.

(ii) The State Office believes that the reestablishment or replacement of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

(4) For the reestalishment or replacement of a practice which was carried out with cost-sharing under the 1954 or a subsequent program while the land was under the control of the current operator and which has not served for its normal life span due to lack of proper maintenance by the current operator, if all of the following conditions exist:

(i) Reestablishment or replacement of the practice is needed to meet the conservation problem.

(ii) The State Office believes that the reestablishment or replacement of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

(iii) The current operator has satisfied all refund demands under the applicable program provisions with regard to failure to maintain practices or practices defeating the purposes of programs arising from lack of proper maintenance of the practice.

(iv) The State Office determines that cost-sharing would be justified under the circumstances.

Cost-sharing may be authorized for the enlargement or restoration of a practice under the conditions set forth in this section.

(b) With normal upkeep and maintenance, practices contained in §§ 1105.641 to 1105.646, 1105.649 to 1105.651, 1105.653 to 1105.672, and 1105.674 (practices 1 to 6, 9 to 11, 13 to 32, and 34) carried out under the 1954 or a subsequent program would not have served their life spans by the end of the 1957 program year. Accordingly, cost-sharing for restablishment or replacement of these practices may be authorized only under the conditions set forth in this section.

(c) The life span of practices contained in §§ 1105.647, 1105.648, and 1105.673 (practices 7, 8, and 33) will be considered to have ended before these practices will be reestablished under the 1957 program.

(d) For the purposes of the 1957 program, the practice contained in § 1105.652 (practice 12) will be considered to have a life span of 2 years.

§ 1105.615 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

FEDERAL COST-SHARES

§ 1105.617 *Division of Federal cost-shares*—(a) *Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the State Office determines they contributed to the carrying out of the practices. In making this determination, the State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

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

§ 1105.618 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm or ranch shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed	*Increase in cost-share*
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$45 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1105.619 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1957 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $1,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1957 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, re-

vival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1105.621 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1957 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1105.622 *Practices defeating purposes of programs.* If the State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1957 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1957 program.

§ 1105.623 *Depriving others of Federal cost-share.* If the State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1957 program.

§ 1105.624 *Filing of false claims.* If the State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the 1957 program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1957 program and shall refund all amounts that may have been paid to him under the 1957 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1105.625 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1105.626, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1105.626 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1957 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1957, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

§ 1105.627 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the State Office determines was furnished by a State or Federal agency. Materials or services furnished through the program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1105.628 *Compliance with regulatory measures.* Persons who carry out conservation practices for cost-sharing under the 1957 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 1105.630 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1105.631 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the State Office forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to each farm inspector and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the State Office. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the State Office within the applicable time limit.

(c) If an application for a farm or ranch is filed within the time prescribed, any producer on the farm or ranch who did not sign the application may subsequently apply for his share of the cost-share, provided he does so on or before December 31, 1958.

APPEALS

§ 1105.633 *Appeals.* (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. The State Office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the person is dissatisfied with the decision of the State Office, he may, within 15 days after the decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided,* That the Secretary, upon the recommendation of the Administrator, ACPS, and the State Office, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1105.635 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49

Stat. 1148, 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957.

§ 1105.636 *Availability of funds.* (a) The provisions of the 1957 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1957 program will not be available for paying Federal cost-shares for which applications are filed in the State Office after December 31, 1958.

§ 1105.637 *Applicability.* (a) The provisions of the 1957 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administred by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farmlands, the use of which the State Office determines will probably change within 2 years to nonagricultural use.

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

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1105.641 *Practice 1: Constructing continuous terraces and/or diversion ditches to control the flow of runoff water and check soil erosion on sloping farmland.* Cost-sharing will be allowed, provided the structures are properly laid out and constructed in accordance with specifications contained in Soil Conservation Service Technical Standards on file in the State Office. If the land terraced is planted to clean-tilled crops, the crop rows should follow contour lines and the land surface must be protected during the rainfall season by cover crops, heavy crop residues, or organic mulches. Diversion ditches should be used on slopes between 16 percent and 20 percent and bench-type terraces on land of 20 percent or more slope. No cost-sharing will be allowed for reconstructing old terraces.

Maximum Federal cost-share. (a) $2.50 per 100 linear feet of terrace constructed in clear soil.

(b) $5 per 100 linear feet of terrace constructed in very rocky soil or exposed rocky substratum.

(c) $10 per 100 linear feet for bench terraces.

(d) 50 percent of the cost, but not in excess of $0.25 per cubic yard of earth moved in diversion ditch construction. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.642 *Practice 2: Constructing interception ditches and/or outlet channels for disposing of, diverting, or collecting water to control erosion or for impounding livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grazing land management as a means of protecting established vegetative cover, and for irrigation.* This practice does not apply to infield surface water interception on farmlands. (See § 1105.641 (practice 1) for infield interception of runoff water.) Channels having an erosive grade must be protected against erosion damage by adequate sod or other lining. Outlets must be protected to discharge water without gullying. The amount of material moved in channel construction shall be that which is determined by direct measurement of ridge or berm material above normal ground level, or that determined by prior and subsequent sectional surveys. Cost-sharing will be allowed only once and that for the year of construction. Specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost, but not in excess of $0.25 per cubic yard of material moved. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.643 *Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion.* This practice is to prevent erosion in permanent waterways and is applicable only to waterways built or reshaped in the program year for use in removing excess water from farmland that is contoured, terraced, and/or trash-mulched. Satisfactory sod lining (dense enough to prevent soil cutting) must be established before cost-sharing may be allowed for this practice. Maximum width of waterway for which cost-sharing will be approved is 50 feet. Detailed specifications on species, seeding rates, sprig spacings, soil preparation, and irrigation are contained in Soil Conservation Service Technical Standards on file in the State Office. Bermuda, Giant Bermuda, Kikuyu, or any other locally adapted species approved by the State Office may be used.

Maximum Federal cost-share. (a) $1 per 1,000 square feet of surface established by shaping and seeding, sodding, or sprigging.

(b) 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen, for establishment of the cover. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.644 *Practice 4: Building erosion control dams or stone or vegetative barriers to prevent or heal the gullying of farmland and reduce runoff of water.* Receipts or invoices showing purchase of pipe and/or flume material and receipts or records showing payment for labor will be required by inspectors as evidence of accomplishment under (d) and (f) of this section. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.25 per cubic yard of earth moved in the construction of dams, wings, and walls.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and/or flume material delivered to the farm.

(e) $2 per cubic yard of rock used, for rock or rock-and-brush dams.

(f) 50 percent of the cost of constructing stone barriers for diverting and spreading surface runoff.

(g) $0.30 per 100 linear feet for planting single line vegetative barriers to impede the flow of surface runoff.

(h) $2 per 1,000 square feet for planting suitable permanent massed vegetative barriers.

§ 1105.645 *Practice 5: Constructing permanent riprap or revetment of stone to control erosion of streambanks, gullies, dam faces, or watercourses.* Dams for purposes other than for impounding water for irrigation or for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management are not eligible. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. $0.60 per square yard of exposed riprap surface.

§ 1105.646 *Practice 6: Initial planting of orchards on the contour to help prevent erosion.* This practice is to conserve water and reduce erosion from irrigation or storm water, with orchard rows running on nonerosive grades across the main slope. Cost-sharing will be allowed for planting orchards on the contour on land having more than 2 percent slope. The land must be protected during the rainfall season by cover crops, stubble mulch, or mulch and terraces or diversion ditches.

Maximum Federal cost-share. $5 per acre.

§ 1105.647 *Practice 7: Establishment of leguminous crops for use as stubble mulch, cover, or green manure for protection of soil from erosion.* In order to qualify, a good stand and a good growth of the leguminous crops must be grown and left on the land as cover or turned under for green manure during the program year. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing purchase of seed, or records of collecting.

will be required by inspectors as evidence of seed used. In case of mixed seeding with acceptable nonlegumes (see § 1105.648 (practice 8)), the ratio of one-third of the required poundage of legume seed for unmixed plantings to two-thirds of the required poundage of nonlegume seed for unmixed plantings shall provide the basis for determining eligibility and cost-share. Any of the following crops or any other locally adapted crops approved by the State Office may be used.

	Minimum seeding rate (pounds per acre)
(a) Pigeon peas	30
(b) Velvetbeans	50
(c) Field beans	30
(d) Purple vetch	50
(e) Clover:	
Large like Kaimi	10
Small like Alsike	5
(f) Kudzu	8
(g) Crotalaria juncea	10
(h) Crotalaria spectabilis	10
(i) Cowpeas	30

Maximum Federal cost-share. (a) 50 percent of the cost of seed at the farm, but not in excess of $5 per acre of area planted.

(b) 50 percent of the cost of the minimum required application of fertilizer, but not in excess of $7 per acre of area fertilized. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.648 *Practice 8: Establishment of adapted nonlegumes for stubble mulch, cover, filter strip, or green manure for protection of soil from erosion.* Para grass (Panicum purpurascens), molasses grass, Rhodes grass, feather fingergrass, acceptable small grains, and other nonlegumes determined by the State Office as suitable for this purpose, are eligible for cost-sharing. In order to qualify, a good stand and a good growth must be secured during the program year and be left on the land if for cover or turned under before year-end if for green manure. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Acreage harvested for seed or hay is not eligible for Federal cost-sharing. Receipts or invoices showing purchase of seed, or records of collecting, will be required by inspectors as evidence of seed used. In case of mixed seeding with acceptable legumes, see § 1105.647 (practice 7) for ratio specifications.

Maximum Federal cost-share. (a) 50 percent of the cost of seed at the farm, but not in excess of $5 per acre actually planted.

(b) 50 percent of the cost of the minimum required application of fertilizer, but not in excess of $7 per acre of area fertilized. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.649 *Practice 9: Initial establishment of permanent pasture or initial improvement of an established permanent grass or grass-legume cover for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses and/or legumes.* All equipment used to prepare land for seeding shall operate across the slope as near to the contour as practicable. In areas where long slopes are to be broken out of native vegetation, the land preparation shall be done in contour strips and established to improved pasture before the intermediate strips shall be broken out. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. The seed must be well distributed over the area sown to insure a good stand at maturity. Any locally adapted crops approved by the State Office may be used but must be seeded at not less than the minimum seeding rates per acre prescribed by the State Office. In order to meet minimum requirements, slips or stools of grasses may be planted in continuous rows. Grass and legume charts are available in the State Office. Costs will be shared only if a satisfactory stand of the seeded grass or legume-grass mixture is established within 6 months after clearing, unless natural circumstances recognized by the State Office as being beyond control of the farmer affect growth results adversely. No area seeded shall be grazed until grass and legume-grass mixtures are well established. Land cleared must be established in perennial grasses or a legume-grass mixture as soon as practicable and within the program year. This practice is not applicable to land occupied by a merchantable stand of timber or pulpwood, or to land which, if cleared, would be suitable for continued production of crops. Receipts or invoices showing purchase of seed, or records of collecting, will be required as evidence of cost. If liming materials must be applied in the quantity determined to be needed for successful establishment of the cover, cost-sharing for the minimum required application of liming materials may be authorized under § 1105.650 (practice 10).

Maximum Federal cost-share. (a) 75 percent of the cost of seed, but not in excess of $10 per acre, for seeding after land preparation.

(b) 50 percent of the average cost at the farm of the minimum required application of approved commercial fertilizers, including nitrogen, for the establishment of the cover, but not in excess of $18 per acre. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.650 *Practice 10: Initial treatment of cropland, orchardland, or pasture for correction of soil acidity and addition of needed calcium to permit best use of legumes and/or grasses for soil improvement and protection.* This practice is applicable to land which is devoted in 1957 to grasses or legumes or which will be devoted to grasses or legumes in the planned rotation for the farm. Treatment of land which is in pasture and which is to remain in pasture will be eligible for cost-sharing only if recent soil analysis and Agricultural Extension Service recommendations justify the use of lime and all measures needed to assure an improved vegetative cover which will provide adequate and extended soil protection are carried out. Liming material must contain at least 80 percent calcium carbonate equivalent and be fine enough to pass through a 20-mesh screen (unless the Agricultural Extension Service of the University of Hawaii recommends otherwise) and must be evenly applied to the land. Receipts or invoices showing the purchase of lime, properly dated and signed by the vendor, will be required as evidence by the farm inspector at the time of inspection.

Maximum Federal cost-share. 50 percent of the average cost of the minimum required application of liming material delivered to the farm.

§ 1105.651 *Practice 11: Initial controlling of competitive shrubs to permit growth of adequate grass cover for soil protection on range or pasture land by poisoning or hand grubbing.* Costs will be shared for each treatment, but not in excess of three treatments during the year, made according to accepted practices. Receipts or invoices showing purchase of poisons used or grubbing labor employed will be required by inspectors as evidence of cost. Analysis of poisons will also be required. Competitive shrubs eligible under this practice are as listed below and described in Extension Bulletin 62, University of Hawaii, available at the State Office.

Guava (Psidium guajava).
Opiuma (Pithecellobium dulce).
Emex (Emex spinosa).
Melastoma (Melastoma malabathricum).
Firebush (Myrica faya).
Pepper tree (Schinus molle).
Cactus (Opuntia megaxantha).
Java plum (Eugenia cumini).
Christmas berry (Schinus terebinthifolius).
Cat's claw (Caesalpinia sepiaria).
Aalii (Dodonaea eriocarpa).
Joee (Stachytarpheta cayennensis).
Lantana (Lantana camara).
Waiawi (Psidium cattleianum var, lucidum).
Pamakani (Eupatorium adenophorum).
Puakeawe (Styphelia tameiameiae).
Sacramento bur (Triumfetta semitriloba).
Staghorn fern (Gleichenia linearis).
Apple of Sodum (Solanum sodomeum).
Black wattle (Acacia decurrens).
Gorse (Ulex europaeus).
Blackberry (Rubus penetrans).

Maximum Federal cost-share. (a) 50 percent of the average cost of State Office approved chemicals, but not in excess of $2 per acre per application.

(b) 50 percent of the cost of grubbing labor, but not in excess of $1 per acre per treatment.

§ 1105.652 *Practice 12: Initial application of organic mulch material to any cropland, orchardland, or eroded pasture areas for soil protection and moisture conservation.* Organic material must be of a fibrous nature and shredded, chopped, or crushed. Material such as sugarcane, bagasse, cane leaf trash, pineapple trash, tree fern stumps, coarse grasses, coffee husks, sawdust, and wood shavings or chips, as well as macadamia nut husks and shells, will be eligible. At time of application, finely shredded material like bagasse and sawdust should lie at least 2 inches thick, medium fine material like coffee husks and wood shavings should lie at least 3 inches thick, and coarse material like pineapple trash and cane leaf trash should lie at least 6 inches thick. Receipts or invoices showing purchase of materials and cost of transportation will be required by inspectors as evidence of compliance. For protection of mulch cover from damage by flowing water, terraces and/or diversion ditches must be installed where necessary and feasible.

Maximum Federal cost-share. (a) 50 percent of the cost of organic material at the farm, but not in excess of $50 per acre treated with materials secured from outside the farm.

(b) $2.50 per acre treated with material produced on the farm.

(c) 50 percent of the cost of acceptable organic material grown for the purpose on the farm, but not in excess of $50 per acre.

§ 1105.653 *Practice 13: Installation of pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* Installations in corrals, feed lots, and holding pens are not eligible. Receipts or invoices showing purchase of pipe used will be required to determine cost.

Maximum Federal cost-share. 25 percent of the average cost of pipe at the farm, except that the cost-share for pipe in excess of 2 inches in diameter may not exceed the cost which may be shared for 2-inch pipe.

§ 1105.654 *Practice 14: Construction of permanent artificial watersheds for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* No cost will be shared if part of the water supplied is used for irrigation or domestic purposes. Construction for purposes of starting new grazing operations is not eligible. The practice is not applicable alone for corrals, feed lots, and holding pens. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 25 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.655 *Practice 15: Construction of permanent artificial water tanks for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* No cost will be shared if part of the water impounded is used for irrigation or domestic purposes. Construction for purposes of starting new grazing operations is not eligible. The practice is not applicable alone for corrals, feed lots, and holding pens. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 25 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.656 *Practice 16: Construction of permanent fences to obtain better distribution and control of livestock grazing on range or pasture land and to promote proper management for protection of established forage resources, or to protect farm woodland from grazing.* No cost may be shared for the maintenance or repair of existing fences or for the construction of boundary fences including road fences. Required fencing of forest reserve land is not eligible. Any fencing necessary to the working of cattle (including pens, corrals, and feed lots) is ineligible. Receipts or invoices showing purchase of materials will be required to determine cost.

Maximum Federal cost-share. (a) 25 percent of the average cost at the farm of posts, wire, poles, lumber, staples, or other similar fencing materials used.

(b) $0.05 per linear foot of rock wall, minimum dimensions of which shall be: Height, 4 feet; base width, 36 inches; top width, 24 inches.

§ 1105.657 *Practice 17: Constructing or sealing dams, pits, or ponds for livestock water, including the enlargement of inadequate structures.* The development must contribute to a better distribution of grazing or better pasture management. This practice is not applicable to new livestock enterprises. Receipts or invoices showing purchase of material used in construction will be required by inspectors as evidence of cost. Earth fills must be constructed in accordance with supplemental specifications for "Small Earth Storage Dams," provided on request by SCS or ASC offices.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.25 per cubic yard of earth material moved.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of fencing materials, pipe, and seeding or sodding the dam and filter strips.

(e) 50 percent of the cost at site of sealing materials, other than concrete and rubble masonry.

§ 1105.658 *Practice 18: Constructing or sealing dams, pits, or ponds for irrigation water.* The purpose of this practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No cost-sharing will be allowed for material moved in cleaning or maintaining a reservoir, or for dams, pits, or ponds, the primary purpose of which is to bring additional land into agricultural production. Receipts or invoices showing purchase of materials used will be required by inspectors as evidence of cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.25 per cubic yard of earth material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and outlet gates.

(e) 50 percent of the average cost of seeding or sodding dams or filter strips.

(f) 50 percent of the average cost of materials, other than concrete and rubble masonry, used in permanent structures, including soil sealing.

§ 1105.659 *Practice 19: Constructing or enlarging permanent ditches, dikes, or laterals in reorganization of farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing records of employment of equipment and/or labor will be required by inspectors as evidence of installation costs. No cost-sharing will be allowed for cleaning a ditch. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost, but not in excess of $0.25 per cubic yard of earth material moved in the construction or enlargement of permanent ditches, dikes, or laterals.

§ 1105.660 *Practice 20: Lining ditches or reservoirs in reorganization of farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchases of materials used will be required by inspectors as evidence of installation costs. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the average cost of approved material used, other than concrete and rubble masonry.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

§ 1105.661 *Practice 21: Constructing or installing permanent structures such as siphons, flumes, drop boxes or chutes, weirs, diversion gates, and permanently located pipe in reorganization of farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of material used will be required by inspectors as evidence of installation cost. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the average cost of material used in permanent structures, other than concrete and rubble masonry, but excluding forms.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

§ 1105.662 *Practice 22: Installation of portable sprinklers or gated pipes in reorganizing farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS tech-

nician. Receipts or invoices showing purchase of materials or equipment will be required by inspectors as evidence of installation costs. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the average cost of portable pipe and fittings or gated pipe used for reorganized irrigation. The total cost-share for portable pipe or gated pipe shall not exceed $100 per acre of reorganized irrigation.

§ 1105.663 *Practice 23: Construction or enlargement of permanent open drainage systems to dispose of excess water on farmland under cultivation or on pastureland.* No cost will be shared for material moved in cleaning or maintaining a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator. Receipts or invoices showing purchase of seed or materials and records of labor employed and soil moved will be required by inspectors as evidence of construction work costs. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.25 per cubic yard of material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of seed or planting materials for establishing suitable cover for protection against erosion on ditch banks and rights-of-way, plus 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen, for the establishment of the cover.

(e) 50 percent of the cost of materials and labor in dynamiting holes in pahoehoe type lava rock.

(f) 50 percent of the average cost of material used, other than concrete and rubble masonry.

§ 1105.664 *Practice 24: Initial establishment of a stand of trees or shrubs on farmland for wind or water erosion control, watershed protection, or forestry purposes.* Plantings must be protected from fire and grazing. Fencing newly planted trees under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.656 (practice 16) are employed. Recommended species of trees are those listed in table 11 of Board of Agriculture and Forestry Biennial Report, June 30, 1952.

Maximum Federal cost-share. $4 per 100 trees.

§ 1105.665 *Practice 25: Installation of facilities for sprinkler irrigation of permanent pasture for developing forage resources to encourage rotation grazing and better range management for protection of all grazing land in the farm against overgrazing and erosion.* Installation of sprinkler irrigation facilities must be solely for irrigation of permanent pasture or area being established in permanent pasture. The installation must be in accordance with a written plan approved by the responsible technician.

Maximum Federal cost-share. 50 percent of the cost at the farm of all necessary pipe and fittings, but not in excess of $100 per acre irrigated by the installation. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.666 *Practice 26: Constructing wells or developing seeps or springs for livestock water as a means of protecting established vegetative cover through proper distribution of livestock, rotation grazing, or better grassland management.* Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing payment for labor and/or purchase of materials used will be required by inspectors. Pumping equipment must be installed for wells, except artesian wells, and adequate storage facilities must be provided. Cost-sharing will be allowed only for constructing or deepening wells and for water storage facilities. No cost-sharing will be allowed for wells constructed primarily for the use of headquarters.

Maximum Federal cost-share. 50 percent of the cost of construction or development, excluding pumping equipment.

§ 1105.667 *Practice 27: Shaping or land grading to permit effective surface drainage.* No Federal cost-sharing will be allowed for shaping or grading performed through farming operations connected with land preparation for planting or cultivating crops. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost of shaping or grading. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.668 *Practice 28: Leveling or grading land for more efficient use of irrigation water and to prevent erosion.* No Federal cost-sharing will be allowed for floating or restoration of grade; however, the leveling operation may be completed over a period of more than one program year on a component basis where the size and cuts of fills are such that a heavy leveling operation will be needed following settlement of the original fills. No Federal cost-sharing will be allowed for leveling land, if the primary purpose of the leveling is to bring new land into agricultural production. Leveling or grading must be carried out in accordance with a plan approved by the responsible SCS technician. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing payment of labor and equipment will be required by inspectors.

Maximum Federal cost-share. 50 percent of the cost of earth moving, but not in excess of $15 per acre.

§ 1105.669 *Practice 29: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.* This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land, or where its primary purpose is to bring new land into agricultural production. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost of construction and protective measures. (Receipts, invoices, or other evidence of cost are required.)

§ 1105–670 *Practice 30: Initial establishment of contour operations on nonterraced unirrigated land to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. $3 per acre established in contour farming during the year.

§ 1105.671 *Practice 31: Initial establishment of cross-slope stripcropping to protect soil from water or wind erosion.* All cultural operations, including row crop planting, must be performed across the prevailing slope.

Maximum Federal cost-share. $3 per acre established in cross-slope stripcropping during the year.

§ 1105.672 *Practice 32: Establishment of permanent vegetative strips between tree rows in young (less than 5 years old) coffee orchards as a protection against erosion.* Federal cost-sharing will be limited to the establishment of vegetative strips not less than 3 feet wide across the slope.

Maximum Federal cost-share. (a) 50 percent of the cost of seed at the farm, but not in excess of $5 per acre of area planted to grasses and legumes listed in §§ 1105.657 and 1105.658 (practices 7 and 8). (Receipts, invoices, or other evidence of cost are required.)

(b) 50 percent of the average cost at the farm of the minimum required application of approved commercial fertilizer, including nitrogen, and liming material for the establishment of the vegetative strip, but not in excess of $7 per acre of area treated. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.673 *Practice 33: Subsurface tillage of cropland and/or orchardland protected by organic mulch, to avoid plowing under the surface cover of mulch which has been applied for soil protection and moisture conservation.* No cost-sharing will be allowed unless the soil surface is protected by a blanket of settled mulch not less than 1 inch thick.

Maximum Federal cost-share. $3 per acre subtilled, but not in excess of two subtilling operations a year. The total cost-share shall not be in excess of $300 per farm.

§ 1105.674 *Practice 34: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.* Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing purchase of materials will be required by inspectors as evidence of material used. Federal cost-sharing will not be allowed for

forms or rebuilding or repair of existing structures.

Maximum Federal cost-share. 50 percent of the cost of material used.

Done at Washington, D. C., this 4th day of September 1956.

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

[F. R. Doc. 56-7208; Filed, Sept. 7, 1956; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

DESIGNATION AND USE OF ACREAGE RESERVE

The regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 6162, are hereby amended as set forth below:

1. The second sentence of § 485.212 is amended to read as follows: "The tract or tracts constituting the acreage reserve for wheat must have been planted to wheat at least one year during the period 1945–1956, inclusive, and be suitable for the production of wheat. Requirements relating to acreage reserve tracts for other commodities will be specified in regulations to be issued at a later date."

(Sec. 124, 70 Stat. 198)

Issued at Washington, D. C., this 5th day of September 1956.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 56-7238; Filed, Sept. 7, 1956; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6529]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SHIPMAN MANUFACTURING CO.

Subpart—*Advertising falsely or misleadingly:* § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.143 *Opportunities.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1610 *Demand for or business opportunities;* § 13.1615 *Earnings and profits;* § 13.1697 *Opportunities in product or service.* Subpart—*Securing agents or representatives falsely or misleadingly:* § 13.2120 *Dealer or seller assistance;* § 13.2125 *Demand or business opportunities;* § 13.2130 *Earnings;* § 13.2132 *Exclusive territory.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Arch V. Shipman et al. t. a. Shipman Manufacturing Company, Los Angeles, Calif., Docket 6529, Aug. 22, 1956]

In the matter of Arch V. Shipman, Robert V. Shipman and Mildred Grosse, copartners trading and doing business as Shipman Manufacturing Company

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging three individuals engaged in Los Angeles, Calif., as partners in the manufacture and sale of vending machines and ball point pens dispensed thereby, with representing falsely in advertisements placed in newspapers by their agents and by oral statements of the agents to prospects that they turned over accounts for servicing to purchasers of their machines, to whom large benefits would accrue; that the purchase price of the machines was secured by merchandise; that a tremendous number of repeat purchases of the pens was assured; and that purchasers would be given exclusive sales territory and advantageous locations for the machines—and an agreement between the parties providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision[1] and order to cease and desist which became, on August 22, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Arch V. Shipman, Robert V. Shipman and Mildred Grosse, individually and trading and doing business under the firm name of Shipman Manufacturing Company, or under any other name or names, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of pen vending machines, or other similar merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That accounts are turned over to their purchasers for servicing;

2. That large profits will accrue to the purchasers of their vending machines or that the profits are in excess of those usually and ordinarily arising through the use of their vending machines;

3. That the purchase price of their pen vending machines is secured by merchandise, or secured in any other manner that is not in accord with the facts;

4. That any number of repeat purchases of the pens dispensed by their vending machines is assured;

5. That purchasers are allotted exclusive sales territory unless such is the fact;

6. That locations for the pen vending machines will be secured for the use of the purchasers unless such locations are in fact supplied.

By "Decision of the Commission", etc., report of compliance was required as follows:

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

Issued: August 22, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-7218; Filed, Sept. 7, 1956; 8:48 a. m.]

[1] Filed as part of original document.

TITLE 21—FOOD AND DRUGS

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

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

ORDER ACTING ON PROPOSAL TO ADOPT A DEFINITION AND STANDARD OF IDENTITY FOR CANNED FIGS

In the matter of adopting a definition and standard of identity for canned figs:

A notice of proposed rule making was published in the FEDERAL REGISTER of July 10, 1956 (21 F. R. 5118), setting forth a proposal to adopt a definition and standard of identity for canned figs. No comments were received with respect to the notice of proposal within the 30-day period specified in that notice.

Therefore, after due consideration of the information furnished by the petitioner, together with other relevant information, it is concluded that it will promote honesty and fair dealing in the interests of consumers to adopt the definition and standard of identity proposed for canned figs, and, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, 70 Stat. 919; 21 U. S. C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 F. R. 6581): *It is ordered,* That Part 27 be amended by adding thereto the following new section:

§ 27.70 *Canned figs; definition and standard of identity; label statement of optional ingredients.* (a) Canned figs is the food prepared from one of the optional fig ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section, to which citric acid or lemon juice or concentrated lemon juice is added, if necessary, in such quantity as to reduce the pH of the finished product to 4.9 or below. One or more of the following optional ingredients may be added to flavor, garnish, or season the canned figs:

(1) Spice.

(2) Flavoring, other than artificial flavoring.

(3) A vinegar.

(4) Unpeeled segments of citrus fruits.

(5) Salt.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional fig ingredients referred to in paragraph (a) of this section are prepared from mature figs of the light or dark varieties. Figs (or whole

figs), split figs (or broken figs), or any combination thereof are optional fig ingredients. A fig (whole fig) is one that is whole or only slightly cracked and retains its natural conformation without exposing the interior. A split fig (or broken fig) is one that is open to such an extent that the seed cavity is exposed, the shape of the fruit may be distorted, and the fruit may or may not be broken apart into entirely separate pieces.

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.
(ii) Light sirup.
(iii) Heavy sirup.
(iv) Extra heavy sirup.

(2) Each of the packing media in subparagraph (1) (ii) through (iv) of this paragraph, inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media in subparagraph (1) (ii) to (iv) of this paragraph, inclusive, are prepared. The saccharine ingredient from which packing media in subparagraph (1) (ii) through (iv) of this paragraph, inclusive, are prepared is one of the following: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used.

(3) The respective densities of packing media in subparagraph (1) (ii) to (iv), of this paragraph, inclusive, as measured on the Brix hydrometer 15 days or more after the figs are canned, are within the range prescribed for each in the following list:

Name of packing medium:	*Brix measurement*
Light sirup	16° or more but less than 21°.
Heavy sirup	21° or more but less than 26°.
Extra heavy sirup	26° or more but less than 35°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless, except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolyzed starch.

(3) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup. The solids of corn sirup and of dried corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose.

(4) The term "glucose sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

(e) The label shall name the optional fig ingredient used, as specified in paragraph (b) of this section (where combinations of figs and split figs are used, the ingredient present in larger proportion by weight shall be named first), and the name whereby the optional packing medium is designated in paragraph (c) of this section, preceded by "In" or "Packed in." When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section is used the label shall bear the words set forth, after the number of such subparagraph:

(a) (1) "Spiced" or "Spice added" or "With added spice," or, in lieu of the word "spice," the common name of the spice.

(a) (2) "Flavoring added" or "With added flavoring" or, in lieu of the word "flavoring" the common name of the flavoring.

(a) (3) "Seasoned with vinegar" or "Seasoned with -------- vinegar," the blank being filled in with the name of the vinegar used.

(a) (4) "With added --------," the blank being filled in with the name or names of the citrus segment or segments used.

(a) (5) "Seasoned with salt" or "Salt added."

When the addition of lemon juice (including concentrated lemon juice) or citric acid lowers the pH of the canned figs to less than 4.3, the label shall bear the statement "With added lemon juice" or "With added concentrated lemon juice" (if such is used) or "With added citric acid." When two or more of the optional ingredients specified in paragraph (a) of this section are used, such words may be combined, as for example, "With added spices, orange slices, and lemon juice."

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the varietal name of the figs may so intervene.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any of its provisions that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 401, 52 Stat. 1046, as amended; 21 U. S. C. 341)

Dated: August 31, 1956.

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

[F. R. Doc. 56-7201; Filed, Sept. 7, 1956; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

TAMPA BAY, FLORIDA; CHESTER RIVER, MARYLAND

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.193 (a) (3) is hereby amended to provide for the relocation of the quarantine anchorage south of Interbay Peninsula, Tampa Bay, Florida, as follows:

§ 202.193 *Tampa Bay, Fla.*—(a) *The anchorage grounds.* * * *

(3) *Quarantine Anchorage.* South east of the temporary explosive anchorage, beginning at a point bearing 97° true, 4,370 yards, from Cut "F" Range Front Light; thence to a point bearing 113° 30′ true, 5,370 yards, from Cut "F" Range Front Light; thence to a point bearing 161° 30′ true, 3,770 yards, from Cut "F" Range Front Light; thence to a point bearing 153° 30′ true, 2,070 yards, from Cut "F" Range Front Light; thence to the point of beginning.

* * * * *

[Regs., August 20, 1956, 800.212 (Tampa Bay)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required is hereby amended prescribing paragraph (f) (2-a), to govern the operation of the Maryland State Roads Commission bridge across Chester River at Chestertown, Maryland, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi*

River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required. * * *

(f) *Waterways discharging into Chesapeake Bay.* * * *

(2–a) Chester River, Md.; Maryland State Roads Commission bridge at Chestertown. From October 1 to March 31, inclusive, and between 6 p. m. and 6 a. m. from April 1 to September 30, inclusive, at least six hours' advance notice required. Between 6 a. m. and 6 p. m. from April 1 to September 30, inclusive, the regulations contained in § 203.240 shall govern operation of this bridge.

* * * * * *

[Regs., August 24, 1956, 823.01 (Chester River, Md.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

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

[F. R. Doc. 56–7200; Filed, Sept. 7, 1956; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

EFFECTIVE DATE OF PREMIUM WAIVER

In § 8.41, paragraph (c) is amended to read as follows:

§ 8.41 *Effective date of premium waiver.* * * *

(c) Premiums paid to cover a period during which the waiver is effective shall be refunded in cash, without interest, and no part of such amount will be used to pay premiums unless specifically authorized in writing by the insured prior to lapse and then only to pay premiums falling due after such authorization.

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective September 10, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56–7190; Filed, Sept. 7, 1956; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 1336]

[69358 & 72279]

OREGON

POWER SITE RESTORATION NO. 518; PARTIALLY REVOKING THE EXECUTIVE ORDERS OF DECEMBER 12, 1917, WHICH CREATED POWER SITE RESERVES NO. 661 AND NO. 664. POWER SITE CANCELLATION NO. 105; PARTIALLY REVOKING THE DEPARTMENTAL ORDER OF DECEMBER 12, 1917, CLASSIFYING LANDS AS WATER POWER DESIGNATION NO. 14

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and sections 2 and 3 of the act of June 9, 1916 (39 Stat. 218), it is ordered as follows:

The Executive orders of December 12, 1917, creating Power Site Reserves No. 661 and 664, and the departmental order of December 12, 1917, classifying certain lands as Water Power Designation No. 14, are hereby revoked so far as they affect the following-described lands:

POWER SITE RESERVE NO. 661

(Power Site Restoration No. 518)

WILLAMETTE MERIDIAN

T. 9 S., R. 1 E.,
Sec. 17, lot 4;
Sec. 23, lot 1.
T. 9 S., R. 1 W.,
Sec. 13, lot 9;
Sec. 21, lot 6 and NW¼NE¼.

The areas described aggregate 146.36 acres.

POWER SITE RESERVE NO. 664

(Power Site Restoration No. 518)

WILLAMETTE MERIDIAN

T. 9 S., R. 1 W.,
Sec. 13, lot 4.

The area described contains 20.93 acres.

WATER POWER DESIGNATION NO. 14

(Power Site Cancellation No. 105)

WILLAMETTE MERIDIAN

T. 9 S., R. 1 E.,
Sec. 17, lot 4;
Sec. 23, lot 1.
T. 9 S., R. 1 W.,
Sec. 13, lot 9;
Sec. 21, lot 6 and NW¼NE¼.

The areas described aggregate 146.36 acres.

Lot 4, sec. 13, T. 9 S., R. 1 W., is patented land. The remaining lands are O & C lands currently managed for the production of timber on a sustained yield program. Each tract is completely isolated and there is no other Federal land in either of the two townships. The land is not agricultural in character. None of the tracts have value for homesites due to inaccessibility and annual flooding.

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

Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on October 6, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 5, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraph (1) and (2) above, presented prior to 10:00 a. m. on January 5, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to location under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U. S. C. 621), the act of April 8, 1948 (62 Stat. 162), and to applications and offers under the mineral-leasing laws.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

The restored lands shall be subject until 10:00 a. m. on January 4, 1957, to application by the State of Oregon, under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

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

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 31, 1956.

[F. R. Doc. 56–7205; Filed, Sept. 7, 1956; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 56-823]

[Docket No. 11611; Rules Amdt. 4-6]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

OPERATION OF TV TRANSLATOR STATIONS IN CONJUNCTION WITH THE PRIMARY TRANSMITTER

1. At a session of the Federal Communications Commission held at its Offices in Washington, D. C., on the 30th day of August, 1956;

2. On May 23, 1956, the Commission released its Report and Order in this proceeding adopting rules governing television broadcast translator stations. These rules provide that translator equipment must be submitted to the Commission for type approval, and specify the requirements which the equipment must meet. The rules also prescribe a method to be used in measuring power output of translator apparatus.

3. Tests performed by the Commission's Laboratory on equipment submitted for type approval reveal that certain requirements relating to spurious emissions and other matters are not fully complied with. It was also learned that the method of measuring power output prescribed by the rules does not accurately reflect the actual power output. Further research and development will be necessary in these regards.

4. TV translators are designed to provide a means of bringing television service to small, isolated communities at the earliest possible date. It would not be desirable, therefore, to delay the inauguration of TV translator service until all of the problems with respect to translator equipment can be fully resolved. TV translators are authorized to operate in the upper portion of the UHF television band, thus keeping the possibility of harmful interference to other stations and services to a minimum. In addition, the reduction of spurious emissions to the extent presently required by the rules can be accomplished more economically over a longer period of development. Accordingly, in the interest of expediting the establishment of TV translators, the Commission has concluded that the effective date of certain requirements for type approval of TV translator equipment should be postponed and that limited type approval should be given to equipment meeting certain minimum requirements.

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

6. In light of the desirability of bringing television service to small, isolated communities at the earliest possible date, we find that prior notice of rule making in this matter would be impracticable, unnecessary and contrary to the public interest. The amendments herein represent a relaxation of the rules; and in accordance with section 4 of the Administrative Procedure Act, they may be made effective less than 30 days after publication.

7. In view of the foregoing, *It is ordered*, That, effective August 30, 1956, Part 4 of the Commission's Rules is amended as follows:

(1) Section 4.735 (a) is amended by deleting the last sentence concerning power measurement.

(2) Section 4.736 (c) is amended by adding a footnote indicator and the following footnote:

[1] These requirements shall not be applicable to transmitters installed prior to January 1, 1958: *Provided, however*, That in the event that interference is caused to other radio stations, the licensee shall take such steps as may be necessary to eliminate the interference.

(3) Section 4.750 (c) is amended by adding a footnote designator to subparagraphs (2) and (4) and the following footnote:

[2] These requirements shall not be applicable to transmitters installed prior to January 1, 1958: *Provided, however*, That in the event that interference is caused to other radio stations, the licensee shall take such steps as may be necessary to eliminate the interference. Type approvals granted prior to September 1, 1957, will be designated as Limited Type Approval. Such approval will be granted only if it is found that reasonable precautions have been taken in the design of equipment, to minimize interference resulting from spurious emissions.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303.)

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7257; Filed, Sept. 7, 1956; 8:54 a. m.]

[FCC 56-838]

[Docket No. 11617; Rules Amdts. 7-13 and 8-18]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

In the matter of amendment of Parts 7 and 8 of the Commission's Rules to make the frequency 2482 kc (coast)–2430 kc (ship) available conditionally on a 24-hour basis in the Seattle, Washington, area.

1. On January 25, 1956, the Commission adopted a Notice of Proposed Rule Making to amend Parts 7 and 8 of the Rules to make available conditionally on a 24-hour basis the frequency pair 2482 kc (coast)–2430 kc (ship) for use in the Seattle, Washington, area. In view of the comments received, the Commission on May 9, 1956 adopted a Further Notice of Proposed Rule Making in this matter, which, in lieu of the 24-hour use of the frequencies, proposed to make the frequency pair available at Seattle under certain specified daily, seasonal and area limitations designed to minimize interference to current and future Alaskan operations on 2482 kc and 2430 kc under Part 14 of the rules The Further Notice of Proposed Rule Making was duly published in the FEDERAL REGISTER on May 16, 1956 (21 F. R. 3232), and the period for filing comments has now expired.

2. The only comments filed to the Further Notice were those of The Pacific Telephone and Telegraph Company. Pacific acknowledged that the amendments proposed in the Further Notice, which provided for more than "day only" but less than 24-hour use of the frequency pair 2482–2430 kc, would assist Pacific to a limited extent in alleviating the "serious overload" on the present full-time working channel, 2522–2126 kc. Pacific was not, however, in complete agreement with the proposal and suggested that since, in its view, at the time of the original proposal to extend the use of the frequencies to 24 hours, no objection had been raised to such full time use between October and March 1 annually, the amendment limiting the use of 2482–2430 kc from 6:00 a. m. to 11:00 p. m. annually between October 1 and March 31 be modified to permit 24-hour use of the channel in the Seattle region during that part of each year. Pacific further recommended that the proposed geographic limitation which would be placed on vessels transmitting on 2430 kc to the Seattle coast station be deleted. It was asserted that such a geographic limitation would "unduly restrict the use of the frequency 2430 kc by ships wishing to correspond through KOW". In support of this allegation, Pacific stated that over 20 percent of the calls handled through station KOW in the heaviest traffic month of 1955 (August) were from ships operating north of the 51st parallel (the northern boundary of the proposed geographic limit).

3. In concluding its comments, Pacific stated that during the year 1955, most of the traffic was handled over the present full-time working channel 2522–2126 kc and that relatively little traffic was handled over the "day only" channel 2482–2430 kc. According to Pacific, this uneven distribution of traffic between the two channels is due to the small number of ships in the Seattle region which are equipped to use the daytime channel. In this connection, Pacific said: "Shipowners prefer and in most cases have need of a full-time channel and have therefore equipped their ships for use of the full-time channel, 2522–2126 kc. Most shipowners have not regarded the value of a second working channel which can be used only part time to be worth the additional cost of equipping their ships to correspond on such a channel. We believe that this situation will continue until the second channel is available on a full-time basis."

4. The Commission has fully considered the comments filed by Pacific, but, nevertheless, believes that the amendments should be adopted as proposed in the Further Notice for the following reasons.

5. Although the communication traffic problem at Seattle may not be completely solved by these amendments, the Commission believes that the ship operators themselves are in a position to bring about a more even traffic distribution by a greater use of the frequency pair 2482–

2430 kc during its hours of availability. Because of the necessity of sharing this frequency pair with Alaskan interests, the only alternative for achieving additional circuit capacity in the Seattle area is for ship operators to appropriately equip their vessels so that 2482–2430 kc may be used to the maximum extent possible, thereby diverting traffic from the present full-time channel which is alleged to be seriously overloaded.

6. Insofar as the proposed geographic limitation to operation on 2430 kc by ship stations is concerned, if approximately 20 percent of the calls handled through Pacific's Seattle station during the heaviest month of the year are from vessels north of the 51st parallel, it appears that authorization of the ship frequency 2430 kc north of that latitude for transmission to the Seattle station would result in widespread interference to Alaskan operations on the frequency, especially during hours of darkness. Further, increased utilization of the frequency 2430 kc during its hours of availability should result in a general decrease in the number of calls placed on the full-time channel 2522–2126 kc, thereby enabling vessels in the northern latitudes desiring to call the Seattle station during the evening hours to use the latter channel and to obtain improved service in the handling of their communications without endangering Alaskan communications.

7. The Commission realizes that future operating experience may indicate the desirability of some revision to the specific restrictions, but believes, nevertheless, that these amendments are a necessary basis to the practicable sharing of the frequencies between the Seattle and Alaska areas. Communication needs in Alaska, although at a maximum during the fishing season, continue throughout the year. Problems in the sharing of medium and high frequencies are compounded by the many hours of darkness daily during the winter months in Alaska. Although Alaskan use of the frequencies 2430 kc and 2482 kc will conform fully to the Part 14 frequency allocation plan after May 1, 1957, 24-hour operation in any season of the year on these frequencies at Seattle after that date, as well as before, could interfere substantially with their use in Alaska.

8. In conclusion, the Commission believes that the amendments herein ordered will provide, on the average, a few more hours of daily use of the frequencies at Seattle than is permitted now and at the same time will minimize the probability of interference to Alaskan communications.

9. In view of the foregoing and pursuant to section 303 (f) and (r) of the Communications Act of 1934, as amended, *It is ordered*, That, effective October 1, 1956, 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. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: August 30, 1956.

Released: September 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

A. Part 7 is amended as follows:

1. Section 7.306 (b)—That portion of the frequency table dealing with Seattle, Washington, is amended to read as follows:

Seattle, Wash.	2522 2482	None. Authorized for use during the following daily periods on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., nor to the service of any station in the Alaska area authorized in accordance with Part 14 of the Commission's Rules to which this carrier frequency is assigned for transmission: From Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m., P. s. t., only; thereafter and annually from Apr. 1 to Sept. 30, inclusive, from 5 a. m. to 9 p. m., P. s. t., only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m., P. s. t., only.	2126 2432	None. Authorized for use south of 51° north latitude and east of 142° west longitude exclusively [5] during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area authorized in accordance with Part 14 of the Commission's Rules to which this carrier frequency is assigned for transmission: From Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m., P. s. t. only;[5] thereafter and annually from Apr. 1 to Sept. 30, inclusive, from 5 a. m. to 9 p. m., P. s. t., only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m., P. s. t., only.

2. Section 7.306 (b)—Table footnote [5] to the frequency table in this section is deleted and the following is substituted therefor:

B. Part 8 is amended as follows:

1. Section 8.354 (a) (1)—That portion of the frequency table dealing with Seattle, Washington is amended to read as follows:

Seattle, Wash.	2126 2430	None. Authorized for use south of 51° north latitude and east of 142° west longitude exclusively [5] during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area authorized in accordance with Part 14 of the Commission's Rules to which this carrier frequency is assigned for transmission: from Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m., P. s. t., only;[5] thereafter and annually from Apr. 1 to Sept. 30, inclusive, from 5 a. m. to 9 p. m., P. s. t., only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m., P. s. t., only.	2522 2482	None. Authorized for use during the following daily periods on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., nor to the service of any station in the Alaska area authorized in accordance with Part 14 of the Commission's Rules to which this carrier frequency is assigned for transmission: from Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m., P. s. t., only; thereafter and annually from Apr. 1 to Sept. 30, inclusive, from 5 a. m. to 9 p. m., P. s. t., only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m., P. s. t., only.

2. Section 8.354 (a) (1)—Table footnote [5] to the frequency table in this section is deleted and the following is substituted therefor:

[5] During certain hours within this time period ship stations (when north of Vancouver, B. C. and transmitting on 2430 kc to Seattle) may cause some interference to stations in southeastern Alaska.

[F. R. Doc. 56-7242; Filed, Sept. 7, 1956; 8:54 a. m.]

[Docket No. 11701; Rules Amdts. 7-14 and 8-19]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 7 and 8 of the Commission's Rules to make the frequency pair 2490 ks (coast)–2031.5 kc (ship) available on a 24-hour basis in the Miami, Florida area and to make effective certain limitations on the use of the frequency pair 2514 kc (coast)–2118 kc (ship) in the same area.

1. On May 7, 1956, the Commission released a Notice of Proposed Rule Making in the above-entitled matter. The Notice was published in the FEDERAL REGISTER on May 10, 1956 (21 F. R. 3123) and the time for filing comments has now expired. The proposed rule making had for its purpose the amendment of Parts 7 and 8 of the Commission's Rules to make the frequency pair 2490 kc (coast)–2031.5 kc (ship) available for assignment on a 24-hour basis in the Miami, Florida area and to make 2514 kc (coast)–2118 kc (ship) available for assignment on a "day only" basis from April 1 to December 15, annually and on a 24-hour basis from December 15 to April 1, annually. In addition, the frequency 2514 kc at Miami would also be subject to the condition that harmful interference not be caused to the service of any coast station located in the vicinity of Miami, Florida, to which the carrier frequency 2490 kc is assigned for transmission.

2. Several comments were received in this proceeding. Almost all of the parties filing comments recommended that the proposal be modified in one respect or another. The essence of each comment is set forth below.

3. The Lorain County Radio Corporation expressed its support of the Commission's proposal on the assumption that the non-interference condition attached to the use of the frequency 2514 kc applied only to the protection of 2490 kc in the Miami area and was not intended to restrict the use of 2514 kc in

[5] During certain hours within this time period ship stations (when north of Vancouver, B. C. and transmitting on 2430 kc to Seattle) may cause some interference to stations in southeastern Alaska.

the Great Lakes area. The assumption is, of course, correct.

4. Radiomarine Corporation of America filed comments stating that the proposed "day only" (April 1–December 15, annually) restriction on the use of the frequency pair 2514–2118 kc might not be adequate to protect operations on the Great Lakes against harmful interference especially during the early morning and late afternoon hours of the day. They proposed, therefore, that during the "day only" period (April 1–December 15, annually) when the frequency pair 2514–2118 kc is to be available at Miami, a further restriction should be imposed making the frequencies subject to the condition that harmful interference is not caused to the opertions of coast stations and ship stations in the Great Lakes area. As a basis for this recommendation, Radiomarine stated that the frequency pair 2514–2118 kc is used not only by United States stations on the Great Lakes, but also by Canadian stations in that area and that stations in the international service should obtain maximum protection from harmful interference. Radiomarine also felt that since coast stations in the Miami area would be able to use the pair 2490–2031.5 kc on an unrestricted basis, such coast stations' use of 2514–2118 kc should be on a secondary basis and subordinated to the use of this frequency pair on the Great Lakes. The Commission has considered Radiomarine's recommendation and has provided for the use of the frequency pair 2514–2118 kc on condition that harmful interference is not caused to the service of any coast station in the Great Lakes area which, in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused.

5. The City of San Diego, Department of Public Works, commented that its police radio system utilized the frequency 2490 kc and would continue to do so for at least the next five years. It suggested that the Miami coast station should be required to use an antenna system designed to minimize its radiation pattern in the direction of San Diego, California. It further recommended that the carrier of the cost station at Miami, Florida should be removed from the air except when absolutely necessary for communications or test purposes. These recommendations have been considered by the Commission and an appropriate non-interference condition has been attached to the use of 2490 kv at Miami, Florida which should furnish an adequate basis for the protection of the California police radio system operation in the event interference is experienced.

6. The Lake Carriers Association supported that portion of the Commission's proposal which would limit the use of the frequency pair 2514–2118 kc to "day only" during the Great Lakes shipping season from April 1 to December 15, annually, in the Miami area and stated that the propagation conditions on 2514 kc are such that at night strong signals are received on the Great Lakes from the Miami area.

7. Southern Bell Telephone and Telegraph Company filed comments in support of the Commission's proposal. Southern Bell requested that full time operation on 2490 kc begin on September 1, 1956, and that the day only limitation on 2514 kc begin on April 1, 1957. They felt that such a schedule would afford an adequate transition period in which the necessary changeover to the new full time channel can be effected. The Commission believes that to have a changeover period is reasonable and has made provision for same in the rule amendments. Since several months have passed since Bell offered its suggestion, the date for full time operation to begin on 2490 kc has been set for December 15, 1956.

8. In view of the above and pursuant to Section 303 (f) and (r) of the Communications Act of 1934, as amended, *It is Ordered,* That effective December 15, 1956, 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. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: August 30, 1956.

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
DEE W. PINCOCK,
Acting Secretary.

A. Part 7 is amended as follows:

1. Section 7.306 (b)—That portion of the frequency table in this section dealing with Miami, Florida, is amended to read as follows:

Miami, Fla	2490	Available beginning Dec. 15, 1956, on a 24-hour basis, on condition that harmful interference shall not be caused to the police radio service in southern California.	2031.5	Available beginning Dec. 15, 1956, on a 24-hour basis.
	2514	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1957, day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc is assigned for transmission; and, also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	2118	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1957, day only from Apr. 1 to Dec. 15, annually; and also on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
	2550	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.	2158	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.
	4427.6	None	4122.2	None.

B. Part 8 is amended as follows:

1. Section 8.354 (a) (1)—That portion of the frequency table in this section dealing with Miami, Florida, is amended to read as follows:

Miami, Fla	2031.5	Available beginning Dec. 15, 1956, on a 24-hour basis.	2490	Available beginning Dec. 15, 1956, on a 24-hour basis on condition that harmful interference shall not be caused to the police radio service in southern California.
	2118	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1957, day only from Apr. 1 to Dec. 15, annually; and, also on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	2514	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1957, day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 is assigned for transmission; and also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
	2158	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2550	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.
	4122.2	None	4427.6	None.

[F. R. Doc. 56-7243; Filed, Sept. 7, 1956; 8:54 a. m.]

[Amdt. 21-1]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

BANDWIDTH AND EMISSION LIMITATIONS

In the matter of amendment of § 21.703 (g) of the Commission's Rules and Regulations to effect an editorial change.

The Commission, having under consideration the desirability of making an editorial change in § 21.703 (g) of its Rules and Regulations to correct an inadvertent typographical omission; and

It appearing, That the amendment adopted herein is editorial in nature, and may be made effective immediately, pursuant to the provisions of section 4 of the Administrative Procedure Act; and

It further appearing, That the amendment adopted herein is made pursuant to authority contained in Sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and Section 0.341 (a) of the Commission's Rules;

It is ordered, This 5th day of September, 1956, that, effective September 5, 1956, § 21.703 (g) of our rules is 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; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: September 5, 1956.

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

Part 21, Rules Governing Domestic Public Radio Services (Other than Maritime Mobile) is amended as follows: Substitute the following text for the present text of § 21.703, Bandwidth and Emission Limitations, paragraph (g):

(g) The maximum bandwidth normally authorized in this service in the following frequency bands shall not exceed the limits set forth below:

Frequency band	*Authorized bandwidth*
2450–2500 Mc	20 Mc
3700–4200 Mc	20 Mc
5925–6425 Mc	30 Mc
10,700–11,700 Mc	50 Mc
16,000–18,000 Mc	100 Mc
26,000–30,000 Mc	200 Mc

[F. R. Doc. 56-7244; Filed, Sept. 7, 1956; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 921]

[Docket No. AO-222-A8]

HANDLING OF MILK IN OZARKS MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Greene County Court House, Springfield, Missouri, beginning at 10:00 a. m. local time, September 24, 1956.

The public hearing is for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Ozarks marketing area. The proposed amendments have not received the approval of the Secretary of Agriculture.

Proposal number 3 refers to the standards under which supply plants may qualify as pool plants. And consideration of changes in this provision may involve corresponding changes in the standards under which distributing plants may qualify as pool plants. Accordingly, the hearing will be open to the consideration of all portions of the definition of pool plant and to such corollary provisions as the definitions of handler, producer, producer milk, and other source milk; and the reporting classification, pricing and payment provisions relating thereto.

Amendments to the order, as amended, for the Ozarks marketing area have been proposed as follows:

By the Producers Creamery Company:

1. Amend § 921.7 to read as follows:

§ 921.7 *Producer.* "Producer" means any person other than a producer handler who produces milk (a) under a dairy farm permit issued by a health authority duly authorized to administer regulations governing quality of milk disposed of in the marketing area, or (b) acceptable to agencies of the United States government for fluid consumption in its institutions or bases in the marketing area; which milk is:

(1) Delivered in cans from the farm to a pool plant, or diverted during the months of February through August from a pool plant to a nonpool plant for the account of a handler, or diverted for not more than 10 days during the months September through January from a pool plant to a nonpool plant for the account of a handler. Milk so diverted shall be deemed to have been received by the diverting handler at the pool plant from which it was diverted, or by a qualified cooperative association which is a handler pursuant to § 921.8 (b).

(2) Delivered in bulk form from the farm to a pool plant or diverted during the months of February through August from a pool plant to a nonpool plant for the account of a handler, or diverted for not more than 10 days during the months September through January from a pool plant to a nonpool plant for the account of a handler. Milk so diverted shall be deemed to have been received by the diverting handler at the pool plant from which it was diverted, or by a qualified cooperative association which is a handler pursuant to § 921.8 (c).

This definition shall not include a person who produces milk which is received at the plant of a handler partially exempt from the provisions of this order pursuant to § 921.62 with respect to milk received by such handler.

2. Amend § 921.8 to read as follows:

§ 921.8 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant or a pool plant; or (b) any qualified cooperative association with respect to the milk from any member producer as defined in § 921.7 (b) (1) or (2) of such association which is diverted from a pool plant to a nonpool plant by such cooperative association for its account; (c) any qualified cooperative association with respect to the milk from any member producer as defined in § 921.7 (b) (2) of such association which is transferred from a pool plant to another pool plant by such cooperative association for its account: *Provided, however,* That such a cooperative association shall notify the market administrator in writing of their intentions of becoming a handler for such milk and shall be deemed to be the handler for such milk for the full delivery period.

3. Amend § 921.11 (b) to read as follows:

§ 921.11 *Pool plant.* * * *

(b) A supply plant from which at least 35 percent of the producer receipts are shipped to an approved plant for Class I use during the month: *Provided, however,* That if such a plant shall ship an average of 20 percent of its producer receipts to an approved plant for Class I use during the months of September, October, November and December it shall upon written application to the Market Administrator be designated as a pool plant until the end of the second succeeding January: *Provided, further,* Such plant shall during each of the months of August through March offer its producer receipts for Class I use by other handlers in the marketing area. Such milk shall be considered to have been offered if the operator of such plant files with the Market Administrator on or before the first day of each of the aforementioned months, a statement specifying the terms and conditions of sale of such milk. Such offer to be posted in the Market Administrator's office.

4. Amend § 921.14 to read as follows:

§ 921.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month in the form of products designated as Class I milk pursuant to § 921.41 (a), except (1) such products

approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from pool plants, or (2) producer milk; and (b) products designated as Class II milk pursuant to § 921.41 (b) (1) from any source (including those from a plant's own production) which are reprocessed or converted to another product in the plant during the month.

5. Amend § 921.15 to read as follows:

§ 921.15 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant but who receives no milk from producers or other source milk except in the form of butter, cheese, cottage cheese, aerated cream, ice cream, egg nog, flavored milk, or flavored milk drinks.

6. Amend § 921.41 (b) to read as follows:

§ 921.41 *Classes of utilization.* * * *

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified as Class I in paragraph (a) of this section,

(2) In shrinkage allocated to receipts of milk from producers and in shrinkage allocated to receipts of other source milk but not to exceed an amount computed in accordance with § 921.42.

7. Amend § 921.42 to read as follows:

§ 921.42 *Shrinkage.* The market administrator shall compute the total shrinkage of skim milk and butterfat, respectively, for each handler. Such shrinkage shall not exceed (except with respect to milk diverted to a nonpool plant pursuant to § 921.7) an amount computed as follows:

(a) From the total shrinkage subtract an amount equal to 0.5 percent of milk received in cans or in bulk tanks and disposed of in bulk tank lots of milk, skim milk or cream.

(b) From the amount of shrinkage remaining subtract an amount equal to 1.5 percent of milk received in bulk tanks and disposed of in some form other than bulk tank lots of milk, skim milk or cream.

(c) From the amount of shrinkage remaining subtract an amount equal to 2.0 percent of milk received in cans and disposed of in some form other than bulk tank lots of milk, skim milk or cream.

(d) The amount of shrinkage remaining shall be excess shrinkage. Provided, that shrinkage of skim milk and butterfat is not in excess of percentage specified herein shall be assigned pro-rata pursuant to this subparagraph to skim milk and butterfat, respectively, in approved milk and other source milk.

8. Amend § 921.45 to read as follows:

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

9. Amend § 921.46 *Allocation of skim milk and butterfat classified.* by renumbering 921.46 (a) (5), (6) and (7) and adding a new subparagraph (5) as follows:

(5) Subtract from pounds of skim milk remaining in Class II pounds of skim milk contained in inventory of products designated as Class I milk in § 921.41 (a) on hand at the beginning of the month. Provided, that if the pounds of milk in such inventory shall exceed the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk remaining in Class I.

10. Amend § 921.51 (b) (3) to read as follows:

§ 921.51 *Class prices.* * * *

(b) *Class II milk.* * * *

(3) From the sum of the result arrived at under paragraph one and two of this paragraph subtract 81 cents.

11. Amend § 921.84 to read as follows:

§ 921.84 *Payments to the producer settlement fund.* On or before the twelfth day after the end of each month, each handler shall pay to the Market Administrator the amount by which the value of the milk received by such handler as determined pursuant to § 921.70 is greater than the amount computed by multiplying the hundredweight of such handlers milk by the uniform price adjusted by the producer butterfat and location differentials, provided, that to this amount shall be added one-half of one percent of any amount due the Market Administrator pursuant to this section for each month or any portion thereof that such payment is overdue. Such payment shall be considered to be overdue on the 15th day after the end of the month in which the obligation occurs.

12. Amend § 921.85 *Payments to the producer-settlement fund* by adding the following proviso: "*Provided, further,* That the Market Administrator may deduct from payments due handlers pursuant to this section any unpaid balance due the Market Administrator from such handler pursuant to §§ 921.86, 921.87 and 921.88."

By Ozarks Grade A Milk Producers Association:

13. Amend § 921.51 (a) to change the words and figures "fifteen cents (15¢)" in the last sentence of that paragraph to "twenty-five cents (25¢)", and to include Boone and Marion counties, Arkansas, in the proviso.

14. Delete § 921.71 (c) and renumber the present 921.71 (d) to (c).

15. Add a new § 921.71 (d) to read as follows:

§ 921.71 *Computation of the uniform price.* * * *

(d) Subtract an amount equal to the total utilization value, adjusted to 3.5 percent at the producer butterfat differential, of the handlers located in Benton, Washington, Boone, and Marion counties, Arkansas;

(1) Add an amount equivalent to the pro rata share (paragraph (e) of this section) and divide the resulting amount by the pounds of producer milk received by such handlers;

(2) Deduct an amount not less than 4 cents or more than 5 cents per hundredweight; the price resulting from this computation shall be the uniform price per hundredweight for 3.5 percent milk delivered by producers to handlers located in the Benton, Washington, Boone, and Carroll counties, Arkansas.

16. Delete § 921.82 (b).

By Lone Oak Dairy:

17. Amend § 921.6 by deleting Boone County, Arkansas.

By Dixie Dairy, Inc.:

18. Delete Benton, Washington, Marion and Boone Counties, Arkansas, from the Ozarks marketing area.

By Dairy Division, Agricultural Marketing Service:

19. In § 921.51 (a) delete the no longer applicable phrase "and for the months of April, May, and June 1956, the price for Class I milk shall be the price for Class I milk computed pursuant to § 903.51 (a) of this chapter, regulating the handling of milk in the St. Louis, Missouri, marketing area for such month minus 10 cents", and reinstate the previously effective phrase, "and for the months of April, May, and June the price for Class I milk shall be the basic formula price for the preceding month plus 63 cents".

20. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 602 Chouteau Building, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: September 5, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-7209; Filed, Sept. 7, 1956; 8:47 a. m.]

[7 CFR Part 969]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

NOTICE OF PROPOSED AMENDMENT OF RULES AND REGULATIONS

Notice is hereby given that the Department is considering the proposed amendment, as hereinafter set forth, of the supplementing rules and regulations (7 CFR 969.110 et seq.; Subpart—Rules and Regulations; 21 F. R. 78; 2409) currently in effect pursuant to the market-

ing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed amendment should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

The proposed amendment of the rules and regulations, which has been recommended by the Avocado Administrative Committee, the agency established under the said marketing agreement and order to administer the provisions thereof, is as follows:

1. Revise paragraph (a) § 969.140 *Avocados not subject to regulation* to read as follows:

(a) Any handler may handle avocados totaling not more than one bushel to any one person during any one day exempt from the provisions of §§ 969.41, 969.51, and 969.54: *Provided*, That the total quantity of avocados so handled by a handler shall not exceed 10 bushels during any week.

2. Amend § 969.150 *Reports* as follows: Immediately following the period after the title (§ 969.150 *Reports.*) insert the paragraph designation "(a)"; and add therein, after said paragraph (a), two new paragraphs reading as follows:

(b) Each handler registered with the Avocado Administrative Committee shall render a report to the committee of the disposition of each lot of noncertified avocados removed from the premises of his handling facilities during each week in which any avocados are handled subject to the provisions of §§ 969.41, 969.51, and 969.54, or exemptions therefrom pursuant to § 969.53. Such report shall be on forms prescribed by the committee and shall include (1) the quantity; (2) purpose for which removed; (3) date of removal; and (4) the name of the person or firm to which the avocados were delivered or consigned. Each such report shall be signed by the handler or his authorized representative, shall cover the period Sunday through Saturday, and shall be placed in the mail not later than one week after the close of business of the Saturday ending the period covered by the report.

(c) Each handler shall render a report to the Avocado Administrative Committee of each lot of noncertified avocados received from a district other than that in which his handling facilities are located. Such report shall be on forms prescribed by the committee and shall include: (1) The name of the handler; (2) the quantity of avocados received; (3) date received; (4) name and address of the person from whom the avocados were purchased; (5) the district from which the avocados were transferred; and (6) the district to which the avocados were transferred. Each such report shall cover the period Sunday through Saturday and shall be placed in the mail not later than one week after the close of business of the Saturday ending the period covered by the report.

Dated: September 5, 1956.

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

[F. R. Doc. 56-7236; Filed, Sept. 7, 1956; 8:52 a. m.]

[7 CFR Part 989]

[Docket No. AO 198-A3]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED FURTHER AMENDMENT OF AMENDED MARKETING AGREEMENT AND AMENDED ORDER

Pursuant to the rules of practice and procedure governing procedures to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed further amendments of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California. The amended marketing agreement and the amended order (hereinafter referred to as the "order") are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and any further amendments which may be adopted as a result of this proceeding also will be effective pursuant to said act. Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business on the seventh day after publication of this document in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed further amendments of the order are formulated, was held in Fresno, California, on June 18 and 19, 1956, pursuant to a notice thereof which was published in the FEDERAL REGISTER (21 F. R. 3903) on June 7, 1956. The notice of hearing contained proposed further amendments received from the Raisin Administrative Committee (hereinafter referred to as the "committee"), established pursuant to the order as the agency to administer the terms and provisions thereof. The notice also contained further amendments proposed by three raisin producers and one proposed by the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals relating to:

(1) Mail or telegraphic voting;

(2) Reconditioning off-grade raisins, including disposition of residual material, storage of off-grade raisins received for reconditioning, and establishment of necessary rules and procedures;

(3) Exemption of shipments or other dispositions of any packed raisins to which the established or prescribed minimum grade standards are not applicable, and modification of the minimum grade and condition standards for natural condition raisins;

(4) The reporting of inter-plant transfers of raisins;

(5) The recovery of raisins from residual raisins obtained in the processing of standard raisins or from any raisins acquired as standard raisins;

(6) The latest date on which the committee must make its recommendation with respect to the free, reserve, and surplus percentages for any crop year;

(7) The procedure for allocating to handlers offers of surplus tonnage raisins for sale in export;

(8) The price at which reserve tonnage raisins may be offered to handlers, and sale of such raisins after the committee receives notice that the Secretary does not disapprove the making of an offer;

(9) Sale of surplus tonnage raisins after the committee receives notice that the Secretary does not disapprove the making of an offer;

(10) Payment to alternate members of the committee for expenses incurred in attending a meeting when the member also attends; and

(11) The making of such other changes in the order as may be necessary to make the entire order conform with the proposed amendments thereto.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) The provisions of § 989.52 (a) of the order, relating to voting by the committee, should be amended by deleting the requirement for 14 concurring votes to reach a decision on a mail or telegraphic vote and substituting therefor a provision that a unanimous vote of all selected and eligible members or alternates acting in the place and stead of members shall be required to reach a decision on such vote. Since the full committee membership consists of 14 members and their respective alternates, the present requirement for 14 concurring votes prevents the committee from voting by mail or telegraph if vacancies exist in both the member and the respective alternate position. The proposed amendment would enable the committee to vote in that manner when there is no assembled meeting even though vacancies should reduce the committee to less than its full membership. However, a negative vote by any mem-

ber, or by an alternate acting for a member, would prevent the adoption of a proposition, as is the case under the present provisions regarding mail and telegraphic voting. The proposal would make it clear that the alternate may vote when a member is unavailable, the same as if the action were taken in an assembled meeting. It is intended that voting may be by mail or telegraph only on routine matters where no extended discussion is necessary and the committee is in complete agreement. Failure of any member or alternate to vote within a reasonable time (not to exceed 10 days) as stated in the balloting notice would raise a question as to complete agreement. Hence, such failure to vote should be held to be a dissenting vote.

(2) The provisions of § 989.58 (e) entitled "options as to off-grade natural condition raisins" should be amended by deleting the last two sentences thereof and substituting therefor other provisions which would: (a) Provide that any off-grade raisins (including stemmer waste and raisin offal) accumulated as a final residual by a handler in reconditioning raisins shall, during or after reconditioning has been completed, be disposed of by the handler, without further inspection, for distillation, animal feed or uses other than for human consumption; (b) require a handler to keep off-grade raisins received by him for reconditioning separate and apart from all other raisins until after the raisins have been reconditioned and the quality of raisins is established by inspection and certification; and (c) require the committee to establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the reconditioning of off-grade raisins and the use of the residual off-grade raisins from such reconditioning operations.

The present provisions of the order permit a handler to return the residual material from reconditioning to the tenderer (or producer) of the off-grade raisins, or dispose of it without further inspection, for distillation, animal feed, or uses other than for human consumption. In the operation of the order, producers who have tendered off-grade raisins to handlers for reconditioning have not requested the return of the residual material. The producer might use such residual material which consists of extremely low grade raisins, stems, and possibly foreign matter for fertilizer or animal feed. Evidently, the value of this material for such purposes does not warrant the producer taking it back to the farm. If the residual matter should be returned to producers, it is possible that some of them would blend it with above-minimum quality raisins and then be able to deliver the resulting blend to handlers as standard raisins. This would be contrary to good sanitation and could subject the producer to having the raisins condemned or seized by the California State authorities as a violation of State food and sanitary rules and regulations. Therefore, in proposing that return of the residual matter to producers be prohibited, official notice is taken of such State rules and regulations. The proposed amendment would place complete responsibility on the handler for the disposition of the residual matter for use in the prescribed outlets.

It is intended that the handler may employ whatever procedures are necessary in reconditioning, other than blending with raisins received or acquired as standard raisins, to recover all of the raisins that can be properly certified as standard raisins, and that the final residual material be disposed of as stated. It should be made clear that a handler shall dispose of any final residual material in the prescribed outlets during or after the reconditioning process has been completed. He should be permitted to make such disposition during the reconditioning process so as to enable him to maintain desirable sanitation and better utilize available space in his plant.

The proposed amendment would not prevent a handler from returning to the tenderer any lot of off-grade raisins in the same form as received, or the standard raisins from any lot turned over to the handler for reconditioning. Whenever off-grade raisins are turned over to a handler for reconditioning, the handler and the person tendering the raisins would consider the value of the residual material in arriving at the terms of the agreement under which the reconditioning is to be done.

Experience during the past season also has demonstrated that no useful purpose is served by requiring lots of off-grade raisins received for reconditioning to be held by the handler separate and apart from each other, as required in the present provisions of the order. In practice, handlers often find it necessary to group together lots of off-grade raisins having similar defects so as to conserve storage space and provide units large enough so that the raisins can be reconditioned economically. The cost of stopping and starting the machinery for individual lots could make the reconditioning of off-grade raisins unprofitable. In most instances, the handler settles with the producer for off-grade raisins received for reconditioning on the basis of the total standard raisins which may be obtained from the lot as determined by the information disclosed on the inspection certificate. Hence, it is not necessarily required that handlers keep particular lots of off-grade raisins received for reconditioning separate from other lots of similar raisins in order to determine the actual out-turn of standard raisins from the lot. If a producer desires that any lot of off-grade raisins tendered to a handler for reconditioning be kept separate from other lots for any reason, he may make arrangements with the handler for having this done. By relieving the handler from the order requirement of separate storage by lots, control of quality would not be impaired, and the resulting lower cost of reconditioning in the larger units should be reflected in lower reconditioning costs to the producer.

The handler would still be required to keep off-grade raisins received for reconditioning separate and apart from all other raisins until the quality of the reconditioned raisins is established by inspection and certification. This would not preclude a handler from mixing final residual material from the reconditioning of off-grade raisins with similar material from his processing of raisins acquired by him as standard raisins, which are to be disposed of for distillation, animal feed, or uses other than for human consumption.

A provision should be added to § 989.58 (e) requiring the committee to establish, with the approval of the Secretary, such fuels and procedures as may be necessary to insure adequate control over the reconditioning of off-grade raisins and the use of the residual material from such reconditioning operations. Although the order now authorizes the committee to make rules and procedures to effectuate the terms and provisions thereof, the added provision would require the committee to consider and establish, with the Secretary's approval, such rules and procedures as may be necessary in connection with the reconditioning of off-grade raisins.

(3) The provisions of § 989.59 (a) should be amended by adding a provision to make it clear that a handler is not prohibited from shipping or making disposition of any raisins to which the minimum grade standards established by or pursuant to § 989.59 (a) or (b) are not applicable. Section 989.59 (a) prescribes U. S. Grade C, as defined in the effective United States Standards for Grades of Processed Raisins, as the minimum grade standards for packed raisins other than Layer Muscats and Zante Currants. For Layer Muscats and Zante Currant raisins, U. S. Grade B is prescribed. Section 989.59 (b) provides for modification of these minimum grade standards.

During the past season, there were instances of handlers desiring to ship certain new or unusual varietal packs of raisins for which applicable minimum grade standards had not been described. These included, among others, packs of Soda Dipped Seeded (Valencia) raisins, and Unseeded, Uncapstemmed, Loose Muscat raisins. Soda Dipped raisins normally are unseeded, and Loose Muscat raisins normally are capstemmed. Such new or unusual varietal packs of raisins may be prepared to fill a special trade demand requiring raisins of good quality, and, in the absence of appropriate minimum grade standards under which they can be inspected, handlers should not be prevented from shipping them. The proposed amendment would enable handlers to ship such varietal packs of raisins without inspection until appropriate minimum grade standards can be established.

The question was considered at the hearing as to whether it would be desirable to amend § 989.97 (Exhibit B; minimum grade and condition standards for natural condition raisins) to include therein the changes of a relatively permanent nature which have been made in such standards during the 1955–56 crop year or to otherwise modify such standards in light of operations during such crop year. The only desirable change in this connection concerns lots of mixed varietal types. Growers sometimes have two or more varieties of grapes interplanted in the same vineyard. In these

instances, the growers find it difficult or impossible to prevent commingling of different varietal types of raisins in the same container. Except in a few unusual situations, samples of the individual varieties can be drawn from the commingled raisins and the grade of each determined. To provide a basis for inspecting and certifying these commingled raisins, the first paragraph of § 989.97 should be amended by adding a provision that where the raisins in any lot consist of two or more varietal types commingled within their containers, the lot shall be considered as standard raisins if each varietal type in the lot meets the applicable minimum standards for that varietal type. Since Layer Muscat raisins and Natural (sun-dried) Muscat raisins are not readily distinguishable when commingled within a container, it should be provided that, in the event such raisins are commingled, the entire lot shall be considered as Natural (sun-dried) Muscat raisins and as standard raisins if the lot as a whole meets the minimum standards for Natural (sun-dried) Muscat raisins. Also, since the moisture content of all of the raisins in a container tends to equalize, it should be provided that, should the requirements with respect to moisture content differ as between two or more varietal types which are commingled, the lower (lowest) maximum moisture content requirement shall apply for each varietal type.

(4) The provisions of § 989.59 (e) relating to inter-plant and inter-handler transfers of free tonnage raisins should be amended to provide that transfers of raisins between plants owned or operated by the same handler need not be reported to the committee. The present provisions may be interpreted as requiring a handler who transfers raisins from one of his plants to another plant owned or operated by him to report the transfer. Reporting inter-plant transfers is an unnecessary burden to the handler and the information is not needed by the committee.

(5) The first sentence of § 989.59 (f) relating to disposition of off-grade raisins provides that any off-grade raisins (including stemmer waste and raisin offal) which may be received by a processor or accumulated by a handler by removing them from his standard raisins, and any raisins acquired as standard raisins by a handler which do not meet the applicable grade and condition standards for shipment or final disposition as raisins, shall be disposed of or marketed, without further inspection, for distillation, animal feed, or uses other than for human consumption. A question arose in the operation of the order as to whether these provisions preclude a packer from recovering raisins from any of such off-grade raisins, for shipment or disposition in normal trade channels if by further processing or reworking them they were made to meet the prescribed minimum grade standards. To clarify this situation, § 989.59 (f) should be amended by changing the period at the end of the first sentence to a colon and adding "*Provided*, That this shall not preclude a packer from recovering raisins from such accumulations or acquisitions."

Most handlers normally conduct their processing operations so as to pack several grades of raisins, the lowest of which would be equal to or better than the prescribed minimum grade. This is done to provide different trade outlets with the quality they desire. The raisins which remain from the processing to obtain raisins of high quality may fail to meet the prescribed minimum grade standards. By further processing, at least a part of these residual raisins may be made to meet the minimum grade standards. Also, a handler may hold raisins acquired by him as standard raisins, which have become off-grade. They may be raisins which had gone out of condition in trade channels and were returned to the handler, or raisins which were damaged while held by the handler. In his normal operations, the handler will process, reprocess, or rework these off-grade raisins, including the blending of them with standard raisins, if he finds that he can recover enough good raisins to make it profitable for him to do so. Prohibiting such recovery could cause financial hardship for the handler since he purchased such raisins as standard raisins. It is intended that the order should not interfere with a handler's normal operations in these respects. It is intended that a handler may ship in normal trade channels raisins which he obtains or recovers from raisins acquired as standard raisins if, after his final processing of them, they can be properly certified as meeting the prescribed minimum grade standards for shipment or final disposition.

Since food and sanitary regulations of city, county, state, federal or other agencies may apply to the handling of raisins, § 989.59 (f) should be amended also by adding a provision that this paragraph is not intended to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, state, federal or other agencies having jurisdiction.

(6) The provisions of § 989.63 (a) should be amended by changing the date by which the committee's recommendations to the Secretary shall be made for the fixing of the initial free, reserve, and surplus percentages for any crop year from October 1 to October 5 of such year, with provision that this date may be extended by the committee not more than five days if warranted by a late crop. This change is proposed in order to permit the committee to have available more detailed information on which to base such recommendations. During the past year, the committee adopted a formula for arriving at the percentages that should be recommended. Information on production in the form of a raisin lay report normally is expected to be received by the committee from the California Crop and Livestock Reporting Service by October 1 of each year, on the basis of agreements with such agency. Approximately five days are required for the board and the committee to consider the latest available information, including the raisin lay report, and for the committee to formulate and submit to the Secretary its recommendation on free, reserve, and surplus percentages. However, in unusual seasons the grape crop may be so late in maturing that it would be impracticable for a reliable estimate of raisin production to be made by October 1. To provide for such an eventuality, provision should be made for the committee to extend the date for making its recommendation on the fixing of volume percentages not more than five days beyond October 5 if warranted by a late crop.

The date on which the committee makes its recommendation on volume percentages should be the earliest date possible with proper consideration of all available information concerning raisin production. In some years it may be practicable for the committee to make its recommendation before October 5. Only in the most unusual situations would it be necessary for the recommendation to be delayed beyond October 5. The committee's recommendation must be made as soon as practicable because raisin producers and handlers need to know what the free, reserve, and surplus percentages will be for the crop year so that field prices for raisins may be established and the season's trade in raisins begun.

(7) The first sentence of § 989.66 (e) (4) now provides that each handler's share of an offer of surplus tonnage raisins for sale in export shall be determined as the same proportion that the surplus tonnage raisins acquired by him is of the surplus tonnage raisins acquired by all handlers. As set forth in the notice of hearing, it was proposed that this formula be revised so as to change the allocation basis from that of handlers' current acquisitions of surplus tonnage to that of handlers' current acquisitions of free tonnage, and to provide more specific procedure for its application. At the hearing, it was further proposed that another formula based on handlers' acquisitions of free tonnage raisins during the preceding crop year be provided for use in conjunction with the formula as proposed in the notice to take care of an allocation problem which occurs in the first part of the crop year. This and other aspects of allocating surplus tonnage raisins to handlers throughout the crop year was considered at the hearing.

Handlers' acquisitions of free tonnage raisins, rather than their acquisitions of surplus tonnage, should be used in allocating surplus tonnage to them for sale in export. The same free tonnage percentage applies throughout the crop year. Under § 989.67 (c), any reserve tonnage held unsold on July 1 becomes surplus tonnage on that date. Also, any reserve tonnage acquired between July 1 and the end of the crop year becomes surplus tonnage at the time of acquisition. The proposed use of free tonnage acquisitions as a basis for allocating surplus tonnage to handlers would eliminate the apparent change in the base (from the standpoint of relation to total acquisitions) when reserve tonnage becomes surplus on and after July 1. It would not result in any material difference in a handler's share of an offer of surplus tonnage as compared with the

use of surplus tonnage acquisitions as an allocation basis, because the quantity of any raisins acquired by handlers after July 1 is extremely small, and by definition (§ 989.17) the quantity of reserve tonnage held on July 1 which becomes surplus would not be an acquisition by reason of the transfer to surplus.

The demand for surplus tonnage raisins for sale in export usually is most active during the fall and early winter months. The respective handlers are concerned, therefore, that they receive their proper allocations of surplus tonnage offered during this period. Also, to the extent that each handler's allocation during this period is proportional to his normal volume of business during the crop year, a larger total quantity of surplus tonnage may be sold. A large cooperative marketing association and some of the other handlers acquire most, or all, of their raisins during the first part of the crop year. Other handlers, because of limited facilities or the effect on income taxes, acquire a substantial part of their raisins after the first of January. Hence, the use of current acquisitions of free tonnage raisins as an allocation basis would not permit some handlers to receive an allocation of surplus tonnage during the period of most active demand which would be proportional to their normal acquisitions of free tonnage raisins over the entire crop year. On the other hand, such basis permits other handlers to obtain, in the early part of the season, shares of surplus which are more than proportional to such acquisitions, and more than they may sell in export at the time. The use of total free tonnage acquisitions of the preceding crop year as an allocation basis prior to February 1, with subsequent adjustments of shares to a basis of current free tonnage acquisitions as set forth below, would overcome this problem and yet keep the allocations on a basis as nearly current as possible.

Therefore, § 989.66 (e) (4) should be amended so as to provide that, except for new handlers, each handler's share of surplus tonnage raisins offered for sale in export prior to February 1 of any crop year shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the preceding crop year is of the free tonnage raisins acquired by all handlers during the preceding crop year who remain handlers. The amendment should provide that subsequent to January 31 of any crop year, each handler's share shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the then current crop year is of the total free tonnage raisins acquired by all handlers during the then current crop year. It should provide also that with respect to any offer other than the initial offer, each handler's share of the total quantity offered as of that date (the then current offer plus all prior offers of that crop year) shall first be determined by the appropriate formula, and then his share of the current offer determined by subtracting from his share of the total quantity offered, the total of his share of prior offers from the beginning of the crop year. This would have the effect of establishing the shares of all handlers for the crop year on the basis of current acquisitions of free tonnage raisins. Yet, it would provide the necessary flexibility prior to February 1.

To provide for new handlers, provision should be added to § 989.66 (e) (4) that, if any handler did not acquire raisins during the preceding crop year, the basis for his share of surplus tonnage offered prior to February 1 shall be his acquisitions of free tonnage raisins during the then current crop year. The current free tonnage acquisitions of all of such handlers should, for the purpose of determining the shares of all handlers, be added to the total acquisitions of free tonnage raisins during the preceding crop year by all handlers. While a new handler's share by this formula would normally be relatively smaller than shares of handlers who acquired raisins during the preceding crop year, his relative share would be brought in line with those of the other handlers by adjustment after January 31, under the amendatory proposal stated above. In the past seven years, only a very few persons have entered the raisin packing business as new members.

Amendment of § 989.66 (e) (4) should provide also that, if prior to February 1 of any crop year a handler's share of any offer exceeds the quantity of surplus tonnage raisins held by him for the account of the committee (the shortage being for reasons other than deferment of his set-aside obligations pursuant to § 989.66 (c)), and upon the committee concluding that the handler's acquisitions of surplus as of January 31 will exceed the total of his shares or upon said handler furnishing the committee such written undertaking secured by a bond as the committee may require, the committee may permit the handler to borrow, for a period not to exceed 30 days (or ending not later than January 31) from the date of the acceptance of the offer, raisins from any reserve tonnage held by him for the account of the committee. Since failure to repay the reserve tonnage would seriously interfere with the operations of the order, and to further insure repayment, it should be provided that any handler who has not repaid all prior loans from the reserve pool by the end of the 30-day period or by January 31, whichever date is earlier, may not participate in any subsequent offers of surplus tonnage until the loan is repaid. Borrowing from the reserve tonnage in this way would eliminate or reduce the cost to the committee of transferring surplus tonnage from one handler to another during the period ending January 31. Most handlers' purchasing of raisins from producers is such that there would be no question of them subsequently acquiring enough surplus to repay any loan. However, if there are indications that a handler will complete his acquisitions early or will not continue in business, thus making it unlikely that he could repay a loan, the committee should obtain a bond from the handler to insure repayment to the reserve pool. The amount of the bond should be sufficient, considering the amount the handler pays the committee for his purchase of the raisins as surplus, to cover necessary expenses and enable the committee to purchase free tonnage raisins and repay the reserve pool. However, in case of recovery under a bond, the committee could, in its discretion, credit the reserve pool with the amount recovered, plus the return from the sale of the borrowed reserve tonnage as surplus.

In some crop years, essentially all of the surplus tonnage raisins acquired as surplus, or the reserve tonnage which becomes surplus on July 1, may have been offered to handlers on a share basis. In this event, some of the handlers probably would not be interested in further offers of any surplus tonnage which then remained unpurchased. To facilitate disposition of the remaining tonnage, amendment of § 989.66 (e) (4) should include a provision that, in such an event, approval of applications may be made in the same order in which the applications are filed with the committee.

Any handler's share or allocation of surplus tonnage raisins, determined in accordance with the conclusions stated above, could be less than or exceed his holdings by a minor quantity. Amendment of § 989.66 (e) (4) should provide that, in such an event, the committee may adjust the handler's share or allocation so as to avoid the cost of physical transfers of raisins. The maximum quantity by which a handler's share or allocation may properly be adjusted to avoid such a transfer of raisins could vary, depending on prevailing conditions, and should not be prescribed in the order. However, it should be provided in the proposed amendment that such maximum quantity shall be prescribed in rules and procedures with respect to the allocation of surplus tonnage raisins to handlers which the committee shall establish with the approval of the Secretary.

The present provisions of § 989.66 (e) (4), other than the first sentence, should remain unchanged, except for desirable clarification.

(8) The provisions of § 989.67 (b), which relate to the price at which reserve tonnage raisins may be sold to handlers, should be amended to provide that where the outlook for the next crop year or other factors have caused a downward trend in the prices received by producers for free tonnage raisins or in the prices received by handlers for free tonnage packed raisins, reserve tonnage may be sold to handlers at the currently prevailing or the approximate computed field price for free tonnage raisins, as determined by the committee. This proposal is similar to the present provisions in these respects, except that they do not specifically provide for any downward trend in prices to be determined on the basis of the prices received by handlers for free tonnage packed raisins, or for the field price for free tonnage raisins to be computed. Reserve tonnage is most often offered for sale to handlers during the latter part of the crop year. Usually, handlers' purchasing of raisins from producers is largely completed by February or March, and there may be no prevailing field price or one which is representative when the committee offers reserve tonnage. The committee should

be permitted to use packers' prices for packed raisins for computing a field price or determining whether there has been a downward trend. The prices which handlers pay producers for their free tonnage raisins are determined by the market for packed raisins. Hence, prices received by handlers provide a reasonable basis for determining any downward trend in prices, and for computing a field price.

It was testified at the hearing that the committee should first determine the percentage decline in handler's prices for packed raisins and then apply the same percentage to the field price established earlier in order to arrive at the current field price. It was testified also that this would give a higher computed field price than if it were computed by deducting from handlers' current price for packed raisins the normal margin between the price for packed raisins and the field price. When there has been a downward trend in prices, the computed field price most desirable for use in offering reserve tonnage may vary according to trading conditions, including whether the trend is continuing downward, leveling off, or showing an upturn. Since reserve tonnage becomes surplus (for sale in surplus outlets usually at lower prices) if not purchased by handlers, the offering price for reserve tonnage should be such as to enable handlers to purchase their reasonable requirements and maximize pool returns. The committee would need to use a price which will best achieve that purpose. Therefore, in order to maintain some flexibility in this regard, no particular method of computing the field price should be prescribed in the order.

The provisions of § 989.67 (b) which relate to the review by the Secretary of the committee's offers of reserve tonnage raisins to handlers and his right to disapprove now require the committee to file the necessary information with the Secretary five days (exclusive of Saturdays, Sundays, and holidays) prior to making any offer to sell reserve tonnage raisins. This could be interpreted as preventing the committee from making the offer in less than the five days, even though the committee is advised earlier that the Secretary will not disapprove. Frequently, it is desirable that offers to handlers be made as soon as possible in order for them to have raisins to meet their requirements. If the committee is advised that the Secretary does not disapprove, it is unnecessary that it wait until the end of the five-day period before making the offer. Therefore, the provisions of § 989.67 (b) should be amended to provide that at any time prior to the expiration of the five-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer.

(9) Those provisions of § 989.68 (d) and (e), which relate to the Secretary's review of proposals to sell surplus tonnage raisins and subsequent action by the committee if the Secretary does not disapprove, should be amended in the same manner and for the same reasons as specified in issue (8) for offers of reserve tonnage raisins.

(10) Section 989.48 now provides that members of the committee and the board, and alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses as approved by the committee. This section should be amended to provide that whenever specifically authorized in advance by the committee, or when requested to attend due to the anticipated absence of a member, an alternate member of the committee shall be reimbursed for reasonable expenses incurred by him in attending not to exceed three committee meetings per crop year when the committee member for whom he serves as alternate also attends such meetings. Some committee meetings, such as the annual marketing policy meeting, are of such importance that both members and alternates are justified in attending. By attending such meetings, the alternates will be better qualified to act when they are later required to serve for members. An alternate member who, upon request, attends a meeting to serve in place of the member, and the member subsequently attends unexpectedly, has acted in good faith and should be reimbursed for the expenses incurred by him in attending. However, there should be only a few meetings which both members and the alternates need to attend. To avoid unnecessary meeting expense, the number of meetings that an alternate may attend and be reimbursed for his expenses when the member also attends should be limited to not more than three in any one crop year.

(11) It was testified at the hearing that changes should be made in any other provisions of the order not directly involved in connection with specific amendments, but which are necessary to make such other provisions conform with any amended provisions which might result from this proceeding. Such changes should be made in §§ 989.79 and 989.54. The necessity for these results from the proposed amendment of § 989.63 (a) which would change the date by which the committee's recommendations to the Secretary shall be made for the fixing of the initial free, reserve, and surplus percentages for any crop year from October 1 to October 5 of such crop year, with provision that this date may be extended by the committee not more than five days if warranted by a late crop. This proposed amendment is discussed under issue (6).

The provision in § 989.79, which requires the committee to file with the Secretary not later than October 1 of each crop year a proposed budget of expenses for the maintenance of the committee and the board and a proposal as to the assessment rate to be fixed pursuant to § 989.80, should be amended to provide for the filing of such proposed budget and rate of assessment not later than October 5 of each crop year, with provision that this date may be extended by the committee not more than five days if warranted by a late crop. The free, reserve, and surplus percentages when applied to the estimated acquisitions of raisins by handlers during the crop year provide a basis for estimating the committee's budget. They provide a basis also for determining the probable assessable tonnage and the assessment rate. Because of this interrelationship between the percentages and the budget and assessment rate, it would be impracticable to require the committee to file its proposed budget and rate of assessment before the percentages to be recommended to the Secretary had been formulated. They should, in fact, be formulated and recommended at the same time, which is consistent with the existing provisions for dates of filing the respective recommendations with the Secretary.

It is now provided in § 989.54 that not later than August 20 preceding the beginning of each crop year, the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the ensuing crop year and shall submit to the Secretary within 10 days a report setting forth its marketing policy for the regulation of the handling of raisins in each crop year. This provision of § 989.54 should be amended to provide that prior to or simultaneously with making its recommendation to the Secretary for fixing the initial free, reserve, and surplus percentages for any crop year (which would be not later than October 5 of such crop year unless this date should be extended by the committee not more than five days because of a late crop), the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the crop year and shall submit promptly to the Secretary a report setting forth its marketing policy for the regulation of the handling of raisins in such crop year. As discussed under issue (6), a formula has been adopted for arriving at the free, reserve, and surplus percentages and the use of this formula depends upon the accuracy of estimates of raisin production. An official production estimate is expected to be received from a governmental agency, normally not later than October 1 of each year. In most years, volume regulation is the most important consideration in the adoption of a marketing policy. Since an official estimate of production on which volume regulation can be recommended will not be available on August 20, it would be impracticable to require the committee to adopt its marketing policy by that date. In fact, it would be inadvisable for the committee to adopt a policy based on unofficial estimates in view of forthcoming official estimates. Since the volume percentages provide a basis for trading in raisins, producer returns could be affected adversely if the committee used estimates in adopting its marketing policy which were later changed. These difficulties would be overcome by permitting the committee to delay its adoption of a marketing policy until it makes its recommendations for fixing the volume percentages.

Rulings on proposed findings and conclusions. The period during which interested parties might file briefs with the Hearing Clerk of the Department with respect to testimony presented at the hearing and the conclusions to be drawn therefrom expired July 2, 1956. No briefs were filed.

General findings. (a) The findings hereinafter set forth are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance (14 F. R. 5136) of this marketing agreement and order, as supplemented by the findings and determinations which were made in connection with the amendment of such marketing agreement and order (20 F. R. 6435) which was issued on August 26, 1955, and all of said previous findings and determinations are hereby ratified and confirmed, except insofar as such findings and determinations may be in conflict with the findings set forth herein;

(b) The amended marketing agreement and order, as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(c) The amended marketing agreement and order, as hereby proposed to be further amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held; and

(d) There are no differences in the production and marketing of raisins in the production area covered by this amended marketing agreement and order, as hereby proposed to be further amended, which make necessary different terms applicable to different parts of such area.

Recommended amendments to the order. The following further amendment of the amended marketing agreement and order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Amend the provisions of § 989.52 (a) to read as follows:

§989.52 *Procedure.* (a) All decisions of the committee reached at an assembled meeting shall be by majority vote of the members present and a quorum must be present. All votes in an assembled meeting shall be cast in person. The presence of nine members shall be required to constitute a quorum. The committee may vote by mail or telegraph when there is no assembled meeting, but any proposition to be so voted upon first shall be explained accurately, fully, and identically in a notice by mail or telegraph to all members, or alternates acting in the place and stead of the members. Said notice shall contain a statement of a reasonable time not to exceed 10 days in which a member or alternate must vote by mail or telegraph in order that the vote may be counted. A unanimous vote of all selected and eligible members or alternates acting in the place and stead of members shall be required to reach a decision on a mail or telegraphic vote. Failure of any such member or alternate to vote within the prescribed time shall be held to be a dissenting vote. No action to recommend a marketing policy or volume regulation can be taken on the basis of a mail or telegraphic vote.

2. Amend the provisions of § 989.58 (e) to read as follows:

(e) *Options as to off-grade natural condition raisins.* Any natural condition raisins tendered to a handler which fail to meet the applicable minimum grade standards may at the option of either the handler or the person making the tender: (1) Be returned to the person tendering the raisins; (2) if storable, be turned over to the handler to be held by him as off-grade natural condition raisins for the account of the committee; or (3) be turned over to the handler for reconditioning under the terms of a written agreement between the person making the tender and the handler. If the handler is to acquire such raisins after they are reconditioned, his obligations with respect to such raisins shall be based on the weight of the raisins (if stemmed, adjusted to natural condition weight) after they have been reconditioned. If after such reconditioning, such raisins meet the minimum grade standards but are no longer natural condition raisins, any handler who acquires such raisins shall meet his surplus and reserve tonnage obligations from natural condition raisins acquired by him. Any off-grade raisins (including stemmer waste and raisin offal) accumulated as a final residual by a handler in reconditioning raisins shall, during or after reconditioning has been completed, be disposed of by the handler, without further inspection, for distillation, animal feed, or uses other than for human consumption. Off-grade raisins received by a handler for reconditioning shall be kept by him separate and apart from all other raisins until after the raisins have beeen reconditioned and the quality of the raisins is established by inspection and certification. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the reconditioning of off-grade raisins and the use of the residual matter from such reconditioning operations.

3. Amend the provisions of § 989.59 (a) to read as follows:

§ 989.59 *Regulation of the handling of raisins subsequent to their acquisition by handlers*—(a) *Regulation.* Unless otherwise provided in this part, no handler shall: (1) Ship or otherwise make final disposition of natural condition raisins unless they meet the effective applicable minimum grade and condition standards for natural condition raisins; or (2) ship or otherwise make final disposition of packed raisins unless they at least meet the following minimum grade standards or such standards as modified pursuant to the provisions of paragraph (b) of this section: (i) With respect to all raisins except Layer Muscats and Zante Currants, "U. S. Grade C" as defined in effective United States Standards for Grades of Processed Raisins; (ii) with respect to Golden Seedless and Sulfur Bleached raisins, the color requirements for "bleached color" (or "choice color") as defined in the said standards; (iii) with respect to Layer Muscat raisins, "U. S. Grade B" as defined in the said standards; and (iv) with respect to Zante Currant raisins, "U. S. Grade B" as defined in the effective United States Standards for Grades of Dried Currants: *Provided,* That nothing contained in this paragraph shall prohibit the shipment or final disposition of any raisins to which the prescribed standards are not applicable.

3 (a). Amend the provisions of the first paragraph of § 989.97 to read as follows:

Raisins meeting the varietal standards set forth hereinafter shall be considered as standard raisins and those failing to meet such standards shall be considered as off-grade raisins. Where the raisins in any lot consist of two or more varietal types commingled within their containers, the lot shall be considered as standard raisins if each varietal type in the lot meets the applicable minimum standards for that varietal type: *Provided,* That, in the event Layer Muscat raisins are commingled within their containers with Natural (Sun-dried) Muscat raisins, the entire lot shall be considered as Natural (sun-dried) Muscat raisins, and as standard raisins if the lot as a whole meets the minimum standards for Natural (sun-dried) Muscat raisins: *Provided further,* That, should the requirements with respect to the maximum moisture content differ as between any two or more varietal types which are commingled, the lower (lowest) maximum moisture content requirement shall apply for each varietal type. In each category, only those raisins which have been properly dried and cured in original natural condition, are free from active infestation, and are in such condition that they are capable of being received, stored, and packed without undue deterioration or spoilage, shall be considered as storable raisins.

4. Amend the provisions of § 989.59 (e) to read as follows:

(e) *Inter-plant and inter-handler transfers.* Any handler may transfer from his plant to his own or another handler's plant within the State of California any free tonnage raisins without having had such raisins inspected as provided in paragraph (d) of this section. The transferring handler shall transmit promptly to the committee a report of such transfer, except that transfers between plants owned or operated by the same handler need not be reported. Before shipping or otherwise making final disposition of such raisins, the receiving handler shall comply with the requirements of this section.

5. Amend the provisions of § 989.59 (f) to read as follows:

(f) *Off-grade raisins accumulated by handlers.* Any off-grade raisins (including stemmer waste and raisin offal) which may be received by a processor or accumulated by a handler by removing them from his standard raisins, and any raisins acquired as standard raisins by a handler which do not meet the applicable grade and condition standards for shipment or final disposition as raisins, shall be disposed of or marketed, without further inspection, for distillation, animal feed, or uses other than for human consumption: *Provided,* That this shall not preclude a packer from recovering raisins from such accumulations or acquisitions. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure such uses. The provisions of this paragraph are not intended

to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, state, federal or other agencies having jurisdiction.

6. Amend the provisions of § 989.63 (a) to read as follows:

§ 989.63 *Recommendation for designation of percentages.* (a) If the committee concludes that the supply and demand conditions for raisins make it advisable to designate the percentages of standard raisins acquired by handlers in any crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, it shall recommend such percentages to the Secretary. The committee may recommend such percentages separately, for each varietal type. The committee also shall submit, together with any recommendation with respect to percentages, the information on the basis of which such recommendation was made, and the recommendation of the board, and also shall specify for each varietal type of raisins the outlets which were considered in determining the free and surplus tonnages and the free and surplus percentages. In the event the committee subsequently deems it desirable to modify, suspend, or terminate any designation by the Secretary of such percentages, it shall submit to the Secretary its recommendation in that regard along with the information on the basis of which sueh modification, suspension or termination is recommended, and the recommendation of the board. The committee shall file with its recommendation to the Secretary, a verbatim record of that portion of its meetings, relating to the free, reserve, and surplus percentages. The recommendations of the committee for the fixing of the initial free, reserve, and surplus percentages for any crop year shall be made not later than October 5 of such year, but this date may be extended by the committee not more than five days if warranted by a late crop.

7. Amend the provisions of § 989.66 (e) (4) to read as follows:

(4) (i) Except as provided in subdision (ii) for new handlers, each handler's share of surplus tonnage raisins offered for sale in export prior to February 1 of any crop year shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the preceding crop year is of the free tonnage raisins acquired by all handlers during the preceding crop year who remain handlers. Subsequent to January 31, each handler's share shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by the handler during the then current crop year is of the total free tonnage raisins acquired by all handlers during the then current crop year. With respect to any offer other than the initial offer, each handler's share of the total quantity offered as of that date (the then current offer plus all prior offers of that crop year) shall first be determined by the appropriate formula. His share of the current offer shall then be determined by subtracting from his share of the total quantity offered, the total of his share of prior offers from the beginning of the crop year.

(ii) If any handler did not acquire raisins during the preceding crop year, the basis for his share of any quantity of surplus tonnage raisins offered prior to February 1 shall be his acquisitions of free tonnage raisins during the then current crop year. The current free tonnage acquisitions of all such new handlers shall, for the purpose of determining the shares of all handlers prior to February 1, be added to the total acquisitions of free tonnage raisins during the preceding crop year of all handlers in business at the time the offer is made.

(iii) If prior to February 1 of any crop year, a handler's share of any offer exceeds the quantity of surplus tonnage raisins held by him for the account of the committee (the shortage being for reasons other than deferment of his set aside obligations pursuant to § 989.66 (c)), and upon the committee concluding that the handler's acquisitions of surplus as of January 31 will exceed the total of his shares or upon said handler furnishing the committee such written undertaking secured by a bond as the committee may require, the committee may permit the handler to borrow, for a period not to exceed 30 days (or ending not later than January 31) from the date of the acceptance of the offer, raisins from any reserve tonnage held by him for the account of the committee. Any handler who has not repaid all prior loans from the reserve pool by the end of the required 30-day period or by January 31, whichever date is earlier, may not participate in any subsequent offers of surplus tonnage until the loan is repaid.

(iv) If prior to the close of any offer of surplus tonnage raisins for sale in export and subsequent to any share reservation period the entire offer has not been purchased, any handler who has purchased his entire share and makes application to the committee shall be allocated additional surplus tonnage raisins from such raisins held by him. In the event such handler no longer holds any surplus tonnage raisins for the account of the committee, the committee shall, subsequent to any period the committee may prescribe for handlers to purchase their holdings, allocate and deliver to the handler, surplus tonnage raisins held by other handlers. In making such allocation, the committee shall, insofar as is practicable, first withdraw surplus tonnage raisins from those handlers who have purchased for sale in export the smallest percentage of the surplus tonnage raisins acquired by them or who for other reasons are holding the largest percentage of their acquisitions of surplus tonnage. The cost of transporting any such surplus tonnage raisins from one handler to another shall be paid by the committee from surplus pool funds.

(v) Whenever essentially all of the surplus tonnage raisins acquired as surplus, or the reserve tonnage which becomes surplus on July 1, have been offered on a share basis, and any unpurchased or unoffered tonnage of surplus is offered to handlers, approval of applications may be made in the same order in which the applications are filed with the committee.

(vi) Whenever a handler's share or allocation pursuant to this subparagraph is less than or exceeds his holdings of surplus by a minor quantity, the committee may adjust the handler's share or allocation so as to avoid the cost of the physical transfer. The maximum quantity by which a handler's share or allocation may be so adjusted shall be prescribed in rules and procedures with respect to the allocation of surplus tonnage raisins to handlers which the committee shall establish with the approval of the Secretary.

8. Amend the provisions of § 989.67 (b) to read as follows:

(b) Reserve tonnage of any varietal type shall not be sold at a price below that which the committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale of reserve tonnage by the committee, to which shall be added the costs incurred by the committee on account of the receiving, inspecting, storing, insuring, and holding of said raisins: *Provided,* That where the outlook for the next crop year or other factors have caused a downward trend in the prices received by producers for free tonnage raisins or in the prices received by handlers for free tonnage packed raisins, reserve tonnage may be sold to handlers at the currently prevailing or the approximate computed field price for free tonnage raisins, as determined by the committee. No offer to sell reserve tonnage raisins to handler shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, and price involved in such offer, and the Secretary may disapprove the offer or any term thereof: *Provided,* That at any time prior to the expiration of the five-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer.

9. Amend the provisions of § 989.68 (d) and (e) to read as follows:

(d) Surplus tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and achieve complete disposition of such raisins by August 31 of the crop year. No offer to sell surplus tonnage raisins to handlers shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, and price involved in such offer, and the Secretary may disapprove the offer or any term thereof: *Provided,* That at any time prior to the expiration of the five-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer.

(e) The committee may sell surplus tonnage raisins as provided in paragraph (b) (3) of this section only when such country is not included in the list of specified countries established pursuant to paragraph (c) of this section and may sell surplus tonnage raisins to foreign government agencies or foreign importers in any country removed from such list. No agreement to sell surplus tonnage raisins shall be entered into by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, price, and foreign country involved in any such proposed sale, and the Secretary may disapprove such sale or any term thereof: *Provided,* That at any time prior to the expiration of the five-day period, the sale may be made upon the committee receiving from the Secretary notice that he does not disapprove the making of the sale.

10. Amend the provisions of § 989.48 to read as follows:

§ 989.48 *Compensation and expenses.* The members of the committee and the board, and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses as approved by the committee. Whenever specifically authorized in advance by the committee, or when requested to attend due to the anticipated absence of a member, an alternate member of the committee shall be reimbursed for reasonable expenses incurred by him in attending not to exceed three committee meetings per crop year when the committee member for whom he serves as alternate also attends such meetings.

11. Amend the provisions of § 989.79 to read as follows:

§ 989.79 *Expenses.* The committee is authorized to incur such expenses (other than those specified in § 989.82) as the Secretary finds are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the committee and the board. The funds to cover such expenses shall be obtained by levying assessments as provided in § 989.80. The committee shall file with the Secretary for each crop year a proposed budget of these expenses and a proposal as to the assessment rate to be fixed pursuant to § 989.80, together with a report thereon. Such filing shall be not later than October 5 of the crop year, but this date may be extended by the committee not more than five days if warranted by a late crop. Also, it shall file at the same time a proposed budget of the expenses likely to be incurred during the crop year in connection with reserve, surplus, or off-grade raisins held for the account of the committee, exclusive of the receiving, storing, and handling expenses which are covered by a schedule of payments to handlers effective pursuant to § 989.66 (f) or any rules and procedures established by the committee, and exclusive of any expenses it may incur in connection with the disposition of such raisins and which are unknown at the time. The said report shall also cover this proposed budget.

11 (a) Amend the provisions of § 989.54 to read as follows:

§ 989.54 *Marketing policy.* Prior to or simultaneously with making its recommendation to the Secretary for fixing the initial free, reserve, and surplus percentages for any crop year (which shall be not later than October 5 of such crop year unless this date is extended by the committee not more than five days as provided in § 989.63 (a)), the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the crop year and shall submit promptly to the Secretary a report setting forth its marketing policy for the regulation of the handling of raisins in such crop year. The report shall include the data and information used by the committee in formulating the marketing policy, and the recommendation of the board. In developing the marketing policy, the committee shall give consideration to the following factors with respect to each varietal type of raisins:

(a) The estimated tonnage of raisins held by producers and handlers;

(b) The estimated tonnage of raisins which will be produced during the crop year;

(c) An appraisal of the quality of raisins of the crop to be produced in such crop year, including the estimated tonnage of standard raisins and off-grade raisins, respectively;

(d) The tonnage of raisins marketed during recent crop years in the domestic market and in Canada;

(e) The tonnage of raisins marketed in recent crop years in foreign markets, segregated to show the quantities marketed from free and surplus tonnage raisins and the countries in which such raisins were marketed;

(f) The current price being received for raisins by producers and handlers;

(g) The estimated trade demand during the crop year for raisins in normal market channels both domestic and foreign;

(h) The trend and level of consumer income in the domestic market;

(i) The estimated probable market requirements for raisins during the crop year in foreign markets segregated by countries or groups of countries;

(j) Such factors, if any, which in the supplying of foreign markets, may tend to directly affect or burden the normal domestic market;

(k) Any other pertinent factors bearing on the marketing of raisins; and

(l) The conditions, including pricing formula, for the sale of surplus tonnage raisins in foreign markets pursuant to the provisions of § 989.68.

Dated: September 5, 1956.

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

[F. R. Doc. 56-7237; Filed, Sept. 7, 1956; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[FCC 56-821]

[Docket Nos. 11747, etc.]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

NOTICE OF FURTHER PROPOSED RULE MAKING

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations; Docket Nos. 11747, 11748, 11749, 11750, 11751, 11752, 11753, 11754, 11755, 11756, 11757, 11758, 11759, 11799.

1. On June 26, 1956 and July 23, 1956 the above-entitled rule making proposals were issued by the Commission proposing to make certain changes in the television Table of Assignments contained in Part 3, §3.606, of the Commission's Rules and Regulations. The Notices of Proposed Rule Making stated that offset carrier designations for the channels proposed would be specified in the final Reports and Orders. However, some parties have indicated that it would be helpful to have this information prior to the submission of comments.

2. Suggested offset carrier designations for the proposals made in the above listed dockets are as follows:

Docket No.	City	Channel No.	
		Present	Proposed
11747	Springfield, Ill	2+, 20+, *66+	20+, 26−, 39, *66+.
	St. Louis, Mo	4−, 5−, *9, 11−, 30, 36−, 42+	2+, 4−, 5−, *9, 11−, 30, 36−, 42+.
	Lincoln, Ill	53+	49+.
11748	Hartford, Conn	3+, 18−, *24	18−, *24, 61.
	Meriden, Conn	65−	
	Easthampton, Mass	61	
	Providence, R. I	10+, 12+, 16, *36+	3+, 10+, 12+, 16, *36+.
11749	Galesburg, Ill	40	77.
	Peoria, Ill	8, 19, *37−, 43+	19, 25+, 31+,[1] *37−, 43+.
	Rock Island, Ill	(See Davenport, Iowa)	8.
11750	New Bern, N. C	13−	12+.
	Norfolk-Portsmouth-Newport News, Va.	3+, 10+, 15, *21−, 33	3+, 10+, 13−, 15, *21−, 33.
11751	Albany-Schenectady, Troy, N. Y	6, *17+, 23−, 35, 41	6, *17+, 23−, 35, 41, 47.
	Vail Mills, N. Y	10−	
11752	Mobile, Ala	5+, 10+, *42, 48+	4+, 5+, 10+, *48+.
	New Orleans, La	4+, 6+, *8, 20−, 26, 32+, 61	6+, *8, 20−, 26, 32+, 42, 61.
11753	Charleston, S. C	2+, 5+, *13, 17+	2+, 4, 5+, *13, 17+.
11754	Madison, Wis	3, *21−, 27−, 33+	*3, 21−, 27−, 33+.
11755	Duluth, Minn.-Superior, Wis	3, 6+, *8−, 32, 38	3, 6+, 8−, *32, 38.
11756	Miami, Fla	*2, 4, 7−, 10+, 23−, 33	*2, 4, 6, 7−, 10+, 23−, 33.
11757	Evansville, Ind	7, 50−, *56, 62	*7, 50−, 56, 62.

[1] This assignment would require a change in the offset carrier requirement of Channel 31 in Milwaukee, Wis. from Channel 31+ to 31−.

Docket No.	City	Channel No.	
		Present	Proposed
11758	Auburn, N. Y	37−	
	Elmira, N. Y	9, 18+, 24	18+, 24−, 30.
11759	Fresno, Calif	12+, *18−, 24, 47, 53	*18−, 24, 30+, 47, 53.
	Madera, Calif	30+	59.
	Santa Barbara, Calif	3−, 20, 26	3−, 12+, 20, 26.
11799	Columbia, S. C	10−, *19+, 25−, 67+	5,[2] 10−, *19+, 25−, 67+.
	Charleston, S. C	2+, 5+, *13, 17+	2+, 4, *13, 17+. or 2+, 7−, *13, 17+.
	Raleigh, N. C		Ch. 5 even to Ch. 5−.
	Washington, D. C		5− even to Ch. 5+.
	New York, N. Y		5+ even to Ch. 5−.
	Boston, Mass		5− even to Ch. 5+.
	Bangor, Maine		5+ even to Ch. 5 even.

[2] This assignment would require the following offset carrier changes:

Adopted: August 30, 1956.

Released: September 5, 1956.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7245; Filed, Sept. 7, 1956; 8:53 a. m.]

[47 CFR Part 3]

[FCC 56-822]

[Docket Nos. 11747, etc.]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Springfield, Illinois-St. Louis, Missouri; Hartford, Connecticut-Providence, Rhode Island; Peoria, Illinois-Davenport, Iowa-Rock Island-Moline, Illinois; Norfolk-Portsmouth-Newport News, Virginia-New Bern, North Carolina; Albany-Schenectady-Troy, Vail Mills, New York; New Orleans, Louisiana-Mobile, Alabama; Charleston, South Carolina; Madison, Wisconsin; Duluth, Minnesota-Superior, Wisconsin; Miami, Florida; Evansville, Indiana; Elmira, New York; Fresno-Santa Barbara, California; Columbia, South Carolina); Docket Nos. 11747, 11748, 11749, 11750, 11751, 11752, 11753, 11754, 11755, 11756, 11757, 11758, 11759, 11799.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 30th day of August, 1956;

On June 26, 1956 the Commission released its Report and Order in the general television allocation proceeding in Docket No. 11532 outlining a long-range program to improve the television allocation structure and, at the same time, specifying the bases on which the Commission would consider interim channel changes designed to improve the immediate television situation in individual communities. As a part of this interim program of channel reassignments the Commission instituted the above-entitled separate rule making proceedings proposing channel changes in various communities. The notices of rule making specified that comments should be filed on or before September 10, 1956, with reply comments to be filed within 15 days thereafter.

The Commission requested parties intending to submit comments in the various rule making proceedings to prepare coverage data in accordance with procedures outlined in its Report and Order released in Docket No. 11532. Several questions have been raised concerning the prescribed method for the submission of such data and with respect to the assumptions employed. The Commission believes that further consideration should be given to this aspect of the matter.

Several parties have requested the Commission to extend the time for filing comments in a number of the above-entitled proceedings. The Commission has concluded that additional time should be afforded and that such extension will serve the public interest, convenience and necessity.

In view of the foregoing, *It is ordered*, That the time for filing comments in the above entitled proceedings is extended from September 10, 1956, to November 15, 1956; and that the time for filing reply comments is extended to 15 days thereafter.

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7246; Filed, Sept. 7, 1956; 8:53 a. m.]

[47 CFR Part 3]

[FCC 56-845]

[Docket Nos. 11532, etc.]

TELEVISION ALLOCATION

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 3 of the Commission's Rules and Regulations Governing Television Broadcast Stations; Docket No. 11532; in the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Springfield, Illinois-St. Louis, Missouri; Hartford, Connecticut-Providence, Rhode Island; Peoria, Illinois-Davenport, Iowa-Rock Island-Moline, Illinois; Norfolk-Portsmouth-Newport News, Virginia-New Bern, North Carolina; Albany-Schenectady-Troy, Vail Mills, New York; New Orleans, Louisiana-Mobile, Alabama; Charleston, South Carolina; Madison, Wisconsin; Duluth, Minnesota-Superior, Wisconsin; Miami, Florida; Evansville, Indiana; Elmira, New York; Fresno-Santa Barbara, California; Columbia, South Carolina); Docket Nos. 11747, 11748, 11749, 11750, 11751 11752, 11753, 11754, 11755, 11756, 11757, 11758, 11759, 11799.

1. On June 26, 1956, the Commission issued its Report and Order in the general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider interim channel changes to improve the immediate television situation in individual communities. As a part of this interim program rule making proceedings were instituted in the above-entitled proceedings to consider channel changes in a number of communities. The time for filing comments in these proceedings was recently extended to November 15, 1956.

2. In order that the Commission might have information with which to evaluate the various assignment proposals, parties were requested to submit coverage data in accordance with procedures set out in Appendix A accompanying the above Report and Order. New propagation data available to the Commission was presented in the form of tables included in Appendix A, and the parties were requested to employ the tables in computing coverage and interference. Although we recognized the limitations in this method, as pointed out in the Appendix, we had hoped that it would be sufficiently accurate to provide comparisons of station coverage in the rule making proceedings. All the information and data upon which these tables are based are available for inspection at the Office of the Commission's Chief Engineer in Washington, D. C.

3. Several parties, including the Association of Federal Communications Commission Engineers, have raised problems concerning the proposed methods for computing coverage data. The Commission believes that it would be helpful in this regard to have the comments of all interested parties. Accordingly, all interested parties are invited to submit written comments with respect to this matter on or before September 15, 1956.

4. The comments should be directed to the engineering methods to be employed in the individual rule making proceedings for estimating coverage of VHF and UHF television stations. It should be emphasized that the coverage data submitted in the proceedings is to be employed by the Commission for the purpose of evaluating proposed changes in channel assignments on an interim basis as outlined in the above Report and Order. Comments should not be directed to the matter of whether the proposed

engineering methods are suitable for precise determination of coverage of particular stations under specific conditions.

5. An original and 14 copies of any comments should be supplied.

Adopted: September 4, 1956.

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7247; Filed, Sept. 7, 1956; 8:53 a. m.]

[47 CFR Part 11]

[FCC 56-837]

[Docket No. 11810]

FOREST PRODUCTS RADIO SERVICE

NOTICE OF PROPOSED RULE-MAKING

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

2. This Notice is rooted in a petition (filed February 3, 1956) by Rothenbuhler Engineering Company of Sedro-Woolley, Washington looking toward amendment of § 11.554 (b) of the Commission's Rules governing the Low Power Industrial Radio Service. This Section presently reads as follows: "Emission shall be confined to voice radiotelephony only, which is construed as including tone signals or signalling devices whose sole function is to establish or maintain communication between associated stations and receivers: *Provided, however,* That other types of emission may be authorized on the frequency 27.255 Mc upon compliance with the provisions of § 11.103;"

In brief, petitioner requests that the above-quoted Section be amended by specifying the frequency 154.57 Mc as a frequency on which emission other than types A3 or F3 may be authorized upon compliance with the provisions of § 11.103.

3. In advancing the foregoing proposal, petitioner states a need of the logging industry for a radio signalling device "to replace the crude and primitive way of hand and mechanical signals" now used to control a certain phase of log-hauling activity known as "yarding". In this yarding operation, a large winch, commonly called a yarder, is used to pull cut logs to a road where they can be loaded on trucks for further transportation. In order to control this operation, it is necessary to rely upon predetermined signals of a manual-and-visual or mechanical nature. In practice, the rigging crew shouts or hand-signals directions to the signalman; the signalman then passes on the directions to the yarder operator through coded blasts of a horn mounted on the yarder but electrically connected to the signalman's position. Because of noise, terrain, weather and other factors, the directions from the rigging crew are sometimes misunderstood by the signalman, and this contributes to the high accident rate in the logging industry.

4. With an appropriate radio signalling device, contends the petitioner, the uncertainties of the above-described method of communicating could be largely eliminated. Thus, it is urged, the boss of the rigging crew could control the yarder horn, without relaying the information through the signalman, by simply depressing a switch on a transmitter equipped with tone-modulating components; propertly designed, the transmitter could be used for voice communications in situations not describable through the use of the predetermined horn signals.

5. As has been heretofore indicated, emission of the type here sought by petitioner for the frequency 154.57 Mc may be authorized on the frequency 27.255 Mc upon a satisfactory showing under § 11.103. Petitioner points out, however, that the latter frequency is a "catch-all" frequency, available to all Services for a variety of uses; thus, it is claimed, it is not satisfactory for a safety application for the reason that interference conditions could occasion false horn signals, with serious results. In addition, it is contended, the propagation characteristics of the frequency 27.255 Mc are not suitable for the radio purposes here proposed.

6. It appears that the persons who would be interested in using radio facilities of the type contemplated by the petitioner are eligible in the Forest Products Radio Service, where tone emission may be authorized upon satisfactory showings under the above § 11.103. In this connection, however, petitioner urges that the Forest Products frequencies, like the frequency 27.255 Mc, would not be satisfactory from the interference standpoint. Petitioner cites the heavy occupancy of the Forest Products frequencies and states that the only way in which such a frequency could be used for the above-described safety purposes would be to make it exclusively available for such purposes. It is contended that this would be wasteful of valuable spectrum space, and "petitioner neither desires not advocates such a course of action."

7. Petitioner concludes that the frequency 154.57 Mc is "ideally suited" for the proposed type of operation. In support of this proposition, petitioner states that this frequency, which is presently available for assignment only in the Low Power Industrial Radio Service, is being used, primarily, in areas other than those in which the logging operations previously discussed take place. Furthermore, it is argued, the three-watt power limitation prescribed for that Service not only would eliminate interference problems, but also would not pose a coverage problem for the logging operations in question for the reason that the communication distance would not exceed half a mile. Petitioner suggests that because the said logging operations "are concentrated in a clearly defined area" (i. e., the western slopes of the coast ranges from California to Alaska), and because "the need for this type of communications appears to be capable of being limited to the logging industry, there appears to be no danger that permitting this type of communications would result in overloading this frequency and disrupting other communications." Petitioner estimates that there are approximately 7,000 machines that could use the proposed signalling system and states that this number of units could easily be accommodated on 154.57 Mc without creating interference problems.

8. We are persuaded that the above-described petition contains good and sufficient grounds for the institution of a proceeding looking toward the adoption of a rule reflecting the substance of petitioner's overall proposal. However, because we find merit in the suggestion that the proposed usage (if allowed) of the frequency 154.57 Mc be confined to the logging industry, we think it more appropriate that any amendment in the above connections be contained in Subpart H of Part 11 (Forest Products Radio Service) rather than in Subpart L of that Part (Low Power Industrial Radio Service). This intention to limit the use of tone signalling on the frequency in question to Forest Products activities is dictated, primarily, by the fact that these activities appear to be concentrated in areas where the use of voice communication on the frequency by licensees in the Low Power Industrial Radio Service can be expected to remain at its present, comparatively negligible level. Although the above limitation could be written into Subpart L, the Commission foresees an administrative convenience in being able to classify stations resulting from the amendment here proposed as Forest Products rather than Low Power stations. In the foregoing connections, the Commission wishes to stress that it will not permit any deterioration of the Low Power Industrial Radio Service with respect to the purpose originally intended to be served thereby, namely, the establishment of a low power, mobile, voice communication service for industrial and commercial users. Accordingly, in addition to proposing what, in effect, would be a geographical limitation on the above new usage, the Commission also proposes to subject all operation in the Forest Products Radio Service on the frequency 154.57 Mc to the requirement that no harmful interference be caused to any station operating on this frequency in the Low Power Industrial Radio Service.

9. In view of the foregoing, the Commission proposes to amend Subpart H: Forest Products Radio Service of Part 11—Rules Governing the Industrial Radio Services, by the addition of the following section, to be known as § 11.355:

§ 11.355 *Frequency available for mobile stations.* The frequency 154.57 Mc is available for assignment on a secondary basis to Mobile Stations in the Forest Products Radio Service subject to the following limitations and requirements:

(a) The plate power input to the final radio frequency stage of any transmitter shall not exceed three watts.

(b) Without the necessity of the showing specified by § 11.103 (b), and notwithstanding the other provisions of that section, authorizations will be issued

for type 2 emission for tone signalling (or for a combination of such emission and type 3 emission) with a maximum authorized bandwidth of 40 kilocycles.

(c) The maximum distance between any transmitter and the center of the radiating portion of its antenna shall not exceed 25 feet.

(d) All operation on the frequency 154.57 Mc in the Forest Products Radio Service is subject to the requirement that no harmful interference be caused to the service of any station authorized on this frequency in the Low Power Industrial Radio Service.

The authority for this amendment is contained in sections 4 (i) and 303 (a–h) and (r) of the Communications Act of 1934, as amended.

10. 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 above, may file with the Commission, on or before October 17, 1956, 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 original comments may be filed on or before the tenth day following the last day for the filing of original comments. 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 timely filed 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.

11. In accordance with the provisions of § 1.764 of the Commission's Rules, any statement, brief or comment filed in the above-entitled proceeding must be accompanied by 14 additional copies thereof.

Adopted: August 30, 1956.

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56–7249; Filed, Sept. 7, 1956; 8:53 a. m.]

[47 CFR Parts 1, 66]

[FCC 56–826]

[Docket No. 11809]

APPLICATIONS RELATING TO CONSOLIDATION, ACQUISITION OR CONTROL OF TELEPHONE COMPANIES

NOTICE OF PROPOSED RULE MAKING

In the matter of promulgation of Part 66, rules governing applications filed by telephone companies pursuant to section 221 (a) of the Communications Act of 1934, as amended, to consolidate their properties or a part thereof into a single company, or for authority for one or more companies to acquire the whole or part of the property of another company or other telephone companies, or the control thereof by the purchase of securities, or in any other like manner.

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

2. The purpose of this proceeding is to delete from the present Part 1 of the Commission's Rules § 1.527 thereof which relates to the filing, by telephone companies, of applications pursuant to the provisions of section 221 (a) of the act, and to transfer the provisions of § 1.527, with certain amendments and additions, to a new part designated as Part 66. These amendments and additions are necessitated by a revision in section 221 (a) of the act, which became effective on August 2, 1956 (Public Law No. 914), making mandatory the holding of public hearings with respect to applications filed thereunder only when a request therefor is made by a telephone company, an association of telephone companies, a State commission, or local governmental authority.

3. The proposed rules, authority for which is contained in sections 4 (i) and 221 (a) of the Communications Act of 1934, as amended, are set forth below.

4. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before October 1, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing original comments or briefs. The Commission will consider all such comments before taking action in this matter, and, if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

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

Adopted: August 30, 1956.

Released: September 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

1. Delete from Part 1 of the Commission's Rules and Regulations, § 1.527 in its entirety.

2. Adopt new Part 66 as set forth hereinafter:

PART 66—APPLICATIONS RELATING TO CONSOLIDATION, ACQUISITION, OR CONTROL OF TELEPHONE COMPANIES

Sec.

§ 66.11 *Contents of applications.* Applications under section 221 (a) shall contain the following information:

(a) The exact name and address of each applicant and of each vendor;

(b) A statement as to whether each applicant and each vendor is a carrier subject to the act and what change or changes in status will result from the proposed transaction;

(c) The name, title and post office address of the person to whom correspondence in regard to the application should be addressed;

(d) The government, State, or territory, under the laws of which each corporate applicant and each vendor was organized;

(e) With respect to the property being acquired, a reasonable approximation of the principal plant items being acquired, such as:

(1) Number of poles;

(2) Miles of aerial wire;

(3) Miles of cable by size and type (e. g.—aerial);

(4) Number of telephones;

(5) Type and number of switchboards;

(6) Land and buildings;

(7) Vehicles;

(8) Other property;

(f) Specific information with respect to the proposed acquisition, consolidation or control, including but not limited to the following:

(1) The type of service currently being provided and the number of subscribers by classes of service;

(2) The quality of the service currently being provided;

(3) The adequacy of the service currently being provided;

(4) The condition of the plant;

(5) Criticisms regarding existing services;

(g) In a proposed consolidation or merger, the name of the company resulting therefrom, the capitalization proposed therefor, and the amount and class of capital stock and other securities proposed to be issued;

(h) The manner in which the properties, or control, will be acquired and the consideration, in money and otherwise, to be paid by each applicant;

(i) Statement of action of the stockholders or directors of each applicant and each vendor approving the proposed transaction, giving date and place of each meeting;

(j) Facts as to any intercorporate relations through holding companies, ownership of securities or otherwise, between the parties to the transaction;

(k) Statement as to whether applicant has extended any financial aid to the vendor during the past five years;

(l) The extent to which the facilities to be acquired or controlled (by purchase, lease, or otherwise) parallel or are competitive with the facilities of the proposed purchaser or others;

(m) Specific reasons why the proposed transaction will be of advantage to the persons to whom service is to be rendered and in the public interest, such as:

(1) Improvements in exchange service;

(2) Improvements in toll service;

(3) Improvements in private line service;

(4) Provision of extended area service;

(5) Use of different techniques, such as, conversion from magneto to common battery or manual to dial operation;

(6) Elimination of held orders and provisions for future growth requirements;

(7) Resolution of service criticisms;

(8) Integration with the other operations of the applicant(s);

(9) The approximate time within which the improvements in (1) to (8), above, will be realized;

(n) A statement as to whether the proposed transaction has been presented to the regulatory authority of each state in which the property is situated, and, if so, the status thereof;

(o) With respect to the full-time employees employed in the exchange area or exchange areas served by properties proposed to be acquired, a complete statement describing the manner by which the respective labor forces will be integrated or merged, and the treatment proposed to be accorded employees of the acquired company or companies by the acquiring company, with due regard to such matters as severance pay, if any, for employees discharged as a consequence of the transaction; accrued pension and benefit rights, if any; wages; location of employment; job assignments; seniority; and other conditions of employment.

(p) Any additional facts or reasons in support of the application.

§ 66.12 *Supporting data and exhibits required with the application.* There shall be filed with and made a part of the original of each application under section 221 (a) the following:

(a) One copy of the charter, articles of incorporation and the bylaws of each applicant, duly certified (such copies as are already on file with the Commission may be incorporated in the application by reference);

(b) In applications involving mergers or consolidations, one copy of resolutions of the stockholders or directors of each of the applicants approving the proposed transaction, such resolutions to be properly attested and accompanied by appropriate excerpts from the minutes, showing the number of votes cast for and against each such resolution;

(c) Map or sketch indicating the facilities of each telephone carrier in the area involved, and the location and ownership of exchange and toll properties before and after consummation of the proposed transaction;

(d) A recent balance sheet and an income statement of each party involved;

(e) A statement showing the original cost of the plant to be acquired and related reserve amounts with respect to the plant items to be acquired as shown on the books of the vendors, if available; estimated amounts shall be shown if actual amounts are not available and the purchase is in excess of $25,000;

(f) Statement justifying the proposed purchase price of the property to be acquired;

(g) Description of the plant to be acquired, which applicant expects to retire upon acquisition and the approximate date(s) thereof; estimated portion of total purchase price represented by such plant;

(h) Copy of any contract or contracts, exclusive of right-of-way and attachment contracts and traffic agreements, entered into between the parties to the transaction with respect to any of the telephone properties or service included in the proposed transaction;

(i) With respect to the full-time employees employed in the exchange area or exchange areas served by the properties proposed to be acquired, consolidated, or merged, a table showing for each such employee, by name, job classification, length of service, wage rate and location of employment; except that where twenty-five or more full-time employees are employed in any exchange area served by the properties to be acquired, consolidated or merged with another exchange area or exchange areas, such information with respect to those employees may be given on a group basis by job classification;

(j) Copies of any pension or benefit plans which are referred to in the statements supplied pursuant to § 66.11 (o);

(k) Classes of service currently rendered through the property to be acquired and rates therefor;

(l) Classes of service which applicant proposes to provide and rates therefor, if known, if not known, then estimated, in the following:

(1) Immediately upon acquisition;

(2) After completion of any planned rehabilitation of plant or conversion to dial.

(m) A copy of the action of any regulatory body referred to in § 66.11 (n).

§ 66.13 *Publication and posting of notices.* (a) Immediately upon the filing of an application under this section the applicant shall post a public notice at least twenty inches (20") by twenty-four inches (24"), with letter of commensurate size, in a conspicuous place at each office where the subscribers, served by the property to be acquired, customarily transact telephone company business, for at least thirty (30) days, which notice shall contain the following information, as may be applicable:

(1) Date of first posting of notice;

(2) Name of applicant;

(3) A statement that application has been filed with the Federal Communications Commission;

(4) A general description of the areas wherein the property to be acquired, merged or consolidated, for which the certificate is being sought, is located;

(5) A statement that any member of the public desiring to protest or support the application may communicate in writing with the Federal Communications Commission, Washington 25, D. C., on or before a specified date which shall be thirty (30) days from the date of first posting of the notice.

(b) Immediately upon the filing of an application of the nature described in paragraph (a) of this section, the applicant shall also cause to be published a notice of not less than four (4) column inches in size containing information listed in paragraph (a) (1) through (5) of this section at least once during each of two consecutive weeks, in some newspaper or newspapers of general circulation in the community or communities to be affected, or in lieu of causing a notice to be published, the applicant shall have the alternative of mailing or delivering by messenger a notification containing information similar to that specified in paragraph (a) (1) through (5) of this section, to each subscriber of telephone service in the areas affected.

(c) When the posting, as required by paragraph (a) of this section, has been completed, applicant shall certify such fact to the Commission, stating the dates and places of posting.

(d) When the publication or notification, as required in paragraph (b) of this section, has been completed, the applicant shall submit to the Commission an affidavit evidencing due publication or notification thereof.

§ 66.14 *General provisions*—(a) *Copies required.* The original and five copies of the application shall be furnished to the Commission for its use.

(b) *Additional information.* The applicant shall furnish any additional information which the Commission may require after a preliminary examination of the application.

(c) *Form.* Applications under section 221 (a) of the Communications Act shall be submitted on paper not more than 8½ inches wide and not more than 14 inches long, with a left-hand margin of at least 1½ inches. This requirement shall not apply to original documents, or admissible copies thereof, offered as exhibits or to specially prepared exhibits. The impression shall be on one side of the paper only and shall be double-spaced, except that long quotations may be single-spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letter press, or printed. The foregoing shall not apply to official publications. All copies must be clearly legible.

§ 66.15 *Procedure.* A public hearing is held with respect to each of these applications where a request therefor is made by a telephone company, an association of telephone companies, a State Commission, or a local governmental authority, or in such other cases as the Commission may determine. Where hearings are to be held, reasonable notice thereof is given by the Commission to the Governor of each State in which the physical property affected, or any part thereof, is situated, and to the State commission having jurisdiction over the telephone companies and to such other parties as the Commission may deem advisable.

[F. R. Doc. 56-7248; Filed, Sept. 7, 1956; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Anadarko Area Office Redelegation Order 1, Amdt. 3]

REDELEGATION OF AUTHORITY WITH RESPECT TO INVESTMENT OF FUNDS OF OSAGE INDIANS

Order 1 (20 F. R. 2091), as amended (20 F. R. 10013, 21 F. R. 3086) is further amended as follows:

A new section is added to Part 2 under the heading Functions Relating to Funds and Fiscal Matters to read as follows:

SEC. 2.261 *Investment of Osage funds.* The investment of funds of Osage Indians held in the accounts of the Indian Bureau for individual Indians and Indian associations in any public debt of the United States, bonds, notes, or other obligations, authorized under the act of February 27, 1925 (Ch. 359, 43 Stat. 1008, 1009), provided the principal of any such investment is guaranteed by the United States.

WILL J. PITNER,
Area Director.

Approved: August 31, 1956.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 56-7202; Filed, Sept. 7, 1956; 8:45 a. m.]

[Phoenix Area Office Redelegation Order 2, Amdt. 1]

REDELEGATIONS OF AUTHORITY WITH RESPECT TO CONSTRUCTION, SUPPLY AND SERVICE CONTRACTS AND NEGOTIATED CONTRACTS FOR SERVICES OF ENGINEERING AND ARCHITECTURAL FIRMS

Order No. 2 (20 F. R. 4926) is revised to read as follows:

SECTION 1. *Authority.* The authority delegated to the Area Director by the Commissioner of Indian Affairs in Order No. 566 (19 F. R. 3971) as amended (20 F. R. 2092 and 20 F. R. 5703) pertaining to construction, supply and service contracts and negotiating without advertising, contracts for services of engineering and architectural firms is hereby delegated as indicated in this order.

SEC. 2. *Assistant Area Director, Administration, and Area Property and Supply Officer.* (a) The Assistant Area Director, Administration, may enter into construction, supply and service contracts and negotiate, without advertising, contracts for services of engineering and architectural firms, irrespective of the amounts involved, and perform the duties of Contracting Officer in regard to such contracts.

(b) The Area Property and Supply Officer may enter into supply and service contracts when the amount in individual cases does not exceed $10,000 and perform the duties of Contracting Officer in regard to such contracts.

SEC. 3. *Authorized representative of Contracting Officer.* (a) With respect to contracts entered into by the Area Director, the Assistant Area Director, Administration, is designated as the authorized representative of the Contracting Officer as such term is used in such contracts and may perform the duties of the Contracting Officer except as follows:

(1) Functions relating to the termination of a contract.

(2) Disputes concerning questions of fact which are not disposed of by agreement.

SEC. 4. *Appeals.* An appeal from a findings of fact or decision of a Contracting Officer shall be made by notice of appeal in writing addressed to the Board of Contract Appeals, Office of the Solicitor, Department of the Interior, Washington 25, D. C., and shall be mailed to or filed with the Contracting Officer, within the time allowed by the contract. The notice of appeal shall specify the portion of the findings of fact or decision from which the appeal is taken, and the reasons why the findings or decision are deemed erroneous. Immediately upon receipt of the notice of appeal, the Contracting Officer shall inform the Board by air mail that the appeal has been received. (Regulations governing appeals are published in 19 F. R. 9389.)

F. M. HAVERLAND,
Area Director.

Approved: August 31, 1956.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 56-7203; Filed, Sept. 7, 1956; 8:45 a. m.]

[Portland Area Office Redelegation Order 2]

REDELEGATIONS OF AUTHORITY WITH RESPECT TO CONSTRUCTION, SUPPLY AND SERVICE CONTRACTS AND NEGOTIATING CONTRACTS FOR SERVICES OF ENGINEERING AND ARCHITECTURAL FIRMS

SECTION 1. *Authority.* The authority delegated to the Area Director by the Commissioner of Indian Affairs in Order No. 566 (19 F. R. 3971) as amended (20 F. R. 2092, 5703; 21 F. R. 2290) pertaining to construction, supply and service contracts and negotiating without advertising, contracts for services of engineering and architectural firms is hereby redelegated as indicated in this order.

SEC. 2. *Assistant Area Director, Administration, and Area Property and Supply Officer.* (a) The Assistant Area Director, Administration, may enter into construction, supply and service contracts and negotiate, without advertising, contracts for services of engineering and architectural firms, irrespective of the amounts involved, and perform the duties of Contracting Officer in regard to such contracts.

(b) The Area Property and Supply Officer may enter into supply and service contracts when the amount in individual cases does not exceed $10,000 and perform the duties of Contracting Officer in regard to such contracts.

SEC. 3. *Authorized representative of Contracting Officer.* (a) With respect to contracts entered into by the Area Director, the Assistant Area Director, Administration, is designated as the authorized representative of the Contracting Officer as such term is used in such contracts and may perform the duties of the Contracting Officer except as follows:

(1) Functions relating to the termination of a contract.

(2) Disputes concerning questions of fact which are not disposed of by agreement.

SEC. 4. *Appeals.* An appeal from a findings of fact or decision of a Contracting Officer shall be made by notice of appeal in writing addressed to the Board of Contract Appeals, Office of the Solicitor, Department of the Interior, Washington 25, D. C., and shall be mailed to or filed with the Contracting Officer, within the time allowed by the contract. The notice of appeal shall specify the portion of the findings of fact or decision from which the appeal is taken, and the reasons why the findings or decision are deemed erroneous. Immediately upon receipt of the notice of appeal, the Contracting Officer shall inform the Board by air mail that the appeal has been received. (Regulations governing appeals are published in 19 F. R. 9389.)

DAVE FOSTER,
Area Director.

Approved: August 31, 1956.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 56-7204; Filed, Sept. 7, 1956; 8:46 a. m.]

Bureau of Land Management

[Order 541, Amdt. 11]

REDELEGATION OF AUTHORITY CONCERNED WITH LANDS AND RESOURCES

SEPTEMBER 4, 1956.

In Part III A—Redelegation of authority to land office managers, section 3.9 (w) is amended to read:

(w) Choctaw-Chickasaw lands.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 56-7206; Filed, Sept. 7, 1956; 8:46 a. m.]

Bureau of Reclamation

MOUNTAIN HOME PROJECT, IDAHO

ORDER OF REVOCATION

FEBRUARY 6, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 FR 5004), I hereby revoke Departmental Order of April 30, 1951, in so far as said order affects the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 4 S., R. 5 E.,
Sec. 17, NE¼SE¼SE¼ and S½SE¼SE¼.

The above areas aggregate 30 acres.

E. G. NIELSEN,
Assistant Commissioner.

[61715]

SEPTEMBER 4, 1956.

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

The lands are included in an application for withdrawal, Idaho 06742, filed by the Department of the Air Force. They will not be open to application under the public land laws unless the application for withdrawal is rejected or withdrawn and the lands are restored to application by an order of an authorized officer of the Bureau of Land Management.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 56-7207; Filed, Sept. 7, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGAR REQUIREMENTS AND QUOTAS; ENTRY OF SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

NOTICE NO. 3 OF REQUIREMENT OF CERTIFICATION—1956

Pursuant to § 817.4 (13 F. R. 127, 14 F. R. 1169, 16 F. R. 12847), notice is hereby given that the 1956 sugar quota for Cuba, amounting to 2,949,360 short tons of sugar, raw value, has been filled to the extent of 80 per centum or more.

Accordingly, pursuant to § 817.4, after the close of business on September 7, 1956, and for the remainder of the calendar year 1956, entry into the continental United States from Cuba of any sugar may not be made unless and until the certification described in §817.4 (a) is issued to the Collector of Customs.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153, 13 F. R. 127, 14 F. R. 1169, 16 F. R. 12847)

Issued this 5th day of September 1956.

[SEAL] THOS. H. ALLEN,
Acting Director, Sugar Division,
Commodity Stabilization Service.

[F. R. Doc. 56-7239; Filed, Sept. 7, 1956; 8:52 a. m.]

Office of the Secretary

KANSAS AND OKLAHOMA

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster occasioned by drought existed in the State of Kansas; and the President determined on February 27, 1956, that a major disaster occasioned by drought existed in the State of Oklahoma.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following areas in the States of Kansas and Oklahoma were determined on the following dates to be affected by the above-mentioned major disasters.

KANSAS

Determined on August 23, 1956:

Rice. Trego.

That part of Jewell County lying South of U. S. Highway 36.

Determined on August 28, 1956:

Clay. Graham.
Geary. Washington.

That part of Jewell County lying North of U. S. Highway 36.

OKLAHOMA

Determined on August 28, 1956:

Choctaw. Major.
Coal. Muskogee.
Cotton. Okfuskee.
Creek. Okmulgee.
Dewey. Pittsburg.
Garfield. Pontotoc.
Haskell. Pottawatomie.
Johnston. Pushmataha.
Kingfisher. Seminole.
Latimer. Tillman.
Lincoln. Tulsa.
McIntosh.

Done at Washington, D. C., this 4th day of September 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-7217; Filed, Sept. 7, 1956; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RICHMOND LEWIS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Richmond Lewis.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: August 27, 1956.

4. Title of position: Consultant.

5. Name of private employer: The Charles C. Lewis Company, 209 Page Blvd., Springfield, Massachusetts.

CARLTON HAYWARD,
Director of Personnel.

AUGUST 31, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

The Charles C. Lewis Company.
Lewis Boiler & Iron Works, Inc.
American Mutual Liability Insurance Co.
Flexangle Corporation.
Massachusetts Mutual Life Insurance Co.
Union Trust Company.
Burlington Industries.
Celanese Corporation.
Catalin Corporation.
Electronics Corp. of America.
Steep Rock Mines.
Gas Industries Fund.
Bank Deposits.

RICHMOND LEWIS.

AUGUST 28, 1956.

[F. R. Doc. 56-7219; Filed, Sept. 7, 1956; 8:48 a. m.]

MARVIN S. PLANT

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Marvin S. Plant.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: August 15, 1956.

4. Title of position: Consultant (Scrap).

5. Name of private employer: H. Klaff & Company, Inc., Ostend and Paca Streets, Baltimore 30, Maryland.

CARLTON HAYWARD,
Director of Personnel.

AUGUST 31, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any

other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

H. Klaff & Co., Inc.	Compo Shoe.
Maryland Drydock Co.	Ogden Corp.
Armco Steel Corp.	Food Fair Properties.
Norfolk Southern Railroad.	Walworth Co.
Food Fair Inc.	Riddle Aircraft.
Neptune Meter.	Arnold Realty Co., Inc.
Laurel Raceway.	Maryland Equipment & Supply Co., Inc.
Baltimore Raceway.	Bank deposits.
Calumet & Hecla.	

MARVIN S. PLANT.

AUGUST 27, 1956.

[F. R. Doc. 56-7220; Filed, Sept. 7, 1956; 8:49 a. m.]

LOUIS F. FRAZZA

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 20, 1956, 21 F. R. 1736, 1737.

A. Deletions: None.
B. Additions: None.

This statement is made as of September 5, 1956.

Dated: September 5, 1956.

LOUIS F. FRAZZA.

[F. R. Doc. 56-7221; Filed, Sept. 7, 1956; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6124]

AERO FINANCE CORP. AND PENINSULAR AIR TRANSPORT; COMPLIANCE CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of a complaint against Aero Finance Corporation and Peninsular Air Transport under the provisions of the Board's rules of practice in economic proceedings.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned for September 6 is postponed to October 2, 1956, 10:00 a. m., e. d. s. t., Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 5, 1956.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 56-7240; Filed, Sept. 7, 1956; 8:52 a. m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities:

Camphor tablets.
Greeting cards and book markers.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 56-7295; Filed, Sept. 6, 1956; 4:44 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 56M-794; Docket No. 11638]

CAPITAL BROADCASTING CO. (KFNF)

ORDER CONTINUING HEARING

In re application of Capital Broadcasting Company (KFNF) Shenandoah, Iowa For Construction Permit to Change Antenna-transmitter Location and Increase Antenna Height; Docket No. 11638; File No. BP-10222.

It is ordered, This 4th day of September, 1956, on the Chief Hearing Examiner's own motion, that, pending action upon applicant's petition of August 29, 1956, for dismissal of its application without prejudice, hearing upon the said application, which is scheduled to commence September 4, 1956, is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7250; Filed, Sept. 7, 1956; 8:54 a. m.]

[FCC 56M-793; Docket Nos. 11773, 11774]

RADIO HUNTSVILLE, INC., AND J. B. FALT, JR.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Radio Huntsville, Incorporated, Huntsville, Alabama, Docket No. 11773, File No. BP-10324; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 11774, File No. BP-10519; for construction permits.

It is ordered, This 30th day of August, 1956, that a prehearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Friday, September 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7251; Filed, Sept. 7, 1956; 8:54 a. m.]

[FCC 56-819, Docket No. 11808]

W. WRIGHT ESCH

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR ORAL ARGUMENT

In re application of W. Wright Esch to assign the license of Station WMFJ, Daytona Beach, Florida, from W. Wright Esch to WMFJ, Inc., Docket No. 11808, File No. BAL-2029.

1 The Commission has before it for consideration (a) a "Protest and Petition for Reconsideration" filed on July 28, 1955, pursuant to Sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Theodore Granik and William H. Cook, directed against the Commission's action of June 29, 1955, granting without hearing the above-entitled application; (b) oppositions thereto filed on August 16, 1955, by W. Wright Esch and on August 16, 1955 by WMFJ, Inc.; (c) the Commission's Memorandum Opinion and Order adopted August 29, 1955 (FCC 55-861) dismissing the protest on the grounds that the complainants were not parties in interest or persons aggrieved or adversely affected by the Commission's action; (d) the decision of the United States Courts of Appeals for the District of Columbia Circuit in the case of Theodore Granik and William H. Cook v. Federal Communications Commission, decided May 31, 1956; and (e) letters from all parties concerned dated July 2, 1956, with respect to the stay provisions of Section 309 (c).

2. The factual situation involved in the instant protest and the arguments of the parties are set out in full in the Commission's Memorandum Opinion and Order of August 29, 1955, and need not be repeated herein. In essence, Messrs. Granik and Cook allege that they had entered into an option agreement with W. Wright Esch to purchase Station WMFJ; that they exercised this option; that Esch cancelled the option unilaterally; that Granik and Cook are suing Esch in the Florida courts to enforce the option contract; and that Esch's conduct with respect to said option agreement and his misrepresentation and concealment with respect to his ownership interest in Telrad, Inc., a television permittee, raise a substantial question as to whether he is lacking in the character qualifications necessary for a broadcast licensee and whether the transfer is in the public interest in these circumstances. On the basis of the pleadings before it, the Commission determined that Messrs. Granik and Cook, were not parties in interest or persons

aggrieved or adversely affected within the meaning of Sections 309 (c) and 405 of the Communications Act and accordingly dismissed the July 28, 1955 "Protest and Petition for Reconsideration." Upon appeal the Court of Appeals in its decision of May 31, 1956 stated: "We think Granik and Cook had standing to protest under Section 309 (c) and to petition for reconsideration under Section 405. By contract, they had secured an interest in Esch's ownership of the license . . ."

3. In light of the above, we find that protestants are "parties in interest" and persons "aggrieved or whose interests are adversely affected" within the meaning of Sections 309 (c) and 405 of the Act. Granik, et al., v. FCC, supra. We find further that the protestants have specified with particularity the facts upon which they rely to show that the Commission's grant was not in the public interest. A question is thus presented as to the type of hearing which is required with respect to protestants' issues. Section 309 (c) of the Communications Act of 1934, as amended, states as follows: "The Commission shall, within thirty days of the filing of the protest, render a decision making findings as to the sufficiency of the protest in meeting the above requirements; and, where it so finds, shall designate the application for hearing upon issues relating to all matters specified in the protest as grounds for setting aside the grant, except with respect to such matters as to which the Commission, after affording protestant an opportunity for oral argument, finds, for reasons set forth in the decision, that, even if the facts alleged were to be proven, no grounds for setting aside the grant are presented."

The instant protest contains allegations of fact, and conclusions drawn therefrom by the protestants. The facts alleged, are, in substance, the same as facts which were alleged in correspondence filed by the protestants prior to the Commission's grant of the above-entitled application. Upon consideration of these facts, the Commission then found that a grant of the application would be in the public interest. We have given further consideration to the facts alleged in the protest and upon such consideration, it appears that even if these facts were proven, no grounds would be presented for setting aside our grant. Therefore, we shall afford the parties an opportunity at oral argument to discuss the question of how the facts alleged may bear upon the public interest in said grant. With respect to the litigation in the Florida Courts, it has been the general policy of the Commission not to deny applications because of the pendency of litigation primarily involving private disputes, and it appears to us, in any event, that the alleged breach of contract, if it occurred, would not warrant a denial of the application for transfer. As to the alleged unauthorized transfer of control, we pointed out in a letter to the protestants, dated April 25, 1956, that the Commission's records indicate that full information regarding Esch's ownership interest in Telrad, Inc., has been continuously on file with the Commisison; that there is no evidence that Esch attempted to conceal from the Commisison any pertinent facts concerning the ownership of the permittee corporation; that although Esch owned only 40 percent of the stock of the permittee and surrendered his rights to subscribe for a majority interest, all of the remaining shares of stock continued to be held by Esch's wife and attorney; and that, consequently, although a technical transfer of control *may* have taken place, there was not a violation of the Communications Act or the Commission's Rules sufficiently serious to warrant designating the application for hearing. These questions should be among those to which the parties should address themselves in the argument, as well as any others they deem relevant.[1]

5. The protest filed by Messrs. Granik and Cook requests, in addition that the Commission stay the effective date of its grant of the assignment application and, if such assignment has been actually consummated, require "that Station WMFJ be returned to the Assignor so that the relief requested above can apply." By letter dated June 22, 1956, the Commission requested all parties to this proceeding to submit their comments with respect to the stay provisions of Section 309 (c) as they apply to the matter in question. In the reply filed by Messrs. Granik and Cook, the protestants adopt the position which, they allege, the assignee WMFJ, Inc. took in its intervention in the Court of Appeals case, namely that Section 309 (c) requires the Commission to stay the effectiveness of the grant and that WMFJ, Inc. would be required to relinquish control of Station WMFJ pending a final hearing. In its reply, WMFJ, Inc. requests that the Commission authorize it to continue operating Station WMFJ pending the outcome of the proceeding.[2] In support of its request WMFJ, Inc. alleges that there is little likelihood that Messrs. Granik and Cook will succeed upon the merits; that they have alleged that Mr. Esch is not fit to be a broadcast licensee and if such is the case it is clear that the public interest would be served by WMFJ, Inc. operating the station, since it is a licensee whose qualifications have not been questioned; and that WMFJ, Inc. would be irreparably injured by the return of the license to Mr. Esch. It is argued that WMFJ, Inc. has changed its position substantially by spending money on the station, by reorganizing the staff and programs of the station, by moving the main studios of the station, and by adding considerable new equipment. It is further argued that the dislocation would impair the quality of the service provided to the public and that there is grave doubt whether Mr. Esch could in fact take over the station since he might not be able to secure a lease for the present WMFJ studios. Finally, it is pointed out that denial of the relief requested will in no way harm Messrs. Granik and Cook since the ultimate relief in the case must come in the Florida courts, which courts refused to enjoin the assignment. The reply filed by W. Wright Esch reiterated the arguments advanced by WMFJ, Inc.

6. Section 309 (c) provides, in part, as follows: ". . . pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing."

We are of the opinion that the parties herein have not demonstrated that a denial of a stay of the effective date of the Commission's action granting the assignment "is necessary to the maintenance or conduct of an existing service."[3] Mr. Esch operated Station WMFJ for many years and his inability to resume control of the station has not been established, nor has cessation of the broadcast service of WMFJ been shown to be inevitable under the circumstances. We also conclude that a finding cannot be made "that the public interest requires that the grant remain in effect." The change in the position of the parties was a voluntary one, effectuated with full knowledge that an appeal had been filed on September 22, 1955, to the Commission's original denial of the protest. They were on notice that a change in the status quo might result in financial loss, confusion, inconvenience, personnel displacement or other problems. While we appreciate the extent to which private interests will be affected by a stay of our grant, we are of the view that such circumstance was not within the contemplation of Congress when it provided for a "public interest" finding by the Commission to support an avoidance of a stay. In re transfer of control of KTSA, 14 Pike and Fischer RR 85.

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[1] In a related case involving basically the same issues and the same parties, filed May 21, 1956, the Commisison ordered an oral argument on a protest filed by Messrs. Granik and Cook to the transfer of control of Station WESH–TV from W. Wright Esch to WCOA, Inc. (BTC–2175).

[2] The Commission's files indicate that the assignment of the license for Station WMFJ to WMFJ, Inc. was consummated on October 1, 1955.

[3] In this regard, Messrs. Granik and Cook contend in their letter of July 2, 1956, concerning the stay provisions of Section 309 (c) that the January 20, 1956 amendment to Section 309 (c) is not controlling "since Congress made it quite clear that the amended section was not to be retroactive, and that the provisions of the older Section 309 (c) were to apply to all protests which were filed prior to the adoption of the amendment." We find this contention to be without merit. We have heretofore held that the amendment being remedial or procedural, it is immediately applicable to existing causes of action and not merely to those which may accrue in the future. In re WHEC, Inc., 13 Pike and Fischer RR 500; In re Cherry and Webb Broadcasting Co., FCC 56–731, released July 26, 1956.

7. In view of the foregoing, *It is ordered,* That, the petition for reconsideration filed under Section 405 of the Communications Act is granted to the extent provided for herein and is denied in all other respects; that pursuant to Section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for oral argument at the offices of the Commission in Washington, D. C., on the question whether, if the facts alleged in the protest were to be proven, grounds have been presented for setting aside the grant of said application; and that the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission in the proceeding described below.

8. *It is further ordered,* That the protestants and the Chief, Broadcast Bureau, are hereby made parties to the proceedings herein and that:

(1) The oral argument shall commence at 10:00 A. M. on the 17th day of September, 1956, and shall be held before the Commission en banc;

(2) The parties intending to participate in the oral argument shall file their appearances not later than September 10, 1956;

(3) The parties to the proceeding have until the date of the oral argument to file briefs or memoranda of law.

9. *It is further ordered,* That the parties to the above-entitled application have until October 1, 1956, to return control of Station WMFJ to W. Wright Esch.

Adopted: August 29, 1956.

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7252; Filed, Sept. 7, 1956; 8:54 a. m.]

[FCC 56-829]

[Amdt. 0-24]

CHIEF, COMMON CARRIER BUREAU

AUTHORIZATION TO ACT UPON CERTAIN APPLICATIONS FILED BY TELEPHONE COMPANIES

In the matter of amendment of section 0.255 of Part O, Statement of Organization, Delegations of Authority and Other Information, to provide authorization for the Chief of the Common Carrier Bureau to act upon applications filed by telephone companies under section 221 (a) of the Communications Act of 1934, as amended, where the proposed expenditure for consolidation, acquisition or control is less than $500,000, and where public hearings are not held with respect to such applications.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of August 1956;

The Commission, having under consideration the matter of expediting action on applications filed with it by domestic telephone companies for authority under section 221 (a) of the Communications Act of 1934, as amended, to consolidate their properties or a part thereof into a single company, or for authority for one or more companies to acquire the whole or part of the property of another telephone company or other telephone companies or the control thereof by the purchase of securities, or by lease or in any other like manner; and the requirements of that section, as revised effective August 2, 1956, which provide that public hearings with respect to such applications are mandatory only where a request therefor is made by a telephone company, an association of telephone companies, a State commission or local governmental authority; and

It appearing, that, where public hearings are not held with respect to such applications, it would be conducive to the orderly dispatch of the Commission's business to authorize the Chief of the Common Carrier Bureau to act upon such applications, where the proposed expenditure for consolidation, acquisition or control is less than $500,000;

It further appearing, That Notice of Proposed Rule Making is not required by the provisions of Section 4 of the Administrative Procedure Act since the amendments of the rules herein relate to internal Commission organization and procedure which is not substantive in nature;

It further appearing, that authority for the proposed rule is contained in sections 4 (i) and 5 (d) (1) of the Communications Act of 1934, as amended;

It is hereby ordered, That, effective September 6, 1956, section 0.255 of Part O—Statement of Organization, Delegations of Authority and Other Information, is hereby amended to read as follows:

SEC. 0.255 *Authority concerning section 221 (a) of the Act.* The Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Common Carrier Bureau, is delegated authority:

(a) To determine upon consideration of all relevant factors whether hearings shall be held on applications filed under Section 221 (a) where no request therefor has been made by a telephone company, an association of telephone companies, a State Commission or local government authority;

(b) To fix the time and place for hearings he determines shall be held under (a) above or where a request therefor has been made by a telephone company, an association of telephone companies, a State Commission or local government authority; and to give reasonable notice in writing to the Governor of each of the States in which the physical property affected, or any part thereof, is situated, to the State Commission having jurisdiction over telephone companies, and to such other persons as he may deem advisable; and

(c) To act in all other cases upon applications filed under section 221 (a) where the proposed expenditure for consolidation, acquisition or control is less than $500,000.

Released: September 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7253; Filed, Sept. 7, 1956; 8:54 a. m.]

[Amdt. 0-25]

COMMON CARRIER BUREAU

AMENDMENT OF STATEMENT OF ORGANIZATION

In the matter of amendment of Part 0, Statement of Organization, Delegations of Authority and Other Information, to reflect certain changes in the organization of the Common Carrier Bureau and delegation of authority to the Chief of the Bureau.

The Commission, having under consideration its Order of June 6, 1956, establishing a new Domestic Radio Facilities Division in the Common Carrier Bureau and transferring thereto certain functions of the Telephone Division of such Bureau, and having also under consideration certain other organizational changes heretofore effected in such Bureau, and the need for making appropriate non-substantive editorial amendments to Part 0 so as to set forth such organizational changes, and to clarify the delegation of authority to the Chief of the Bureau in the light of the adoption of Part 21 of our Rules; and

It appearing, that these changes may be made effective immediately, pursuant to the provisions of section 4 of the Administrative Procedure Act;

It is ordered, This 5th day of September, 1956, that, pursuant to the provisions of sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Statement or Organization, Part 0 is amended, effectively immediately, as set forth below.

Released: September 5, 1956.

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

1. Section 0.21 is amended by adding new paragraph (f) to read as follows:

(f) Appraises technological developments in the art and other innovations having applications in the communications common carrier field.

2. Section 0.23 is amended to read as follows:

0.23 *Units in the Bureau.* The Common Carrier Bureau is divided into the following units:

(a) Office of the Bureau Chief
(b) Telegraph Division
(c) Telephone Division
(d) International Division
(e) Domestic Radio Facilities Division

3. Section 0.24 is amended to read as follows:

0.24 *The Office of the Bureau Chief.* The Office of the Chief of the Bureau includes:

(a) Office of Accounting Systems which formulates uniform systems of accounts, regulations for preservation of records, annual report forms, and related rules and regulations, cooperates with Committees of the National Association of Railroad and Utilities Commissioners dealing with the foregoing matters, collects, processes, compiles and publishes common carrier statistical data, and appraises on an across-industry basis technological developments in the art and other innovations having applications in the communications common carrier field. The Office of Acounting Systems includes an Accounting Branch and a Statistical Branch.

(b) Office of the Field Coordinator which supervises and coordinates the work of the Common Carrier Bureau Field Offices located at Room 604, 90 Church Street, New York 7, New York; Room 124, 180 New Montgomery Street, San Francisco, California, and Room 334, 815 Ohio Street, St. Louis, Missouri. The Field Offices are responsible for conducting investigations and studies on any problem assigned by the Office of the Chief of the Bureau; representing the Commission in contacts with the public and the carriers; and conducting compliance activities to assure that there is adherence to the Communications Act and Commission rules and regulations.

(c) Office of the Administrative Assistant which performs the administrative functions of the Bureau.

(d) License Branch which maintains files and records with respect to applications and petitions involving common carrier wire and radio services, and which issues the orders, authorizations, licenses and certificates appropriate thereto after approval of same by the Commission or staff.

4. Delete sections 0.25 and 0.26 and renumber sections 0.27, 0.28 and 0.29 as sections 0.25, 0.26 and 0.27, respectively.

5. Add a new section 0.28 to follow the above renumbered sections to read as follows:

0.28 *Domestic Radio Facilities Division.* The Domestic Radio Facilities Division is responsible for the Bureau's functions pertaining to the regulation of, establishment and implementation of, rules and regulations for, and policies for, and the processing of applications with respect to, the radio services and facilities of the domestic common carriers, including domestic telegraph radio carriers.

6. Section 0.26 (formerly section 0.28 and now renumbered above) is amended to read as follows:

0.26 *Telephone Division.* The Telephone Division is responsible for the Bureau's functions pertaining to telephone matters and telegraph operations of carriers engaged principally in nonrecord communication, including international telephone rate matters, except as delegated herein to the Domestic Radio Facilities Division. The Telephone Division shall include a Wire Services and Facilities Branch, an Accounting Compliance Branch, a Rates and Revenue Requirements Branch, and a Depreciation Rates Branch.

7. Section 0.30 is deleted.

8. Section 0.251 (c) is amended to read as follows:

(c) For developmental stations which render or propose to render a common carrier service.

[F. R. Doc. 56-7254; Filed, Sept. 7, 1956; 8:54 a. m.]

[FCC 56-796]

THIRD PARTY MESSAGES BETWEEN AMATEUR STATIONS OF THE UNITED STATES AND THE REPUBLIC OF PANAMA

AUGUST 24, 1956.

In accordance with an official communication from the Department of State, the Commission is today announcing that a bilateral agreement between the United States and the Republic of Panama directly affecting licensed amateurs of the two countries has been concluded by an exchange of notes. Effective as of 12:01 a. m., e. s. t., on September 1, 1956, under the terms of this agreement, amateur radio stations of the Republic of Panama and of the United States may exchange international messages or other communications from or to third parties, provided:

1. No compensation may be directly or indirectly paid on such messages or communications.

2. Such communications shall be limited to conversations or messages of a technical or personal nature for which, by reason of their unimportance, recourse to the public telecommunications service is not justified. To the extent that in the event of disaster, the public telecommunications service is not readily available for expeditious handling of communications relating directly to safety of life or property, such communications may be handled by amateur stations of the respective countries.

3. This arrangement shall apply to all the continental and insular territory of Panama and of the United States including Alaska, the Hawaiian Islands, Puerto Rico and the Virgin Islands. It shall also be applicable to those cases concerning amateur stations licensed by the United States authorities to United States citizens in other areas of the world in which the United States exercises licensing authority.

4. This arrangement shall be subject to termination by either government on sixty days notice to the other government; by further arrangement between the two governments dealing with the same subject; or by the enactment of legislation in either country inconsistent therewith.

As a matter of related interest, amateur stations licensed by the Federal Communications Commission heretofore have been able, under and in accordance with the terms of previously effected arrangements, to exchange internationally, messages or other communications from or to third parties with amateur stations of Canada, Chile, Cuba, Peru, Ecuador, and Liberia.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7255; Filed, Sept. 7, 1956; 8:55 a. m.]

[FCC 56M-800; Docket No. 11288]

PONCE DE LEON BROADCASTING CO., INC., OF PUERTO RICO, ET AL.

ORDER CONTINUING HEARING

In re applications of Ponce de Leon Broadcasting Co., Inc. of P. R., Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT-1906; Sucesion Luis Pirallo-Castellanos, Mayaguez, Puerto Rico, File No. BPCT-2158; Department of Education of Puerto Rico, Mayaguez, Puerto Rico, File No. BPCT-2159; For Construction Permits for New Television Stations (Channel 3).

The Hearing Examiner having under consideration a joint petition filed on August 30, 1956, on behalf of Sucesion Luis Pirallo-Castellanos and the Department of Education of Puerto Rico, requesting that the hearing in the above-entitled proceeding, now scheduled to be held on September 7, 1956, be postponed until October 29, 1956; and an opposition thereto, filed on August 31, 1956, on behalf of Ponce de Leon Broadcasting Company, Inc., of P. R.; and

It appearing, that a continuance of the hearing in the said proceeding is necessary in view of the fact that an order of designation has not yet been issued by the Commission defining the issues to be resolved therein, and in order to afford sufficient time to hold pre-hearing conferences and to effect an exchange of exhibits between the parties thereto, in compliance with §§ 1.813 and 1.841 of the Commission's rules; and that therefore sufficient good cause has been shown to warrant a grant of the relief requested herein;

It is ordered, This 5th day of September 1956, that the above petition be, and it is hereby, granted, and that the hearing in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m. on Monday, October 29, 1956, in the offices of this Commission, Washington, D. C.

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

[F. R. Doc. 56-7258; Filed, Sept. 7, 1956; 8:55 a. m.]

[FCC 56M-798; Docket No. 11707]

M. F. ELLINOR

ORDER SCHEDULING HEARING

In re application of M. F. Ellinor, Ormond Beach, Florida, For renewal of the license for station KIE 364, a two-way communications facility in the Domestic Public Land Mobile Radio Service, Docket No. 11707, File No. 137-C2-R-56.

It is ordered, this 4th day of September, 1956, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby

scheduled to commence on November 15, 1956, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7259; Filed, Sept. 7, 1956; 8:55 a. m.]

[FCC 56M-797; Docket No. 11775]

RADIO STATION KODY

ORDER SCHEDULING HEARING

In re application of John Alexander, George B. Dent, Jr. and Townsend E. Dent d/b as Radio Station KODY (KODY) North Platte, Nebraska, Docket No. 11775, File No. BP-10333, for construction permit.

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which is scheduled for hearing on September 24, 1956; and

It appearing that counsel for the applicant, the respondent, North Dakota Broadcasting Company, Inc., and the Chief of the Broadcast Bureau have informally consented to appear at the pre-hearing conference hereinafter ordered; now therefore,

It is ordered, This 4th day of September 1956, pursuant to §§ 1.813 and 1.841 of the Commission's Rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C. at 10:00 a. m., on Tuesday, September 11, 1956 for a conference to consider:

1. The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;
2. The possibility of stipulating with respect to facts;
3. The procedures to be followed prior to and at the hearing;
4. The limitation of the number of witnesses;
5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and
6. Such other matters as may aid in the disposition of this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7260; Filed, Sept. 7, 1956; 8:55 a. m.]

MEXICAN BROADCAST STATIONS

NOTIFICATION UNDER THE PROVISIONS OF PART III, SECTION 2 OF THE NORTH AMERICAN REGIONAL BROADCASTING AGREEMENT

List of changes, Proposed changes, and Corrections in Assignments of Mexican Broadcast Stations Modifying the Appendix Containing Assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

MEXICAN LIST NO. 195

AUGUST 15, 1956.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Probable date of change or commencement of operation
		600 kilocycles				
XEXL	Patzcuaro, Michoacan (delete assignment—vide 1370 kc.).	250w	ND	U	IV	Aug. 15, 1956
		920 kilocycles				
XEBH	Hermosillo, Sonora (change call letters from XEQN).	5 kw D/1 kw N	ND	U	III	Do.
XEXV	Veracruz, Veracruz (new)	5 kw D/250 w N		U	IV	Feb. 15, 1957
		1010 kilocycles				
XEDX	El Sauzal, Baja California (increase power).	1 kw D/250 w N		U	II	Nov. 15, 1956
		1300 kilocycles				
XEYS	Nueva Rosita, Coahuila (change in time of operation).	1000 w D/100 w N	ND	U	IV	May 15, 1956
		1370 kilocycles				
XEXL	Patzcuaro, Michoacan (change in freq. from 600 kc.).	10 kw D/0.1 kw N		U	IV	Feb. 15, 1957
		1470 kilocycles				
XERL	Colima, Colima (increase in night power).	1 kw	DA-N	U	III	Nov. 15, 1956
		1540 kilocycles				
XEQN	Hermosillo, Sonora (change in call letters from XEBH).	5 kw	ND	U	II	Aug. 15, 1956

FEDERAL COMMUNICATIONS COMMISSION,
DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7256; Filed, Sept. 7, 1956; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18220, Amdt.]

JOHN H. RODE

In re: Estate of John H. Rode, deceased; File No. D-28-13033.

Vesting Order 18220, dated July 23, 1951, is hereby amended as follows and not otherwise:

1. By inserting in Paragraph 1 of said Vesting Order 18220 in lieu of the name "Marie Luehrs, nee Rode", the words "the domiciliary personal representatives, heirs at law, next of kin, distributees and legatees of Marie Luehrs, nee Rode, including but not limited to Hinrich Willi Luehrs and Deidrich Heinrich Luehrs."

2. By inserting in Paragraph 2 of said vesting order immediately following the words "Subparagraph 1 hereof" the words "and the domiciliary personal representatives, heirs at law, next of kin, distributees and legatees of Marie Luehrs, nee Rode."

All other provisions of said Vesting Order 18220 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 6, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-7241; Filed, Sept. 7, 1956; 8:55 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF SIEGFRIED AND MARIE DE KADT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Siegfried and Marie de Kadt, and Wilhelmina Meyers, L. S. Claim No. 361; Norfolk & Western Railway Company 4/96 Bond No. 5686, in the principal amount of $1,000.

Mrs. Marguerite Dentz, L. S. Claim No. 365; Southern Pacific Company-San Francisco Terminal 4/50 Bonds Nos. 3567 and 3568, in the principal amount of $500 each.

Louisa Barrou Nunes da Costa, L. S. Claim No. 402; Kansas City Southern Railway Company 3/50 Bond No. 11933, in the principal amount of $1,000.

Alexander Hendrik and J. B. de Hes, L. S. Claim No. 479; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 72477, in the principal amount of $1,000.

Sophia Meyer, Joseph Vredenburg, Julius Inglsesby, and Juliette and Justus Philips, L. S. Claim No. 646; American & Foreign Power Company 5/2030 Debenture No. 855, in the principal amount of $500.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., August 22, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–7222; Filed, Sept. 7, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF ROOSJE FREDERICA VAN GENDERINGEN-POLAK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Roosje Frederica van Genderingen-Polak and Arthur Polak, L. S. Claim No. 664; Central Pacific Railway Company 4/49 Bond No. 89119, in the principal amount of $1,000.

Clara Poliakoff and Nora Kan, L. S. Claim No. 667; Southern Pacific Company 4/49 Bond No. 3767, in the principal amount of $500.

Adriana Citroen, L. S. Claim No. 669; Cities Service Company 5/58 Debenture No. 24505, in the principal amount of $1,000.

Serliena Boon and Markus Polak, L. S. Claim No. 700; Cities Service Company 5/69 Debenture No. 31304, in the principal amount of $1,000.

J. L. Sanders and I. Pais, L. S. Claim No. 710; Atchison, Topeka and Santa Fe Railway Company, 4/95 Bond No. 3532, in the principal amount of $500.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., August 22, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–7223; Filed, Sept. 7, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF MRS. FRIEDERIKA ABAS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Mrs. Friederika Abas, L. S. Claim No. 77; Cities Service Company 5/69 Debenture No. 18671, in the principal amount of $1,000.

Anna and Leopold Vromen, Sophie Meerlo, Dr. Louis and Adolf Schaap, Henriette Kiek, Sophie van Oven, Mirian, Sophie, Nathan, Elkan and Vera Sharp, Louise Pimentel, Beatrice van Hulst, Heleen Querido, Grietje van Dam, Louise Speyer, Herman and Maurits Hijmans, Liena Ali van Genderingen, Estella Hartog, Albert Joachimsthal, Philip, Louise, Samuel and Louis Hartz, and Melanie Hijmans-Menco, L. S. Claim No. 85; Cities Service Company 5/69 Debenture No. 48675, in the principal amount of $1,000.

Adolf, Frans and Jacques Simons, L. S. Claim No. 724; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 7610, in the principal amount of $1,000.

Hazel Possmentier, L. S. Claim No. 726; Southern Pacific Company 4/49 Bond Nos. 3017, 5741, 5742, in the principal amount of $1,000 each; and Southern Pacific Company 4/49 Bond Nos. 6601, 6605, 7940 and 6718, in the principal amount of $500 each.

David Stibbe and Jacoba Wiemer, L. S. Claim No. 753; Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 13422, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., August 22, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–7224; Filed, Sept. 7, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF ROSETTA DEKKER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Rosetta Dekker and Mathilda Cohen, L. S. Claim No. 88; $2,234.86 in the Treasury of the United States.

Mrs. S. C. Kars, Mrs. E. Bildner and Mrs. J. Schalkner (heirs of Johanna Hedwig van Straaten) L. S. Claim No. 89; $2,234.86 in the Treasury of the United States.

Eleazar Cijfer, L. S. Claim No. 91; $5,266.13 in the Treasury of the United States.

Jeannette van den Bergh, L. S. Claim No. 94; $2,314.47 in the Treasury of the United States.

Jeanette Rens, Herman Daniels, Marten Jan Bosma, Frits Tacx, Joseph Brandon and Louisa Bartels, L. S. Claim No. 97; $1,520.50 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on August 22, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–7225; Filed, Sept. 7, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF LEVIE ELTE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Levie Elte, L. S. Claim No. 381; $392.08 in the Treasury of the United States.

Grietje Frank, L. S. Claim No. 405; $784.16 in the Treasury of the United States.

Sientje Leydesdorff and Dr. Maurits Hirschel, L. S. Claim No. 407; $784.16 in the Treasury of the United States.

Rosetta Sons, L. S. Claim No. 420; $392.08 in the Treasury of the United States.

Louise, Reine, Henriette van Gigch, L. S. Claim No. 428; $392.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–7226; Filed, Sept. 7, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF R. AND MISS A. R. APPEL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

R. and Miss A. R. Appel, R. A. Worms, E. Messias, J. M. Goudeket, J. Goudeket, R. Goudeket and I. van der Woude, L. S. Claim No. 255; $392.08 in the Treasury of the United States.

Celine Samuels, Max and Maurice Aronowitz, L. S. Claim No. 262; $1,568.32 in the Treasury of the United States.

Atie de Vries, L. S. Claim No. 279; $196.04 in the Treasury of the United States.

Barend Beesemer, L. S. Claim No. 281; $784.16 in the Treasury of the United States.

Henriette Cohen, L. S. Claim No. 452; $392.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7227; Filed, Sept. 7, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF SAMUEL JACQUES BENDIK, ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Samuel Jacques Bendik (J. Bendiks), L. S. Claim No. 285; $784.16 in the Treasury of the United States.

Mrs. Kitty Levy, Misses Millie and Fay West, Philip West, Mrs. Clara and Stella Lewis, Mrs. Millie van Amerongen, Jack, Jane, Fay, Sara and Roli Coleman, and Roli Benjamin, L. S. Claim No. 287; $392.08 in the Treasury of the United States.

I. L. Palache and F. I. Hess, L. S. Claim No. 294; $392.08 in the Treasury of the United States.

Mrs. Alice Blauw, L. S. Claim No. 295; $392.08 in the Treasury of the United States.

Betsy Stodel, L. S. Claim No. 313; $392.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7228; Filed, Sept. 7, 1956; 8:50 a. m.]

GERDA CAMPREGHER GEB. MERKLE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gerda Campregher geb. Merkle, Krems a/Donau, Oberelandstr. 33, Austria, $127.55 in the Treasury of the United States. Rudolf Merkle, Krems a/Donau, Oberelanstr. 33, Austria, $127.55 in the Treasury of the United States. Anton Merkle, Krems a/Donau, Oberelandstr. 33, Austria, $127.55 in the Treasury of the United States; Claim No. 45020.

Gertrude Wedl geb. Kaufmann, Furth, No. 130, Austria, $191.32 in the Treasury of the United States. Johann Kaufmann, Furth, No. 8, Austria, $191.33 in the Treasury of the United States; Claim No. 45070; Vesting Order No. 3265.

Executed at Washington, D. C., on August 22, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7229; Filed, Sept. 7, 1956; 8:50 a. m.]

HEINRICH CHRISTENSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Heinrich Christensen, Copenhagen S. V., Denmark, Claim No. 36713, Vesting Order No. 664; Property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent No. 2,062,968.

Executed at Washington, D. C., on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7230; Filed, Sept. 7, 1956; 8:50 a. m.]

HANS LAUER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hans Lauer, Tel-Aviv, Israel, Claim No. 37622, Hellmit Lauer, Tel-Aviv, Irael, Claim No. 40621, to each claimant $2,688.49 in the Treasury of the United States. Vesting Order No. 6066.

Executed at Washington, D. C., on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7231; Filed, Sept. 7, 1956; 8:51 a. m.]

ABEL LOUIS LUCIEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Abel Louis Lucien, Delavenna, Paris, France; Claim No. 36714; Vesting Order No. 666; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,180,668.

Executed at Washington, D. C., on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7232; Filed, Sept. 7, 1956; 8:51 a. m.]

PIETER SMIT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Pieter Smit, Santpoort, The Netherlands; Claim No. 4622; property described in Vesting Order No. 291 (7 Fed. Reg. 9834, November 26, 1942), relating to Patent Application Ser. No. 359,575; and all right, title and interest in and to Patent Application Ser. No. 587,425, a division of original application Ser. No. 359,575.

Executed at Washington, D. C., on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7233; Filed, Sept. 7, 1956; 8:52 a. m.]

MARIA LANNUZZI VIGGIANI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Lannuzzi Viggiani, Paternopoli Province, Avellino, Italy, Claim No. 57676; Vesting Order No. 1456; $859.68 in the Treasury of the United States. All right, title, interest, and claim of any kind of Maria Iannuzzi Viggiani in and to the trust created under the will of Enrico Viggiani, deceased, and vested by Vesting Order No. 1456.

Executed at Washington, D. C., on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7234; Filed, Sept. 7, 1956; 8:52 a. m.]

MINORU TAKIGUCHI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Minoru Takiguchi, Makoto Takiguchi, Floyd Takiguchi, Yoshiko Takiguchi, Mas-Ako Takiguchi, Glendale, Arizona, and Yaeko Takiguchi, Fukuoka-shi, Japan, Claim No. 62662; Vesting Orders Nos. 13301 and 13302; to each claimant one-sixth of the following property: $2,486.50 in the Treasury of the United States.

Executed at Washington, D. C., on August 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7235; Filed, Sept. 7, 1956; 8:52 a. m.]