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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10641

AMENDING THE CIVIL SERVICE RULES BY ADDING RULE VIII—APPOINTMENTS TO OVERSEAS POSITIONS

By virtue of the authority vested in me by section 1753 of the Revised Statutes (5 U. S. C. 631), section 2 of the Civil Service Act of January 16, 1883 (22 Stat. 403), and section 3 of the Civil Service Retirement Act of May 29, 1930, as amended, and in order to facilitate the employment of personnel by Federal agencies for service in foreign countries and beyond the continental limits of the United States, and to further the objective of extending the competitive service to Federal positions overseas, the Civil Service Rules are hereby amended by adding Rule VIII reading as follows:

RULE VIII—APPOINTMENTS TO OVERSEAS POSITIONS

SEC. 8.1 *Additional authority of the Commission.* In addition to authorizing the recruitment and appointment of persons to overseas positions under regulations issued under the preceding Rules, the Commission may, by the regulations prescribed by it, authorize the recruitment and appointment of persons to such positions as provided in section 2 of this Rule. As used in this Rule, "overseas positions" means positions in foreign countries and in other areas beyond the continental limits of the United States, except as provided in section 8.4 hereof.

SEC. 8.2 *Appointment of United States citizens.* United States citizens may be recruited overseas for appointment to overseas positions in the competitive service without regard to the competitive requirements of the Civil Service Act. Persons so recruited who meet the qualification standards and other requirements of the Commission for overseas positions may be given appointments to be known as "overseas limited appointments." Such appointments shall be of temporary or indefinite duration, and shall not confer the right to acquire a competitive status. The Commission may authorize overseas limited appointments for United States citizens recruited within the continental limits of the United States whenever it determines that it is not feasible to appoint from a civil-service register. Persons serving under appointments made pursuant to this section are hereby excluded from the operation of the Civil Service Retirement Act of May 29, 1930, as amended, unless eligible for retirement benefits by continuity of service or otherwise.

SEC. 8.3 *Appointment of persons not citizens of the United States.* Persons who are not citizens of the United States may be recruited overseas and appointed to overseas positions without regard to the Civil Service Act.

SEC. 8.4 *Positions excepted from the application of this Rule.* This Rule shall not apply to positions in Hawaii, Puerto Rico, the Virgin Islands, and Alaska, and on the Isthmus of Panama.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 26, 1955.

[F. R. Doc. 55-8799; Filed, Oct. 27, 1955; 1:54 p. m.]

EXECUTIVE ORDER 10642

SUSPENDING CERTAIN STATUTORY PROVISIONS RELATING TO EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by section 202 of the Department of Commerce and Related Agencies Appropriation Act, 1956 (69 Stat. 235; Public Law 121, 84th Congress), and section 610 of the Department of Defense Appropriation Act, 1956 (69 Stat. 315; Public Law 157, 84th Congress), relating to certain kinds of employment in the Canal Zone, and deeming such course to be in the public interest, I hereby suspend, from and including the effective date of the said acts, compliance with the provisions of the said sections: *Provided*, that this suspension shall not be construed to affect the provisions of the said sections relating to the amount of compensation that may be received by persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company the stock of which is owned

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FEDERAL REGISTER

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wholly or in part by the United States Government.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 26, 1955.

[F. R. Doc. 55-8800; Filed, Oct. 27, 1955; 1:54 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

Subchapter A—Civil Service Rules

PART 08—RULE VIII—APPOINTMENTS TO OVERSEAS POSITIONS

EDITORIAL NOTE: Rule VIII (codified in the Code of Federal Regulations as Part 08, §§ 08.1 to 08.4, of Title 5) has been added to the Civil Service Rules by Executive Order 10641, *supra*.

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.8]

PART 366—PAYMENT IN FULL

SUBPART B—SOIL AND WATER CONSERVATION ACCOUNTS

Part 366, Title 6, Code of Federal Regulations (20 F. R. 4175) is amended to add a new Subpart B covering the repayment in full of Soil and Water Conservation accounts, to read as follows:

Sec.
366.21 General.
366.22 Payment in full of insured Soil and Water Conservation loan with borrower funds, including refinancing and sale of farm.
366.23 Payment in full of insured Soil and Water Conservation loan by refinancing with holder of insured note on a non-insured basis.
366.24 Payment in full of direct Soil and Water Conservation loan made pursuant to Public Law 597, 83d Congress.

AUTHORITY: §§ 366.21 to 366.24 issued under R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590w (3), 590x (3). Interpret or apply secs. 2 (3), 5, 50 Stat. 869, 870, secs. 9, 10, 68 Stat. 735, 736; 16 U. S. C. 590s (3), 590v, 590x-2, 590x-3.

§ 366.21 *General.* This part sets forth the authorizations, policies, and procedures for processing final payment on insured and direct Soil and Water Conservation loans made pursuant to the Act of August 28, 1937, as amended by Public Law 597, 83d Congress (16 U. S. C. 590r et seq.). Final payments on direct Water Facilities loans coded J will be handled in accordance with § 361.7 of this chapter.

(a) *Authority.* The County Supervisor is authorized to accept final payment on a Soil and Water Conservation loan and to execute the necessary releases and satisfactions in connection with the indebtedness.

(1) The State Director with the assistance of the Attorney in Charge may issue a State Instruction regarding the release of Soil and Water Conservation loan mortgages. Form FHA-77, "Satisfaction," may be used when permitted by State statutes. If Form FHA-77 is not satisfactory, the State Director may secure from the Attorney in Charge a form of satisfaction.

(2) If State law requires recording or filing of the satisfaction by the mortgagee, two executed copies of the satisfaction will be prepared and the additional copy will be recorded or filed by the County Supervisor with the proper recording official.

(b) *Loan insurance charges when loan is repaid*—(1) *Repayment of the loan after borrower has used loan funds.* In all cases of final payment or refinancing of insured loan indebtedness when the borrower has had use of loan funds, he will be required to pay the entire annual loan insurance charge computed for the year then current, if not already paid. This charge will be one percent of the unpaid principal amount due on the promissory note as of January 1 preceding the date final payment is made on the note account. For the purpose of computing this charge, the date final payment is made on the note account will be the date the funds for final payment or refinancing of the note account are received by the County Supervisor for transmittal to the Finance Office. In transactions where final payment or refinancing of the note account is accomplished by the exchange of promissory notes without funds being paid to the Farmers Home Administration, the date final payment is made on the note account will be considered to be the date the insured loan is refinanced. This will be the date entered by the holder in the space entitled "Final Payment Received" in Form FHA-993, "Notice of Receipt of Final Payment on Insured Loan."

(2) *Loan funds refunded in full after loan closing.* If an insured loan borrower decides to refund in full his Soil and Water Conservation loan, he will be required to pay a loan insurance charge from the date of loan closing to the date the Treasury check is remitted to the lender. In the event the borrower has prepaid his loan insurance charge, any overpayment will be refunded by the Finance Office unless the borrower has a delinquent loan account, in which case, the overpayment will be applied to the delinquent loan account. (Interest will be charged on the note account from the date of loan closing to the date the Treasury check is remitted to the lender.)

§ 366.22 *Payment in full of insured Soil and Water Conservation loan with borrower funds, including refinancing and sale of farm*—(a) *Determining balance of indebtedness and collection.* When the borrower is ready to make his

final payment, the County Supervisor upon receipt of Form FHA–835 from the Finance Office will compute the amount necessary to repay in full the note and loan insurance accounts.

(1) Interest on the note account will be calculated to a date 10 days (20 days if payment is made by uncertified check drawn on the bank account of an individual) beyond the date on which the collection is received by the County Supervisor. Any overpayment will be refunded to the borrower by the Finance Office unless the borrower is delinquent on another loan account, in which case, the overpayment will be applied to the delinquent loan account. On any advances made for the account of the borrower from the insurance fund, interest will be calculated to the date the payment of the loan insurance account is received by the County Supervisor.

(2) The County Supervisor will collect from the borrower the full amount, if any, owned the loan insurance account and the balance of the principal and interest due on the note account.

(b) *Finance Office action*—(1) *Adjustment of records.* Upon receipt of the collection in the Finance Office, if the collection pays in full the outstanding balance of the loan insurance account to the date of receipt issued to the borrower and the outstanding balance of the note account to the date of the Treasury check to be issued to the holder, the Director, Finance Office, will sign the original and two copies of Section II of Form FHA–993 and will satisfy the Finance Office records as a fully paid account.

(2) *Notice to holder.* The Finance Office will furnish the original and two copies of Form FHA–993 to the holder and will advise the holder that the borrower has made final payment of the note account. The Finance Office will inform the holder of the unpaid balance of principal and interest on the note account to the date of the Treasury check and request the holder to execute Section I of the original and one copy of Form FHA–993 and the canceled prom-Treasury check if the amount of the Treasury check is in agreement with his records. The holder also will be requested to send the executed copies of Form FHA–993 and the canceled promissory note to the County Supervisor.

(c) *County Office action.* Upon receipt of the canceled promissory note and the original and one copy of the completed Form FHA–993 from the holder, the County Supervisor will prepare an instrument of satisfaction, if needed. The canceled promissory note and the satisfied mortgage will be delivered to the borrower. The County Supervisor will make proper distribution of any property insurance as prescribed in Farmers Home Administration Instructions for Farm Ownership program real property insurance.

(d) *Escrow arrangements.* In any case in which a lender or purchaser insists upon a satisfaction of the mortgage and cancellation of the note at the time the Soil and Water Conservation loan is paid in full, he will be advised that he may make his own escrow arrangements. All accounts owed by the borrower on the note and loan insurance accounts must be paid to the County Supervisor, as collection agent for the lender and the Government, at the time the satisfaction is delivered to the escrow agent. The note may be delivered by the lender to the escrow agent before or at the time of delivery of the satisfaction to him. The escrow agent will cancel the note at the time the funds paying the loan in full are given to the County Supervisor, and then forward the note to the borrower. No part of the expense for an escrow arrangement will be paid by the Government.

§ 366.23 *Payment in full of insured Soil and Water Conservation loan by refinancing with holder of insured note on a non-insured basis.* This section applies when final payment of an insured Soil and Water Conservation loan is to be made by refinancing by the holder of the insured note on a non-insured basis. In such a case, final payment of the note account may be accomplished by exchanging a non-insured note for the insured promissory note. Since no funds are involved in final payment of the note account, only the collection of the loan insurance account will be transmitted to the Finance Office.

(a) *Collection of loan insurance account.* When final payment of the note account of the insured borrower is to be accomplished by the above method, the County Supervisor, upon receipt of Form FHA–835 from the Finance Office, will collect from the borrower the full amount, if any, owed the loan insurance account. If Form FHA–835 shows an unpaid balance of any amount advanced from the insurance fund, the County Supervisor will compute the interest on such amount to the date he receives payment.

(b) *Preparation of Form FHA–993.* The County Supervisor will complete the information in Section I of Form FHA–993 with respect to the borrower and the promissory note and will check the appropriate blocks in Section III. The original and two copies of the partially completed Form FHA–993 will be delivered to the holder of the insured loan. The County Supervisor will inform the holder of the outstanding balance of principal and interest on the insured note account as of the date of Form FHA–835 and the daily rate of accrual of interest. The County Supervisor will request that, if such amount is in agreement with the holder's records, the holder should insert the date the final payment is received (date insured loan is refinanced), execute the original and one copy of Form FHA–993, and return to the County Supervisor the executed original and copy of Form FHA–993 together with the canceled promissory note.

(c) *County Office action.* After the Finance Office has determined that the full amount owed the insurance account has been paid and forwarded the completed copy of Form FHA–993 to the County Office, the County Supervisor will issue an appropriate form of satisfaction, if needed. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower. Property insurance will be canceled in accordance with Farm Ownership program instructions covering real property insurance.

§ 366.24 *Payment in full of direct soil and water conservation loan made pursuant to Public Law 597, 83d Congress.* Upon receipt of Form FHA–835 from the Finance Office, the County Supervisor will notify the borrower that he is prepared to accept final payment.

(a) *Delivery of documents after note stamped "Paid in Full" is received from the Finance Office.* Upon receipt from the Finance Office of the note, stamped paid in full the County Supervisor will deliver the stamped note, any property insurance policies, and the original mortgage to the borrower. For all real estate loans and when required for notes secured by chattel property, a satisfaction executed in accordance with the State instruction will be delivered to the borrower for recording if desired.

Dated: October 25, 1955.

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

[F. R. Doc. 55–8779; Filed, Oct. 28, 1955; 8:53 a. m.]

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

Subchapter B—Loans, Purchases, and Other Operations

[1955 CCC Cotton Bulletin 1, Amdt. 5]

PART 427—COTTON

SUBPART—1955 COTTON LOAN PROGRAM

CORRECTION OF BASIC WAREHOUSE LOAN RATE FOR HELENA, ARKANSAS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 20 F. R. 4353, 6151, 6238, 6373, and 7483 and containing the instructions and requirements with respect to the 1955 Cotton Loan Program are hereby amended to correct the basic warehouse loan rate for Helena, Arkansas as follows:

In § 427.633 (Basic loan rates by warehouse locations) make the following change: Under Arkansas, the basic loan rate for Helena, Phillips County, is decreased from 33.55 to 33.54.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 25th day of October 1955.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55–8758; Filed, Oct. 28, 1955; 8:49 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

Part 518—Fruits and Berries, Dried and Processed

SUBPART A—DATE DIVERSION PAYMENT PROGRAM WMD 29a (1955 MARKETING SEASON)

Sec.

518.520 General statement.
518.521 Rate of payment.
518.522 Eligibility for payment.
518.523 Claims for payment supported by evidence of compliance.
518.524 Records and accounts.
518.525 Amendment and termination.
518.526 Persons not eligible for payment.
518.527 Set-off.
518.528 Joint payee or assignment.
518.529 Good faith.
518.530 Definitions.

AUTHORITY: §§ 518.520 to 518.530 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 518.520 *General statement.* (a) In order to encourage the domestic consumption of dates produced in the continental United States by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments on dates diverted under the terms and conditions set forth in this subpart.

(b) Information pertaining to this program and forms prescribed for use hereunder may be obtained from the following:

Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1031 South Broadway, Los Angeles 15, California.

A. A. Garda, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Fourteenth Street and Independence Avenue SW., Washington 25, D. C.

§ 518.521 *Rate of payment.* The rate of payment applicable to dates diverted in accordance with the terms and conditions contained herein shall be 3.0 cents per net pound of dates whose moisture content does not exceed an average of 25 percent. A deduction of 0.05 cents per pound shall be made for each whole or fractional percent by which the moisture content exceeds 25 percent.

§ 518.522 *Eligibility for payment—*(a) *Program participation.* Payments will be made to any individual, partnership, association of growers or packers, or corporation located in the continental United States (1) who executes and files with the Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Fourteenth Street and Independence Avenue SW., Washington 25, D. C., no later than July 31, 1956, in triplicate, an application to divert as set forth on forms attached hereto, (2) whose application is approved by the Administrator, (3) who diverts, as defined in § 518.530 (c), eligible dates, whether directly or through an agent or subcontractor, (4) who files claim as provided in § 518.523 and (5) who otherwise complies with all the terms and conditions of this program. Applications will be considered in the order submitted and in accordance with the availability of funds. An application must be submitted for each new product or additional poundage and must be approved before diversion of the dates. The Administrator will give notice to the diverter of the approval or nonapproval of each application. Approved applications may be modified or amended with the written consent of the Administrator.

(b) *Eligible dates.* Dates diverted under this program shall: (1) Have been produced in the United States; (2) be whole or pitted; (3) be of the Deglet Noor variety; (4) be not less than U. S. Grade C or U. S. Grade C (Dry) of the United States Standards for Grades of Dates, effective August 26, 1955; and (5) be either (i) certified as "restricted," pursuant to the Order Regulating the Handling of Domestic Dates Produced or Packed in Los Angeles and Riverside Counties of California (20 F. R. 5056) (hereinafter referred to as the "Marketing Order"), or (ii) ineligible for certification as "restricted" pursuant to the Marketing Order because they score 28 or 29 points for character.

(c) *Inspection.* The dates diverted shall have been inspected, check weighed and the moisture content determined prior to diversion. The inspection, check weighing, moisture test and the observation of diversion shall be performed by an inspector of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "USDA inspector"). Where diverter sells macerated or paste form dates for use outside of California and Arizona, the outbound shipment shall be checkloaded by a USDA inspector. The cost of inspection, weighing, issuance of certificates, observation of diversion and checkloading shall be borne by the diverter.

(d) *Period of diversion.* No payment under this program will be made in connection with any dates diverted unless the diversion was accomplished by the diverter after the date of approval of his application and prior to 12 o'clock midnight, p. s. t., September 30, 1956.

§ 518.523 *Claims for payment supported by evidence of compliance.* (a) Diverters shall file claims for payment not later than October 31, 1956, with the Western Area Administrative Division, Agricultural Marketing Service, United States Department of Agriculture, 1515 Clay Street, 6th Floor, Oakland 12, California, *Provided,* That, upon written request of the diverter stating substantial reason therefor, the Administrator may, if he deems it desirable, grant an extension of time for the filing of claims.

(b) Each claim for payment shall be filed in an original and two copies on Form AMS–21 (Public Voucher—Commodity Program), and shall show the number assigned by the USDA to the related approved application, and shall be supported by:

(1) The original or one signed copy of the inspection certificate or certificates required in § 518.522 (c) accompanied by a signed statement of a USDA inspector that he observed the diversion of the dates covered by the certificate into the approved product.

(2) The original or signed copy of a certification of the diverter that he has diverted a specified number of pounds of eligible dates as defined in § 518.522 (b) in the manner specified in § 518.530 (c).

(3) Where diverter sells dates in macerated or paste form for use outside of the States of California and Arizona, the following additional documents must be submitted: (i) One signed copy of railroad or trucker's bill of lading. The bill of lading must indicate the lot number, code, brand markings or other reference sufficient to identify the dates loaded on board the carrier; (ii) one signed or certified copy of the sales contract or written agreement of the buyer stipulating that the macerated or paste form dates will be used only outside of the States of California and Arizona and only in products distributed outside such states; and (iii) certification of checkloading by USDA inspector.

(4) Such other documents as may be required by the Secretary as evidence of diversion hereunder.

§ 518.524 *Records and accounts.* Each diverter shall maintain accurate records of diversion hereunder. Such records, accounts, and other documents relating to dates diverted under this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture and shall be preserved until at least October 31, 1958.

§ 518.525 *Amendment and termination.* This program may be amended or terminated by the Administrator at any time, but the amendment or termination shall not be effective, earlier than the date of filing with the Federal Register Division. No amendment or termination shall be applicable to any dates covered by an application approved before the effective time of such amendment or termination.

§ 518.526 *Persons not eligible for payment.* No Member of, or Delegate to, Congress, or Resident Commissioner, shall be admitted to any share or part of any contract resulting from this program or to any benefits that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit, or to any such person acting in his capacity as a date producer.

§ 518.527 *Set-off.* The Secretary may set off, against any amount owed to any diverter hereunder, any amount owed by such diverter to the Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States. Set-off as provided in this subpart shall not deprive the diverter of the right to contest

the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 518.528 *Joint payee or assignment.* A diverter may name a joint payee on claim for payment or may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended (31 U. S. C. 203, 41 U. S. C. 15), the proceeds of any claim to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided,* That, such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the Administrator, together with a true copy of the instrument of assignment, in accordance with the instructions on Form AMS–66 "Notice of Assignment," which form must be used in giving notice of assignment to the Administrator. The "Instrument of Assignment" may be executed on Form AMS–347 or the assignee may use his own form of assignment. The AMS forms may be obtained from the Administrator or the Western Area Administrative Division.

§ 518.529 *Good faith.* If the Administrator determines that any diverter has not acted in good faith in connection with any transaction under this program, or has failed to discharge fully any obligation assumed by him under this program, such diverter may be denied the right to continue participating in this program or the right to receive payment under this program in connection with any diversion previously made under this program, or both.

§ 518.530 *Definitions.* As used in this subpart, the following terms have the following meanings:

(a) "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized representative of the Secretary.

(b) "Administrator" means the Administrator, Agricultural Marketing Service, USDA, or any representative of the Secretary to whom said Administrator has delegated authority to perform functions vested in him.

(c) "Diversion" means (1) the processing of domestically produced dates into rings, chunks, pieces, butter, or other products approved by the Administrator wherein the dates lose their form as whole or pitted dates (except dates in macerated or paste form for use inside the States of California or Arizona), or (2) the production and sale for use outside of the States of California and Arizona of dates in macerated or paste form. Approved products, other than those specifically named herein, shall be restricted to those for which it is determined, on the basis of Departmental and such other sources as are reasonably available, that there has been no commercial sale, other than on an experimental basis or under a previous Department diversion program, prior to the effective date of this program. Butter as distinguished from macerated dates or paste, shall mean finely ground dates of near powder consistency, stabilized by additives such as sugar or citric acid, having a full bodied date flavor and odor, having a uniform color and containing moisture sufficient to permit easy spreading. For purposes of this program, date pieces, crunchies, or other small date units may be made directly from whole or pitted dates or indirectly from macerated dates.

(d) Styles of dates: (1) "Whole" or "whole dates" means whole unpitted dates from which the pits have not been removed and which may be slit longitudinally; (2) "pitted" or "pitted dates" means whole dates from which the pits have been removed.

(e) "Application" means Form FV–488 [1] (9–26–55), "Application For Participation in Date Diversion Payment Program WMD 29a and For Approval of Diversion Product."

(f) "Filed": Applications, claims and related documents are deemed to be filed on the date postmarked by a U. S. Post Office if mailed or when received by the appropriate USDA office if otherwise delivered.

Effective date. This program shall become effective at 12:01 a. m., e. s. t., November 1, 1955.

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

Dated this 26th day of October 1955.

[SEAL] S. R. SMITH,
Representative of the Secretary of Agriculture.

[F. R. Doc. 55–8772; Filed, Oct. 28, 1955; 8:51 a. m.]

TITLE 7—AGRICULTURE

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

PART 29—TOBACCO INSPECTION

SUBPART D—ORDERS OF DESIGNATION OF TOBACCO MARKETS

HENDERSON, KY., AND GATE CITY, VA., TOBACCO AUCTION MARKETS

Upon referenda conducted, pursuant to prior notice (20 F. R. 7077), during the period October 6, 1955–October 8, 1955, both dates inclusive, among tobacco growers, who, during the 1954–55 marketing season, sold tobacco at auction on the market at Henderson, Kentucky, and on the market at Gate City, Virginia, it is found that more than two-thirds of the growers voting in each such referendum favor the designation of each such market under section 5 of the Tobacco Inspection Act (7 U. S. C. 511 et seq.) for the free and mandatory inspection and certification of tobacco sold on each such market. Therefore, pursuant to the authority vested in the Administrator of the Agricultural Marketing Service, and for the purposes of said Act, the orders of designation of tobacco markets (7 CFR 29.601) are amended by adding thereto at the end thereof the following paragraph (ss):

§ 29.601 *Designation of tobacco markets.* * * *

(ss) *The tobacco markets at Henderson, Kentucky, and Gate City, Virginia.* Effective 30 days after the date of publication in the FEDERAL REGISTER no tobacco of any type shall be offered for sale at auction on the market at Henderson, Kentucky, and on the market at Gate City, Virginia, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under the Tobacco Inspection Act (7 U. S. C. 511 et seq.): *Provided, however,* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspectoin is not sufficient to justify the cost of such service.

(Sec. 14, 49 Stat. 734; 7 U. S. C. 511m)

Issued this 25th day of October 1955.

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

[F. R. Doc. 55–8756; Filed, Oct. 28, 1955; 8:49 a. m.]

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DEHYDRATED (LOW-MOISTURE) APPLES [1]

On March 27, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 1669) regarding a proposed issuance of United States Standards for Grades of Dehydrated (Low-moisture) Apples.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Dehydrated (Low-moisture) Apples are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.):

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.2341 Product description.
52.2342 Styles of dehydrated apples.
52.2343 Grades of dehydrated apples.

FACTORS OF QUALITY

52.2344 Ascertaining the grade.
52.2345 Ascertaining the rating for the factors which are scored.
52.2346 Color.
52.2347 Uniformity of size.
52.2348 Absence of defects.
52.2349 Texture.

EXPLANATIONS AND METHODS OF ANALYSES

52.2350 Explanation of methods and analyses.

[1] Filed as part of original document.

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

LOT CERTIFICATION TOLERANCES

Sec.
52.2351 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2352 Score sheet for dehydrated apples.

AUTHORITY: §§ 52.2341 to 52.2352 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2341 *Product description.* Dehydrated (low-moisture) apples, hereinafter referred to as "dehydrated apples," are prepared from clean and sound fresh or previously dried (or evaporated) apples from which the peels and cores have been removed and which have been cut into segments. The dried (or evaporated) apple segments may be cut further into smaller segments in preparation for dehydration whereby practically all of the moisture is removed to produce a very dry texture and are prepared to assure a clean, sound, wholesome product. The sulphur dioxide content of the finished product may not exceed 500 parts per million but no other additives may be present.

§ 52.2342 *Styles of dehydrated apples*—(a) *Pie pieces.* Pie pieces consist predominantly of parallel-cut, irregularly shaped pieces, approximating 3/16-inch or less in thickness and 3/4-inch or longer in their longest dimension.

(b) *Flakes.* Flakes consist predominantly of parallel-cut, irregularly shaped pieces, approximating 3/16-inch or less in thickness and less than 3/4-inch in their longest dimension.

(c) *Wedges.* Wedges are fairly thick sectors, approximating no more than 5/8-inch at their greatest thickness.

(d) *Sauce pieces.* Sauce pieces are small popcorn-like units of varying shapes and sizes, not otherwise conforming to the style of flakes, and in which practically all of the units when free-flowing will pass through 0.446-inch square openings. Sauce pieces of this style are considered "finely-cut" when practically all of the units will pass through 3/8-inch square openings.

§ 52.2343 *Grades of dehydrated apples.* (a) "U. S. Grade A" or "U. S. Fancy" dehydrated apples is the quality of dehydrated apples in which the moisture content of the finished product is not more than 2.5 percent by weight; that possess a normal flavor and odor, that possess a good color, that are reasonably uniform in size, that are practically free from defects, that possess a good texture, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points.

(b) "U. S. Grade B" or "U. S. Choice" dehydrated apples is the quality of dehydrated apples in which the moisture content of the finished product is not more than 3.5 percent by weight; that possess a normal flavor and odor, that possess a reasonably good color, that are fairly uniform in size, that are reasonably free from defects, that possess a reasonably good texture, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" dehydrated apples is the quality of dehydrated apples that fail to meet the requirements of U. S. Grade B or U. S. Choice.

FACTORS OF QUALITY

§ 52.2344 *Ascertaining the grade.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) *Factors not rated by score points.*
(1) Moisture content.
(2) Flavor and odor.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(1) Color	20
(2) Uniformity of size	20
(3) Absence of defects	40
(4) Texture	20
Total score	100

(c) The factors of flavor and odor, color, and texture are acertained both upon the dehydrated apples and the cooked product as outlined in this subpart.

(d) "Normal flavor and odor" means that the dehydrated apples and the cooked product possess a characteristic flavor and odor that is free from objectionable flavors or objectionable odors of any kind. A flavor and odor in the dehydrated apples indicative of proper sulphur treatment is not considered objectionable.

§ 52.2345 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2346 *Color*—(a) *(A) classification.* Dehydrated apples that possess a good color may be given a score of 17 to 20 points. "Good color" means that the dehydrated apples possess a reasonably uniform, reasonably bright, light yellow to yellow-white characteristic color which, upon cooking, is a reasonably bright color typical of cooked dehydrated apples that have been properly prepared and processed.

(b) *(B) classification.* If the dehydrated apples possess a reasonably good color, a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the dehydrated apples possess a fairly uniform, fairly bright, light yellow-amber or light yellow to yellow-white characteristic color and which, upon cooking, may be variable in color but is typical of cooked dehydrated apples that have been properly prepared and processed.

(c) *(SStd) classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2347 *Uniformity of size*—(a) *(A) Classification.* Dehydrated apples that are reasonably uniform in size may be given a score of 17 to 20 points. "Reasonably uniform in size" has the following meanings for the respective styles:

(1) *Pie pieces.* (i) Not less than 75 percent, by weight, of the dehydrated apples are 3/4-inch or more in their longest dimension and of the units of this length not less than 35 percent, by weight, of the dehydrated apples are 1 inch or more in their longest dimension;

(ii) Practically all of the units 3/4-inch or more in their longest dimension are 3/16-inch or less at their greatest thickness; and

(iii) Not more than 10 percent, by weight, of the dehydrated apples may be so fine as to pass through meshes of a U. S. Standard No. 4 sieve (0.187-inch, ±3 percent, square openings); but

(iv) Not more than 5 percent, by weight, of the dehydrated apples may pass through meshes of a U. S. Standard No. 8 sieve (0.0937-inch, ±3 percent, square openings).

(2) *Flakes.* (i) Not less than 95 percent, by weight, of the dehydrated apples are less than 3/4-inch in their longest dimension;

(ii) Practically all of such sized units are 3/16-inch or less at their greatest thickness; and

(iii) Not more than 10 percent, by weight, of the dehydrated apples may be so fine as to pass through meshes of a U. S. Standard No. 8 sieve (0.0937-inch ± 3 percent, square openings); but

(iv) Practically none of the product may pass through meshes of a U. S. Standard No. 16 sieve (0.0469-inch±3 percent, square openings).

(3) *Wedges.* (i) Not less than 95 percent, by weight, of all the units are 1 inch or longer in their longest dimension; and

(ii) Practically all of such sized units are 5/8-inch or less at their greatest thickness.

(4) *Sauce pieces.* (i) Not less than 95 percent, by weight, of the dehydrated apples are units of such size, or so fine, as to pass through 0.446-inch square openings;

(ii) Not more than 10 percent, by weight, of the dehydrated apples may be so fine as to pass through meshes of a U. S. Standard No. 8 sieve (0.0937-inch± 3 percent, square openings); but

(iii) Practically none of the product may pass through meshes of a U. S. Standard No. 16 sieve (0.0469-inch±3 percent, square openings).

(b) *(B) Classification.* If the dehydrated apples are fairly uniform in size a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size" has the following meanings for the respective styles:

(1) *Pie pieces.* (i) Not less than 60 percent by weight, of the dehydrated apples are ¾-inch or more in their longest dimension and of the units of this length not less than 25 percent, by weight, of the dehydrated apples are 1 inch or more in their longest dimension;

(ii) Practically all of the units ¾-inch or more in their longest dimension are 3/16-inch or less at their greatest thickness; and

(iii) Not more than 15 percent, by weight, of the dehydrated apples may be so fine as to pass through meshes of a U. S. Standard No. 4 sieve (0.187-inch, ±3 percent, square openings); but

(iv) Not more than 5 percent, by weight, of the dehydrated apples may pass through meshes of a U. S. Standard No. 8 sieve (0.0937-inch, ±3 percent, square openings).

(2) *Flakes.* (i) Not less than 85 percent, by weight, of the dehydrated apples are less than ¾-inch in their longest dimension;

(ii) Practically all of such sized units are 3/16-inch or less at their greatest thickness; and

(iii) Not more than 5 percent, by weight, of the dehydrated apples may be so fine as to pass through meshes of a U. S. Standard No. 16 sieve (0.0469-inch, ±3 percent, square openings).

(3) *Wedges.* (i) Not less than 85 percent, by weight, of all the units are 1 inch or longer in their longest dimension; and

(ii) Practically all of such sized units are ⅝-inch or less at their greatest thickness.

(4) *Sauce pieces.* (i) Not less than 85 percent, by weight, of the dehydrated apples are units of such size, or so fine, as to pass through 0.446-inch square openings; but

(ii) Not more than 5 percent, by weight, of the dehydrated apples may be so fine as to pass through meshes of a U. S. Standard No. 16 sieve (0.0469-inch, ±3 percent, square openings).

(c) *(SStd) classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2348 *Absence of defects*—(a) *Definitions of defects.* The factor of absence of defects refers to the degree of freedom from carpel tissue; from units damaged by pieces of peel, bruises or other discoloration, bitter pit or corky tissue, water core, or damaged by other means; from units damaged by calyxes and stems; and from defects not specifically mentioned as defined in this paragraph.

(1) *Practically free from carpel tissue.* "Practically free from carpel tissue" means that for each 1¾ ounces of dehydrated apples any carpel tissue that may be present does not exceed in the aggregate an area equal to ½-square inch.

(2) *Reasonably free from carpel tissue.* "Reasonably free from carpel tissue" means that for each 1¾ ounces of dehydrated apples any carpel tissue that may be present in the aggregate exceeds an area equal to ½-square inch but does not exceed an area equal to 1 square inch.

(3) *Damaged by pieces of peel.* "Damaged by pieces of peel" means pieces of peel, regardless of color, which in their greatest dimension exceed ¼-inch.

(4) *Damaged by bruises or other discoloration, bitter pit or corky tissue, water core, and other similar defects.* "Damaged by bruises or other discoloration, bitter pit or corky tissue, water core, and other similar defects" means the appearance or eating quality of the unit is materially affected by such defects.

(5) *Damaged by other means.* "Damaged by other means" means defects not specifically mentioned which affect materially the appearance or edibility of the piece so damaged.

(6) *Damaged by calyxes and stems.* "Damaged by calyxes and stems" means the appearance or eating quality of the unit is materially affected by such defects including portions thereof.

(7) *Defects not specifically mentioned.* "Defects not specifically mentioned" include but are not limited to such apple materials as excessive loose seeds or loose stems which are not considered as damaged units and which singly or collectively affect materially the appearance or edibility of the product.

(b) *(A) Classification.* Dehydrated apples that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that dehydrated apples of any style are practically free from carpel tissue and defects not specifically mentioned and, in addition, has the following meanings for the respective styles:

(1) *Pie pieces; wedges.* Not more than 10 percent, by weight, of all the units may be damaged by pieces of peel, bruises or other discoloration, bitter pit or corky tissue, water core, other means, calyxes, and stems: *Provided,* That not more than 1 percent, by weight, of all the units may be damaged by calyxes and stems.

(2) *Flakes; sauce pieces.* Not more than 5 percent, by weight, of all the units may be damaged by pieces of peel, bruises or other discoloration, bitter pit or corky tissue, water core, other means, calyxes, and stems: *Provided,* That not more than ½ of 1 percent, by weight, of all the units may be damaged by calyxes and stems.

(c) *(B) classification.* If the dehydrated apples are reasonably free from defects, a score of 28 to 33 points may be given. Dehydrated apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the dehydrated apples of any style are reasonably free from carpel tissue and defects not specifically mentioned and, in addition, has the following meanings for the respective styles:

(1) *Pie pieces; wedges.* Not more than 15 percent, by weight, of all the units may be damaged by pieces of peel, bruises or other discoloration, bitter pit or corky tissue, water core, other means, calyxes, and stems: *Provided,* That not more than 2 percent, by weight, of all the units may be damaged by calyxes and stems.

(2) *Flakes; sauce pieces.* Not more than 8 percent, by weight, of all the units may be damaged by pieces of peel, bruises or other discoloration, bitter pit or corky tissue, water core, other means, calyxes, and stems: *Provided,* That not more than 1 percent, by weight, of all the units may be damaged by calyxes and stems.

(d) *(SStd) classification.* Dehydrated apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2349 *Texture*—(a) *(A) classification.* Dehydrated apples that possess a good texture may be given a score of 17 to 20 points. "Good texture" means with respect to the dehydrated product that the units are brittle; and, upon cooking in accordance with the methods outlined in this subpart, the textures of the respective styles are as follows:

(1) *Pie pieces; wedges.* The units are reasonably uniform in tenderness and texture; are practically free from any tough (or "leathery") units; and there is no more than moderate disintegration except for small pieces that may have been present.

(2) *Flakes.* The units are reasonably uniform in tenderness and texture; are practically free from any tough (or "leathery") units; and there may be considerable disintegration of the pieces but not to the degree of a grainy applesauce consistency.

(3) *Sauce pieces.* The mass has a reasonably uniform texture and finish ranging from that of a coarse, grainy applesauce to a fine, grainy applesauce, without practically any hard particles.

(b) *(B) classification.* If the dehydrated apples possess a reasonably good texture, a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good texture" means with respect to the dehydrated product that the units are brittle; and, upon cooking in accordance with the methods outlined in this subpart, the textures of the respective styles are as follows:

(1) *Pie pieces; wedges.* The units are fairly uniform in tenderness and texture but moderately free from any tough (or "leathery") units; and there may be more than moderate disintegration except for small pieces that may have been present.

(2) *Flakes.* The units are fairly uniform in tenderness and texture but moderately free from any tough (or "leathery") units; and the pieces may have become disintegrated to the degree of a grainy applesauce consistency.

(3) *Sauce pieces.* The mass has a fairly uniform texture and finish ranging from that of a coarse, grainy applesauce to a fine, grainy applesauce; and hard particles may be noticeable but not objectionable.

(c) *(SStd) classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2350 *Explanations of methods and analyses.*—(a) *Moisture method.* "Moisture" in dehydrated apples is determined in accordance with the official method applicable to dried fruits as outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists."

(b) *Cooking procedures.* A representative sample of not less than 2 ounces avoirdupois to approximately 4 ounces avoirdupois is recommended for purposes of the cooking procedures in this paragraph. The procedures for cooking to ascertain compliance with requirements for color and texture are as follows for the respective styles:

(1) *Pie pieces.* Add 1 part, by weight, of pie pieces to 6 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 20 minutes.

(2) *Flakes.* Add 1 part, by weight, of the flakes to 5 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 15 minutes.

(3) *Wedges.* Add 1 part, by weight, of the wedges to 6 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 30 minutes.

(4) *Sauce pieces.* Add 1 part, by weight, of the sauce pieces to 8 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 15 minutes.

(c) *Sifting methods.* The technique for ascertaining compliance with the requirements for pieces that pass through U. S. Standard No. 4, No. 8, and No. 16 sieves is as follows:

(1) *Pie pieces.* (i) From a 4-ounce representative sample of dehydrated apple "pie pieces," remove all pieces which are ¾-inch or more in their longest dimension;

(ii) Place the remainder of the sample on a U. S. Standard No. 4, 8-inch diameter, full-height sieve nested on top of a U. S. Standard No. 8, 8-inch diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 20 times;

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under subdivision (i) of this subparagraph) as the percentage which passed through the No. 8 sieve; and

(v) Weigh the material sifted through the No. 4 sieve and remaining on the No. 8 sieve; calculate on the basis of the original sample (under subdivision (i) of this subparagraph) and add the percentage which remained on the No. 8 sieve to the percentage which passed through the No. 8 sieve (under subdivision (iv) of this subparagraph) as the total percentage which passed through the No. 4 sieve.

(2) *Flakes.* (i) From a 4-ounce representative sample of dehydrated apple "flakes" remove all pieces which are ¾-inch or more in their longest dimension;

(ii) Place the remainder of the sample on a U. S. Standard No. 8, 8-inch diameter, full-height sieve nested on top of a U. S. Standard No. 16, 8-inch diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 20 times;

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under subdivision (i) of this subparagraph) as the percentage which passed through the No. 16 sieve; and

(v) Weigh the material sifted through the No. 8 sieve and remaining on the No. 16 sieve; calculate on the basis of the original sample (under subdivision (i) of this subparagraph) and add the percentage which remained on the No. 16 sieve to the percentage which passed through the No. 16 sieve (under subdivision (iv) of this subparagraph) as the total percentage which passed through the No. 8 sieve.

(3) *Sauce pieces.* (i) From a 4-ounce representative sample of dehydrated apple "sauce pieces" remove all pieces which in their smallest dimensions will not pass readily through 0.446-inch square openings by gentle hand pressing;

(ii) Place the remainder of the sample on a U. S. Standard No. 8, 8-inch diameter, full-height sieve nested on top of a U. S. Standard No. 16, 8-inch diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 20 times;

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under subdivision (i) of this subparagraph) as the percentage which passed through the No. 16 sieve; and

(v) Weigh the material sifted through the No. 8 sieve and remaining on the No. 16 sieve; calculate on the basis of the original sample (under subdivision (i) of this subparagraph) and add the percentage which remained on the No. 16 sieve to the percentage which passed through the No. 16 sieve (under subdivision (iv) of this subparagraph) as the total percentage which passed through the No. 8 sieve.

LOT CERTIFICATION TOLERANCES

§ 52.2351 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of dehydrated apples the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2352 *Score sheet for dehydrated apples.*

Size and kind of container	
Container mark or identification	
Label (including SO_2 content, if any)	
Net weight	
Moisture content (percent)	
Style	

Factors	Score points		
Color	20	(A)	17–20
		(B)	[1] 14–16
		(SStd)	[1] 0–13
Uniformity of size	20	(A)	17–20
		(B)	[1] 14–16
		(SStd)	[1] 0–13
Absence of defects	40	(A)	34–40
		(B)	[1] 28–33
		(SStd)	[1] 0–27
Texture	20	(A)	17–20
		(B)	[1] 14–16
		(SStd)	[1] 0–13
Total score	100		

Normal flavor and odor	
Grade	

[1] Indicates limiting rule.

The United States Standards for Grades of Dehydrated (Low-moisture) Apples (which is the first issue) contained in this subpart shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

Dated: October 25, 1955.

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

[F. R. Doc. 55–8754; Filed, Oct. 28, 1955; 8:48 a. m.]

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

[Valencia Orange Reg. 60]

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

LIMITATION OF HANDLING

§ 922.360 *Valencia Orange Regulation 60.*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under

the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), 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 section 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 section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, 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 October 27, 1955, 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 section, 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 section effective during the period herein specified; and compliance with this section 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., October 30, 1955, and ending at 12:01 a. m., P. s. t., November 6, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 323,400 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

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

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

Dated: October 28, 1955.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8828; Filed, Oct. 28, 1955; 11:34 a. m.]

[Lemon Reg. 613]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.720 *Lemon Regulation 613*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), 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.), 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 section 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 section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, 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 October 26, 1955, 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 section, 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 section effective during the period hereinafter specified; and compliance with this section 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., October 30, 1955, and ending at 12:01 a. m., P. s. t., November 6, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 190 carloads;

(iii) District 3: 10 carloads.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall 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: October 27, 1955.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8809; Filed, Oct. 28, 1955; 8:57 a. m.]

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

FREE, RESERVE, AND SURPLUS PERCENTAGES FOR 1955-56 CROP YEAR AND LIST OF COUNTRIES FOR EXPORT SALE OF SURPLUS TONNAGE THROUGH HANDLERS

Notice was published in the October 11, 1955, issue of the FEDERAL REGISTER (20 F. R. 7576) that the Secretary of Agricutlure was considering a proposed rule to establish free tonnage percentages, reserve tonnage percentages, and surplus tonnage percentages, and a list specifying the countries to which sale in export of surplus tonnage raisins may be made by or through handlers, with respect to raisins produced from raisin variety grapes grown in California and acquired by handlers during the 1955-56 crop year. These percentages and the list of specified countries were proposed after consideration of the recommendations submitted by the Raisin Administrative Committee and other information available to the Secretary, in accordance with the applicable provisions 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, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file any data, views, or arguments with respect thereto.

After consideration of the data, views, or arguments which were submitted by interested persons, and other available information pertaining thereto, it is hereby found that to designate free tonnage percentages, reserve tonnage percentages, and surplus tonnage percentages and establish a list specifying

the countries to which sale in export of surplus tonnage raisins may be made by or through handlers, as hereinafter provided, will tend to effectuate the declared policy of the aforesaid act, and it is, therefore, ordered, that such percentages and countries shall be as follows:

§ 989.209 *Free, reserve, and surplus tonnage percentages for the 1955–56 crop year.* The percentages of each varietal type of standard raisins acquired by handlers during the crop year beginning September 1, 1955, and ending August 31, 1956, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are as follows: (a) Natural (sun-dried) Thompson Seedless raisins: Free tonnage percentage, 65 percent; reserve tonnage percentage, 15 percent; and surplus tonnage percentage, 20 percent; and (b) each of the other varietal types, including natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, natural (sun-dried) or artificially dehydrated Zante Currant, Layer Muscat, Golden Seedless, Sulfur Bleached, Soda Dipped, and Valencia raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent.

§ 989.210 *Countries to which sale in export of surplus tonnage raisins may be made by or through handlers.* The countries to which sale in export of surplus tonnage raisins acquired by handlers during the crop year beginning September 1, 1955, and ending August 31, 1956, may be made by or through handlers shall include all countries outside of the Western Hemisphere except: (a) Australia, Cyprus, Greece (including Crete), Iran, Turkey, Spain, and the Union of South Africa; and (b) those countries and areas listed in Subgroup A of Group R of the Comprehensive Export Schedule, as amended (15 CFR, 371.3 (a); 20 F. R. 1048), issued by the Bureau of Foreign Commerce, United States Department of Commerce, or as the same may be further amended during the period while surplus tonnage raisins of such crop year are being sold in export. For purposes of this section, "Western Hemisphere" shall include Greenland and the area east of the International Date Line and west of 30 degrees W. longitude.

It is hereby found and determined that good cause exists for not delaying the effective date of this document for 30 days, or any lesser period, after its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) Acquisition of raisins by handlers during the 1955–56 crop year has begun, and it is necessary to have this regulation in effect promptly for application against such acquisitions of raisins and to provide surplus tonnage raisins to meet current export demand for such raisins; (2) this document is being issued as soon as practicable after reasonably reliable information concerning the 1955 production of raisins became available; and (3) handlers have been aware for some time that action of this nature would be taken and they should need no additional advance notice for compliance with this regulation. In these circumstances, this document should be made effective on the date of its publication in the FEDERAL REGISTER.

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

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

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

[F. R. Doc. 55–8755; Filed, Oct. 28, 1955; 8:49 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP–1955–P. R., Supp. 3]

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

SUBPART—1955

ALLOCATION OF FUNDS; APPEALS; ASSIGNMENTS; APPLICABILITY

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1955, and Public Law 264, 84th Congress, the 1955 Agricultural Conservation Program for Puerto Rico, approved December 23, 1954 (19 F. R. 9259), as amended March 22, 1955 (20 F. R. 2080), and June 10, 1955 (20 F. R. 4209), is further amended as follows:

1. Section 1102.502 is amended by deleting "$827,000" in the first sentence and substituting therefor "$872,000."

2. Section 1102.521 is amended by adding the following at the end thereof: "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 ASC 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 ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice."

3. Section 1102.530 is amended by revising the last sentence to read as follows: "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)."

4. Section 1102.537 is amended as follows:

a. Paragraph (a) (2) is amended to read as follows:

(2) Noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (6) of this section;

b. Paragraph (b) is amended by deleting the word "and" immediately preceding "(5)," changing the period at the end of "(5)" to a semicolon, and adding the following: "and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304, 69 Stat. 545; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 26th day of October 1955.

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

[F. R. Doc. 55–8777; Filed, Oct. 28, 1955; 8:52 a. m.]

PART 1103—AGRICULTURAL CONSERVATION; VIRGIN ISLANDS

SUBPART—1956

There is no more important responsibility within the Department of Agriculture than that for taking aggressive leadership for the conservation and improvement of the Nation's soil and water resources. Cost-sharing under the Agricultural Conservation Program is an important and effective means through which landowners and operators are aided in doing essential conservation work needed in the public interest.

The extent to which the program helps meet conservation objectives is dependent upon the wholehearted participation of all those interested in conservation, at national and local levels, and we solicit their cooperation in making the program effective. I am calling on all those in the Department who have responsibilities in the field of soil and water conservation to join in making the 1956 program a productive tool for conservation and improvement of the agricultural resources of the Nation's farms and ranches. We hope that farmers and ranchers will join in using the program to meet, more than ever before, the community and individual farm conservation problems which would not otherwise be solved.

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1103.533 Definitions.

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1103.535 Authority.
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CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

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Sec.
1103.545 Practice 5: Initial establishment of a stand of adapted trees on strips which have been cleared in areas of heavy brush, for erosion control and forestry purposes.
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1103.548 Practice 8: Constructing wells for livestock water to obtain proper distribution of livestock, and encourage rotation grazing and better grassland management, as a means of protecting established vegetative cover.
1103.549 Practice 9: Installing pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

1103.550 Practice 10: Constructing concrete or rubble masonry storage tanks for accumulating water from artesian wells or springs for livestock.
1103.551 Practice 11: Constructing rock barriers to form bench terraces or to obtain or control the flow of water and check erosion on sloping land.

AUTHORITY: §§ 1103.500 to 1103.551 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 69 Stat. 55, 69 Stat. 545; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1103.500 *Introduction.* (a) Through the 1956 Agricultural Conservation Program for the Virgin Islands (referred to in this subpart as the "1956 program") administered by the Department of Agriculture, the Federal Government will share with farmers in the Virgin Islands the cost of carrying out approved conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

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

(c) The 1956 program was developed by the ASC State Office, the Director of the Soil Conservation Service for the Caribbean Area, the Forest Service representative having jurisdiction of farm forestry in the Virgin Islands, representatives of the Virgin Islands Corporation, the Director of the U. S. Experiment Station at St. Croix, and representatives of the Government of the Virgin Islands.

GENERAL PROGRAM PRINCIPLES

§ 1103.501 *General program principles.* The 1956 Agricultural Conservation Program for the Virgin Islands has been developed and is to be carried out on the basis of the following general principles:

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

(b) The program is designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1956 on lands where they are to be applied.

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

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

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

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

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

ALLOCATION OF FUNDS

§ 1103.502 *Allocation of funds.* The amount of funds available for conservation practices under this program is $12,000. This amount does not include the amount set aside for administrative expenses and the amount required for the increase in small Federal cost-shares in § 1103.517.

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

§ 1103.503 *Selection of practices.* The practices included in this subpart are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

§ 1103.504 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the

technical phases of the practices contained in §§ 1103.548 to 1103.551 (practices 8 to 11). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance.

(b) The Forest Service is responsible for the technical phases of the practices contained in §§ 1103.544 to 1103.546 (practices 4 to 6). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practices, and (3) working through the ASC State Office, determining performance in meeting these specifications.

§ 1103.505 *Bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1956 program as it applies to the Virgin Islands, and forms will be made available at the ASC State Office at San Juan, Puerto Rico, and at the offices of the Soil Conservation Service at St. Thomas and St. Croix. Persons wishing to participate in this program should obtain all information needed from the offices mentioned in this subpart.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS

§ 1103.506 *Opportunity for requesting cost-sharing.* Each farm operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm.

§ 1103.507 *Prior request for cost-sharing.* Costs will be shared only for those practices for which cost-sharing is requested by the farm operator before performance thereof is started. For practices for which (a) approval was given under the 1955 Agricultural Conservation Program, (b) performance was started but not completed during the 1955 program year, and (c) the ASC State Office believes the extension of the approval to the 1956 program is justified under the 1956 program regulations and provisions, the filing of the request for cost-sharing under the 1955 program may be regarded as meeting the requirements of the 1956 program that a request for cost-sharing be filed before performance of the practice is started. Any farm operator who wishes to participate in the 1956 program must file a Cert. Form No. 39–56 V. I., Declaration of Intention, Request for Inspection, Certification of Conservation Needs, and Notice of Approval, on or before June 30, 1956. In cases of hardship, such date may be extended by the ASC State Office. These forms may be obtained and filed at any of the offices of the Soil Conservation Service (SCS), offices of the Extension Service, and Farmers Home Administration, at St. Croix or St. Thomas.

§ 1103.508 *Method and extent of approval.* The ASC State Office will determine the extent to which Federal funds will be available to share the cost of each approved practice on each farm, taking into consideration the available funds, the conservation problems of the individual farm and other farms, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1956. Prior approval of the ASC State Office is required for all practices. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices.

§ 1103.509 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for upkeep or maintenance of any practice.

PRACTICE COMPLETION REQUIREMENTS

§ 1103.511 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in § 1103.512, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1103.512 *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 1956 program year, if the ASC State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with the applicable specifications and program provisions.

FEDERAL COST-SHARES

§ 1103.515 *Practices carried out with State or Federal aid.* The Federal share of the cost for any practice shall not be reduced because it is carried out with materials or services furnished through the program or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total Federal cost-share computed on the basis of the total number of units of the practice performed shall be reduced by the value of the aid, as determined by the ASC State Office, in computing the amount of the Federal cost-share to be paid for performance of the practice. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1103.516 *Division of Federal cost-shares*—(a) *Federal cost-shares.* The Federal cost-share shall be credited to the person who carried out the practices by which such Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage and shall assume that each contributed equally unless it is established to the satisfaction of the ASC State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

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

§ 1103.517 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may in such manner and at such time as is consistent with such legislation discontinue such increases.

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

(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

Amount of cost-share computed—Continued	Increase in cost-share
$30 to $30.99	$10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

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

§ 1103.518 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1956 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 1956 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 1103.519 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1103.520 *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 SCS Work Unit offices on the Islands 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 the SCS Work Unit offices on the Islands and making copies available to the press. Other means of notification, including 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.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the SCS Work Unit offices on the Islands not later than February 28, 1957, except that the ASC State Office may accept an application filed after February 28, 1957, but not later than December 31, 1957, in cases where the failure to timely file was not the fault of the applicant. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the SCS Work Units offices within the applicable time limit.

(c) If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the application may subsequently file an application, provided he does so on or before December 31, 1957.

§ 1103.521 *Appeals.* (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. The ASC State Office shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm 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 ASC 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 ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1103.523 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1956 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

§ 1103.524 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1956 program will be subject to the condition that the person with whom the costs are shared will maintain such practices in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1103.525 *Practices defeating purposes of programs.* If the ASC State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1956 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 1956 program.

§ 1103.526 *Depriving others of Federal cost-shares.* If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1956 program.

§ 1103.527 *Filing of false claims.* If the ASC State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-sharing under the 1956 program and shall refund all amounts that may have been paid to him under the 1956 program. The withholding or refunding of Federal cost-shares will be

in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1103.528 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law, without deduction of claims for advances (except as provided in § 1103.529, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1103.529 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1956 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 1956, including the carrying out of soil and water conserving 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).

DEFINITIONS

§ 1103.533 *Definitions.* For the purposes of the 1956 Agricultural Conservation Program:

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

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

(c) "State" means the Virgin Islands.

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

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

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

(g) "Cropland" means farmland which in 1955 was tilled or was in regular crop rotation, excluding (1) bearing orchards (except the acreage of cropland therein), and (2) plowable noncrop open pasture.

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

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

(j) "Program year" means the period from September 1, 1955, through December 31, 1956.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1103.535 *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, 1956.

§ 1103.536 *Availability of funds.* (a) The provisions of the 1956 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 1956 program will not be available for paying Federal cost-shares for which applications are filed in the SCS Work Unit offices after December 31, 1957.

§ 1103.537 *Applicability.* (a) The provisions of the 1956 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; and (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (6) of this section.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

§ 1103.541 *Practice 1: Initial establishment of permanent pasture for erosion control by seeding, sodding, or sprigging perennial grasses, or other approved forage plants.* Federal cost-sharing will be allowed for planting any of the following grasses, or similar approved grasses or forage plants: Guinea, Molasses, Para, Barbados Sour, Bermuda, Sour Paspalum, St. Augustine, Merker, Pangola. The varieties of grass must be well adapted to conditions of the particular area to be planted. The land must be properly prepared by plowing, and harrowing if necessary, and furrowing along contour lines, and sufficient quantities of slips, cuttings, or seeds used to assure a good ground cover at maturity. Where pasture is established by using seed, the rate of seeding should be not less than 12 pounds per acre. Where pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope, the plantings and cultivating must be as nearly as practicable along contour lines. Federal cost-sharing for carrying out this practice is limited to not more than 20 acres on any farm, as defined in § 1103.533 (f). In St. Croix no Federal cost-sharing will be allowed for this practice unless the practice contained in § 1103.542 (practice 2) is also carried out.

Maximum Federal cost-share. $4.50 per acre.

§ 1103.542 *Practice 2: Initial eradication of hurricane grass for establishing permanent pasture for erosion control.* The eradication must be carried out by plowing or disking the whole area along contour lines, where practicable, to a depth of at least 6 inches and double cutting with a heavy disk harrow at least twice at 30-day intervals. Permanent pasture of the varieties specified in the practice contained in § 1103.541 (prac-

tice 1) must be established as soon as practicable after the hurricane grass has been eradicated. No Federal cost-sharing will be allowed for carrying out this practice on any acreage for which Federal cost-sharing for eradicating hurricane grass was allowed under a previous program. Federal cost-sharing for carrying out this practice is limited to not more than 20 acres on any farm, as defined in § 1103.533 (f).

Maximum Federal cost-share. $3.00 per acre.

§ 1103.543 *Practice 3: Initial eradication of shrubs or trees for establishing new permanent pasture for erosion control.* Federal cost-sharing will be allowed for eradicating any of the following shrubs or trees: Acacia, soap brush, Kenappy (Kennep), Guava, Logwood, Marigold, Wild Cedar, Ginger Thomas, all varieties of cactus, Sage, Tan Tan, Thibet (Tebit). All shrubs or trees, except such as can be used for timber or shade, must be thoroughly uprooted either by hand labor or mechanical implements, and all shrubs, trees, and roots must be removed from the land or may be burned thereon. Permanent pasture of the varieties specified in the practice contained in § 1103.541 (practice 1) must be established as soon as practicable. Temporary use of the land for other crops may be permitted where the ASC State Office determines this is essential to establishing the grasses. Farmers must obtain prior approval from the ASC State Office of the area and acreage to be cleared before starting the practice. Federal cost-sharing will not be allowed for this practice on any area on which cost-sharing for this practice has been allowed under a previous program. Federal cost-sharing for carrying out this practice is limited to not more than 20 acres on any farm, as defined in § 1103.533 (f). This practice is applicable only to St. Thomas and St. John Islands. No Federal cost-sharing will be allowed for this practice if the Virgin Islands Corporation shares in the cost under any other program.

Maximum Federal cost-share. (1) $4 per acre on land with light growth where the shrubs or trees cover up to 30 percent of the area.

(2) $7 per acre on land with medium growth where the shrubs or trees cover more than 30 percent and up to 60 percent of the area.

(3) $10 per acre on land with heavy growth where the shrubs or trees cover more than 60 percent of the area.

§ 1103.544 *Practice 4: Initial establishment of a stand of adapted trees on farmland for farm woodlots, erosion control, or for forestry purposes.* The trees must be planted, regardless of the slope of the land, in rows not less than 10 feet apart, with a distance of not less than 10 feet within the row. Only those trees which are living at least one year after planting will be counted. All plantings must be protected from fire and grazing. No Federal cost-sharing will be allowed for this practice if the Virgin Islands Corporation shares in the cost under any other program.

Maximum Federal cost-share. $0.05 per tree.

§ 1103.545 *Practice 5: Initial establishment of a stand of adapted trees on strips which have been cleared in areas of heavy brush, for erosion control and forestry purposes.* All brush on the strips must be uprooted and the brush removed from the spaces where the trees are to be planted. The trees must be planted on the strips cleared in this manner, and spaced not more than 10 feet apart. All plantings must be protected from fire and grazing. Federal cost-sharing will be allowed only for well-established trees, approximately 1 foot high and living at the time of inspection, and for not more than 200 trees per acre. No Federal cost-sharing will be allowed for this practice if the Virgin Islands Corporation shares in the cost under any other program.

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

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

§ 1103.546 *Practice 6: Initial establishment of a stand of fruit trees for erosion control in bare or unprotected gullies.* Trees must be planted on the contour and protected from fire and grazing. A permanent cover of grass, legumes, or mulch must be maintained under the trees. Federal cost-sharing will be allowed for not more than 200 trees on a farm. No Federal cost-sharing will be allowed for this pratice if the Virgin Islands Corporation shares in the cost under any other program.

Maximum Federal cost-share. $0.10 per tree.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

§ 1103.547 *Practice 7: Construction of permanent cross fences to obtain better distribution and control of livestock grazing and to promote proper grassland management for protection of the established forage resources.* Federal cost-sharing will be allowed for new fences constructed entirely of new materials. Federal cost-sharing will not be allowed for boundary fences, fences between pastures and other land, and the repair, replacement, or maintenance of existing fences.

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

(2) If fences are established with woven wire—$3 per 100 linear feet. Hardwood or living tree posts or steel posts shall be used. The posts must be spaced not more than 10 feet apart with corner posts adequately braced. The woven wire must be not less than 4 feet high with a top and bottom strand of No. 10 standard gauge wire, and of 12½ standard gauge in all intermediate wires, and with stay wires 12 inches apart. The woven wire must be tightly stretched.

§ 1103.548 *Practice 8: Constructing wells for livestock water to obtain proper distribution of livestock, and encourage rotation grazing and better grassland management, as a means of protecting established vegetative cover.* The wells should be constructed or drilled in an area of the farm where the providing of water will contribute to a better distribution of grazing. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate drinking troughs for animals also must be installed. No Federal cost-sharing will be allowed for wells constructed or drilled primarily for the use of farm headquarters nor unless an adequate water supply is obtained.

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

(2) Drilling wells:

(a) $1 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells.

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

(c) $3 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

§ 1103.549 *Practice 9: Installing pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* (a) Federal cost-sharing will be allowed when the pipeline carries water to areas where no other water supply for livestock is available and proper drinking troughs for livestock have been provided; and where the pipe used is new galvanized or comparable pipe meeting the following minimum specifications.

STANDARD GALVANIZED PIPE

Size (inches)	Diameters		Thickness	Weight per foot		Threads per inch
	External	Internal		Plain ends	Threads and couplings	
¾	1.050	0.824	0.113	1.130	1.134	14
1	1.315	1.049	.133	1.678	1.684	11½
1¼	1.660	1.380	.140	2.272	2.281	11½
1½	1.900	1.610	.145	2.717	2.731	11½
2	2.375	2.067	.154	3.652	3.678	11½
2½	2.875	2.469	.203	5.793	5.819	8
3	3.500	3.068	.216	7.575	7.616	8
3½	4.000	3.548	.226	9.109	9.202	8

(b) No Federal cost-sharing will be allowed for this practice if the cost is shared by the Virgin Islands Corporation under any other program.

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

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

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

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

§ 1103.550 *Practice 10: Constructing concrete or rubble masonry storage tanks for accumulating water from artesian wells or springs for livestock.* (a) Stor-

age tanks must be constructed in places where the accumulated water may be piped to areas of the farm where the provision of water will contribute to a better distribution of grazing livestock and to the improvement of the pasture management, and must conform to the following minimum specifications.

(1) *Concrete storage tanks.* Concrete storage tanks will be constructed to conform to plans and specifications approved by qualified Soil Conservation Service engineers. Since the size and shape of these structures will necessarily vary greatly to meet local requirements, detailed plans must be prepared and approved before construction is begun. The minimum requirements for which Federal cost-sharing will be allowed are:

(i) Minimum bottom thickness will be 8". This will be reinforced with deformed reinforcing steel, no smaller than ½" diameter, on 12" centers both directions, placed 2" from top and 2" from bottom of floor.

(ii) Side walls will be a minimum of 8" thick with ½" diameter (minimum size) deformed reinforcing steel on 12" centers both vertically and horizontally, placed 2" from inside face and 2" from outside face of walls.

(iii) Construction and installation will conform to Technical Specifications for Class B concrete as prepared by the Soil Conservation Service. These specifications may be obtained from the local Soil Conservation Service office.

(2) *Rubble masonry tanks.* Walls will have a minimum top width of 12" and will have a batter of 1" per foot height on both faces. Bottom will be excavated as nearly level and smooth as practicable to a firm foundation. A minimum of 2" of mortar will be poured in the bottom and the stone bedded firmly in the mortar. Stone used in paving will be at least 6" thick. All joints, cracks, and voids will be filled with mortar when the floor is constructed. It is recommended that the inside of tanks, floor, and walls be plastered to insure water tightness and facilitate cleaning. Where reinforced concrete bottoms are used, specifications for bottom of concrete tanks will apply. In this case the floor and footings for wall support will be poured as one continuous slab.

(i) *Mortar.* The mortar mix shall consist of one part by volume of cement to three parts of clean, well graded sand. Sand and cement shall be thoroughly mixed dry, after which only sufficient water shall be added to produce a workable mixture. This should be not more than 5½ gallons per sack of cement, this to include free water in the sand.

(ii) *Stone.* Stone should be clean, hard, and free from decomposed or foreign materials. The use of weathered stone or stone with a deteriorated outer surface is prohibited.

(iii) *Placing.* All stone should be thoroughly cleaned and wetted before being used. All stones should be laid so as to break joints. Stratified stones should be laid on their natural beds and not on edges. All spaces between stone must be filled with mortar. No dressing or tooling shall be done upon any stone after it is in place.

(iv) *Curing.* During construction and for at least 7 days after completion, the new structure should be covered with wet burlap or similar material that will keep the masonry in a moist condition during its curing period.

(b) Whenever needed, adequate pumping equipment and drinking troughs for animals must be installed. No Federal cost-sharing will be allowed for maintaining an existing structure.

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

(2) $7 per cubic yard of rubble masonry structure.

§ 1103.551 *Practice 11: Constructing rock barriers to form bench terraces or to obtain or control the flow of water and check erosion on sloping land.* (a) The construction of bench terraces and supporting rock barriers is limited by the slope of the field and the depth of the soil. No Federal cost-sharing will be allowed on slopes exceeding 60 percent. Minimum specifications for different slopes and soil depths required are given in the following table.

Slope of land in percent	Minimum soil depth	Vertical interval	Lateral spacing	Required height of rock wall	Minimum base width of wall	Batter on exposed face
	Feet	*Feet*	*Feet*	*Feet*	*Inches*	*Inches per foot high*
10 or less	1.5	1.5	15	2.5	18	3
11 to 15	2.0	2.0	13.3	3.0	21	3
16 to 20	2.25	2.5	12.5	3.5	23	3
21 to 25	2.5	3.0	12.0	4.0	24	3
26 to 30	2.75	3.5	11.6	4.5	26	3
31 to 35	3.0	4.0	11.4	5.0	27	3
36 to 40	3.25	4.5	11.2	5.5	29	3
41 to 45	3.5	5.0	11.0	6.0	30	3
46 to 50	3.5	5.0	10.0	6.0	30	3
51 to 55	3.5	5.0	9.0	6.0	30	3
56 to 60	3.5	5.0	8.0	6.0	30	3

(b) Rock barriers must be laid out or their layout approved by a Soil Conservation Service technician. They must be on the contour or across the slope with grade from ridge to or toward the natural drainageway of not more than 0.5 percent. Bench terraces must conform to and become a part of the overall water disposal system. Protected water disposal channels and/or structures must be provided prior to the construction of bench terraces. A water disposal trench must be established on each terrace at the base of the next higher rock barrier. This trench should be at least 6 inches deep and 1 foot wide with a maximum grade of 0.5 percent to the protected outlet. The top of the terrace must have a grade of from 0.2 percent to 0.5 percent from the outer edge toward the disposal trench at the base of the next higher barrier. When the Soil Conservation Service technician determines it necessary, a diversion ditch must be constructed above the bench terraces to intercept surface runoff from the area above.

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

Done at Washington, D. C., this 25th day of October 1955.

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

[F. R. Doc. 55-8757; Filed, Oct. 28, 1955; 8:49 a. m.]

[ACP-1955-V. I., Supp. 2]

PART 1103—AGRICULTURAL CONSERVATION; VIRGIN ISLANDS

SUBPART—1955

RESPONSIBILITY FOR TECHNICAL PHASES OF PRACTICES; APPEALS; ASSIGNMENTS; APPLICABILITY

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1955, and Public Law 264, 84th Congress, the 1955 Agricultural Conservation Program for the Virgin Islands, approved January 24, 1955 (20 F. R. 602), as amended June 10, 1955 (20 F. R. 4210), is further amended as follows:

1. Section 1103.404 (a) is amended by revising the first sentence to read as follows: "The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1103.448, 1103.449, 1103.450, and 1103.451 (practices 8, 9, 10, and 11)."

2. Section 1103.421 is amended by adding the following at the end thereof: "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 ASC 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 ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice."

3. Section 1103.429 is amended by revising the last sentence to read as follows: "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)."

4. Section 1103.437 is amended as follows:

a. Paragraph (a) (2) is amended to read as follows:

(2) Noncropland owned by the United States which was acquired or reserved

for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (6) of this section;

b. Paragraph (b) is amended by deleting the word "and" immediately preceding "(5)," changing the period at the end of "(5)" to a semicolon, and adding the following: "and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304, 69 Stat. 545; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 26th day of October 1955.

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

[F. R. Doc. 55–8778; Filed, Oct. 28, 1955; 8:53 a. m.]

[ACP–1955–Alaska, Supp. 3]

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1955

ALLOCATION OF FUNDS; ASSIGNMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1955, the 1955 Agricultural Conservation Program for Alaska, approved August 3, 1954 (19 F. R. 4954), as amended October 25, 1954 (19 F. R. 6910), and June 10, 1955 (20 F. R. 4210), is further amended as follows:

1. Section 1104.403 is amended by deleting "$27,000" in the first sentence and substituting therefor "$29,000."

2. Section 1104.440 is amended by revising the last sentence to read as follows: "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)."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 26th day of October 1955.

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

[F. R. Doc. 55–8775; Filed, Oct. 28, 1955; 8:52 a. m.]

[ACP—1955—Hawaii, Supp. 3]

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

SUBPART—1955

ALLOCATION OF FUNDS; APPEALS; ASSIGNMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1955, the 1955 Agricultural Conservation Program for Hawaii, approved September 22, 1954 (19 F. R. 6206), as amended November 19, 1954 (19 F. R. 7599), and June 17, 1955 (20 F. R. 4366), is further amended as follows:

1. Section 1105.402 is amended by deleting "$183,000" in the first sentence and substituting therefor "$193,000."

2. Section 1105.423 is amended by revising the last sentence to read as follows: "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)."

3. Section 1105.429 is amended by adding the following at the end thereof: "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."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 26th day of October 1955.

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

[F. R. Doc. 55–8776; Filed, Oct. 28, 1955; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

GULF OF MEXICO OFF LOUISIANA AND TEXAS COASTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.158 establishing and governing navigation within Air Force gunnery range in the Gulf of Mexico off the Louisiana and Texas coasts is hereby revised, as follows:

§ 204.158 *Gulf of Mexico off Louisiana and Texas, Air Force air-to-air gunnery range*—(a) *The danger zone.* An area approximately 125 statute miles long and 20 statute miles wide whose longitudinal axis follows a northwest-southeast line bounded as follows: Beginning at latitude 29°05′00″, longitude 94°00′00″, thence northerly to latitude 29°25′00″, longitude 94°00′00″, thence southeasterly to latitude 28°30′00″, longitude 92°15′00″, thence southerly to latitude 28°10′00″, longitude 92°15′00″, thence northwesterly to point of beginning.

(b) *The regulations.* (1) Firing will be scheduled in advance and will normally be conducted over 15 and 30 day periods. During scheduled periods firing will take place at intervals throughout each day, visibility and weather conditions permitting. No firing will be conducted during hours of darkness.

(2) The Operations Officer, England Air Force Base, Louisiana, shall schedule the firing periods at least two weeks in advance of actual firing and publicize by:

(i) A public notice issued in sufficient time to permit circularization to interested parties and posting on bulletin boards of post offices in surrounding localities.

(ii) Notice to the press in Port Arthur, Texas, Orange, Texas, Lake Charles, La., and Morgan City, La.

(iii) Notice to the Commandant, 8th Coast Guard District, New Orleans, La., for publication in local "Notice to Mariners".

(iv) Notice to the Navy Hydrographic Office, New Orleans, La., for Hydro Broadcast.

(3) (i) When firing is in progress the danger zone will be under surveillance by surface patrol vessels and air patrol planes, and no vessel shall enter or remain in the danger zone except vessels of the United States or vessels proceeding through the danger zone as provided in subdivision (ii) of this subparagraph.

(ii) Cargo and passenger carrying vessels may transit the danger zone without interruption and firing will be suspended, if necessary, to insure the safety of such vessels during their passage. Masters are requested to avoid the danger zone whenever possible so that interference with firing training may be minimized.

(4) The regulations in this section shall be enforced by the Comander, Tactical Air Command, Langley Air Force Base, Virginia, and such agencies as he may designate.

[Regs., October 18, 1955, 800.2121 (Mexico, Gulf of)-ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

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

[F. R. Doc. 55–8736; Filed, Oct. 28, 1955; 8:45 a. m.]

Chapter III—Coast and Geodetic Survey, Department of Commerce

PART 303—CHARGES FOR CERTIFYING, SEARCHING, AND COPYING SERVICES

PHOTOGRAPHIC REPRODUCTIONS

Section 303.3 (19 F. R. 4357) is amended by adding the following at the end of the list:

Nine-lens photographs:	
Positive	$11.00
Additional positive, same negative	5.50
Positive from copy negative	3.50
Multiplex diapositives:	
1 to 100, each	2.50
Over 100, each	2.00
Keish plates:	
1 to 5, each	5.00
6 to 100, each	4.50
Over 100, each	4.25

The effective date of this amendment is November 1, 1955.

Insofar as the Administrative Procedure Act may be applicable: Because of the nature of this notice, I find, for good cause shown, that it would be impracticable and unnecessary, and no good reason would be served to give preliminary notice, engage in public rule-making procedure or postpone the effective date thereof.

(Sec. 501, 65 Stat. 290; 5 U. S. C. 140)

[SEAL] H. ARNOLD KARO,
Director.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. D. Doc. 55-8759; Filed, Oct. 28, 1955; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 139]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.26, a Louisiana Temporary Ground Maneuver Restricted Area is established, to be known as "Sage Brush" described as follows:

NOTE: Arrangements have been made within the military insofar as existing Restricted Areas are concerned. Designations of existing restricted areas will remain unchanged even though the Sage Brush area will, in some instances, overlap.

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
SAGE BRUSH (U. S. Planning Chart).	From intersection of north boundary of Airway R-96 and Sabine River; north along Sabine River to Logansport; thence along U. S. Highway 84 to Mansfield; thence along State Highway 145 to State Highway 20; thence direct to Taylor Town; thence along State Highways 934 and 184 to Fillmore; thence along U. S. Highway 80 to Dixie Inn; thence along State Highway 90 to the Arkansas-Louisiana Border; thence east along the Arkansas-Louisiana Border to U. S. Highway 165; thence south along U. S. Highway 165 to north boundary of Airway Green 6; thence west along north boundary of Airways Green 6 and Red 96 to the point of beginning.	VFR-nonmaneuver aircraft restricted to not above 1,500 feet mean sea level unless on joint operations centers clearance. IFR or flight above 1,500 feet mean sea level only upon prior clearance from joint operations centers.	Nov. 15, through Nov. 21, 1955, and Nov. 27 through Dec. 6, 1955, inclusive.	Appropriate CAA Air Route Traffic Control Center (which will be in communication with joint operations centers).

2. A Temporary Air Maneuver Restricted Area is established, to be known as "Sage Brush" described as follows:

NOTE: Arrangements have been made within the military insofar as existing Restricted Areas are concerned. Designations of existing restricted areas will remain unchanged even though the Sage Brush area will, in some instances, overlap.

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
SAGE BRUSH (U. S. Planning Chart).	From the mouth of the Rio Grande River (U. S.-Mexico border) along the Rio Grande River to longitude 101° 00′; thence to latitude 29° 30′, longitude 101° 00′; thence to latitude 35° 00′, longitude 92° 00′; thence to latitude 36° 30′, longitude 86° 30′; thence to latitude 32° 30′, longitude 84° 30′; thence to latitude 29° 55′, longitude 84° 30′; thence along the Gulf Coast to latitude 30° 13′, longitude 89° 05′; thence to latitude 30° 20′, longitude 89° 05′; thence to Madisonville Fan Marker; thence to intersection of north boundary of Red 96 airway and the west boundary of Amber 5 airway; thence along the north boundary of Red 96 airway to a point due north of the Lafayette, La., nondirectional radiobeacon; thence due south to the south boundary of Green 6 airway; thence along the south boundary of Green 6 airway to the Lake Charles, La., LFR; thence along the south boundary of Red 96 airway to a point due south of the Beaumont, Tex., LFR; thence due north to the north boundary of Red 96 airway; thence along the north boundary of Red 96 airway to a point due north of the Palacios, Tex., LFR; thence to latitude 28° 27′, longitude 96° 17′; thence along the Gulf Coast to the point of beginning; excluding the area covered by the Sage Brush Temporary Ground Maneuver Restricted Area and that portion below 4,000 feet within the Terminal Areas listed and described as follows:	VFR no restrictions any altitudes. IFR-flight of other than maneuver aircraft restricted to that airspace from 4,000 to 20,000 feet mean sea level, inclusive except in the Terminal Areas described in the adjacent "Description by geographical coordinates" column.	Nov. 15 through Nov. 21, 1955, and Nov. 27 through Dec. 6, 1955, inclusive.	Appropriate CAA Air Route Traffic Control Center (which will be in communication with joint operations centers).

Terminal areas

Location	Area in nautical mile radius centered on—
Brownsville, Tex.	15 miles International Airport.
Harlingen, Tex.	20 miles New Municipal Airport.
McAllen, Tex.	15 miles Miller Municipal Airport.
Laredo, Tex.	15 miles Laredo Air Force Base plus extension 5 miles either side of the northwest course of the Laredo LFR; 30 miles tnorthwest and 5 miles either side of the southeast course of the Laredo LFR; 30 miles southeast of the LFR station.
Alice, Tex.	15 miles LFR station.
Corpus Christi, Tex.	15 miles VOR range.
Beeville, Tex.	15 miles LFR, extended 5 miles either side of the northwest course of the LFR; 20 miles northwest.
Victoria, Tex.	25 miles Victoria County Airport.
San Antonio, Tex.	50 miles San Antonio LFR station.
Austin, Tex.	30 miles LFR.
Temple, Tex.	15 miles Municipal Airport.
Waco, Tex.	15 miles LFR, extended on an arc of 40 mile radius in the east quadrant of the LFR station.
Bryan, Tex.	20 miles LFR.
Bryan, Tex.	15 miles Snook "H" Facility located at latitude 30°29′00″, longitude 96°29′25″.
Houston, Tex.	40 miles Municipal Airport.
Lufkin, Tex.	15 miles VOR.
Tyler, Tex.	15 miles LFR.
Longview, Tex.	15 miles Gregg County Airport.
Marshall, Tex.	15 miles Municipal Airport.
Beaumont, Tex.	20 miles VOR.

Name and location (chart)	Terminal areas	
	Location	Area in nautical mile radius centered on—
SAGE BRUSH (U. S. Planning Chart).	Shreveport, La	40 miles Barksdale Air Force Base.
	Lake Charles, La	15 miles Air Force Base.
	Monroe, La	15 miles LFR, extended 5 miles either side of the northeast course, 20 miles northeast of the LFR.
	Alexandria, La	15 miles Air Force Base.
	Texarkana, Ark	15 miles Airport.
	Magnolia, Ark	15 miles Municipal Airport.
	El Dorado, Ark	15 miles Goodwin AFB.
	Camden, Ark	15 miles Municipal Airport.
	Hot Springs, Ark	15 miles Airport.
	Pine Bluff, Ark	15 miles Airport.
	Stuttgard, Ark	15 miles Airport.
	Little Rock, Ark	15 miles Airport (plus tangents adjoining outside of circles encompassing Hot Springs, Pine Bluff and Little Rock Airports).
	Memphis, Tenn	45 miles LFR.
	Helena, Ark	15 miles Municipal Airport.
	Greenville, Miss	20 miles "H" Facility.
	Greenwood, Miss	15 miles LFR, extended 5 miles either side of the south course of the LFR 20 miles south.
	Vicksburg, Miss	15 miles Airport.
	Jackson, Miss	15 miles LFR, extended 5 miles either side of the west course of the LFR 20 miles west.
	Natchez, Miss	15 miles Airport.
	Baton Rouge, La	15 miles Airport.
	Lafayette, La	15 miles Airport.
	Gulfport, La	20 miles LFR.
	Mobile, Ala	20 miles Bates Airport.
	Hattiesburg, Miss	15 miles Airport.
	Laurel, Miss	15 miles Airport.
	Meridian, Miss	15 miles LFR, extended 5 miles either side of the southeast course 20 miles southeast of the LFR station.
	Columbus, Miss	15 miles Lowndes County Airport.
	Tupelo, Miss	15 miles Municipal Airport.
	Nashville, Tenn	45 miles LFR station (excluding that portion outside the al maneuver area).
	Muscle Shoals, Ala	15 miles LFR.
	Huntsville, Ala	15 miles Municipal Airport.
	Gadsden, Ala	15 miles Airport.
	Birmingham, Ala	35 miles LFR.
	Tuscaloosa, Ala	15 miles Municipal Airport.
	Montgomery (Selma), Ala	All that area within the confines of the rectangular designated control area in the Montgomery-Selma area (depicted on current sectional aeronautical charts).
	Columbus, Ga	20 miles Columbus "H" Facility.
	Dothan, Ala	15 miles LFR.
	Camp Rucker, Ala	15 miles Ozark Airport.
	Marianna, Fla	15 miles VOR.
	Pensacola, Fla	30 miles LFR.
	Panama City, Fla	25 miles Tyndall LFR station.

NOTE: This affects §§ 608.11, 608.13, 608.18, 608.19, 608.26, 608.32, 608.50, 608.51.

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

This amendment shall become effective November 15, 1955.

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-8665; Filed, Oct. 28, 1955; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

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

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PESTICIDE CHEMICALS; FURTHER EXTENDED DATES ON WHICH STATUTE SHALL BECOME FULLY EFFECTIVE

In § 3.41 *Pesticide chemicals; extended dates on which statute shall become fully effective,* published in the FEDERAL REGISTER of July 20, 1955 (20 F. R. 5161) and in § 3.42 *Pesticide chemicals; additional extended dates on which statute shall become fully effective; denial of requests for extensions,* published in the FEDERAL REGISTER of July 28, 1955 (20 F. R. 5391), the date on which the statute (68 Stat. 511 et seq.; 21 U. S. C. 342, 346a) shall become fully effective was extended for a number of pesticide chemicals. Additional extensions of the date on which the statute shall become fully effective are necessary for some of these pesticide chemicals to permit the Food and Drug Administration to process petitions received prior to October 31, 1955, and to permit additional data to be secured to support petitions for tolerances or exemptions from the requirement of tolerances for residues that remain from post-harvest application of certain pesticide chemicals to raw agricultural commodities.

Now, therefore, in exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (2), 408; 68 Stat. 511, 517 (Ch. 559, Secs. 2, 5); 21 U. S. C. 342 (a) (2) and note 1 under section 342, 346a) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), it having been found that conditions exist necessitating such extensions, the following statement of policy is issued:

§ 3.44 *Pesticide chemicals; further extended dates on which statute shall become fully effective.* The amendments in clause (2) of section 402 (a) of the Federal Food, Drug, and Cosmetic Act shall become fully effective on the dates specified for the pesticide chemicals named in this section. The extensions prescribed in this section apply only to the extent that tolerances or exemptions from tolerances under section 408 of the act shall not have been established prior to the effective dates as extended. This section supersedes any extended effective dates for the same pesticide chemicals for use on the same raw agricultural commodities previously published in §§ 3.41 and 3.42. All further changes in extended effective dates on the same or other pesticide chemicals will be published as amendments to this section.

(a) (1) Effective date January 22, 1956:

Aldrin: For use on berries of the bramble type, blueberries, dates, pineapples, strawberries, beans (including black-eyed peas and soybeans), beets (sugar, including tops), broccoli, cabbage, carrots, corn, cucumbers, onions, peanuts, peas and cowpeas (including forage), tomatoes, grains (including oats, rye, barley, wheat, rice), buckwheat, grain forage, legumes for forage (including clovers, alfalfa, peanut hay), grass crops (pasture and range grass), mint (including spearmint and peppermint).

Allethrin: On livestock.

Calcium cyanide: As a grain fumigant.

Chlordane: On forage crops (including grass), sweetpotatoes, grains, cottonseed, sugarcane.

Dieldrin: On berries of the bramble type, blueberries, citrus fruits, grapes, plums and prunes, strawberries, beans (including black-eyed peas and soybeans), cabbage, corn, cucumbers, lettuce, melons (including cantaloups and muskmelons), peanuts, peas and cowpeas, potatoes and sweetpotatoes, grains (including oats, rye, barley, wheat, rice), buckwheat, grain forage, legumes for forage (including clovers, alfalfa, peanut hay), grass crops (pasture and range grass, timothy, grass hay), sorghum, sorghum forage.

Endrin: On cabbage, sugar beets.

EPN (*O*-ethyl-*O*-paranitrophenyl benzene thiophosphonate): On grapes, nuts (including pecans, walnuts, and almonds), tomatoes, olives, onions, cottonseed, sugar beets.

Ethylene dibromide: As a soil fumigant.

Ferbam: On almonds.

Hydrocyanic acid: As a fumigant for grains, dried peas and beans, and nut meats.

Lindane: On forage crops (alfalfa, clover), meat, grain (from treating storage bins).

Methoxychlor: On carrots, currants, gooseberries, pasture grasses, forage legumes (alfalfa, clovers, peanuts, cowpeas, soybeans), peanuts, mint, meat, grains.

Methyl bromide: As a fumigant.

Parathion: On forage crops (alfalfa, clover, peas, pangola grass, timothy, vetch), field crops (barley, corn, oats, wheat), hops, olives.

Phygon (2,3-dichloro-1,4-naphthoquinone): On celery, tomatoes.

Piperonyl butoxide: On apples, citrus, livestock, pears, tomatoes, grains.

Pyrethrins: On apples, citrus, grains (stored), livestock, pears, tomatoes.

Toxaphene: On cranberries, plums and prunes, beets, turnips, rutabagas, sugar beets, horseradish, parsnips, collards, kale, mustard greens, spinach, Swiss chard, peppers, pimentos, cow peas, grains (including oats, rye, barley, wheat, rice, sorghum grain), buckwheat, nuts (including pecans, walnuts, hazelnuts, hickory nuts), legumes for forage (including clovers, alfalfa, soybean hay, peanut hay, lespedeza, cow pea hay), grass crops (pasture and range grass, timothy, grass hay), grain forage (including corn and sorghum), sugarcane, meat.

Zineb: On pecans, hops, mushrooms.

Ziram: On almonds, pecans, strawberries.

(2) Effective date March 1, 1956:

Acrylonitrile: As a fumigant.

Benzene hexachloride: In meat.

Butoxypolypropylene glycol: In animal fly sprays.
Carbon bisulfide: As a grain fumigant.
Carbon tetrachloride: As a grain fumigant.
Chlordane: In meat.
Chloropicrin: As a grain fumigant.
Copper carbonate, basic: On pears.
DDT: In meat.
Ethylene dibromide: As a grain fumigant.
Ethylene dichloride: As a grain fumigant, on citrus and strawberries.
Sodium orthophenylphenate tetrahydrate: On apples and pears.
Trichloroethane: As a grain fumigant, on citrus and strawberries.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 402, 408, 68 Stat. 511, 517; 21 U. S. C. 342, 346a)

Dated: October 25, 1955.

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

[F. R. Doc. 55-8767; Filed, Oct. 28, 1955; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6151]

PART 194—LIQUOR DEALERS

SUBPART M—PRESCRIBED RECORDS AND REPORTS, AND POSTING OF SIGNS

Part 194 of Title 26 of the Code of Federal Regulations amended to provide for prescribed commercial records of receipt and disposition to be kept in lieu of Record 52, the reports to be rendered thereon, and the discontinuance of Form 52F.

On August 9, 1955, a notice of proposed rulemaking with respect to the records and reports required of wholesale and retail dealers was published in the FEDERAL REGISTER (20 F. R. 5725). The proposal was based on an extensive study of present requirements for recordkeeping and reporting of transactions in liquors which determined that the interests of the Government may now be served by records and reports based solely on the physical movement of distilled spirits. The purposes of the proposal were to provide for (a) elimination of the requirement for recording and reporting transactions in warehouse receipts covering distilled spirits in bond, (b) elimination of the requirement for recording and reporting third-party transactions, (c) discontinuance of Record 52, (d) keeping of commercial records of receipt of distilled spirits, wines, and beer, by wholesale liquor dealers, (e) keeping of commercial records of disposition of distilled spirits by wholesale liquor dealers, (f) keeping of commercial records of receipt of beer by wholesale and retail beer dealers, and (g) authorization of assistant regional commissioners to waive the submission of reports on Forms 52A and 52B under certain conditions. After consideration of all relevant matter presented by interested parties regarding the regulations proposed, the regulations are hereby adopted in the form set forth below:

Paragraph 1. Subpart M is amended to read as follows:

SUBPART M—PRESCRIBED RECORDS AND REPORTS, AND POSTING OF SIGNS

WHOLESALE DEALERS' RECORDS AND REPORTS

Sec.
194.210 General requirements as to distilled spirits.
194.211 General requirements as to wines and beer.
194.212 Dealers selling distilled spirits in retail quantities only.
194.213 Dealers not selling distilled spirits.
194.214 Records to be kept by States.
194.215 Proprietors.
194.216 Records of receipt.
194.217 Records of disposition.
194.218 Cancelled or corrected records.
194.219 Format of records of receipt and disposition.
194.220 Variations in format, or preparation, of records.
194.221 Recapitulation records.

DAILY AND MONTHLY RECORDS

194.222 Wholesale liquor dealer's monthly report, Form 338.
194.223 No transactions during month.
194.224 Discontinuance of business.
194.225 Daily reports, Forms 52A and 52B.
194.226 Entries on Forms 52A and 52B.
194.227 Entry of miscellaneous items.
194.228 Serial number of cases.

RETAIL DEALERS RECORDS AND REPORTS

194.229 General requirements for retail dealers.
194.230 Requirements where wholesale department is kept.
194.231 Requirements when wholesale liquor dealer maintains a retail department.

FILES OF RECORDS AND REPORTS

194.232 Manner of filing looseleaf records of receipt and disposition.
194.233 Place of filing.

PERIOD OF RETENTION

194.234 Retention of records and files.

PROCUREMENT OF REPORT FORMS

194.235 Forms to be provided by users at own expense.

POSTING OF SIGNS

194.236 By wholesale dealers in liquors.
194.237 By others than wholesale liquor dealers.

AUTHORITY: §§ 194.210 to 194.237 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

WHOLESALE DEALERS' RECORDS AND REPORTS

§ 194.210 *General requirements as to distilled spirits.* Except as provided elsewhere in this subpart, every wholesale dealer shall, daily, prepare commercial records of the physical receipt and disposition of distilled spirits by him, and shall, daily, prepare a recapitulation record showing the total wine gallons of distilled spirits received and disposed of during the day. Every wholesale dealer shall submit on Forms 52A and 52B daily or periodic reports, prepared from his commercial records, of the physical receipt and disposition of distilled spirits by him: *Provided*, That upon application, the assistant regional commissioner may relieve a dealer from the requirement of preparing and submitting such daily or periodic reports on Forms 52A and 52B until otherwise notified, when the assistant regional commissioner finds that such reporting is not necessary to law enforcement or protection of the revenue. Every wholesale dealer who offers bottled distilled spirits for sale shall submit a monthly report on Form 338, showing the total wine gallons of distilled spirits (a) on hand at the beginning of the month, (b) received during the month, (c) disposed of during the month, and (d) remaining on hand at the end of the month.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 194.211 *General requirements as to wines and beer.* Every wholesale liquor dealer who receives wines, or wines and beer, and every wholesale beer dealer, shall keep at his place of business a complete record of all wines and beer received, showing (a) the quantities thereof, (b) from whom received, and (c) the receiving dates. Such record, which must be kept for a period of not less than two years as prescribed in § 194.234, may consist of all purchase invoices or bills covering wines and beer received or, at the option of the dealer, a book record containing all of the required information. Wholesale dealers are not required to prepare or submit reports to assistant regional commissioners of transactions relating to wines and beer.

(68A Stat. 681; 26 U. S. C. 5555)

§ 194.212 *Dealers selling distilled spirits in retail quantities only.* A dealer who sells wines or beer, or both, in wholesale quantities, and who sells distilled spirits in retail quantities only, is not required to maintain the records or submit the reports prescribed in § 194.210, but is required to keep records of distilled spirits, wines and beer received, as prescribed in §§ 194.211 and 194.229.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 194.213 *Dealers not selling distilled spirits.* Wholesale liquor dealers who sell wines and beer only, and wholesale beer dealers are not required to maintain the records or submit the reports prescribed in § 194.210, but are required to keep records of wines and beer received, as prescribed in § 194.211.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 194.214 *Records to be kept by States.* The provisions of this subpart relative to the maintenance of records and the submission of reports, shall not apply to States and political subdivisions thereof and liquor stores operated by such entities that maintain and make available for inspection by internal revenue officers such records as will enable such officers to verify receipts of wines and beer and to trace readily all distilled spirits received and disposed of by them: *Provided*, That such States and political subdivisions thereof, and the liquor stores operated by them, shall, on request of the assistant regional commissioner, furnish such transcripts, summaries, and copies of their records as he shall require.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 194.215 *Proprietors.* The proprietor of an industrial alcohol plant or industrial alcohol bonded warehouse shall keep records and render reports in his capacity as a wholesale dealer in liquors in accordance with Part 182 of this chapter. The proprietor of a registered distillery shall keep records and render reports in his capacity as a wholesale dealer in liquors in accordance with Part 220 of this chapter. The proprietor of a fruit distillery shall keep records and render reports in his capacity as a wholesale dealer in liquors in accordance with Part 221 of this chapter. The proprietor of an internal revenue bonded warehouse shall keep records and render reports in his capacity as a wholesale dealer in liquors in accordance with Part 225 of this chapter. The proprietor of a taxpaid bottling house who (a) does not maintain wholesale liquor dealer premises, or (b) does maintain a wholesale liquor dealer room which is contiguous to the taxpaid bottling house and is used exclusively for products bottled at such taxpaid bottling house, shall keep records and render reports in his capacity as a wholesale dealer in liquors in accordance with Part 230 of this chapter. The proprietor of a rectifying plant who (a) does not maintain wholesale liquor dealer premises, or (b) does maintain wholesale liquor dealer premises which are contiguous to the rectifying plant and are used exclusively for products bottled at such rectifying plant, shall keep records and render reports in his capacity as a wholesale dealer in liquors in accordance with Part 235 of this chapter.

(68A Stat. 619, 637, 652; 26 U. S. C. 5114, 5197, 5282)

§ 194.216 *Records of receipt.* Every wholesale liquor dealer, upon the physical receipt of each individual lot or shipment of distilled spirits, shall prepare a commercial record of receipt which shall show (a) name and address of consignor, (b) date of receipt, (c) brand name, (d) name of producer or bottler, (e) kind of spirits, except that this may be omitted if the dealer keeps available for inspection a separate list or record identifying "kind" with the brand name, (f) quantity actually received (showing number of packages, if any, and number of cases by size of bottle, and explaining any shortage, breakage, leakage, or other difference from the quantity shown on the commercial papers covering the shipment), and (g) serial numbers of packages and cases, unless such serial numbers are available on the consignor's invoice or attachments thereto. Additional information desired by the wholesale dealer may also be shown. All information required to be shown on records of receipt shall be entered on such records by the close of the business day next succeeding that on which the spirits are received. Where the wholesale dealer so defers the preparation of such records, he shall keep memorandum records, prepared at the time the spirits are received, which shall show the data needed to prepare the prescribed records of receipt. Records of receipt may be prepared by entering each individual lot of distilled spirits either (1) on an individual looseleaf "Record of Receipt", preprinted as prescribed in § 194.219, (2) in chronological order on records prepared by tabulating or other mechanical office equipment, if such records are preprinted as prescribed in § 194.219, or (3) in chronological order in a bound record book, provided all pages of such book are numbered as prescribed in § 194.219. The dealer may elect to use any one of the above types of record, but may not change from one type to another without prior approval from the assistant regional commissioner. All entries, with the exception of those prescribed for returned merchandise, must be supported by corresponding invoices of the consignor. Credit memorandums conforming to the requirements of § 194.219 may, if desired, be used in lieu of individual looseleaf "Records of Receipt" to show the receipt of returned merchandise. Variations in the format or in the methods of preparation may be authorized, as provided in § 194.220.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.217 *Records of disposition.* Every wholesale dealer shall prepare a commercial record covering the physical disposition of each individual lot of distilled spirits, which shall show (a) name and address of consignee, (b) date of disposition, (c) kind of spirits, except that this may be omitted if the dealer keeps available for inspection a separate list or record identifying "kind" with the brand name, (d) brand name, (e) number of packages, if any, and number of cases by size of bottle, and (f) serial numbers of the cases or packages, unless such serial numbers are shown on commercial papers attached thereto. Additional information desired by the dealer may also be shown. Records of disposition shall be prepared by entering each individual lot of distilled spirits either (1) on an individual looseleaf "Record of Disposition", preprinted as prescribed in § 194.219, (2) in chronological order on records prepared by tabulating or other mechanical office equipment, if such records are preprinted as prescribed in § 194.219, or (3) in chronological order in a bound record book, provided all pages of such book are numbered as prescribed in § 194.219. The completed order forms of the dealer, or exact copies of his invoices of sale, will be acceptable as "Records of Disposition" if such documents provide all of the required information, and are preprinted as prescribed in § 194.219. The dealer may elect to use any one of the above types of record, but may not change from one type to another without prior approval from the assistant regional commissioner. Entries on records of disposition must be completed by the close of the business day next succeeding that on which the spirits are removed. Where the dealer so defers the preparation of such records he shall keep memorandum records, prepared at the time the spirits are sent out, or prior thereto, which shall show the data needed to prepare the prescribed records. Each record of disposition must be supported by a corresponding delivery receipt (which may be executed on a copy of the "Record of Disposition") fully describing the spirits and signed by the consignee or his agent, or by a copy of a bill of lading indicating delivery of the spirits to a common carrier. Documents supporting records of disposition shall have noted thereon the serial number of the corresponding "Record of Disposition", or the page number of the machine record or record book, as the case may be. Variations in the format or in the methods of preparation may be authorized, as provided in § 194.220.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.218 *Cancelled or corrected records.* Entries in record books shall not be erased or obliterated, nor shall whole or partial pages be removed from such books. Correction or deletion of any entry in a record or report shall be accomplished by drawing a line through such entry, and making appropriate correction, explanation, or reference on the same page or sheet. Where a looseleaf "Record of Receipt" or "Record of Disposition" is voided for any reason, all copies thereof shall be marked "Cancelled" and be filed as prescribed in § 194.232; if a new record is prepared in lieu thereof, the serial number of the new record shall be noted on all copies of the cancelled record. Where items entered on a "Record of Disposition" are deleted for reasons such as the refusal of the merchandise by the consignee, or the inability of the wholesale dealer to supply such merchandise, appropriate explanations shall be made on all copies of the record.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.219 *Format of records of receipt and disposition.* Each individual "Record of Receipt" and "Record of Disposition", each credit memorandum used for recording the receipt of returned distilled spirits, and each sheet, or page used in tabulating or other mechanical office equipment for recording the receipt or disposition of distilled spirits must be preprinted with the name and address of the wholesale liquor dealer. Each such record, sheet, or page shall also bear a preprinted serial number, beginning with number 1 and, before repeating, continuing in numerical sequence to a number high enough to preclude the duplication of a serial number in such group within a period of six months: *Provided,* That upon application, the assistant regional commissioner may authorize a wholesale dealer to affix serial numbers in consecutive order during the preparation or processing of the prescribed commercial records, or authorize the serial numbering of such records beginning with some number other than 1, or authorize the repetition of blocks of serial numbers within a lesser period than six months, where the assistant regional commissioner finds that the dealer's accounting system will afford an effective measure of control and such variation will not be likely to lend itself to the falsification of records. Each serially numbered form or sheet must be accounted for by the dealer. If a bound record book is used for recording receipts and dispositions, all of the pages of such

book must be numbered in unbroken sequence.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.220 *Variations in format, or preparation, of records.* The Director, Alcohol and Tobacco Tax Division, may approve variations in the format of records of receipt and disposition, or in the methods of preparing such records, where it is shown that variations from the requirements are necessary in order to use tabulating equipment, business machines, or existing accounting systems, and will not (a) unduly hinder the effective administration of this part, (b) jeopardize the revenue, or (c) be contrary to any provision of law. A dealer who proposes to employ format or methods other than as provided in this part shall submit a letter-head application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and set forth the need therefor. The assistant regional commissioner will determine the need for the variations, and whether approval thereof would unduly hinder the effective administration of this part or result in jeopardy to the revenue. The assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation. Variations in format or methods shall not be employed until approval is received from the Director.

§ 194.221 *Recapitulation records.* Every wholesale liquor dealer shall, daily, prepare a recapitulation record showing, in wine gallons, the total quantities of distilled spirits received and disposed of during the day. At the end of each month he shall prepare grand totals of all receipts and dispositions during the month. The work sheets from which totals are obtained shall be retained for a period of 2 years.

DAILY AND MONTHLY REPORTS

§ 194.222 *Wholesale liquor dealer's monthly report, Form 338.* Every wholesale liquor dealer who is required to keep the records prescribed in § 194.210 shall file with the assistant regional commissioner a monthly report, on Form 338, of the total quantities of bottled distilled spirits received and disposed of during the month, not later than the 10th day of the month succeeding that for which rendered.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.223 *No transactions during month.* If there were no receipts or disposals of distilled spirits by a wholesale liquor dealer during a month, Form 338 must be prepared and forwarded to the assistant regional commissioner, showing the quantity on hand the first day of the month and the quantity on hand the last day of the month and marked "No transactions during month." Wholesale liquor dealers maintaining records in the simplified manner prescribed by § 194.230 should show on Form 338 that no distilled spirits were on hand the first day and the last day of the month.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.224 *Discontinuance of business.* When a wholesale liquor dealer discontinues business as such, he shall render Form 338, covering transactions for the month in which business is discontinued, and mark such report "Final."

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.225 *Daily reports, Forms 52A and 52B.* Except as otherwise provided in this subpart, every wholesale liquor dealer shall prepare and submit, daily, a report on Form 52A of all distilled spirits received by him, and on Form 52B of all distilled spirits disposed of by him. The reports shall be filed with the assistant regional commissioner by delivering or mailing them to such officer on the date the transactions entered therein occur: *Provided,* That in any case in which the assistant regional commissioner shall direct, the reports shall be so filed with the supervisor in charge instead of with the assistant regional commissioner. Each report shall bear the following declaration signed by the person or officer authorized to execute Form 338:

I declare under the penalties of perjury that this report, consisting of _____ pages, has been examined by me and to the best of my knowledge and belief is a true, correct, and complete report of all the transactions which occurred during the period covered thereby, and each entry therein is correct.

If in any case the assistant regional commissioner shall so authorize, the reports, in lieu of being filed daily, may be filed for such periods and at such times as he may deem necessary in the interest of the Government, or the reports may be waived as provided in § 194.210.

(68A Stat. 619, 749; 26 U. S. C. 5114, 6065)

§ 194.226 *Entries on Forms 52A and 52B.* Where more than one shipment of distilled spirits is received from the same consignor during any month, there will be reported on Form 52A for the first shipment received, the name and address of such consignor, followed by the registry number (preceded by appropriate identifying symbols) and the State of the consignor's plant or warehouse (for example, IRBW–4–Ky.) or, in the case of shipments received from wholesale liquor dealers or importers, the permit number of the consignor (for example, 3–I–1234). For the remaining shipments received from such consignor during the month, there may be reported in the column designated "Name" such registry number or permit number, as the case may be, and the name and address of the consignor may be omitted. Likewise, where more than one shipment of distilled spirits is sent to the same consignee during any month, there will be reported on Form 52B for the first shipment made the name and address of such consignee followed by the registry number or permit number of the consignee. For the remaining shipments made to such consignee during the month, there may be reported in the column designated "Name" such registry number or permit number, as the case may be, and the name and address of the consignee may be omitted. Where the consignor or consignee is a retail dealer in liquors, the name and address must be reported on Form 52A or 52B for each shipment received or sent.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.227 *Entry of miscellaneous items.* Wholesale liquor dealers may report on Form 52B as one item the total quantity of different kinds of spirits made up from broken cases disposed of to the same person on the same day, provided such total quantity is not in excess of 10 gallons. The entry of such items shall be stated as "Miscellaneous" or "Misc." and shall show the date, the name and address of the person to whom sold, and the quantity.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.228 *Serial numbers of cases.* Serial numbers of cases of distilled spirits received, or disposed of, shall be reported on Forms 52A or 52B unless the omission of such case serial numbers is specifically authorized by the assistant regional commissioner.

(68A Stat. 619; 26 U. S. C. 5114)

RETAIL DEALERS RECORDS AND REPORTS

§ 194.229 *General requirements for retail dealers.* Each retail dealer in liquors and each retail dealer in beer shall keep at his place of business a complete record of all distilled spirits, wines, or beer received, showing (a) the quantities thereof, (b) from whom received, and (c) the receiving dates. Such record, which must be kept for a period of not less than two years as prescribed in § 194.234, may consist of all purchase invoices or bills covering distilled spirits, wines, and beer received or, at the option of the dealer, a book record containing all of the required information. Retail dealers who do not maintain a wholesale department are not required to prepare and submit reports of purchases and sales to assistant regional commissioners.

(68A Stat. 622, 681; 26 U. S. C. 5124, 5555)

§ 194.230 *Requirements where wholesale department is kept.* A liquor dealer engaged in the business of selling primarily at retail, who at the same premises also makes occasional sales of distilled spirits in quantities of 5 wine gallons or more in his capacity as a wholesale liquor dealer, shall keep the records prescribed in § 194.229 for all retail dealers. In addition, as prescribed by § 194.217, he shall prepare commercial records of disposition on all distilled spirits transferred into and sold from his wholesale department, and shall prepare recapitulation records of such spirits, as prescribed by § 194.221. The monthly report on Form 338, prescribed in § 194.222, must be submitted even if there have been no transactions in the wholesale department. Unless the dealer is relieved from such requirement, daily or periodic reports on Forms 52A and 52B shall be submitted by him on all the distilled spirits transferred from the retail department, as prescribed by §§ 194.210 and 195.225. As used in this subpart, the term "selling primarily at retail" shall mean that sales at retail must normally represent at last 90 percent of the volume of distilled spirits sold during a month. Where a liquor dealer

is engaged in such business, all distilled spirits at the premises may be considered as having been received in the retail department. When a sale of 5 wine gallons or more is made, the distilled spirits involved in the transaction shall be considered as having been transferred to the wholesale department at the time of sale. The wholesale department need not be maintained in a separate room or be partitioned off from the retail department, but sales at wholesale must be made in a part of the premises designated as the wholesale department.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.231 *Requirements when wholesale liquor dealer maintains a retail department.* A wholesale liquor dealer who sells distilled spirits in wholesale quantities, and at the same premises maintains a separate retail department where distilled spirits are sold in retail quantities, shall keep the records and render the reports prescribed by § 194.210 on all distilled spirits received and disposed of in his capacity as a wholesale dealer. When distilled spirits are transferred from the wholesale department to the retail department, a commercial record showing such disposition shall be prepared as prescribed by § 194.217. Where it is necessary in the filling of a wholesale order to transfer distilled spirits from the retail department to the wholesale department, a commercial record showing such receipt in the wholesale department shall be prepared as prescribed in § 194.216, and the entire sale entered on a record of disposition in the same manner as any other disposition from the wholesale department. The provisions of this subpart relating to submission of reports on Forms 52A and 52B are applicable to all transfers between wholesale and retail departments. The retail department need not be maintained in a separate room, or be partitioned off from the wholesale department, but the retail department must in fact be separate from the wholesale department. Where a wholesale dealer does not maintain a separate retail department, all distilled spirits received and disposed of must be accounted for on records of receipt and disposition regardless of the quantities involved.

(68A Stat. 619; 26 U. S. C. 5114)

FILES OF RECORDS AND REPORTS

§ 194.232 *Manner of filing looseleaf records of receipt and disposition.* One legible copy of (a) each "Record of Receipt," (b) each credit memorandum used for the purpose of recording the receipt of returned merchandise, and (c) each "Record of Disposition," shall be marked or stamped as "Government File Copy," and shall be filed chronologically, and in numerical sequence within each date, in looseleaf binders or books. Where the chronological filing of such records disarranges their numerical sequence to such an extent that the sequence of numbers cannot be readily traced, a control record shall be maintained by the wholesale liquor dealer, which shall key the numerical sequence of the records to their respective dates. Government file copies shall be filed not later than the close of the business day next succeeding that on which the transaction occurred. Separate files shall be maintained for "Records of Receipt," for credit memorandums used to record receipt of returned merchandise, and for "Records of Disposition." Supporting documents such as consignors' invoices, delivery receipts, and bills of lading, or exact copies thereof, may be filed in accordance with the wholesaler's customary practice. Documents supporting records of disposition shall have noted thereon the identifying serial numbers of the records of disposition to which they refer, as required by § 194.217.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.233 *Place of filing.* Prescribed records of receipt and disposition and file copies of Forms 52A, 52B, 338, and the recapitulation records required by § 194.221, shall be maintained in chronological order in separate files at the premises where the distilled spirits are received and sent out: *Provided,* That upon application, the assistant regional commissioner may authorize the files, or any individual file, to be maintained at other premises under control of the same dealer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to internal revenue officers desiring to examine such files.

(68A Stat. 619; 26 U. S. C. 5114)

PERIOD OF RETENTION

§ 194.234 *Retention of records and files.* All records prescribed by this part, documents or copies of documents supporting such records, and file copies of reports submitted, shall be preserved for a period of not less than 2 years, and during such period shall be available, during business hours, for inspection and the taking of abstracts therefrom by internal revenue officers. Any records, or copies thereof, containing any of the information required by this part to be prepared, wherever kept, shall also be made available for such inspection and the taking of abstracts therefrom.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

PROCUREMENT OF REPORT FORMS

§ 194.235 *Forms to be provided by users at own expense.* Forms 52A, 52B and 338 will be provided by users at their own expense, but must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division: *Provided,* That, with the approval of the Director, Alcohol and Tobacco Tax Division, they may be modified to adapt their use to tabulating or other mechanical equipment. Application for permission to modify such forms shall be filed in the manner prescribed in § 194.220.

POSTING OF SIGNS

§ 194.236 *By wholesale dealers in liquors.* Every person engaged in business as a wholesale dealer in liquors shall place and keep conspicuously on the outside of his place of business a sign exhibiting in plain, durable, and legible letters the name, or firm of the dealer and the words "Wholesale Liquor Dealer." In those states where the definition of wholesale liquor dealer differs from the definition given in § 194.29, the words "Wholesale Liquor Dealer under Federal Law" may be used. In the case of a wholesale liquor dealer who procures and posts a special tax stamp designated "Wholesale Dealer in Wines", or "Wholesale Dealer in Wines and Beer", the requirements of this section will be met by the posting of a sign of the character prescribed herein, but with words conforming to the designation of the special tax stamp.

(68A Stat. 620; 26 U. S. C. 5116)

§ 194.237 *By others than wholesale liquor dealers.* Internal revenue laws do not require the posting of signs by retail dealers in liquors, retail dealers in beer, or wholesale dealers in beer.

Inasmuch as this Treasury decision, except sections 194.211, 194.212, 194.213, 194.229, and 194.234, relieves restriction, it is hereby found that it is unnecessary to issue this Treasury decision subject to the effective date limitation of section 4 (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003 (c)). Accordingly, this Treasury decision shall be effective on October 1, 1955, except sections 194.211, 194.212, 194.213, 194.229, and 194.234, which, to the extent that they relate to dealers in beer and wine, shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

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

Approved: October 26, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-8766; Filed, Oct. 28, 1955; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

"STOCK ITEM" EXEMPTION

Section 1455.6 *Subcontracts as to which it is not administratively feasible to segregate profits* is amended as follows:

1. Paragraph (b) is amended by deleting from the caption the words "January 1, 1955" and inserting in lieu thereof the words "January 1, 1957".

2. Paragraph (b) is further amended by deleting the date "January 1, 1955" and inserting in lieu thereof the date "January 1, 1957".

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: October 25, 1955.

THOMAS COGGESHALL,
Acting Chairman.

[F. R. Doc. 55-8764; Filed, Oct. 28, 1955; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. MC–5]

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

DESIGNATION OF AGENT FOR SERVICE OF PROCESS

In the matter of security for protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the act.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of September A. D. 1955.

It appearing, that pursuant to an order in this proceeding dated July 7, 1955, revising certain rules and regulations governing surety bonds and policies of insurance, § 174.8 (a) was amended to permit insurance and surety companies to submit to the Commission designations in writing of the name and post office address of persons upon whom legal process may be served with respect to states in which such companies are not legally licensed to do business; and

It appearing, that it is desirable to adopt a form to be used by insurance and surety companies for the purpose of designating their agents for service of process:

It is ordered, That Part 7 be amended by the addition of the following:

§ 7.94 *B. M. C. 94.* Designation of Agent for Service of Process.

It is further ordered, That Form B. M. C. 94, a copy of which is attached hereto[1] and made a part hereof, be and it is hereby adopted and prescribed for use by insurance and surety companies, filing in behalf of motor carriers, for the purpose shown therein.

And it is further ordered, That this order shall be effective November 1, 1955, and shall continue in effect until the further order of the Commission.

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

(Sec. 204, 49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies secs. 211, 215, 49 Stat. 554, as amended, 557; 49 U. S. C. 311, 315)

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–8762; Filed, Oct. 28, 1955; 8:50 a. m.]

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

[Ex Parte No. MC–40]

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 29th day of July A. D. 1955.

The matter of hours of service report forms for use by motor carriers pursuant to the Motor Carrier Safety Regulations prescribed by order dated April 12, 1952, in Ex Parte No. MC–40, being under consideration; and

It appearing that certain modifications of the hours of service report forms are necessary in order to bring them into conformity with existing section numbers of the safety regulations and of the Code of Federal Regulations,

It is ordered, That the order dated June 13, 1949, in Ex Parte No. MC–2, prescribing Forms BMC–60, BMC–61 and BMC–62 be, and it is hereby vacated and set aside;

It is further ordered, That Forms BMC–60 (1955), Hours of Service Report, 49 CFR 7.60; BMC–61 (1955), Carrier's Monthly Report of Excess On Duty Time and of Excess Driving Time of Drivers, 49 CFR 7.61 and BMC–62 (1955), Carrier's Monthly Report of No Excess Driving Time and No Excess Time on Duty by Drivers, 49 CFR 7.62, of which one copy each is attached hereto[1] and made a part hereof, are approved, adopted, and prescribed for appropriate use by by motor carriers in filing reports as required by § 195.9, MCSR, Rev. of 1952;

And it is further ordered, That this order shall become effective November 1, 1955, and shall continue in effect until the further order of the Commission; however, stocks of Forms BMC–60, BMC–61, and BMC–62, presently in the hands of carriers or their suppliers, may be used;

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

(49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–8763; Filed, Oct. 28, 1955; 8:50 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 11522; FCC 55–1051]

HEARING MANUAL FOR COMPARATIVE BROADCAST PROCEEDINGS

NOTICE OF PROPOSED RULE MAKING

EDITORIAL NOTE: In the notice of proposed rule making in the above-entitled matter published at page 8051 of the issue for Wednesday, October 26, 1955, the following was inadvertently omitted:

APPENDIX—HEARING MANUAL FOR COMPARATIVE BROADCAST PROCEEDINGS

I. *Conduct of hearing.* A. Comparative broadcast hearings before hearing examiners are to be conducted in the most equitable and expeditious manner possible. To achieve this end, the following principles are to be adhered to unless waived for good cause:

1. The hearing examiner may permit argument in support of or in opposition to objections; counsel shall state succinctly the basis for the position taken; argument shall be limited to three minutes by each party; the hearing examiner shall rule on objections as promptly as possible; written comments in lieu of or in addition to oral argument shall be filed only if permitted by the hearing examiner.

2. The reason for an objection to the receipt of evidence must be stated on the record; no formal "exception" to the ruling is required.

3. Offers of proof may be made orally or in writing.

4. a. Cross-examination of principals may cover the entire affirmative presentation. Cross-examination of all other witnesses not principals shall be limited to matters raised on direct examination, and only one opportunity for cross-examination shall be afforded each party, except that further cross-examination shall be allowed on matters raised by other parties on cross-examination and shall take place prior to redirect examination. The foregoing shall not limit examination to test credibility of witnesses. As used herein, "principal" is defined as an officer, director, general manager, stockholder, sole owner, or partner of the applicant, except that in cases of corporate applicants having more than fifty stockholders, those holding less than one percent of the outstanding stock, who are neither officers nor directors, are excluded.

b. Redirect examination shall be limited to matters raised on cross-examination.

c. Recross-examination shall be limited to matters raised on redirect examination.

d. No other examination shall be permitted.

5. The proceeding shall "go off the record" only upon the order of the hearing examiner. If the hearing examiner or any party requests it, a summary of the "off the record" discussion shall be made by counsel who

[1] Filed as part of original document.

asked to go off the record. No summary shall be made in the absence of a request.

II. *Evidence.* A. Except as hereinafter provided, the rules of evidence governing nonjury civil proceedings in courts of the United States shall govern formal hearings relating to comparative broadcast matters. Such rules may be relaxed if the ends of justice will be better served by so doing. (See Commission's Rules, 1.871.)

B. In all comparative hearings relating to broadcast matters, the following methods of proof, which are relaxations of or limitations on the rules of evidence set out in Section II, A, will be adhered to unless justice would be served by a waiver thereof.

C. *Program logs.* 1. Program logs of a broadcast facility will not be accepted as evidence of past programming. Any showing of over-all past performance based upon a particular week shall include, but not be limited to, a program log analysis and type analysis, as provided in Section IV of FCC Form 301, plus an exhibit containing descriptions and classifications of the programs broadcast during the selected week. Logs of the weeks selected must be made available to opposing parties upon their request.

2. The number of weeks for which programming is to be shown should be limited by the hearing examiner to avoid cumulative evidence; provided, however, upon request of any party such showing must include the latest composite week issued by the Commission and any other period or composite week which may have been determined in the prehearing conference.

3. Program logs or excerpts thereof may be introduced by an adverse party; provided, however, that program logs or excerpts of the same log may then be introduced by the applicant in rebuttal.

4. Upon request, an adverse party may be entitled to examine the program logs of a broadcast facility at the place such logs are normally maintained and under such conditoins as may be imposed by the hearing examiner to avoid hardship; however, if copies of any program logs are requested, the expense of making such copies must be borne by the party making the request.

5. The methods of proof described in the section above relate solely to the method of preparing program log material and analyses; such sections are not intended to be a limitation on the scope or type of proof generally of past programming.

D. *Awards.* 1. Awards made to a broadcast facility may be shown only by a factual listing covering the following points:

a. The name and address of organization making the award;

b. A brief description of the award;

c. The date of the award;

d. Whether or not solicited.

2. The original awards or copies thereof must be made available for inspection by adverse parties upon their request.

E. *Letters.* Letters received relating to past programming are not admissible.

F. *Pictures.* Pictures will not be received unless introduced by the party with personal knowledge of the contents. Pictures must be accompanied by written descriptions of what they purport to show.

G. *Programming analyses.* If any party desires to submit program analyses, one such analysis must conform to the forms set out in Paragraphs 2 and 4, Section IV of FCC Form 301.

H. *Operation of other facilities.* 1. The past operation of facilities in other locations will not be inadmissible solely because of the fact of location.

2. The admission of evidence relating to the past operation of broadcast facilities, not legally controlled by the applicant, must be determined by the hearing examiner upon the facts of each individual case. This question should be resolved in the prehearing conference.

I. *Contacts.* 1. Exhibits showing the results of contacts concerning proposed programming may be introduced by the person under whose direction the contacts were made, and may contain the following information:

a. Date of contact;

b. By whom made;

c. Method of contact;

d. Name, address and position of person contacted;

e. Matters discussed.

2. Letters from persons contacted by the applicant in connection with proposed programming are not admissible.

J. *Film, record and wire services.* The Commission will presume that all film, record and wire services regularly sold to broadcast stations, will be available to each applicant.

K. *Cooperation of local organizations.* The Commission will presume that each applicant may expect to receive the general cooperation of local civic, educational and governmental groups: *Provided, however,* That such a presumption shall not apply to specifically named persons or organizations or to participation in a particular program.

L. *Proposed programming.* 1. Proposed programming will be limited to a showing of one typical week's program schedule to be broadcast the first year of operation. Such a program showing should not deviate from the typical week's programming contained in the application; provided, however, that a full description of the programs in such schedule may be presented at the hearing, including variations in the format from week to week.

2. Exhibits as to special programming that will be done by the applicant during the first year of operation will be admitted even though no reference is made thereto in the application.

3. Exhibits covering the plans for proposed remote broadcasts, consisting of maps showing the location of the remote broadcasts and descriptions of the programs proposed, will be acceptable upon the following showing, even though no reference is made thereto in the application:

a. Testimony by a witness that each location has been examined and is suitable for the program proposed;

b. Testimony that permission has been secured to originate programs from the location specified;

c. Testimony that it is technically feasible to originate such a program.

M. *Staff.* 1. Biographies of proposed employees, signed and subscribed by them, may be introduced by the principal who secured the information.

2. The affidavit of any proposed employee must show that he is aware of the use to be made of the document and must also state that he intends to accept employment if the applicant is successful.

3. Such proposed employee must be made available for cross-examination by deposition, at his place of residence, upon request of any adverse party.

4. The Commission will presume that each applicant will be able to obtain an experienced and adequate staff.

N. *Equipment.* 1. The Commission will presume that all equipment required to operate the broadcast facility as proposed will be available.

2. Equipment contracts will be admissible upon the testimony of the representative of the applicant who signed such contract.

3. The Commission will presume that all necessary furniture, furnishings and shop equipment will be purchased by the applicant.

4. Video and audio block diagrams, and exhibits of a similar nature, will not be admissible on direct examination.

O. *Studios and transmitter buildings.* 1. Blueprints and specifications of proposed buildings are admissible upon the testimony of the principal who ordered their preparation.

2. Costs of construction prepared by a contractor or architect may be admitted if prepared in affidavit form, and if they contain statements that the estimates are based upon blueprints and specifications which will be made available to adverse parties upon request. If examination of the contractor or architect is required, such person shall be available for deposition if requested.

3. The Commission will presume that the applicant's proposed site and necessary utilities will be available and the local zoning ordinances allow the erectoin of all proposed structures.

P. *Facts about community.* 1. The hearing examiner will accept, without formal proof, general economic, geographical and business informatoin about a locality which appears in any governmental or regularly published business document.

2. The party introducing such evidence must make excerpts of the pertinent portions thereof and must also make available to all parties the copy of the publication from which the excerpt was made.

Q. *Hearsay.* 1. Hearsay, as such, is not generally admissible in a Commission proceeding unless the hearing examiner finds that particular circumstances lending reliability exist to warrant a waiver of this limitation.

2. The following exceptions to the hearsay rule shall be recognized in these proceedings:

a. *Business entries and the like.* (1) A writing offered as a memorandum or record of an act, event or condition is admissible as tending to prove the occurrence of the act or event or the existence of the condition if the hearing examiner finds that it was made in the regular course of a business and that it was the regular course of that business for one with personal knowledge of such an act, event or condition to make such a memorandum or record or to transmit information thereof to be included in such a memorandum or record, and for the memorandum or record to be made at or about the time of the act, event or condition or within a reasonable time thereafter.

(2) Evidence of the absence of a memorandum or record of an asserted act, event or condition from the memoranda or records of a business is admissible as tending to prove the nonoccurrence of the act or event or the nonexistence of the condition in that business, if the hearing examiner finds that it was the regular course of that business to make such memoranda of all such acts, events or conditions at the time thereof or within a reasonable time thereafter, and to preserve them.

(3) The word "business" as used in these sections includes every kind of occupation and regularly organized activity, whether conducted for profit or not.

b. *Written statements by persons required to report authorized acts.* Subject to Section II, R, 1, *infra,* evidence of a writing made as a record, report or memorandum of facts and conclusions concerning an act, event or condition, unless specifically privileged from disclosure by a statute requiring it to be made, is admissible as tending to prove the truth of each matter stated therein in compliance with statutory requirements if the hearing examiner finds that:

(1) The maker of the writing was duly authorized pursuant to statute to perform designated functions, performance of which by persons not so authorized was forbidden by statute, and was required by statute to file a written report in a designated place or office setting forth specified matters relating to the performance of those functions and the persons or things connected therewith; and

(2) The writing was made and filed by him as a report so required by the statute.

c. *Commercial lists and the like.* Evidence of statements or matters of interest to persons engaged in an occupation contained in a list, register, periodical, or other published compilation is admissible as tending to prove the truth of any relevant matter so stated if the hearing examiner finds that the compilation is published for use by persons engaged in that occupation and is generally used and relied upon by them therein.

R. *Discretion of hearing examiner to exclude evidence.* 1. The hearing examiner in his discretion may exclude evidence admissible under Section II, Q, 2, *supra*, if he finds the adverse parties have not been furnished a copy of the writing or of its material portions a reasonable time before the evidence is offered.

2. The above-listed exceptions to the hearsay rule are not meant to be all-inclusive and evidence offered under any recognized exception to the hearsay rule is admissible.

III. *Rebuttal of presumptions.* A. All presumptions herein provided for may be rebutted by an adverse party.

B. In each case where such presumption is rebutted, the burden will then be upon applicant to prove the fact in issue.

IV. *Prehearing conferences.* A. All hearing examiners, assigned to hearings relating to comparative broadcast matters, will hold a prehearing conference not less than 21 days before the exchange of evidence as required by Section 1.841 of the Commission's Rules. At this hearing conference, the following evidentiary matters will be discussed and the hearing examiner will rule as to the admissibility of each item, and, if admissible, under what conditions:

1. Period for which past programming showing may be made;
2. Listener or viewer surveys;
3. Monitored broadcasts;
4. Past programming of broadcast stations not legally controlled by the applicant;
5. Newspaper and magazine material;
6. Availability of network affiliation;
7. Option hour practices.

V. *Relevance and materiality of evidence.* A. The sections of this manual assume that all evidence offered will be relevant and material and no provision contained herein can be or is intended to prevent a party from objecting to any evidence upon the grounds of materiality or relevance at the time it is offered.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

PINE RIVER INDIAN IRRIGATION PROJECT, COLORADO

OPERATION AND MAINTENANCE CHARGES

Notice is hereby given of the intention to modify § 130.55 *Charges* of Title 25, Code of Federal Regulations, Chapter 1, Subchapter L, dealing with operation and maintenance assessments against the irrigable lands of the Pine River Indian Irrigation Project, Colorado, by increasing the basic water charges from $1.50 per acre to $2.00 per acre per annum. The revised section shall read as follows:

§ 130.55 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 (38 Stat. 583; 25 U. S. C., sec. 385) and March 7, 1928 (45 Stat. 200, 210), the annual basic charge for operation and maintenance assessed against the irrigable lands of the Pine River Indian Irrigation Project, Colorado, to which water can be delivered and beneficially applied under the constructed works of the project, is hereby fixed at $2.00 per acre per annum for the year 1956 and thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or argument in writing to William Wade Head, Area Director, Gallup Area Office, Gallup, New Mexico, within thirty (30) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

(Order No. 2508, Amendment No. 1 (16 F. R. 473–474); Order No. 551, Amendment No. 1 (16 F. R. 5456–5457))

W. WADE HEAD,
Area Director.

OCTOBER 11, 1955.

[F. R. Doc. 55–8737; Filed, Oct. 28, 1955; 8:45 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 7299]

INVESTIGATION OF ADULT FARES FOR UNACCOMPANIED CHILDREN

NOTICE OF PREHEARING CONFERENCE

In the matter of airline practices of charging the full adult fare for transportation of unaccompanied children.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on November 8, 1955, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., October 26, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–8782; Filed, Oct. 28, 1955; 8:53 a. m.]

[Docket No. 7415]

BYERS-WIEN MERGER

NOTICE OF PREHEARING CONFERENCE

In the matter of the joint application of Wien Alaska Airlines, Inc., and Byers Airways, Inc., for approval of agreement of acquisition and purchase of the routes and certificate of Byers Airways, Inc.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on November 9, 1955, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 26, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–8783; Filed, Oct. 28, 1955; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 102–55]

ELSINORE PROGRESSIVE LEAGUE ET AL.

DESIGNATION OF ORGANIZATIONS IN CONNECTION WITH THE FEDERAL EMPLOYEE SECURITY PROGRAM

Following notice of proposed designation as coming within the purview of Executive Order No. 10450 of April 27, 1953, the organizations listed below filed notice of contest of such proposed designation, and they were therefore forwarded by registered mail a statement of the grounds upon which the designation was proposed to be made, together with interrogatories with respect thereto. Under section 41.3 of the rules governing the procedure in such cases (18 F. R. 2619; 28 CFR 41.1 to 41.11) the said organizations were required within sixty days following receipt of such statement and interrogatories to file a verified reply answering each interrogatory completely and with particularity. The said organizations have failed to comply with such requirements, and therefore they are hereby designated as coming within the purview of the said Executive Order No. 10450:

Elsinore Progressive League.
Everybody's Committee to Outlaw War.
Idaho Pension Union.
Massachusetts Committee for the Bill of Rights.

HERBERT BROWNELL, Jr.,
Attorney General.

OCTOBER 20, 1955.

[F. R. Doc. 55–8760; Filed, Oct. 28, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 601]

REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS AND COOS BAY WAGON ROAD GRANT LANDS

DECLARATION OF ANNUAL PRODUCTIVE CAPACITY

OCTOBER 25, 1955.

Pursuant to the authority contained in Order No. 2583, Amendment No. 12,

September 17, 1954, of the Secretary of the Interior, the annual productive capacities of the Master Units composing the Revested Oregon and California Railroad and the Coos Bay Wagon Road Grant Lands are determined to be as follows:

Master Unit:	*Annual productive capacity (Feet board measure)*
1. Columbia River	20,500,000
2. Clackamas-Molalla	11,100,000
3. Alsea-Rickreal	34,000,000
4. Santiam River	36,500,000
5. Upper Willamette	53,100,000
6. Siuslaw	57,000,000
7. Douglas	89,400,000
8. South Umpqua	25,500,000
9. South Coast	144,400,000
10. Josephine	48,800,000
11. Jackson	54,700,000
12. Klamath	13,200,000
Total	588,200,000

Section 3 of Secretarial Orders No. 2285, 2380, 2381, 2382, 2383, 2384, 2386, 2387, 2388, 2389 and 2390 is hereby revoked.

EARL G. HARRINGTON,
Acting Director.

[F. R. Doc. 55-8738; Filed, Oct. 28, 1955; 8:46 a. m.]

Bureau of Reclamation

HULLS MEADOW, COFFIN HOLLOW AND BELLS MEADOWS, AND CHERRY VALLEY RESERVOIR PROJECTS, CALIFORNIA

ORDER OF REVOCATION

FEBRUARY 16, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of March 18, 1905, and December 14, 1906, in so far as said orders affect the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 3 N., R. 17 E.,
Sec. 4, all;
Sec. 5, Lots 1, 2, 4, 5, 6, 7, 9, 10, SW¼NW¼, SW¼;
Sec. 7, all;
Sec. 8, all;
Sec. 35, all;
Sec. 36, all.
T. 3 N., R. 18 E.,
Sec. 1, SW¼;
Sec. 2, S½;
Sec. 3, E½SE¼;
Sec. 11, N½N½;
Sec. 12, N½NW¼;
Sec. 21, E½SE¼;
Sec. 22, SW¼, S½SE¼;
Sec. 23, SW¼SW¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½NE¼.
T. 2 N., R. 19 E.,
Sec. 20, E½SE¼;
Sec. 21, SW¼SW¼;
Sec. 28, NW¼NW¼, S½NW¼, N½SW¼;
Sec. 29, SE¼NE¼, SE¼;
Sec. 32, NE¼, NW¼SE¼.

The above area aggregates 5,693.50 acres.

E. G. NIELSEN,
Acting Assistant Commissioner.

[Misc. 68501]

OCTOBER 21, 1955.

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

Portions of the above-described lands are patented.

Subject to any valid existing rights, the provisions of existing withdrawals for power purposes, and to the requirements of applicable law, the released lands are hereby opened to such applications, selections, and locations as are permitted on national forest lands, including the filing of applications and offers under the mineral-leasing laws and locations under the mining laws, as follows:

(1) Applications and offers under the mineral-leasing laws may be presented to the Manager, Land Office, Bureau of Land Management, Sacramento, California, beginning on the date of this order. All such applications filed prior to 10:00 a. m., on November 26, 1955, will be considered as simultaneously filed at that hour. Rights under such applications and offers filed after that hour will be governed by the time of filing.

(2) The lands will be open to mining location under the United States mining laws, beginning at 10:00 a. m. on November 26, 1955.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California. Other inquiries shall be addressed to the Regional Forester, 630 Sansome Street, San Francisco, California.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-8739; Filed, Oct. 28, 1955; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

IOWA-NEBRASKA SALE YARDS, COUNCIL BLUFFS, IOWA

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Iowa-Nebraska Sale Yards, Council Bluffs, Iowa, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 25th day of October 1955.

[SEAL] H. E. REED,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 55-8773; Filed, Oct. 28, 1955; 8:51 a. m.]

DAVIS LIVESTOCK AUCTION ET AL.

NOTICE RELATIVE TO POSTED STOCKYARDS

Pursuant to the authority vested in me under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 *et seq.*), on the respective dates specified below, it was ascertained by me that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act and were therefore subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by section 302.

Name of stockyard:	*Date of posting*
Idaho	
Davis Livestock Auction, Caldwell	July 11, 1955
Maryland	
Baltimore Livestock Auction Market, Inc., West Friendship	July 14, 1955
Mississippi	
Dixie Stock Yard, Inc., Meridian	September 19, 1955
Nebraska	
Beatrice Sales Pavilion Stockyards, Beatrice	August 15, 1955
McKee Sales Company Stockyards, Superior	August 15, 1955
South Dakota	
Loken's Watertown Sales Pavilion, Watertown	August 18, 1955
Palace City Auction Company, Mitchell	May 24, 1955
Wilde Livestock Auction, Huron	September 26, 1955

Done at Washington, D. C., this 25th day of October 1955.

[SEAL] H. E. REED,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 55-8774; Filed, Oct. 28, 1955; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-967]

INVESTORS DIVERSIFIED SERVICES, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION WITH RESPECT TO THRIFT PLAN

OCTOBER 25, 1955.

Notice is hereby given that Investors Diversified Services, Inc. ("IDS"), has filed an application pursuant to sections

6 (c), 17 (a), 17 (b), 17 (d) and 22 (d) of the Investment Company Act of 1940 (the "act") and Rule N-17D-1 thereunder, relating to a retirement plan proposed to be offered to certain employees of IDS and of Investors Syndicate Title & Guaranty Company ("IST & G"), including officers, who become eligible under its terms.

IDS is registered under the act as a face-amount certificate company. It is engaged in servicing its outstanding face-amount certificates sold prior to the enactment of the Act, and is also the distributor of the securities of, and investment adviser for, Investors Syndicate of America, Inc., a registered face-amount certificate company and a wholly-owned subsidiary, and Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund, Inc., and Investors Group Canadian Fund Ltd., registered open-end investment companies organized and promoted by IDS. IST & G, a wholly owned subsidiary of IDS, is engaged in selling participation certificates in New York State and is exempt from registration under the act pursuant to section 6 (a) (5) thereof.

IDS proposes to establish an Employees Incentive and Thrift Plan ("Plan") for the benefit of those employees of IDS and of affiliated companies who are eligible to participate ("Participants"), and to qualify the same under section 401 (a) of the Internal Revenue Code of 1954. An affiliated company is defined in the Plan as a wholly owned United States subsidiary having employees and becoming a party to the Plan. The only such affiliated company at the present time is IST & G.

The Plan provides for establishment of a trust fund with the First National Bank of Minneapolis as trustee. Contributions to such trust fund will be made for the benefit of all full-time, permanent employees of IDS and its affiliated companies (IST & G) who have attained thirty years of age and completed six months of continuous service. The Plan will be administered by an administrative committee ("Committee") consisting of a director of IDS who is not an officer of IDS, and a non-officer Participant, both designated by the President of IDS, and a member of the Controller's department designated by the Controller.

IDS will contribute to the trust fund for each fiscal year, beginning with the year ending December 31, 1955, an amount equal to 15 percent of net income before tax, but not more than 15 percent of the compensation otherwise paid or accrued to Participants during such year. No such contribution, however, may be in such amount as would reduce net income after tax for the current year below an amount equal to $4 a share for each outstanding share of the presently authorized Common Stock and Common Stock, Class A, of IDS or would reduce total cumulative net income after tax for the years during which the Plan has been in operation below an amount equal to the sum of the foregoing amounts for each year of operation of the Plan. Based on the amount of IDS stock now outstanding, such "floor" for the fiscal year 1955 would be $5,815,000. All contributions made in accordance with the Plan will be deductible for tax purposes pursuant to section 404 of the Internal Revenue Code. Net income is defined by the Plan as the net income or loss of IDS and its wholly owned United States subsidiaries before providing for contributions under the Plan, and exclusive of intercompany dividends. Attributable portions will be charged to IST & G.

Individual accounts will be established for each Participant and a portion of each contribution to the trust fund by IDS will be allocated to each Participant on the basis of the ratio of his compensation, for the fiscal year for which such contribution was made, to the total such compensation of all Participants. Amounts so allocated will vest immediately in each Participant, and cannot thereafter be forfeited.

A Participant may contribute to the trust fund annually an amount not in excess of $2,400 or 6 percent of his annual compensation, whichever is the lesser. Such contribution is entirely optional, will not in any way be urged by IDS, and will not affect a Participant's rights to allocate portions of contributions made by IDS.

Each Participant will be entitled to designate, in the manner prescribed, from named classes of securities, those specific securities in which the funds in his account are to be invested. The eligible classes of securities so specified are fully-paid face-amount certificates issued by Investors Syndicate of America, Inc.; capital stock of any of the registered open-end investment companies affiliated with IDS and the stock of which is distributed by IDS, namely, Investors Selective Fund, Inc., Investors Mutual, Inc., Investors Stock Fund, Inc., and Investors Group Canadian Fund, Ltd.; issued and outstanding capital stock of IDS; any security listed on the New York Stock Exchange; United States Government bonds, and as to any Participant, any securities contributed by such Participant in lieu of contributions in money. However, the amount invested for a Participant in IDS stock may not exceed the aggregate amount of IDS contributions allocated to the Participant. Participants may at any time, subject to reasonable regulation, direct that securities in which their funds have been invested be sold and that other securities eligible under the Plan be purchased. In the absence of designation by a Participant, his funds will normally, but in the discretion of the Committee, be invested in securities distributed by IDS, approximately one-half in fully-paid face-amount certificates issued by Investors Syndicate of America, Inc. and approximately one-half in capital stock of Investors Stock Fund, Inc. No sales load is to be charged by IDS to the trustee upon its acquisition of securities distributed by IDS, and no commission or profit will be realized by IDS upon acquisition of other securities by the trustee.

A Participant's interest in the trust fund will normally be distributed in accordance with one or more of three optional methods only upon his retirement, total disability, or termination of employment. Basically these optional methods embrace immediate payment in full, in cash or kind; payment over a period of years, and purchase of an annuity. A Participant may, however, at any time request a loan or distribution of his interest upon a showing of personal hardship. Any such request will be determined by the Committee on the basis of uniform and non-discriminatory rules. A Participant may also request in any year with respect to which an allocation of an IDS contribution is thereafter made to him that the whole or any part of the trust fund assets represented by such allocation as may be attributable to the first $6,000 of his compensation be paid to him at the expiration of two years from the end of the year for which the allocation is made. This election does not cover ordinary income from or dividends on trust fund assets representing the allocations to, or contributions made by, a Participant.

Section 17 (d) of the act and Rule N-17D-1 thereunder prohibit affiliated persons, such as officers or employees, of a registered investment company from participating in a profit-sharing plan unless the Commission issues an order upon application therefor, prior to submission of such plan to security holders for approval or prior to its adoption if not so submitted.

Section 17 (a) prohibits the sale and purchase of securities between affiliated persons, such as the acquisition of securities of the IDS companies as proposed by the plan, unless the Commission issues an order upon application therefor after finding that the prescribed standards of section 17 (b) have been met.

Section 22 (d) prohibits the sale of redeemable securities of registered investment companies, such as those to be acquired by the trust, below the current public offering price described in the prospectus, except in certain instances not here pertinent.

Section 6 (c) permits the Commission upon application to exempt any person or transaction from any provision of the act, conditionally or unconditionally, if necessary or appropriate in the public interest and consistent with the protection of investors and the purposes of the act.

For a more detailed statement of matters of fact and law, all interested persons are referred to said application which is on file at the office of the Commission at 425 Second Street NW., Washington 25, D. C.

Notice is further given that any interested person may, not later than November 14, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after

said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

It is ordered, That IDS mail to each holder of its voting Common Stock (insofar as the identity of such holders is known or available to it) a copy of this Notice to his last known address at least 15 days prior to November 14, 1955.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8746; Filed, Oct. 28, 1955; 8:47 a. m.]

[File Nos. 30-65, 70-3403]

INTERSTATE POWER CO. AND EAST DUBUQUE ELECTRIC CO.

NOTICE OF FILING OF APPLICATION FOR ORDER PURSUANT TO SECTION 5 (d) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

OCTOBER 25, 1955.

In the matter of Interstate Power Co., File No. 30-65 and Interstate Power Co. and East Dubuque Electric Co., File No. 70-3403.

Notice is hereby given that Interstate Power Company ("Interstate"), a registered holding company, has filed an application with the Commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting an order declaring that it has ceased to be a holding company.

The application states that, pursuant to the Commission's order of September 26, 1955, in File No. 70-3403 (Holding Company Act Release No. 12994), East Dubuque Electric Company ("East Dubuque"), the wholly owned and sole subsidiary company of Interstate, was completely liquidated and dissolved as of September 30, 1955; that on September 30, 1955, certificates for all of the outstanding capital stock of East Dubuque were surrendered by Interstate for cancellation and cancelled in consideration of the distribution and transfer to Interstate by way of a final liquidating dividend of all of the properties and assets of East Dubuque, subject to the assumption by Interstate of all of East Dubuque's obligations and liabilities; that on October 3, 1955, the Secretary of State of the State of Illinois issued a Certificate of Dissolution certifying to the dissolution of East Dubuque, so that the existence of such corporation ceased; and that upon such cessation of existence of East Dubuque, Interstate ceased to be a holding company.

Notice is further given that any interested person may, not later than November 14, 1955, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8748; Filed, Oct. 28, 1955; 8:47 a. m.]

[File No. 70-3418]

PHILADELPHIA CO. AND STANDARD GAS AND ELECTRIC CO.

ORDER AUTHORIZING RENEWAL OF PROMISSORY NOTE

OCTOBER 24, 1955.

Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company ("Standard Gas") and Standard Power and Light Corporation, also registered holding companies, and its parent Standard Gas have filed a joint application-declaration pursuant to sections 6 (a), 7, 9 and 10 of the Public Utility Holding Company Act of 1935 ("act"), regarding the following proposed transactions:

The companies propose that Philadelphia will issue and deliver to Standard Gas a renewal promissory note in replacement of a promissory note in the principal amount of $2,500,000 which matured September 10, 1955, and which bore interest at the rate of 3 percent per annum, payable monthly. The renewal note, in the same principal amount, will bear interest, payable monthly, at the rate of 3¼ percent per annum and will mature September 10, 1956, with the right of the issuer to anticipate, at any time, the payment of all or any part of the principal thereof.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission, and the Commission finding with respect to the transaction described herein that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration be granted and permitted to become effective forthwith:

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

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8747; Filed, Oct. 28, 1955; 8:47 a. m.]

[File No. 70-3399]

FALL RIVER ELECTRIC LIGHT CO. AND EASTERN UTILITIES ASSOCIATES

NOTICE OF FILING REGARDING ISSUANCE OF COMMON STOCK BY PUBLIC-UTILITY COMPANY AND ACQUISITION OF ITS EMPLOYEES' STOCK BY SAID COMPANY

OCTOBER 25, 1955.

Notice is hereby given that Fall River Electric Light Company ("Fall River"), a public-utility company, and its parent, Eastern Utilities Associates, a registered holding company, have filed with this Commission a declaration and amendments thereto pursuant to sections 7 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-42 promulgated thereunder regarding the proposed transactions which are summarized as follows:

Fall River has outstanding 210,000 shares of $25 par value common capital stock and 5,000 shares of $10 par value employees' stock. Each share of common capital stock is entitled to one vote and ten shares of employees' stock are entitled to one vote. Fall River proposes to issue and sell up to 2,000 additional shares of common capital stock and offer such shares to the holders of the employees' stock for cash at the par value thereof and to use the proceeds to purchase employees' stock at the par value thereof. The offer will be made on the basis of two whole shares of common capital stock for five whole shares of employees' stock or multiples thereof. According to the declaration there are only thirty-five holders of employees' stock and, by reason of limitations provided in Fall River's by-laws prescribed by authority granted in the General Laws of Massachusetts, such stock may not be transferred except to Fall River employees or the company and if sold or transferred to Fall River the price which can be paid for such stock is limited to its par value.

The foregoing transactions have been expressly authorized by the Massachusetts Department of Public Utilities and its appears that no other commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that there are no commissions, fees or expenses to be paid in connection with the proposed transactions, except legal fees and expenses estimated in the aggregate at $1,600. It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than November 14, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by such filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed

or as it may hereafter be further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8749; Filed, Oct. 28, 1955; 8:47 a. m.]

[File No. 30-144]

AMERICAN POWER & LIGHT CO.

NOTICE OF FILING OF APPLICATION FOR ORDER PURSUANT TO SECTION 5 (d) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

OCTOBER 25, 1955.

Notice is hereby given that American Power & Light Company ("American") has filed an application with the Commission, pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("Act"), requesting an order declaring that it has ceased to be a holding company.

The application states that pursuant to a certain plan of dissolution of American (File No. 54-207) which was approved by the Commission by order dated March 31, 1953 (Holding Company Act Release No. 11797) and was approved and ordered enforced by the United States District Court for the District of Maine by order dated May 15, 1953 (Civil Action No. 731), American was dissolved on July 22, 1954; that its affairs in dissolution and the remaining assets of its estate, which consist principally of cash and United States Government obligations and which do not include any outstanding voting securities of a public utility or a holding company, are now being administered by its Trustees in Dissolution named in said plan; and that by reason of the foregoing, American has ceased to be a holding company.

Notice is further given that any interested person may, not later than November 15, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8750; Filed, Oct. 28, 1955; 8:47 a. m.]

[File No. 70-3417]

CENTRAL PUBLIC UTILITY CORP. AND ISLANDS GAS AND ELECTRIC CO.

ORDER DENYING REQUEST FOR HEARING AND APPROVING PROPOSED DONATION OF PREFERRED STOCK BY PARENT TO SUBSIDIARY

OCTOBER 25, 1955.

Central Public Utility Corporation ("Central"), a registered holding company, and its wholly owned subsidiary, The Islands Gas and Electric Company ("Islands"), have filed a joint declaration pursuant to sections 12 and 15 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-26, U-42 and U-45 thereunder, regarding the following proposed transactions:

Islands has outstanding bonds, notes, preferred stock and common stock, all of which are owned by Central. As a step in the simplification of the capital structure of Islands, Central proposes to donate to Islands, as a contribution to its capital, 50,000 shares of $7 cumulative preferred stock of Islands (par value $1 per share), being all of the preferred stock which Islands now has outstanding. Central also proposes not to reduce or otherwise change, as a result of such contribution, the amount of the carrying value of its investment in the securities of Islands.

Islands proposes to acquire and thereafter, by appropriate amendment of its Certificate of Incorporation, to extinguish said 50,000 shares of its preferred stock. Islands also proposes, concurrently with the extinguishment of said shares, to reduce its capital stock and to increase its capital surplus to the extent of $50,000, being the aggregate par value of the shares extinguished.

Due notice having been given of the filing of said declaration, and a hearing having been requested by Victor E. Piton, a former stockholder of Central; and it appearing that he now has no interest in the Central system which would be affected by the proposed transactions and that his request for a hearing should therefore be denied; and a hearing not having been ordered by the Commission on its own motion; and the Commission finding with respect to the proposed transactions that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration be permitted to become effective forthwith:

It is ordered, That the request for a hearing filed herein by Victor E. Piton be, and it hereby is, denied.

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

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8751; Filed, Oct. 28, 1955; 8:48 a. m.]

[File Nos. 811-284, etc.]

UNITED STATES & INTERNATIONAL SECURITIES CORP. ET AL.

NOTICE OF APPLICATION FOR ORDER DECLARING COMPANIES HAVE CEASED TO BE INVESTMENT COMPANIES

OCTOBER 24, 1955.

In the matter of United States & International Securities Corporation, File No. 811-284, Devon Securities Corporation, File No. 811-557, United States & Foreign Securities Corporation, File No. 811-283.

Notice is hereby given that United States & Foreign Securities Corporation ("Foreign"), a registered investment company, has filed an application pursuant to section 6 (f) of the Investment Company Act of 1940 ("act") for an order declaring that United States & International Securities Corporation ("International") and Devon Securities Corporation ("Devon"), registered investment companies, have ceased to be investment companies.

The following representations are made:

1. Foreign is a diversified closed-end investment company which registered under the act on July 29, 1941.

2. International was a diversified closed-end investment company which registered under the act on July 29, 1941.

3. Devon was a diversified closed-end investment company which registered under the act on August 22, 1949.

4. On June 30, 1955, pursuant to Articles and Agreement of Merger International and Devon were effectively merged into Foreign, the surviving investment company.

The Articles and Agreement of Merger pursuant to which the merger was consummated provided that upon the Articles becoming effective, the stockholders of the constituent companies would automatically become stockholders of the surviving company without any further action on their part.

As a result of the merger, the existing corporate charters of International and Devon were terminated; accordingly, the application declares the International and Devon have ceased to be investment companies.

Section 8 (f) provides, in pertinent part, that whenever the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 7, 1955, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission,

Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8753; Filed, Oct. 28, 1955; 8:48 a. m.]

[File No. 70-3419]

CONSOLIDATED NATURAL GAS CO. AND EAST OHIO GAS CO.

ORDER REGARDING PROPOSED INCREASE IN NUMBER OF AUTHORIZED SHARES AND REDUCTION OF PAR VALUE OF COMMON STOCK BY PUBLIC UTILITY COMPANY AND ISSUANCE OF NEW SHARES FOR OLD SHARES HELD BY PARENT HOLDING COMPANY

OCTOBER 25, 1955.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and The East Ohio Gas Company ("East Ohio"), a wholly owned gas utility subsidiary company of Consolidated, having filed with this Commission an application-declaration, and an amendment thereto, pursuant to sections 6 (a), 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

East Ohio proposes to increase the number of its presently authorized shares from 750,000 shares of capital stock of the par value of $100 each, of which 697,129 shares are issued and outstanding, to 2,500,000 shares of the par value of $50 each, of which 2,091,387 shares, having an aggregate par value of $104,569,350, will be issued.

The new shares will be substituted for the 697,129 shares of the presently issued and outstanding $100 par value shares which have an aggregate par value of $69,712,900 and the sum of $34,856,450 will be transferred from the earned surplus account to the capital stock account of East Ohio, thus making the capital stock account total $104,569,350.

The transactions proposed by East Ohio have been approved by The Public Utilities Commission of Ohio.

It is estimated that the expenses to be incurred in connection with the issuance of the new shares will be $44,000 of which $38,500 represents Federal stamp tax.

Notice of the filing of the application-declaration having been duly given in the manner prescribed by Rule U-23, and no hearing having been ordered by or requested of the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied; and that the application-declaration, as amended, should be granted and permitted to become effective forthwith:

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

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8752; Filed, Oct. 28, 1955; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6644]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

OCTOBER 25, 1955.

Notice is hereby given that on October 12, 1955, the Federal Power Commission issued its order adopted October 12, 1955, authorizing issuance of securities in the above-entitled matter.

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

[F. R. Doc. 55-8740; Filed, Oct. 28, 1955; 8:46 a. m.]

[Docket No. G-8840]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 25, 1955.

Notice is hereby given that on October 13, 1955, the Federal Power Commission issued its findings and order adopted October 12, 1955, issuing a certificate of public convenience and necessity and approving abandonment of facilities in the above-entitled matter.

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

[F. R. Doc. 55-8741; Filed, Oct. 28, 1955; 8:46 a. m.]

[Docket Nos. G-8936, G-8937]

LONE STAR GAS CO. AND SPEARMAN GAS CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 25, 1955.

Notice is hereby given that on October 13, 1955, the Federal Power Commission issued its findings and order adopted October 12, 1955, in the above-entitled matters, issuing a certificate of public convenience and necessity, and authorizing Lone Star Gas Company to acquire and operate the transmission facilities of Spearman Gas Company in Docket No. G-8936, and approving abandonment of these facilities by Spearman Gas Company in Docket No. G-8937.

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

[F. R. Doc. 55-8742; Filed, Oct. 28, 1955; 8:46 a. m.]

[Docket No. G-9053]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 25, 1955.

Notice is hereby given that on October 13, 1955, the Federal Power Commission issued its findings and order adopted October 12, 1955, issuing certificate of public convenience and necessity and granting permission to abandon facilities in the above-entitled matter.

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

[F. R. Doc. 55-8743; Filed, Oct. 28, 1955; 8:46 a. m.]

[Docket Nos. G-9091, G-9193]

CITY OF ELBERTON AND CITY OF HARTWELL, GA.

NOTICE OF FINDINGS AND ORDER

OCTOBER 25, 1955.

Notice is hereby given that on October 13, 1955, the Federal Power Commission issued its findings and order adopted October 12, 1955, directing additional sales and deliveries of gas in the above-entitled matters.

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

[F. R. Doc. 55-8744; Filed, Oct. 28, 1955; 8:46 a. m.]

[Project No. 1381]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER DISMISSING APPLICATION

OCTOBER 25, 1955.

Notice is hereby given that on October 14, 1955, the Federal Power Commission issued its order adopted October 12, 1955, dismissing application for a new license (Transmission Line) in the above-entitled matter.

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

[F. R. Doc. 55-8745; Filed, Oct. 28, 1955; 8:46 a. m.]

[Docket No. G-9419]

PIKE NATURAL GAS CO.

NOTICE OF APPLICATION

OCTOBER 25, 1955.

Take notice that on September 29, 1955, Pike Natural Gas Company (Applicant) filed an application, as supplemented on October 13, 1955, for an order pursuant to section 7 (a) of the Natural Gas Act directing Tennessee Gas Transmission Company (Tennessee) to establish physical connection of its facilities with the proposed facilities of Applicant, and to sell natural gas to it. Applicant is an Ohio corporation having its principal place of business in Waverly, Ohio.

Applicant proposes to construct and operate distribution systems in Piketon and Waverly, Ohio, and to continue and expand natural gas service in Beaver, Ohio. Applicant also proposes to construct and operate the necessary transmission facilities connecting the distribution systems with the facilities of Tennessee. The estimated total cost of the proposed facilities is $843,200 to be

financed through the issuance of 4¾% first mortgage bonds in the amount of $400,000, and common stock in the amount of $648,000.

The peak day and annual requirements of Applicant are estimated as follows:

Peak Day Requirements

Year:	Mcf (at 14.73 p. s. i. g.)
1956–57	2,579
1957–58	3,535
1958–59	4,518
1959–60	5,100

Annual Requirements

1956	203,601
1957	312,640
1958	405,652
1959	489,371
1960	539,940

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 14, 1955.

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

[F. R. Doc. 55-8769; Filed, Oct. 28, 1955; 8:51 a. m.]

[Project No. 2194]

CENTRAL MAINE POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

OCTOBER 25, 1955.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Central Maine Power Company, of Augusta, Maine, for license for proposed redevelopment of its existing Bar Mills hydroelectric project, located in the towns of Buxton and Hollis, York County, and on the Saco River, all being in the State of Maine, by reducing the height of the existing concrete dam 1.5 feet, replacing existing 4-foot pin-type flashboards with hinged steel flashboards 6.75 feet high, enlarging the forebay canal, reducing the canal wall for about 90 feet to provide additional spillway capacity, constructing a powerhouse with two 3,000 horsepower turbines connected to two 2,000 kilowatt generators (2,500 Kva 0.8 PF) and a new step-up substation, and installing appurtenant mechanical and electrical facilities. Replacement of the flashboards will increase the pond elevation about 1.25 feet creating a new pond area of about 263 acres.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10) the time within which such petitions must be filed being specified in the rules. The last day upon which protests may be filed is December 19, 1955.

The application is on file with the Commission for public inspection.

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

[F. R. Doc. 55-8770; Filed, Oct. 28, 1955; 8:51 a. m.]

[Docket No. G-9417]

BYRD OIL CORP. ET AL.

SUPPLEMENTAL ORDER CORRECTING PRIOR ORDER SUSPENDING PROPOSED CHANGES IN RATES

On September 2, 1955, Byrd Oil Corporation (Applicant) tendered for filing Supplement No. 4 to its FPC Gas Rate Schedule No. 7 to be effective October 26, 1955, proposing a change in its presently effective rate schedule for the sale of natural gas to Mississippi River Fuel Corporation from Waskom Field, Harrison County, Texas.

By order issued herein on September 30, 1955, the Commission suspended and deferred the use of the proposed rate increase until March 26, 1956, but through error in its order the supplement was referred to as Supplement No. 5 to FPC Gas Rate Schedule No. 6. This order is issued to correct that error.

The Commission orders: The Commission's order issued September 30, 1955, in Docket No. G-9417 be corrected to provide that Supplement No. 4 to Byrd Oil Corporation et al., FPC Gas Rate Schedule No. 7 be and the same is suspended and the use thereof deferred until March 26, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

Adopted: October 21, 1955.

Issued: October 25, 1955.

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

[F. R. Doc. 55-8768; Filed, Oct. 28, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 26, 1955.

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

LONG-AND-SHORT-HAUL

FSA No. 31242: *Sugar—Sugarland, Tex., to Shreveport, La.* Filed by Lee Douglass, Alternate Agent, for interested rail carriers. Rates on cane or beet sugar, carloads from Sugarland, Tex., to Shreveport, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 28 to Agent Brown's I. C. C. 851.

FSA No. 31243: *Cast Iron Pressure Pipe—Between Points in Texas.* Filed by Lee Douglass, Alternate Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads between points in Texas over interstate routes.

Grounds for relief: Intrastate competition and circuity.

Tariff: Supplement 7 to Agent Brown's I. C. C. 865.

FSA No. 31245: *Lime—Southern Points to Florida.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on lime, common, hydrated, quick or slack, in bulk, carloads from Graystone, Ala., Knoxville, Tenn., Eagle Rock, Va., and other specified points in Alabama, Tennessee, and Virginia to Gainesville, Ocala, Orlando, and Reddick, Fla.

Grounds for relief: Modified short-line distance formula and circuity.

Tariff: Supplement 49 to Agent Spaninger's I. C. C. 1345.

FSA No. 31246: *Lime—Mobile, Ala., to New Orleans, La.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on lime, carloads from Mobile, Ala., to New Orleans, La.

Grounds for relief: Circuitous route.

Tariff: Supplement 49 to Agent Spaninger's I. C. C. 1345.

FSA No. 31247: *Corn and Wheat—Estill, S. C., to Spartanburg, S. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on corn and wheat, carloads from Estill, S. C., to Spartanburg, S. C. (via interstate route) through Augusta, Ga.

Grounds for relief: Competition of carriers forming intrastate routes.

Tariff: Supplement 104 to Agent Spaninger's I. C. C. 1325.

FSA No. 31248: *Scrap Paper—Calhoun, Tenn., to Kalamazoo, Mich.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on paper, scrap or waste, as described, straight or mixed carloads from Calhoun, Tenn., to Kalamazoo, Mich.

Grounds for relief: Circuitous routes.

Tariff: Supplement 4 to Agent Spaninger's I. C. C. 1496.

FSA No. 31249: *Petroleum and Products—Missouri River Points to Nebraska.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on petroleum and its products, tank-car loads from Argentine, Kans., Council Bluffs, Iowa, Kansas City, Mo.-Kans., Omaha, Nebr., and other named Missouri River cities in Iowa, Missouri, and Nebraska to destinations in Nebraska shown in the tariff listed below.

Grounds for relief: Motor-truck competition and circuity.

Tariff: Agent Prueter's tariff I. C. C. A-4122.

FSA No. 31250: *Sorghum Grain and Products-Texas to South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sorghum grains, sorghum grain sugar syrup, starch and hydrol, as described, carloads from specified points in Texas to specified points in southern territory.

Grounds for relief: Circuitous routes via intermediate transit point, Corpus Christi, Tex.

Tariff: Supplement 40 to Agent Kratzmeir's I. C. C. 3818; Supplement 306 to Agent Kratzmeir's I. C. C. 3571; Supplement 51 to Agent Kratzmeir's I. C. C. 4000.

FSA No. 31251: *Malt Liquors-Peoria, Ill., to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on malt liquors, carloads from Peoria, Ill., to Memphis, Tenn.

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

FSA No. 31252: *Automobile Parts-Cleveland, Ohio, and Detroit, Mich., to Atlanta, Ga., and Group.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on automobile parts,

straight or mixed carloads from Cleveland, Ohio and Detroit, Mich., to Army Depot, Atlanta, and Roseland, Ga.

Grounds for relief: Carrier competition and circuity.

AGGREGATE-OF-INTERMEDIATES

FSA No. 31244: *Cast Iron Pressure Pipe Between Points in Texas.* Filed by Lee Douglass, Alternate Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads between points in Texas over interstate routes (non-applicable as factors in constructing rates from or to points in other states).

Grounds for relief: Maintenance of rates proposed between points in Texas not applicable as factors in constructing combination rates lower than through one-factor rates from or to points beyond Texas.

Tariff: Supplement 7 to Agent Brown's I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-8761; Filed, Oct. 28, 1955; 8:50 a. m.]