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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

SMALL BUSINESS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (l) is added to § 6.128 as set out below.

§ 6.128 *Small Business Administration.* * * *

(l) Not to exceed June 30, 1957, two Special Assistants, Office of the Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403, 5 U. S. C. 631, 633, E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

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

[F. R. Doc. 56-882; Filed, Feb. 2, 1956; 8:48 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 5—DETERMINATION OF PARITY PRICES

REVISION OF PART

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (15 F. R. 837, as amended, 7 CFR 5.1–5.7) are amended to include the incentive payment made on wool along with the price received for wool in determining the adjusted base price for wool; to add an allowance for unredeemed loans to the 120-month average prices for certain crops such as grains, cotton and oilseeds; to limit the commodity peanuts for the purpose of parity price calculations by excluding peanuts produced for oil; to provide for an adjustment to the ten-year average of the index of prices received by farmers to reflect the effect of the wool payment and the adjustments in prices of commodities on that index; and to delete the sections formerly numbered §§ 5.2 and 5.3 and renumber the following sections.

Part 5 is revised to read as follows:

Sec.
5.1 Parity index and index of prices received by farmers.
5.2 Marketing season average price data.
5.3 Selection of calendar year price data.
5.4 Commodities for which parity prices shall be calculated.
5.5 Publication of season average, calendar year, and parity price data.

AUTHORITY: §§ 5.1 to 5.5 issued under sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301.

§ 5.1 *Parity index and index of prices received by farmers.* (a) The parity index for the purpose of calculating parity prices according to the formula contained in section 301 (a) of the Agricultural Adjustment Act of 1938, as amended by the Agricultural Acts of 1948, 1949, and 1954 (hereinafter referred to as section 301 (a)), shall be the index of prices paid by farmers, interest, taxes, and farm wage rates, as published in the January 31, 1950 and subsequent issues of the monthly report, "Agricultural Prices." For the purpose of calculating transitional parity prices as provided for by section 301 (a) (1) (E), the indexes of prices paid and of prices paid, including interest and taxes, shall continue to be calculated using the same weights and formula as were utilized for computing parity prices prior to January 1, 1950. The publication of these indexes by the Agricultural Marketing Service in the monthly report, "Agricultural Prices," shall be continued.

(b) The measure of the general level of prices received by farmers as provided for in section 301 (a) (1) (B) (ii) shall be the index of prices received by farmers as published in the January 31, 1950, and subsequent issues of "Agricultural Prices." The simple average of the 120 monthly indexes included in the preceding 10 calendar years plus an adjustment to take account of the effect on the index of any adjustment made on average prices of individual commodities as hereinafter specified shall be used in the calculation of the adjusted base prices.

§ 5.2 *Marketing season average price data.* It is hereby found that it is impracticable to use averages of prices received by farmers on a calendar year basis for the following agricultural com-

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FEDERAL REGISTER

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

modities for the purpose of calculating adjusted base prices and, therefore, marketing season average prices will be used. An allowance for any supplemental payment resulting from price support operations shall be included in the determination of the adjusted base prices:

BASIC COMMODITIES

Tobacco: Flue-cured, types 11–14; fire-cured, types 21–24; burley, type 31; dark air-cured, types 35–36; suncured, type 37; Pennsylvania seedleaf, type 41; cigar filler and binder, types 42–44 and 51–55; and Puerto Rican filler, type 46 (price refers to year of harvest); and extra longstaple cotton.

DESIGNATED NONBASIC COMMODITIES

Tung nuts; honey, wholesale comb; honey, wholesale extracted.

WOOL AND MOHAIR

Wool and mohair (including payments made under terms of § 704 of the National Wool Act of 1954).

OTHER NONBASIC COMMODITIES

CITRUS FRUIT

Grapefruit; lemons; limes; and oranges.

DECIDUOUS AND OTHER FRUIT

Apples for processing; apricots for fresh consumption; apricots for processing (except dried); dried apricots; avocados; blackberries; boysenberries; gooseberries; loganberries; black raspberries; red raspberries; youngberries; sour cherries; sweet cherries; cranberries; dates; figs for fresh consumption; figs for processing (except dried); dried figs; grapes, raisins, dried; all grapes excluding raisins, dried; olives for processing (except crushed for oil); olives, crushed for oil; peaches for fresh consumption; clingstone peaches for processing (except dried); freestone peaches for processing (except dried); dried peaches; pears for fresh consumption; pears for processing (except dried); dried pears; persimmons; pineapples; plums for fresh consumption; plums for processing; pomegranates; prunes for fresh consumption; prunes for processing (except dried); dried prunes; strawberries for fresh consumption; and strawberries for processing.

SEED CROPS

Alsike clover, Austrian winter peas, bentgrass, crested wheat grass, crimson clover, Chewings fescue, creeping red fescue, tall fescue, Ladino clover, orchard grass, redtop, common ryegrass, perennial ryegrass, Sudan grass, sweetclover, common vetch, hairy vetch, purple vetch, and white clover.

SUGAR CROPS

Maple sirup, maple sugar, sorghum sirup, sugar beets (including conditional payment under the Sugar Act), sugarcane for sugar (including conditional payment under the Sugar Act), and sugarcane sirup.

TREE NUTS

Almonds; filberts; pecans, all; and walnuts.

VEGETABLES FOR FRESH MARKET

Artichokes, asparagus, lima beans, snap beans, beets, cabbage, cantaloups, carrots, cauliflower, celery, sweet corn, cucumbers, eggplant, garlic, kale, lettuce, onions, green peas, green peppers, shallots, spinach, tomatoes, and watermelons.

VEGETABLES FOR PROCESSING

Asparagus, lima beans, snap beans, beets, cabbage, sweet corn, cucumbers, green peas, pimientos, spinach, and tomatoes.

OTHER COMMODITIES

Beeswax; potatoes; broomcorn; hops; dry field peas; peppermint oil; popcorn; spearmint oil; and tobacco, types 61 and 62. All other commodities for which monthly price data are not available.

§ 5.3 *Selection of calendar year price data.* In computing the adjusted base price for those commodities for which calendar year price data are used, "* * * the average of the prices received by farmers for such commodity, at such times as the Secretary may select during each year * * *," as used in section 301 (a) (1) (B) (i), shall be the simple average of the 12 monthly estimates of prices received by farmers as published by the Agricultural Marketing Service in "Agricultural Prices" for those commodities for which such prices are available. An allowance for unredeemed loans and purchase agreement deliveries and any supplemental payments resulting from price support operations shall be added to the price specified above. Prices received for milk wholesale, butterfat, beef cattle, sheep, and lambs shall include wartime subsidy payments as provided by section 301 (a) (1) (B). For Maryland Tobacco, type 32, the price data for each calendar year shall be the weighted average price of type 32 tobacco sold during the period January 1–December 31.

§ 5.4 *Commodities for which parity prices shall be calculated.* Parity prices shall be calculated for the following commodities:

BASIC COMMODITIES

Wheat; corn; American upland cotton; extra long staple cotton; rice; peanuts;[1] and the following types of tobacco: flue-cured, types 11–14; fire-cured, types 21–24; burley, type 31; Maryland, type 32; dark air-cured, types 35–36; sun-cured, type 37; Pennsylvania seedleaf, type 41; cigar filler and binder, types 42–44 and 51–55; and Puerto Rican filler, type 46.

DESIGNATED NONBASIC COMMODITIES

Milk, wholesale; butterfat in cream; tung nuts; honey, wholesale comb; honey, wholesale extracted.

WOOL AND MOHAIR

Wool and mohair.

OTHER NONBASIC COMMODITIES

CITRUS FRUITS

Grapefruit; lemons; limes; and oranges.

DECIDUOUS AND OTHER FRUIT

Apples (primarily for fresh use); apples for processing; apricots for fresh consumption; apricots for processing (except dried); dried apricots; avocados; blackberries; boysenberries; gooseberries; loganberries; black raspberries; red raspberries; youngberries; sour cherries; sweet cherries; cranberries; dates; figs for fresh consumption; figs for processing (except dried); dried figs; grapes, raisins, dried; all grapes excluding raisins, dried; olives for processing (except crushed for oil); olives, crushed for oil; peaches for fresh consumption; clingstone peaches for processing (except dried); freestone peaches for processing (except dried); dried peaches; pears for fresh consumption; pears for processing (except dried); dried pears; persimmons; pineapples; plums for fresh consumption; plums for processing; pomegranates; prunes for fresh consumption; prunes for processing (except dried); dried prunes; strawberries for fresh consumption; and strawberries for processing.

SEED CROPS

Alfalfa, alsike clover, Austrian winter peas, bentgrass, crested wheatgrass, crimson clover, Chewings fescue, creeping red fescue, tall fescue, lespedeza, Ladino clover, orchard grass, redtop, common ryegrass, perennial ryegrass, Sudan grass, red clover, sweet clover, timothy, common vetch, hairy vetch, purple vetch, and white clover.

SUGAR CROPS

Maple sirup, maple sugar, sorghum sirup, sugar beets, sugarcane for sugar, and sugarcane sirup.

TREE NUTS

Almonds; filberts; pecans, all; and walnuts.

VEGETABLES FOR FRESH MARKET

Artichokes, asparagus, lima beans, snap beans, beets, cabbage, cantaloups, carrots, cauliflower, celery, sweet corn, cucumbers, eggplant, garlic, kale, lettuce, onions, green peas, green peppers, shallots, spinach, tomatoes, and watermelons.

VEGETABLES FOR PROCESSING

Asparagus, lima beans, snap beans, beets, cabbage, sweet corn, cucumbers, green peas, pimientos, spinach, and tomatoes.

OTHER COMMODITIES

Beef cattle; hogs; lambs; calves; sheep; chickens; turkeys; eggs; beeswax; potatoes; broomcorn; hops; peppermint oil; popcorn; spearmint oil; and tobacco, types 61 and 62; barley; beans, dry edible; buckwheat; cottonseed; peas, dry field; flaxseed; hay, all baled; oats; rye; sorghums for grain; soybeans; sweetpotatoes; and crude pine gum.

§ 5.5 *Publication of season average, calendar year, and parity price data.* (a) New adjusted base prices for all of the commodities on a calendar year basis and for as many of the commodities on a marketing season average basis as are practicable shall be published on or about January 31 of each year. In cases where preliminary marketing season average price data are used in estimating the adjusted base prices published in January, any additional price data which becomes available shall be used in estimating a revised adjusted base price which shall be published prior to the beginning of the marketing season for the commodity.

(b) The official parity prices determined under section 301 (a) (1) and the regulations in this part and the indexes and relevant price data shall be published in the monthly report "Agricultural Prices" issued by the Agricultural Marketing Service. The parity prices determined in accordance herewith shall be the parity prices used in other reports, determinations, or documents of the Department.

Done at Washington, D. C., this 31st day of January 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-886; Filed, Feb. 2, 1956; 8:49 a. m.]

[1] For the purpose of calculating parity prices the commodity peanuts shall exclude peanuts produced for oil in 1950 and 1951 under the provisions of subsections (g) and (h) of section 359 of the Agricultural Adjustment Act of 1938 as amended.

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

PART 721—CORN

PROCLAMATION OF ACREAGE ALLOTMENT FOR 1956 IN COMMERCIAL CORN-PRODUCING AREA

§ 721.703 *Basis and purpose.* Section 721.704 is issued under and in accordance with sections 301 and 328 of the Agricultural Adjustment Act of 1938, as amended. Its purpose is to announce the acreage allotment for 1956 for the commercial corn-producing area. The findings and determination made by the Secretary in § 721.704 have been made on the basis of the latest available statistics of the Federal Government.

§ 721.704 *1956 acreage allotment for corn.* The acreage allotment for corn for 1956 for the commercial corn-producing area is 43,280,543 acres.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 328, 52 Stat. 38, 52; 7 U. S. C. 1301, 1328)

Issued at Washington, D. C., this 31st day of January 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-888; Filed, Feb. 1, 1956; 3:33 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter II of Title 8, CFR, contains the rules of the Office of Alien Property, Department of Justice, issued with respect to its functions under the Trading with the Enemy Act, as amended (50 U. S. C. App. 1–40). The Office of Alien Property now also performs functions under Title II of the International Claims Settlement Act of 1949, added by Public Law 285, 84th Congress, approved August 9, 1955 (69 Stat. 562). All of the amendments to Chapter II set forth below except the amendment to § 503.17 are necessary to make the rules applicable to these additional functions. The amendment to § 503.17 is necessitated by changes in the organization of the Office of Alien Property. It is hereby found that the amendments relate either to public property or to agency management and that notice, hearing and suspension of applicability are not required.

PART 501—GENERAL RULES OF PROCEDURE

Section 501.25 (a) is hereby amended to read as follows:

§ 501.25 *Uniform procedure for sales of vested property*—(a) *General sales.* Except as provided in paragraph (b) of this section, all sales of property vested in or transferred to the Attorney General under the Trading with the Enemy Act, as amended, or under Title II of the International Claims Settlement Act of 1949 shall be conducted according to the procedures set forth in this section, unless the Director, Office of Alien Property, shall determine in any sale that the public interest will best be served if all or part of the regulations in this part are not applied to that sale. No such property will be sold except pursuant to the order of the Attorney General or the Director. This section does not supersede the provisions of § 505.10 of this chapter concerning the sale of certain vested stock.

* * * * *

2. The citation of authority of Part 501 is hereby amended to read as follows:

AUTHORITY: §§ 501.1 to 501.80 issued under sec. 301, 55 Stat. 839, sec. 3, 60 Stat. 418, as amended, 69 Stat. 562; 5 U. S. C. App. 5, 22 U. S. C. 1382; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981, 12123, 3 CFR, 1946 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891, 3 CFR, 1948 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10644, Nov. 7, 1955, 20 F. R. 8363.

PART 503—AVAILABILITY OF RECORDS

1. Section 503.17 is hereby amended to read as follows:

§ 503.17 *General rule as to non-availability of records of the Office of Alien Property.* All official files, documents, records and information in the Office of Alien Property, or in the custody or control of any officer, employee, agent or delegate of the Office of Alien Property, are to be regarded as confidential. No officer, employee, agent or delegate may permit the disclosure or use of the same for any purpose other than for the performance of his official duties, except in the discretion of the Attorney General, the Deputy Attorney General, the Director, or the Deputy Director, of the Office of Alien Property, and in the case of defense information as defined in Executive Order 10501 of November 5, 1953 (18 F. R. 7049, 3 CFR, 1953 Supp.), except in accordance with the provisions of said Executive Order and the Department of Justice regulations thereunder: *Provided, however,* That each section chief, the Intercustodial and Foreign Funds Officer, and the Manager, Philippine Office, are generally authorized to make available or disclose such official files, documents, records and information in the Office of Alien Property, other than defense information, in the conduct of affairs of his section or office, unless otherwise instructed by the Director. Whenever a subpoena duces tecum is served to produce any such files, documents, records, or information, the officer, or employee, or agent, or delegate on whom such subpoena is served, unless otherwise expressly directed by the Attorney General, will appear in court to answer thereto and respectfully decline to produce the records specified therein, on the ground that the disclosure of such records is prohibited by this section.

2. There is hereby added to Part 503 the following citation of authority:

AUTHORITY: §§ 503.1 and 503.17 issued under sec. 301, 55 Stat. 839, sec. 3, 60 Stat. 418, as amended, 69 Stat. 562; 50 U. S. C. App. 5, 22 U. S. C. 1382. E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981, 12123, 3 CFR, 1946 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891, 3 CFR, 1948 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10644, Nov. 7, 1955, 20 F. R. 8363.

PART 504—VESTING ORDERS

1. The citation of authority of Part 504 is hereby amended to read as follows:

AUTHORITY: §§ 504.1 and 504.2 issued under sec. 301, 55 Stat. 839, sec. 3, 60 Stat. 418, as amended, 69 Stat. 562; 50 U. S. C. App. 5, 22 U. S. C. 1382. E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981, 12123, 3 CFR, 1946 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891, 3 CFR, 1948 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10644, Nov. 7, 1955, 20 F. R. 8363.

PART 505—SPECIFIC PROHIBITIONS

1. Section 505.1 (d) is hereby amended to read as follows:

(d) Powers of attorney given for the purpose of filing claims under the Trading With the Enemy Act, as amended, or under Title II of the International Claims Settlement Act of 1949 and transactions that may be necessary to facilitate the filing and proving of such claims are hereby exempted from the prohibitions of this section: *Provided, however,* That nothing herein shall affect the prohibitions of R. S. 3477; 31 U. S. C. 203.

2. Section 505.50 (a) is hereby amended to read as follows:

§ 505.50 *Prohibition of transactions by personnel of the Office of Alien Property.* (a) No person connected directly or indirectly with the Office of Alien Property shall effect or cause to be effected for personal benefit or profit any sale or purchase of, or other transaction in, or otherwise deal or participate in any property or interest therein concerning which the Alien Property Custodian, the Philippine Alien Property Administrator, or the Attorney General has acted, or may hereafter act under the provisions of the Trading With the Enemy Act of October 6, 1917, as amended, or Title II of the International Claims Settlement Act of 1949 or pursuant to the powers delegated to the Attorney General by the President under Executive Order 9788 of October 14, 1946 (3 CFR, 1946 Supp.), Executive Order 9989 of August 20, 1948 (3 CFR, 1948 Supp.), Executive Order 10254 of June 15, 1951 (3 CFR, 1951 Supp.) and Executive Order 10644 of November 7, 1955 (20 F. R. 8363).

3. The citation of authority of Part 505 is hereby amended to read as follows:

AUTHORITY: §§ 505.1 to 505.60 issued under sec. 301, 55 Stat. 839, sec. 3, 60 Stat. 418, as amended, 69 Stat. 562; 50 U. S. C. App. 5, 22 U. S. C. 1382. E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981, 12123, 3 CFR, 1946 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891, 3 CFR, 1948 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10644, Nov. 7, 1955, 20 F. R. 8363.

Executed at Washington, D. C., on January 31, 1956.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 56-881; Filed, Feb. 2, 1956; 8:48 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 70—SPECIAL NUCLEAR MATERIAL

Effective 30 days after publication in the FEDERAL REGISTER, Part 70, Title 10, Chapter I, Code of Federal Regulations, entitled "Definition of Fissionable Material," is hereby amended to read as follows:

GENERAL PROVISIONS

Sec.
70.1 Purpose.
70.2 Scope.
70.3 License requirements.
70.4 Definitions.
70.5 Communications.
70.6 Interpretations.

EXEMPTIONS

70.11 Persons using special nuclear material under contract with and for the account of the Commission.
70.12 Carriers.
70.13 Department of Defense.
70.14 Specific exemptions.

LICENSE APPLICATIONS

70.21 Filing.
70.22 Contents of applications.
70.23 Requirements for the approval of applications.

LICENSES

70.31 Issuance of licenses.
70.32 Conditions of licenses.
70.33 Renewal of licenses.
70.34 Amendment of licenses.
70.35 Commission action on applications to renew or amend.
70.36 Inalienability of licenses.
70.37 Disclaimer of warranties.
70.38 Reduction and termination of allocations.

ACQUISITION, USE, AND TRANSFER OF SPECIAL NUCLEAR MATERIAL

70.41 Authorized use of special nuclear material.
70.42 Transfer of special nuclear material.
70.43 Licensee's responsibility for special nuclear material.

RECORDS, REPORTS AND INSPECTIONS

70.51 Records.
70.52 Reports of accidental criticality or loss of special nuclear material.
70.53 Inspections.
70.54 Tests.

MODIFICATION AND REVOCATION OF LICENSES

ENFORCEMENT

AUTHORITY: §§ 70.1 to 70.71 issued under sec. 161, 68 Stat. 948; 42 U. S. C. 2201. Interpret or apply secs. 51, 53, 182, 183, 68 Stat. 929, 930, 953, 954. 42 U. S. C. 2071, 2073, 2232, 2233. For the purposes of sec. 223, 68 Stat. 958; 42 U. S. C. 2273, §§ 70.32 (a) (6) and 70.41 (a) issued under sec. 161b, 68 Stat. 948; 42 U. S. C. 2201 (b) and §§ 70.51 to 70.54, inclusive, issued under sec. 161p, 68 Stat. 950, 42 U. S. C. 2201 (p).

GENERAL PROVISIONS

§ 70.1 *Purpose.* (a) The regulations in this part establish procedures and criteria for the issuance of licenses to receive, possess, use and transfer special nuclear material and for the distribution by the Commission of special nuclear material to licensees; and establish and provide for the terms and conditions upon which the Commission will issue such licenses and distribute special nuclear material.

(b) The regulations contained in this part are issued pursuant to the Atomic Energy Act of 1954 (68 Stat. 919).

§ 70.2 *Scope.* Except as provided in §§ 70.11 to 70.13, inclusive, the regulations in this part apply to all persons in the United States.

§ 70.3 *License requirements.* No person subject to the regulations in this part shall receive, possess, use or transfer special nuclear material except as authorized in a license issued by the Commission pursuant to these regulations.

§ 70.4 *Definitions.* As used in this part,

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

(b) "Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation;

(c) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device;

(d) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(e) "Common defense and security" means the common defense and security of the United States;

(f) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(g) "License", except where otherwise specified, means a license issued pursuant to the regulations in this part;

(h) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent or agency of the foregoing;

(i) "Produce", when used in relation to special nuclear material, means (1) to manufacture, make, produce, or refine special nuclear material; (2) to separate special nuclear material from other substances in which such material may be contained; or (3) to make or to produce new special nuclear material;

(j) "Research and development" means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes;

(k) "Restricted Data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the act;

(l) "Source material" means source material as defined in section 11 s. of the act and in the regulations contained in Part 40 of this chapter;

(m) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the act, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing but does not include source material;

(n) "United States", when used in a geographical sense, includes all territories and possessions of the United States, the Canal Zone and Puerto Rico.

§ 70.5 *Communications.* All communications concerning the regulations in this part should be addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Division of Civilian Application.

§ 70.6 *Interpretations.* Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

EXEMPTIONS

§ 70.11 *Persons using special nuclear material under contract with and for the account of the Commission.* The regulations in this part do not apply to any person to the extent that such person receives, possesses, uses or transfers special nuclear material under, and in accordance with, a contract with and for the account of the Commission. In any such case, such person's obligations with respect to the special nuclear material are governed by the applicable contract between such person and the Commission.

§ 70.12 *Carriers.* Common and contract carriers, warehousemen and the United States Post Office Department are exempt from the regulations in this part to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto.

§ 70.13 *Department of Defense.* The regulations in this part do not apply to the Department of Defense to the extent that the Department receives, possesses and uses special nuclear material in accordance with the direction of the President pursuant to section 91 of the act.

§ 70.14 *Specific exemptions.* The Commission may, upon application of any interested person, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

LICENSE APPLICATIONS

§ 70.21 *Filing.* (a) Applications for licenses should be filed in triplicate with the United States Atomic Energy Commission, Washington 25, D. C., Attention: Division of Civilian Application.

(b) An application for license filed pursuant to the regulations in this part will be considered also as an application for licenses authorizing other activities for which licenses are required by the act, provided the application specifies the additional activities for which licenses are requested and complies with regulations of the Commission as to applications for such licenses.

(c) Any application which contains Restricted Data shall be prepared in such manner that all Restricted Data are separated from the unclassified information.

(d) Applications and documents submitted to the Commission in connection with applications may be made available for public inspection in accordance with the provisions of the regulations contained in Part 2 of this chapter.

(e) In his application, the applicant may incorporate by reference information contained in previous applications, statements or reports filed with the Commission: *Provided,* That such references are clear and specific.

§ 70.22 *Contents of applications.* (a) Each application shall contain the following information:

(1) The full name, address, age (if an individual), and citizenship of the applicant and the names and addresses of three personal references. If the applicant is a corporation or other entity, it shall indicate the State where it was incorporated or organized, the location of the principal office, the names, addresses, and citizenship of its principal officers, and shall include in-

formation known to the applicant concerning the control or ownership, if any, exercised over the applicant by any alien, foreign corporation, or foreign government.

(2) The activity for which the special nuclear material is requested, or in which special nuclear material will be produced, the place at which the activity is to be performed and the general plan for carrying out the activity;

(3) The period of time for which the license is requested;

(4) The name, amount, and specifications (including the chemical and physical form and, where applicable, isotopic content) of the special nuclear material the applicant proposes to use or produce;

(5) To the extent applicable to his application,

(i) The estimated date on which the applicant desires to receive the first shipment of special nuclear material and an estimated schedule, by years, for subsequent receipts;

(ii) A schedule, by years, showing the estimated production, consumption and operating losses of special nuclear material, and

(iii) An estimated schedule, by years, for the transfer of special nuclear material to the Commission or to other licensees. Supporting data for such estimates shall be included.

(6) The technical qualifications, including training and experience of the applicant and members of his staff to engage in the proposed activities in accordance with the regulations in this chapter.

(7) A description of equipment and facilities which will be used by the applicant to protect health and minimize danger to life or property (such as handling devices, working areas, shields, measuring and monitoring instruments, devices for the disposal of radioactive effluent and wastes, storage facilities, etc.).

(8) Proposed procedures to protect health and minimize danger to life or property, including procedures to avoid accidental conditions of criticality and procedures for personnel monitoring and waste disposal.

NOTE: Where the quantity of material requested, or the nature of the proposed activities, is such as to require consideration of the following factors, the Commission will request the applicant to submit information with respect to his financial qualifications (1) to engage in the proposed activities in accordance with the regulations in this chapter, (2) to assume responsibility for the payment of Commission charges for use, consumption or loss of special nuclear material and (3) to undertake and carry out the proposed use of special nuclear material for a reasonable period of time. Consideration of such factors will normally not be involved in the consideration of applications for small quantities of special nuclear material for use in research and development.

(b) The Commission may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked. All applications and statements shall be signed by the applicant or licensee or a corporate officer thereof under oath or affirmation.

(c) Each application and statement shall contain complete and accurate disclosure as to all matters and things required to be disclosed.

§ 70.23 *Requirements for the approval of applications.* A license application will be approved if the Commission determines that:

(a) The special nuclear material is to be used for the conduct of research or development activities of a type specified in section 31 of the act[1] or in activities licensed by the Commission pursuant to section 103 or 104 of the act; and

(b) The applicant is qualified by reason of training and experience to use the material for the purpose requested in accordance with the regulations in this chapter; and

(c) The applicant's proposed equipment and facilities are adequate to protect health and minimize danger to life or property; and

(d) The applicant's proposed procedures to protect health and to minimize danger to life or property are adequate; and

(e) Where the quantity of material requested, or the nature of the proposed activities are such as to require consideration of these factors by the Commission, that the applicant appears to be financially qualified to assume responsibility for the payment of Commission charges for use, consumption or loss of special nuclear material and to engage in the proposed activities in accordance with the regulations in this part. If the allocation (pursuant to § 70.31 (b)) of a substantial quantity of special nuclear material is requested, the application should demonstrate that the applicant appears to be financially able to undertake and carry out the proposed use of special nuclear material for a reasonable period of time; and

(f) The special nuclear material can be made available to the applicant substantially in accordance with the estimated schedule, if any, in the application. In the event that applications for special nuclear material exceed the amount available for distribution, the Commission will give preference to those activities which are most likely, in the opinion of the Commission, to contribute to basic research, to the development of peacetime uses of atomic energy, or to the economic and military strength of the Nation. In the event that applications for special nuclear material for use in activities licensed by the Commission pursuant to section 104b of the act exceed the amount of special nuclear material available for such use, the Commission will give preference to such of said applications as will, in the opinion of the Commission, lead to major advances in the application of atomic energy for industrial or commercial purposes.

[1] The types of research and development activities specified in section 31 are those relating to:

(1) Nuclear processes;

(2) The theory and production of atomic energy, including processes, materials, and devices related to such production;

(3) Utilization of special nuclear material and radioactive material for medical, biological, agricultural, health or military purposes;

(4) Utilization of special nuclear material, atomic energy, and radioactive material and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial use, the generation of usable energy, and the demonstration of the practical value of utilization or production facilities for industrial or commercial purposes; and

(5) The protection of health and the promotion of safety during research and production activities.

LICENSES

§ 70.31 *Issuance of licenses.* (a) Upon a determination that an application meets the requirements of the act, and of the regulations of the Commission, the Commission will issue a license in such form and containing such conditions and limitations as it deems appropriate or necessary to effectuate the purposes of the act.

(b) (1) The Commission will normally include in licenses issued pursuant to section 53a (1)[2] of the act provisions establishing the availability to the licensee, as needed, of the quantities of special nuclear material required for conduct of the activities authorized by the license. Such provisions usually will be in the form of a statement that the Commission has allocated to the licensee, for use in the conduct of such activities, a designated quantity (or quantities) of special nuclear material; and may include an estimated schedule for a reasonable period of time of special nuclear material transfers to the applicant and of special nuclear material returns to the Commission.

(2) Provisions allocating special nuclear material will not be included in a license where the special nuclear material involved is to be charged to a quantity allocated to another licensee. Unless other arrangements are made with the Commission, special nuclear material transferred to a licensee to be fabricated or processed for another licensee will be charged to the quantity allocated in the latter's license.

(c) Any license issued to a person for use of special nuclear material in activities in which special nuclear material will be produced shall (subject to the provisions of § 70.41 (b)) be deemed to authorize such person to possess, use, and transfer the special nuclear material produced in the course of such authorized activities.

(d) No license will be issued (1) to any person for a use which is not under the jurisdiction of the United States; or (2) to any person if the Commission finds that the distribution of special nuclear material to such person would be inimical to the common defense and security.

§ 70.32 *Conditions of licenses.* (a) Each license shall expire (except as provided in § 70.33 (b)), at the time specified

[2] The regulations in Part 50 of this chapter contain procedures for obtaining allocations of special nuclear material for use in the operation of facilities licensed by the Commission under section 103 or 104 of the act.

in the license and shall contain and be subject to the following conditions:

(1) Title to all special nuclear material shall at all times be in the United States;

(2) No right to the special nuclear material shall be conferred by the license except as defined by the license;

(3) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the act;

(4) All special nuclear material shall be subject to the right of recapture or control reserved by section 108 and to all other provisions of the act;

(5) No special nuclear material may be used in any utilization or production facility except in accordance with the provisions of the act;

(6) The licensee shall not use the special nuclear material to construct an atomic weapon or any component of an atomic weapon;

(7) The licensee will hold the United States and the Commission harmless from any damages resulting from the use or possession of special nuclear material by the licensee;

(8) The license shall be subject to, and the licensee shall observe, all applicable rules, regulations and orders of the Commission.

(b) The Commission may incorporate in any license such additional conditions and requirements with respect to the licensee's receipt, possession, use and transfer of special nuclear material as it deems appropriate or necessary in order to:

(1) Promote the common defense and security;

(2) Protect health or to minimize danger to life or property;

(3) Protect Restricted Data;

(4) Guard against the loss or diversion of special nuclear material.

(5) Require such reports and the keeping of such records, and to provide for such inspections, of activities under the license as may be necessary or appropriate to effectuate the purposes of the act and regulations thereunder.

§ 70.33 *Renewal of licenses.* (a) Applications for renewal of a license should be filed in accordance with §§ 70.21 and 70.22. Information contained in previous applications, statements or reports filed with the Commission under the license may be incorporated by reference: *Provided*, That such references are clear and specific.

(b) In any case in which a licensee, not less than thirty (30) days prior to expiration of his existing license, has filed an application in proper form for renewal of a license, such existing license shall not expire until the application for a renewal has been finally determined by the Commission.

§ 70.34 *Amendment of licenses.* Applications for amendment of a license shall be filed in accordance with § 70.21 (a) and shall specify the respects in which the licensee desires his license to be amended and the grounds for such amendment.

§ 70.35 *Commission action on applications to renew or amend.* In considering an application by a licensee to renew or amend his license, the Commission will apply the criteria set forth in § 70.23.

§ 70.36 *Inalienability of licenses.* No license granted under the regulations in this part and no right to possess or utilize special nuclear material granted by any license issued pursuant to the regulations in this part shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the Commission shall after securing full information, find that the transfer is in accordance with the provisions of the act, and shall give its consent in writing.

§ 70.37 *Disclaimer of warranties.* Neither the Government nor the Commission makes any warranty or other representation that special nuclear material (a) will not result in injury or damage when used for purposes approved by the Commission, (b) will accomplish the results for which it is requested and approved by the Commission, or (c) is safe for any other use.

§ 70.38 *Reduction and termination of alocations.* (a) The Commission may, in accordance with the procedures provided in Part 2 of this chapter, reduce the quantities of special nuclear material allocated to any licensee pursuant to § 70.31, upon the ground that the quantities allocated exceed those reasonably required, or estimated to be required, for conduct of the activities authorized by the license.

(b) The expiration, revocation or other termination of a license shall terminate all special nuclear material allocations incorporated therein.

ACQUISITION, USE AND TRANSFER OF SPECIAL NUCLEAR MATERIAL

§ 70.41 *Authorized use of special nuclear material.* (a) Each licensee shall confine his possession and use of special nuclear material to the locations and purposes authorized in his license.

(b) The possession, use and transfer of any special nuclear material produced by a licensee, in connection with or as a result of use of special nuclear material received under his license, shall be subject to the provisions of the license and the regulations in this part.

(c) Nothing contained in the regulations in this part or in any license issued pursuant to the regulations in this part shall authorize or be deemed to authorize (1) the distribution of any special nuclear material to any person for a use which is not under the jurisdiction of the United States or (2) the export from or import into the United States of any special nuclear material.

§ 70.42 *Transfer of special nuclear material.* (a) No licensee shall transfer special nuclear material except as authorized pursuant to this section.

(b) Any licensee may transfer special nuclear material:

(1) To the Commission;

(2) To a licensee whose license authorizes him to receive such special nuclear material;

(3) As otherwise authorized by the Commission in writing.

§ 70.43 *Licensee's responsibility for special nuclear material.* (a) Any licensee who receives special nuclear material from the Commission shall be responsible and shall reimburse the Commission for any loss, consumption or contamination of, or damage to, such special nuclear material occurring from the time of delivery of such material to the licensee or to a carrier for delivery to the licensee and until such material has been returned to the Commission by delivery at the laboratory, plant or office designated for the return of the material in his license or other written instruction from the Commission.

(b) The transfer of special nuclear material by a licensee to another licensee shall not relieve the transferor of responsibility to the Commission for loss, consumption or contamination of, or damage to, such special nuclear material unless, upon receiving an agreement signed by the transferee assuming such responsibility, the Commission shall give its consent in writing. The Commission will not unreasonably withhold its consent. Such arrangements may be made with the Commission in advance for a series of anticipated transfers.

RECORDS, REPORTS AND INSPECTIONS

§ 70.51 *Records.* Each licensee shall keep records showing the receipt, inventory and transfer of special nuclear material.

§ 70.52 *Reports of accidental criticality or loss of special nuclear material.* Each licensee shall promptly report to the Commission any case of accidental criticality and any loss, other than normal operating loss, of special nuclear material.

§ 70.53 *Inspections.* (a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect special nuclear material and the premises and facilities wherein special nuclear material is used, produced, or stored.

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by the licensee pertaining to his receipt, possession, use, or transfer of special nuclear material.

§ 70.54 *Tests.* Each licensee shall perform, or permit the Commission to perform, such tests as the Commission deems appropriate or necessary for the administration of the regulations in this part, including tests of (a) special nuclear material, (b) facilities wherein special nuclear material is utilized, produced or stored, (c) radiation detection and monitoring instruments, and (d) other equipment and devices used in connection with the production, utilization or storage of special nuclear material.

MODIFICATION AND REVOCATION OF LICENSES

§ 70.61 *Modification and revocation of licenses.* (a) The terms and conditions of all licenses shall be subject to amendment, revision, or modification by reason of amendments to the Atomic

Energy Act of 1954, or by reason of rules, regulations or orders issued in accordance with the act or any amendments thereto;

(b) Any license may be revoked, suspended or modified for any material false statement in the application or any statement of fact required under section 182 of the act or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for failure to construct or operate a facility in accordance with the terms of the construction permit or license, the technical specifications in the application, or for violation of, or failure to observe any of the terms and conditions of the act, or of any regulation of the Commission.

(c) Upon revocation, suspension or modification of a license, the Commission may immediately retake possession of all special nuclear material held by the licensee. In cases found by the Commission to be of extreme importance to the national defense or security, or to the health and safety of the public, the Commission may recapture any special nuclear material held by the licensee prior to any of the procedures provided under the Administrative Procedure Act.

(d) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, no license shall be modified, suspended or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 70.62 *Suspension and operation in war or national emergency.* Whenever Congress declares that a state of war or national emergency exists, the Commission, if it finds it necessary to the common defense and security, may,

(a) Suspend any license it has issued.

(b) Order the recapture of special nuclear material distributed.

(c) Order the operation of any licensed facility.

(d) Order entry into any plant or facility in order to recapture special nucelar material or to operate the facility.

Just compensation shall be paid for any damages caused by recapture of special nuclear material or by operation of any facility, pursuant to this section.

ENFORCEMENT

§ 70.71 *Violations.* An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who willfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated at Washington, D. C., this 30th day of January 1956.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56-887; Filed, Feb. 2, 1956; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

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

Subchapter B—Food and Food Products

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

TOLERANCES FOR RESIDUES OF INORGANIC BROMIDES FROM SOIL TREATMENT WITH ETHYLENE DIBROMIDE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of inorganic bromides that result from treating with ethylene dibromide the soil on which certain raw agricultural commodities are grown. Subsequently, the petitioner withdrew the request for tolerances on some of the raw agricultural commodities, without prejudice to future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 9632), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 9632) are amended as follows:

1. In § 120.3 *Tolerances for related pesticide chemicals*, a new paragraph (c) is added, to read as follows:

(c) Where tolerances for inorganic bromide in or on the same raw agricultural commodity are set in two or more sections in this part, the over-all quantity of inorganic bromide to be tolerated from use of two or more pesticide chemicals for which tolerances are established is the highest of the separate applicable tolerances. For example, where the bromide tolerance on lima beans from ethylene dibromide soil treatment is 5 parts per million and on lima beans from methyl bromide fumigation is 50 parts per million, the over-all inorganic bromide tolerance for lima beans grown on ethylene dibromide treated soil and also fumigated with methyl bromide after harvest is 50 parts per million.

2. Part 120 is amended by adding the following new section:

§ 120.126. *Tolerances for residues of inorganic bromides resulting from soil treatment with ethylene dibromide.* The tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities grown on soil treated with ethylene dibromide are as follows:

(a) 5 parts per million in or on lima beans, strawberries.

(b) 10 parts per million in or on asparagus, cauliflower.

(c) 25 parts per million in or on cottonseed

(d) 50 parts per million in or on sweetpotatoes.

(e) 75 parts per million in or on carrots (with or without tops), parsnips.

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

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: January 31, 1956.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drug.

[F. R. Doc. 56-890; Filed, Feb. 2, 1956; 8:51 a. m.]

Subchapter C—Drugs

PART 130—DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXEMPTION OF HEXADENOL FROM PRESCRIPTION-DISPENSING REQUIREMENTS

There was published in the FEDERAL REGISTER of December 23, 1955 (20 F. R. 9955) a notice and text of a proposed amendment to § 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale.* No comments nor objections were filed within the 30-day period stipulated in the above-referenced notice, and the amendment set out below is hereby ordered, without change, effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503, 505, 52 Stat. 1052, as amended, 65 Stat. 649; 21 U. S. C. 353, 355)

Dated: January 27, 1956.

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

Paragraph (a) of § 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale* is amended by adding the following new subparagraph (12):

(12) Hexadenol (a mixture of tetracosanes and their oxidation products) preparations meeting all the following conditions:

(i) The hexadenol is prepared and packaged, with or without other drugs, solvents, and propellants, in a form suitable for self-medication by external application to the skin as a spray, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The hexadenol and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 percent by weight of hexadenol.

(v) The preparation is labeled with adequate directions for use by external application in the treatment of minor burns and minor skin irritations.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Use on serious burns or skin conditions or prolonged use, except as directed by a physician.

(*b*) Spraying the preparation in the vicinity of eyes, mouth, nose, or ears.

[F. R. Doc. 56-874; Filed, Feb. 2, 1956; 8:47 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

VESSELS SUBJECT TO DELAY IN TRANSITING

Pursuant to the authority vested in the Governor by §§ 4.7 and 4.11 of Title 35, Code of Federal Regulations, as adopted by Canal Zone Order 30, January 6, 1953 (18 F. R. 280), a new § 4.8a of such title is added as set forth below, effective on and after July 1, 1956:

§ 4.8a *Vessels without rudder-angle and engine-revolution indicators subject to delay in transiting.* A vessel in excess of 150 feet in length that is not equipped with properly operating rudder-angle and engine-revolution indicators, so located as to be readily visible to a pilot on the bridge, will be subject to delay in transiting to the extent the Marine Director deems necessary or appropriate in order to minimize, in the light of the type and volume of Canal traffic and of other factors relating to the safety of Canal operations, the increased hazards of navigation resulting from failure of the vessel to be so equipped.

(Sec. 5, 37 Stat. 562, as amended; 2 CZ Code 9, 48 U. S. C. 1318. E. O. 9746, 11 F. R. 7329, 3 C. F. R. 1946 Supp.)

Issued at Balboa Heights, Canal Zone, January 24, 1956.

[SEAL] J. S. SEYBOLD, *Governor.*

[F. R. Doc. 56-879; Filed, Feb. 2, 1956; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

PART 146—PROCUREMENT INSPECTION STAMPING

This document cancels and supersedes Part 146, Subchapter M of Title 32.

This document concerns the revision to the DOD Procurement Inspection Stamping policy. The revised policy reads as follows:

§ 146.1 *Procurement inspection stamping.* (a) Materiel which is government inspected at origin or place of manufacture shall be stamped with the appropriate DOD procurement inspection approval stamp. Such stamping will indicate to government personnel that the materiel has been government inspected and approved for further processing, shipping or subsequent acceptance.

(b) The stamping of each individual item is neither required nor prohibited. Ordinarily, the stamping of shipping containers, shipping documents or lot routing tickets adequately serves to provide the necessary indication of inspection status and to control or facilitate the movement of materiel.

(c) The only two authorized forms of DOD procurement inspection approval stamping are:

(1) Stamping to indicate complete compliance with inspection requirements (The square stamp)

(2) Stamping to indicate partial compliance with inspection requirements. (The circle stamp)

(d) When a DOD procurement inspection approval stamp is affixed to any materiel, it shall not be construed to mean that the materiel has or has not been accepted by the government.[1]

(e) The use of the DOD Procurement Inspection Approval Stamps will be governed by the following procedures:

(1) *Complete (Square) Inspection Approval Stamp.* This stamp shall be used by or at the direction of the government inspector to identify prime or sub-contract materiel which has successfully passed complete inspection. Complete inspection approval stamping shall identify for government personnel materiel which is in complete conformance with all inspection requirements applicable to the materiel at the time and place of inspection. Complete inspection approval stamping involving any items, parts or components identified previously for partial inspection approval shall establish that the materiel which was once partially approved has subsequently received complete inspection approval. One imprint of the square stamp will serve to void multiple partial approvals.

(2) *Partial (Circle) Inspection Approval Stamp.* This stamp shall be used by or at the direction of the government inspector to identify prime or sub-contract materiel which has successfully met only some portion of the inspection requirements applicable to the materiel at the time and place of inspection. Partial inspection approval stamping shall identify for government personnel materiel which complies with all inspection requirements applicable at the time and place of inspection, excepting those listed as uninspected on the Materiel Inspection Receiving Report (DD Form 250-3), packing list or comparable document.

(f) The designs of the DOD Procurement Inspection Approval Stamps are shown below. Unauthorized use of these stamps is prohibited.

(66 Stat. 318; 5 U. S. C. 173-173i)

T. P. PIKE, *Assistant Secretary of Defense, (Supply and Logistics).*

[F. R. Doc. 56-859; Filed, Feb. 2, 1956; 8:45 a. m.]

[1] When materiel has been determined to be in conformance with the contract requirements, acceptance on behalf of the government shall ordinarily be accomplished by the execution, and delivery to the contractor, of the acceptance certificate on the applicable inspection and receiving report form, i. e. DD Form 250, 250-4 and 738, or Standard Form 44. Refer to Armed Services Procurement Regulation, Section XIV, Part II, Acceptance, for full details regarding government acceptance.

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 5—NATIONAL CEMETERY REGULATIONS

MEMORIAL MARKERS

JANUARY 26, 1956.

A new section, numbered § 5.20, is added to Part 5, to read as follows:

§ 5.20 *Memorial markers*—(a) *Purpose.* (1) The purpose of this section is to implement the act of August 27, 1954 (68 Stat. 880), which provides that the Secretary of the Interior and the Secretary of the Army shall set aside, when available, suitable plots in the national cemeteries under their jurisdiction to honor the memory of members of the Armed Forces missing in action and to permit the erection of appropriate markers thereon in honor of any such member or group of members. The regulations in this section govern the erection of private memorial markers in national cemeteries under the jurisdiction of the Department of the Interior, a list of which is set forth below. The source of the regulations in this section is the "Joint Regulation" of the Secretary of the Interior and the Secretary of the Army, issued pursuant to the act of August 27, 1954, supra, and effective January 26, 1956.

Antietam National Cemetery, Sharpsburg, Maryland.
Battle Ground National Cemetery, 6625 Georgia Avenue NW., Washington, D. C.
Soldiers' Home National Cemetery, Washington, D. C.
Fort Donelson National Cemetery, Dover, Tennessee.
Fredericksburg National Cemetery, Fredericksburg, Virginia.
Gettysburg National Cemetery, Gettysburg, Pennsylvania.
Poplar Grove National Cemetery, Petersburg, Virginia.
Shiloh National Cemetery, Pittsburg Landing, Tennessee.
Stones River National Cemetery, Murfreesboro, Tennessee.
Vicksburg National Cemetery, Vicksburg, Mississippi.
Yorktown National Cemetery, Yorktown, Virginia.
Custer Battlefield National Monument, Crow Agency, Montana, which contains an active cemetery section.
Andrew Johnson National Monument, Greenville, Tennessee, which contains an active cemetery section.

(b) *Scope*—(1) *Those who may be memorialized.* These members of the Armed Forces of the United States whose deaths occurred during a period when the United States was at war or as a result of military operations; whose remains have been determined officially to be nonrecoverable; and on whom there has been either:

(i) A report of missing in action and a subsequent official finding of death; or

(ii) An official report of death in action. "In action" as used in this paragraph characterizes the casualty status as having been the direct result of hostile action; sustained in combat and related thereto; or sustained going to or returning from a combat mission, provided the occurrence was directly related to hostile action.

(2) *Extent of memorialization.* The erection of a private marker may be authorized to memorialize a person or a group of persons. Only one individual marker will be authorized for the memorialization of a person; however, the erection of an individual marker to a person will not preclude the inscription of his name on a group marker.

(c) *Application for memorialization.* (1) Application for authority to erect a private memorial marker shall be submitted to the Director, National Park Service, Department of the Interior. The approval of the Director, National Park Service, should be obtained prior to fabrication of the marker, since erection will not be permitted except on compliance with the conditions specified in the regulations in this part.

(2) Application for permission to erect an individual marker must be submitted by the legal next of kin of the decedent or the authorized representative of the legal next of kin.

(3) Application for permission to erect a group marker may be submitted by a person, a group of persons, or an organization. Each group-marker application must be accompanied by (i) a list of names of the persons to be memorialized and other data desired for inscription on the marker; (ii) the written approval of the legal next of kin of each person whose name is to be inscribed on the marker; and (iii) a scale plan depicting the details of the design, materials, finish, carving, lettering, and arrangement of inscription.

(4) The Quartermaster General, Department of the Army, will determine the eligibility of the persons or groups of persons to be memorialized.

(5) The Director of the National Park Service will exercise approval authority and control over assignment of plots for and the design, type, size, materials, inscription, and erection of the memorial markers. Approval for erection will be conditional upon the applicant's granting to the Department of the Interior the substantive right to remove and dispose of the marker, if the applicant fails to maintain it in a condition acceptable to the Department.

(d) *Markers which may be authorized.* (1) Memorial markers will conform to the type, size, materials, design, and specifications prescribed for the cemetery section in which the memorial marker is to be erected. The inscriptions will conform to those authorized to mark graves in national cemeteries and in addition will include the words "In Memoriam" or "In Memory Of" as mandatory elements. The inscription on a memorial marker may not include the name of the person or group of persons or the name or insignia of an organization, fraternity, or society responsible for the purchase and erection of the marker.

(e) *Cost and maintenance.* (1) The cost of the private memorial markers, transportation, and erection in the cemetery will be at no expense to the Government. The Department of the Interior will assume no liability or responsibility incident to the purchase, fabrication, delivery, erection, maintenance of, or damage to private memorial markers.

(Sec. 3, 39 Stat. 535, as amended, 68 Stat. 880; 16 U. S. C. 3)

Issued this 26th day of January 1956.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 56-871; Filed, Feb. 2, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

[Docket No. AO 238-A4]

MILK IN CENTRAL WEST TEXAS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Central West Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the following findings and conclusions were formulated was conducted at Abilene, Texas, on February 9 and October 18–19, 1955 pursuant to notice thereof which was published in the FEDERAL REGISTER on February 5, 1955 (20 F. R. 795) and September 3, 1955 (20 F. R. 6528).

The material issues of record are concerned with:

(1) The pricing of milk used in the production of Cheddar cheese;

(2) An extension of the marketing area;

(3) The application of compensatory payments on other source milk which is allocated to Class I milk at approved plants and a change in rate of such payments on milk disposed by unapproved plants on routes in the marketing area;

(4) Modification of the custom bottling provisions of the order;

(5) Revision of the definition of approved plant;

(6) Modification in the base and excess plan; and

(7) A reduction in the Class II butterfat differential.

Findings and conclusions. By an emergency decision of the Assistant Secretary issued March 9, 1955 (20 F. R. 1534) action was taken with respect to Issue No. 1. Findings and conclusions with respect to the remaining material issues all of which are based on the evidence introduced at the hearing and the record thereof are as follows:

2. The definition of the marketing area should be amended to include the following additional towns and places: Abilene Air Force Base, Aspermont, Haskell, Knox City, Merkel, Munday, Rochester, Rule and Tye, Texas.

The extension of the marketing area, as herein recommended, was proposed by producers and certain regulated handlers. Although the inclusion of Taylor County also was considered, the record evidence showed no need to include this county in its entirety. The Abilene Air Force Base, Tye and Merkel, Texas are all in Taylor County and are more or less centrally located with respect to the general confines of the present Central West Texas marketing area. The Air Base is located near Tye, Texas, approximately 10 miles west of Abilene. The base is near completion and it is expected to be in full operation by mid-1956 with approximatey 6,000 personnel. In addition, there will be come 2,500 military families moved into this area. Some of them will be housed on the base and others will reside in the Merkel-Tye-Abilene area. The development of this base will result in a substantial increase in the demand for fluid milk in this area. There is an adequate supply of milk available to local handlers to supply these requirements. The milk supply for the base is to be acquired by contract which normally covers a period of three months. The failure to incorporate this territory within the defined marketing area would make it possible for unpriced milk to displace local producer milk in supplying these requirements, particularly during the flush production season when seasonal reserve supplies may be available from other markets at surplus prices. An intermittent supplying of the contract requirements for the base for short periods of time would disrupt the orderly marketing of milk in the Central West Texas marketing area. Such conditions would not assure the Air Base personnel and their families a regular, dependable, year-round supply of fluid milk.

The towns of Aspermont, Haskell, Knox City, Munday, Rochester and Rule, Texas, which are located in the same general area, are about 50–75 miles north of Abilene. Aspermont, Haskell and Rule are located not more than 20 miles from Hamlin and Stamford, Texas, which are presently in the defined marketing area. Munday and Knox City, located about 20 miles further to the north are approximately 75 miles southwest of Wichita Falls, Texas.

The population of the six towns, which are proposed to be included in the marketing area is slightly more than 10,000 people. Haskell, the largest town, has a population of 3.4 thousand. Fluid milk is distributed on routes in this area by fully regulated handlers from a plant located in Sweetwater and from two plants located in Abilene, Texas. These handlers supplied fluid milk here for a number of years prior to the promulgation of the Central West Texas marketing order. Milk has been distributed also in this area from plants located in Wichita Falls. Within the past year, a plant located in Lawton, Oklahoma started distributing milk in Munday and Haskell.

The matter of adding certain of the recommended places to the marketing area was considered at previous hearings. It has not been shown heretofore, that it was necessary to extend regulation because marketing conditions in the area were relatively stable and nearly all of the milk sold in the area was supplied by handlers regulated by the order. Since that time, however, there has been market instability and unregulated milk from time to time has displaced the milk of regulated handlers in supplying the Class I needs of the market. A degree of marketing stability can be achieved by including the proposed towns in the Central West Texas marketing area. Although it is not anticipated by so doing, that additional handlers will become subject to full regulation under the order, it will provide, however, that handlers selling less than 15 percent of their total fluid sales in the marketing area will be subject to partial regulation. Under partial regulation, such handlers will be required to pay either to their own producers, or through compensatory payments to the producer settlement fund of the order and to producers, a price for such milk equivalent to that paid for Class I milk by fully regulated handlers similarly located.

3. The proposals to apply compensatory payments on other source milk which is allocated to Class I milk at approved plants and a change in the rate of payment on milk disposed of by unapproved plants on routes in the marketing area should be denied.

Producers proposed that compensatory payments be applied to unpriced other source milk which is allocated to Class I milk utilization at approved plants. Producers contended that such a provision was necessary in the Central West Texas order to promote the effectiveness of the classified price plan. It was argued that payments on unpriced milk would assist in the allocation of available supplies of producer milk among handlers and promote the maximum use of available producer milk for Class I utilization.

In an extended marketing area, such as is contained under the Central West Texas order, the problem of allocating milk among regulated plants to secure the maximum utilization of producer milk in Class I is somewhat more difficult than in more compact marketing areas. There are considerable distances between regulated plants and in many cases it is not possible to transfer individual producers from one regulated plant to another. Moreover, at some locations in the production area, it is not practical to transfer entire farm pickup routes from the plant which normally receives the milk to other regulated plants. Although the record indicates that some handlers have refused to accept the milk of additional producers on a temporary basis, the evidence failed to show permanent dislocation of producer supplies.

Testimony was presented to show that other source milk had been received at one of the principal plants during the same month that the handler refused to accept the entire output from the producers supplying this plant. The record shows, however, that this did not happen concurrently. Furthermore, most of the other source milk which was shown to have been imported during the months in question, was subject to the pricing and payment provisions of another Federal order.

Although it has not been possible to achieve perfect allocation of all available supplies of producer milk among handlers in accordance with their Class I requirements, the evidence fails to show that handlers have deliberately purchased unpriced other source milk which displaced producer milk or that producer milk was refused by handlers at the same time that it could have been disposed of in Class I uses. Under such circumstances, it does not appear necessary to employ compensatory payments on unpriced other source milk received by fully regulated handlers in the Central West Texas marketing area at this time.

One handler proposed at the hearing that compensatory payments be applied also to other source milk which is subject to the pricing and payment provisions of another Federal order. This handler was concerned primarily about milk disposed of on routes in the Central West Texas marketing area by handlers whose milk is subject to the pricing and payment provisions of the North Texas Federal order. Class I prices at plants located in the various zones of the Central West Texas marketing area are the Class I price under the North Texas order plus appropriate differentials reflecting the cost of moving milk from plants in the North Texas area to the respective zones of the Central West Texas marketing area. Because of this fact, North Texas handlers do not have a competitive advantage in the procurement of raw milk as a result of the relative prices paid for producer milk under the two orders.

It was further proposed that the rate of compensatory payments be changed on milk which is sold in the marketing

area by plants which are subject to partial regulation under the Central West Texas order. Under the present order provisions such plants are required to pay into the equalization fund of the marketwide pool the difference between the Class I price under the order and the lowest price paid for an equivalent amount of milk received at such plant from dairy farmers. It was contended that this rate of payment resulted in advantages to partially regulated handlers in the procurement of milk for disposition in the marketing area because such payments applied to only a portion of the Class I sales of partially regulated handlers. In order to provide identical costs of total milk purchases at approved plants and partially regulated non-approved plants, it would be necessary to extend full regulation to those handlers now partially regulated. This question is discussed under Issue No. 5.

Another proposal was designed to increase the compensatory payment rate on milk sold in the marketing area by partially regulated handlers, as well as to establish a somewhat higher Class I price at plants located in the Wichita Falls and Lubbock markets if such plants were to become subject to full regulation under the order. The adoption of this latter proposal would necessitate a complete revision of the zoning arrangement provided by the order. The record evidence does not afford a basis for revising the present zoning provisions.

The record shows that fully regulated handlers may have some cost disadvantages in the procurement of milk for sale in some portions of the marketing area and in areas adjacent to the marketing area. Similarly, this is the case with respect to a fully regulated handler whose plant is located in one zone and sells milk in a lower priced zone in competition with handlers whose plants are located in such zone. The evidence also indicates that in other areas marketing conditions have resulted in partially regulated handlers paying their dairy farmers, prices which are equivalent to or higher than the Class I prices established by the order. Because of the extended area included in the Central West Texas marketing area such varying conditions are more likely to exist than in more compact marketing areas. For these reasons, it appears that a solution to this problem which would be appropriate for one area may be unreasonable for other portions of the marketing area. In any event, it does not appear that the competitive problems complained of because of the relative location of plants can be appropriately resolved at this time by changing the rate of compensatory payments under the Central West Texas order.

Under the present order, partially regulated handlers are subject to compensatory payments on all milk disposed of on a route which extends into the marketing area, even though a substantial proportion of the milk sold on such route is delivered to outlets outside of the marketing area. In this section of the country, packaged milk is commonly hauled in vans in relatively large quantities over long distances to supply widely scattered retail and wholesale outlets. Under Issue No. 2, it is concluded that the marketing area should be changed to include a number of additional towns and places. In view of this and because of the nature of milk distribution in the Central West Texas marketing area, the order should be modified so as to require compensatory payments only on the milk disposed of within the marketing area. The purpose of the payment, to integrate into the regulatory scheme in an equitable and economic manner the sales of milk in the marketing area by partially regulated handers, will be accomplished by applying such payments to the milk disposed of in the marketing area. In order to limit the payments to milk so disposed of, it will be necessary for the handler to report such sales separately and to maintain adequate records and facilities, including records of the quantities disposed of to individual sales outlets, so as to enable the market administrator to verify such sales. In the absence of satisfactory proof of such disposition, the only administratively feasible method of applying the payments would be on the basis of the total disposition on such route.

4. No change should be made in the route definition with respect to the application of the order to custom bottled milk.

A proposal was made to provide that other source milk which is transferred from an approved plant to an unapproved plant could be applied as a credit toward custom bottled milk supplied by the unapproved plant under certain conditions. No testimony was offered in the support of this proposal by the proponent at the hearing. The record does not indicate any need to change the route definition.

5. The definition of an approved plant should not be changed. It was proposed by handlers that the definition of an approved plant be modified so as to extend full regulation to any milk plant which disposes of Grade A milk on routes in the marketing area. Under the present order, a plant disposing in the marketing area of less than 15 percent of its total disposition of Class I milk on routes is subject to partial regulation.

At the present time, there are five partially regulated plants under the Central West Texas order. These plants are located in Lubbock and Wichita Falls, Texas and in New Mexico. One Wichita Falls handler discontinued selling milk in the marketing area in August 1955. A New Mexico handler started selling milk in the marketing area in April 1955.

The volume of milk sold by partially regulated plants amounted to 2.8 percent of total Class I sales in the marketing area during the first nine months of 1955. This compares with 3.4 percent sold during 1954. With the exception of the New Mexico handler, the other handlers subject to partial regulation have sold milk in the marketing area for a number of years and most of them were doing so at the time the order was promulgated late in 1952. The adoption of the proposed approved plant definition would extend full regulation to handlers who sell 85 percent or more of their Class I milk in competition with unregulated distributors outside of the marketing area.

The provision for extending only partial regulation to handlers who sell less than 15 percent of their total sales in the marketing area was adopted in the original order for this area. The order contemplated only full regulation of plants primarily engaged in route distribution of milk in the marketing area. A distributing plant having more than 85 percent of its business outside the marketing area cannot be considered as essentially associated with this market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business which is in the marketing area. Full regulation in such cases is not necessary to accomplish the purpose of the act. The establishment of a minimum amount of sales in order for a plant to be fully regulated is necessary in the Central West Texas marketing area to place a reasonable limit on the scope of regulation. In view of the recommendation to extend the marketing area (Issue No. 2), the need for retaining the 15 percent performance provision is even more cogent.

It is concluded therefore, that the present definition of an approved plant should not be changed.

6. Changes should be made in the base-forming and base-operating periods and in the rules pertaining to the transfer of bases.

Under the present order, the base-forming period consists of the months of October through January. The months of April through June are designated as the base-operating period. These periods were first incorporated in the order at the time of its issuance in 1952. Producers and certain handlers proposed that September be substituted for January in the base-forming period and the month of March added to the base-operating period.

Class I sales normally begin to increase seasonally in July and reached a peak in November. The increase demand for milk particularly in September, with the opening of schools and colleges coupled with relatively low producer receipts, results in a shortage of producer milk to meet Class I requirements. The ratio of receipts of producer milk to Class I sales is substantially less in September than in January. The effectiveness of the base plan will be improved by substituting September for January in the base-forming period.

Marketwide information on the seasonal relationship of receipts of producer milk and Class I utilization indicates that there has been a shift forward of about a month in the incidence of the summer peak and winter low in production. In 1952 average daily receipts of producer milk reached a peak during the month of April while in 1954 and 1955 the seasonal high in receipts was reached in the month of March. The ratio of receipts of milk to Class I sales is about the same in March as it is in June. It is concluded that March should be included in the base-operating period.

An advance of one month in the base-forming period and the inclusion of

March in the base-operating period should promote more even production of milk throughout the year. These recommended changes will provide base-forming and base-operating periods that are identical with those in the North Texas marketing area.

Under the present base plan, a producer may establish a full base on the basis of his deliveries of milk for a minimum of 90 days in the base-forming period. Such a provision for 33 "free days" in the base-forming period may contribute to irregular practices by some producers in establishing bases and the inflation of bases under certain circumstances. This is particularly true under a provision for the transfer of entire bases, as is recommended hereinafter. Producers testified in favor of determining bases by dividing the quantity of milk shipped during the base-forming period by the total number of days in such period without a provision for "free days". A provision for "free days" in the base-forming period is primarily for the purpose of making it possible for a producer to establish a full base even though he may be off the market for a few days of the base-forming period because of degrading or for accidental or unusual circumstances over which he has no control. Such a provision affords an opportunity for a producer who may be confronted with such circumstances and who attempts to produce milk in accordance with the needs of the market to realize the benefits of a full base. It is concluded, therefore, that provision should be made for a producer to establish a full base on the basis of his deliveries of milk for 112 days or more during the base-forming period.

With the development of bulk tank pickup and the accompanying improvement in the methods of cooling and handling milk on the farm, more than one day's supply of milk may be held before delivery is made to the approved plant. Under this method of delivery, milk of producers also may be shifted more freely among handlers. Therefore, the order language should provide for the calculation of bases on the basis of the number of days for which milk is received from a producer at any handler's plant during the base-forming period.

Provision should be made for the transfer of entire bases. Under the present order, entire bases may be transferred only to a member of the producer's immediate family, in the event of death, retirement or entry into military service. Bases jointly held may be transferred only to one of the joint holders. A provision to permit the transfer of entire bases upon filing an application with the market administrator will add a greater degree of flexibility to the base plan and may be of benefit in maintaining herds in the milkshed which otherwise would be disbursed to outside areas. By limiting transfers to entire bases, the administrative problems in this market will not be unreasonably burdensome. Provision is made for the transfer of an entire base as of the beginning of the month next following receipt by the market administrator of an appropriate application signed by the base holder and by the person to whom such base is to be transferred.

The changes recommended above in the base-forming and base-operating periods should not become effective until September 1956. The order has been constructed so as to continue the present base-operating period during 1956. This will give all producers notice of such changes a reasonable period in advance of the effective date of this amendment.

7. The Class II butterfat differential should be reduced from 0.115 to 0.110 times the wholesale price of 92-score butter at Chicago for the months of April through June.

The price for Class II milk of four percent butterfat content under the Central West Texas order is presently the average paying price for ungraded milk at three Texas milk manufacturing plants for the months of April, May and June and for each other month of the year, the higher of such price and a butter nonfat dry milk solids formula price. Since early in 1953, the manufacturing milk price in each month has been lower than the "butter-powder" formula price. Greater stability in the relative values assigned to skim milk and butterfat in Class II milk will be promoted by reducing slightly the Class II butterfat differential during the months of April, May and June when the Class II price is based on the local manufacturing milk paying prices. This method of pricing has been followed under the adjacent North Texas Federal order wherein a butterfat differential of 0.110 applies in those months when the Class II price is based on prices paid by the three Texas milk manufacturing plants. The testimony fails to support further revision of the Class II butterfat differential at this time.

General findings. (a) The proposed marketing agreement and the order, amending the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order amending the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the order, as amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested parties in the market. The briefs contained suggested findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and order. The following amendments to the order are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Delete § 982.6 and substitute therefor the following:

§ 982.6 *Central West Texas marketing area.* "Central West Texas marketing area," hereafter called the marketing area, means all territory within the boundaries of the Abilene Air Force Base and within the corporate limits of the following cities and towns, all in the State of Texas.

Abilene.	Lamesa.
Albany.	Merkel.
Anson.	Midland.
Aspermont.	Munday.
Ballinger.	Odessa.
Big Spring.	Ranger.
Breckenridge.	Rochester.
Brownwood.	Rotan.
Cisco.	Rule.
Coleman.	San Angelo.
Colorado City.	Snyder.
Comanche.	Stamford.
Eastland.	Sweetwater.
Hamlin.	Tye.
Haskell.	Winters.
Knox City.	

2. Delete § 982.52 (b) and substitute therefor the following:

(b) Class II milk: multiply such price for the current month by 1.10 for the months of April, May and June and by 1.15 for each of the other months of the year.

3. Delete that portion of § 982.62 (b) which precedes subparagraph (1) thereof and substitute therefor the following:

(b) With respect to either all skim milk and butterfat disposed of as Class I milk during the month on routes operated wholly or partially within the marketing area or only the skim milk and butterfat disposed of as Class I milk on routes within the marketing area if the handler maintains and makes available to the market administrator the facilities and records (including the accounts of individual sales outlets) necessary to verify and establish such disposition, the handler shall pay to the market administrator on or before the 25th day after the end of the month, any plus difference between

4. In §§ 982.15, 982.16, 982.30 (a) and 982.73 delete "April through June" and substitute therefor "April through June 1956 and March through June thereafter"

5. In § 982.72 immediately following "March" insert the following: "of 1956 and July through February thereafter"

6. Delete §§ 982.80 and 982.81 and substitute therefor the following:

§ 982.80 *Computation of daily average base for each producer.* For the months of April through June of 1956 and March through June of each year thereafter the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 982.81:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the immediately preceding base-forming period of October 1955 through January 1956 and September through December, thereafter, by the number of days from the first day for which such producer made deliveries during such period to the last day of such period, less the number of days for which no deliveries are made, or by 90 through January 1956 and 112 thereafter, whichever is more.

§ 982.81 *Base rules.* (a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 943.80 to each person for whose account producer milk was delivered to a handler(s) during the base-forming period;

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the beginning of the month next following the receipt by the market administrator of an application for such transfer, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, or assigns.

Issued at Washington, D. C., this 31st day of January 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-884; Filed, Feb. 2, 1956; 8:49 a. m.]

[7 CFR Part 1010]

[Docket No. AO-276]

MILK IN WILMINGTON, DEL., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision, with respect to a proposed marketing agreement and a proposed order, regulating the handling of milk in the Wilmington, Delaware, marketing area, which was issued January 17, 1956 (21 F. R. 486) is hereby extended to February 15, 1956. Such exceptions must be filed with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business as of this date.

Dated: January 31, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-885; Filed, Feb. 2, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956 124th Supp.]

ROYAL INSURANCE CO., LTD.

ACCEPTABLE REINSURING COMPANIES ON FEDERAL BONDS

JANUARY 31, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on Federal bonds under Treasury Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223. An underwriting limitation of $2,166,000.00 has been established for the company.

Royal Insurance Company, Limited, Liverpool, England (U. S. Office, New York, New York).

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

[F. R. Doc. 56-878; Filed, Feb. 2, 1956; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[70649]

MINNESOTA

SMALL TRACT CLASSIFICATION NO. 3, MINNESOTA

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totalling 3.32 acres, as suitable for direct sale at public auction under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, Circulars Nos. 1899, 1911 and 1935.

FIFTH PRINCIPAL MERIDIAN, MINNESOTA

T. 137 N., R. 27 W.,
Sec. 18, lot 1.
T. 137 N., R. 42 W.,
Sec. 27, lot 9.

2. Classification of the above-described lands by this order segregates them from all appropriations, including location under the mining laws, except applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to public sale under the Small Tract Act, supra, until it is so provided by an order to be issued by the authorized officer, opening the lands for direct sale by public auction, with a preference right to Veterans of World War II and of the Korean conflict and others entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. Inquiries concerning these lands shall be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

LUTHER T. HOFFMAN,
Supervisor.

[F. R. Doc. 56-869; Filed, Feb. 2, 1956; 8:46 a. m.]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LAND

JANUARY 24, 1956.

Pursuant to Determinations DA-367, Oregon, DA-380, Oregon, and DA-391, Oregon, of the Federal Power Commission and in accordance with Order No. 541, Section 2.5 of the Director, Bureau of Land Management; approved April 21, 1954 (19 F. R. 2473), it is ordered:

1. Subject to valid existing rights, provisions of existing withdrawals, and proposed withdrawals of record, the land hereinafter described, so far as they are withdrawn and reserved for power purposes in Power Site Reserve No. 167 of December 19, 1910, Power Site Reserve No. 623 of May 7, 1917, and Power Project No. 853 of December 2, 1927, are hereby restored to disposition under the public land laws, subject to the provisions of section 24, of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

WILLAMETTE MERIDIAN, OREGON

T. 35 S., R. 12 W.,
Sec. 11: Lot 2. 11.60 acres.
T. 36 S., R. 7 W.,
Sec. 2: Lot 5. 13.16 acres.
Sec. 12: Lot 3. 2.93 acres.

2. The public lands are located along the Rogue River in Curry and Josephine Counties, Oregon. They consist of a sand bar, level land and rocky land unsuited for cultivation. Parts of the land are used for recreational purposes under special land use permits and all lands are included in a proposed recreational withdrawal, Oregon 04135, application, received under the public land laws will be held in suspense pending action by the Department of the Interior on the proposed withdrawal.

3. No application will be allowed under the homestead, desert land, small tract, or other nonmineral public land

laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Any disposition of the lands described in Lot 2, Sec. 11, T. 35 S., R. 12 W., shall be also subject to stipulation that if and when the land is required in whole or in part for purposes of power development, and structures or improvements located thereon which shall be found to interfere with such power development shall be removed or relocated as may be necessary to eliminate interference with such power development without expense to the United States, its licensees or permittees.

5. The land described as Lot 2, Sec. 11, T. 35 S., R. 12 W., and Lot 5, Sec. 2, T. 36 S., R. 7 W., Willamette Meridian, shall be subject to application by the State of Oregon, for a period of 90 days from the date of this order for right of way for public highways or as a source of material for construction of such highways, in accordance with and subject to provisions of section 24 of the Federal Power Act, as amended; and special stipulation provision in the preceding paragraph. The State has waived its above rights as to the other involved land.

6. Subject to any existing valid rights, withdrawals, or proposed withdrawals of record, and the requirements of applicable laws, the lands described in paragraph 1, are hereby opened to filing of applications, selections, and location in accordance with the following:

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

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

(2) All valid applications under the Homestead, Desert Land and Small Tract laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; U. S. C. 279–284) as amended, presented prior to 10:00 a. m. on February 29, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on May 30, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws presented prior to 10:00 a. m. on May 30, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

7. Persons claiming veteran's preference rights under Paragraph a–(2) above must enclose with their application proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

8. Inquiries concerning the above lands shall be addressed to Manager, Land Office, Bureau of Land Management, P. O. Box 3861 (1001 N. E. Lloyd Boulevard) Portland 8, Oregon.

RUSSELL E. GETTY,
Acting State Supervisor.

JANUARY 24, 1956.

[F. R. Doc. 56–870; Filed, Feb. 2, 1956; 8:46 a. m.]

Geological Survey

[Power Site Cancellation No. 109]

QUILCENE RIVER, WASHINGTON

POWER SITE CLASSIFICATION NO. 177 CANCELLED IN PART

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 177, approved April 27, 1927, is hereby cancelled insofar and to the extent that it affects the following described land:

WILLAMETTE MERIDIAN

T. 27 N., R. 2 W.,
Sec. 26, NW¼NW¼.

The area described aggregates 40 acres.

Dated: January 23, 1956.

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 56–868; Filed, Feb. 2, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GEORGIA AND VIRGINIA

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making Production Emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following named counties in the States of Georgia and Virginia production disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Georgia: Burke, Screven.
Virginia: Augusta, Nelson, Norfolk, Princess Anne.

Pursuant to the authority set forth above, Production Emergency loans will not be made in such counties after December 31, 1956, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 31st day of January 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–872; Filed, Feb. 2, 1956; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 205A]

LEVEE AND CO. ET AL.

ORDER DENYING EXPORT PRIVILEGES

In the matter of Tokyo Shoko K. K., No. 9 Kyobashi 2-Chome, Chuo-Ku, Tokyo, Japan; Fujisawa Shoko K. K., No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan; Chunichi Seiyaku K. K., No. 14 Daikan-cho, Tate, Higashi-Ku, Nagoyashi, Japan; S. K. Lai, doing business as Levee and Company, 604 Fukoku Bldg., Uchisaiwai-cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan; Tadami Maru, No. 9 Kyobashi 2-Chome, Chuo-Ku, Tokyo, Japan; Yonesaburo Takeno, No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan; Toshio Kato, No. 14 Daikan-cho, Tate, Higashi-Ku, Nagoyashi, Japan; Motohisa Kato, No. 14 Daikan-cho, Tate, Higashi-Ku, Nagoyashi, Japan; Respondents, Case No. 205A.

The respondents, Tokyo Shoko K. K., Tadami Maru, and S. K. Lai, doing business as Levee and Company, all of Tokyo, Japan; Fujisawa Shoko K. K. and Yonesaburo Takeno, both of Osaka, Japan; and Chunichi Seiyaku K. K., Toshio Kato, and Motohisa Kato, all of Nagoyashi, Japan, having been charged by the Director, Investigation Staff, Bureau of Foreign Commerce, (a) with having made false representations in support of applications to export goods from the United States to Japan, (b) with having made false statements and concealed material facts concerning the disposition of goods exported from the United States and (c) with having unlawfully diverted to unauthorized destinations goods exported from the United States, and the charging letter having been duly served on each of them, none of them appeared in this proceeding or in any manner put in issue any of the charges made against them. Prior to the service of the charging letter, all the respondents were served with temporary orders denying export privileges to them and revoking all export licenses to which they were in any manner parties. They

were also served with interrogatories relating to the matters which were the subject matter of the charges. None of the respondents has made any application to terminate or modify the temporary order and none has replied to any of the interrogatories.

The Compliance Commissioner, to whom the charges were referred pursuant to § 382.4 of the export control regulations, has filed a report finding that violations have been committed and has recommended that the remedial action hereinafter provided be taken against the respondents.

Now, after reviewing the entire record and considering the report of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned Tokyo Shoko K. K., Tadami Maru, and S. K. Lai, doing business under the firm name and style of Levee and Company, all of Tokyo, Japan; Fujisawa Shoko K. K. and Yonesaburo Takeno, both of Osaka, Japan; Toshio Kato and Motohisa Kato, both of Nagoyashi, Japan, were engaged in business at the places mentioned and Chunichi Seiyaku K. K. was a bankrupt firm which, prior to its bankruptcy, had been conducted or managed by Toshio Kato and Motohisa Kato in Nagoyashi, Japan.

2. At all times hereinafter mentioned Tokyo Shoko K. K. as well as the respondents Toshio Kato, Motohisa Kato, and Yonesaburo Takeno knew that Chunichi Seiyaku K. K. had become bankrupt prior to and was in bankruptcy during the happening of the events hereinafter set forth.

3. On or about the 17th day of July 1954, respondents S. K. Lai, trading as Levee and Company, and Fujisawa Shoko K. K. executed a document known to them to have been executed for the purpose of inducing the Bureau of Foreign Commerce to issue a license authorizing the exportation from the United States to Japan of 88 tons of "borax, granular, technical," and in the said document they represented and stated that Levee and Co. was the consignee and purchaser of said borax, that it would be resold to an ultimate consignee, Fujisawa Shoko, a factory producing boric acid, to be used for ceramics and porcelain to be distributed in Japan, that they would send a supplemental statement to the American exporter disclosing any change of facts or intentions set forth in said document, that they would not dispose of the said borax contrary to the representations made therein and that they would secure the approval of the United States Government prior to any such disposition.

4. The respondent Yonesaburo Takeno was a director of Fujisawa, knew that the said document had been executed and that the borax was to be exported from the United States and participated in the handling and disposition thereof, in Japan, after it had been exported from the United States. As such director, participating as he did in the transaction and the disposition of the borax, and with the knowledge that the exportation was induced by the representations and statements contained in the said document, he adopted all such representations and statements as his own.

5. In reliance on the representations and statements contained in the said document, the Bureau of Foreign Commerce issued an export license authorizing the exportation from the United States to Japan of the 88 tons of borax and said borax was, in due course, received by Levee and Company or Fujisawa Shoko in Japan, but all efforts on the part of the Bureau of Foreign Commerce to ascertain from any of the said persons or firms what became of it after arrival in Japan have been defeated and frustrated by the said persons who have continuously and wilfully failed and refused to make any disclosures to the Bureau of Foreign Commerce in relation thereto.

6. The said borax was not used by Fujisawa Shoko in the manufacture of boric acid or ceramics and porcelain distributed in Japan.

7. During the course of the investigation, Takeno stated and represented to an agent of the Bureau of Foreign Commerce that his company, Fujisawa Shoko, had stored the borax and disposed of it upon S. K. Lai's instructions but, after this had been denied by Lai, he admitted that this statement was false.

8. On November 5, 1954, Tokyo Shoko K. K., by Tadami Maru, and Chunichi Seiyaku K. K., by Toshio Kato and Motohisa Kato, executed a document identical with the document described in Finding 3 hereof except that in the one executed by them they represented and stated that 100 short tons of boric acid were being bought by Tokyo Shoko as consignee and purchaser, to be wholesaled by Chunichi as ultimate consignee in Japan for utilization in pharmaceuticals, chemicals, water glass manufacturing, food preservatives, medicines and soaps, also to be distributed in Japan.

9. On November 17, 1954, the same firms, by the same individuals, executed another such identical document except that in this one they represented and stated that 500 short tons of borax were being bought by Tokyo Shoko as consignee and purchaser to be wholesaled by Chunichi as ultimate consignee in Japan for the manufacture of medicines, ceramics, porcelains and cosmetics to be distributed in Japan.

10. In reliance on the November 5, 1954, document, the Bureau of Foreign Commerce issued an export license authorizing the exportation of 100 short tons of boric acid, the said boric acid was exported pursuant to the authority of such license and, in due course, was received by Tokyo Shoko in Japan.

11. The Bureau of Foreign Commerce thereafter received information that Chunichi had been in bankruptcy since January 1954, and had no plant, factory or business. It then rejected the application for license to export the 500 tons of borax.

12. At the time that Tokyo Shoko, Tadami Maru, Chunichi, Toshio Kato and Motohisa Kato executed the documents mentioned in Findings 8 and 9, they well knew that Chunichi was bankrupt, had no plant or factory and could not buy or use the borax or boric acid mentioned therein.

13. All efforts on the part of the Bureau of Foreign Commerce to ascertain from Tokyo Shoko or the individuals named in Finding 8 what became of the 100 short tons of boric acid after arrival in Japan have been defeated and frustrated by the said firm and individuals who have continuously and wilfully failed and refused to make any disclosures to the Bureau of Foreign Commerce in relation thereto.

14. The said boric acid was not used by Chunichi, Toshio Kato or Motohisa Kato for the manufacture of any commodity distributed in Japan.

And, from the foregoing, the following are my conclusions:

A. Respondents Tokyo Shoko K. K., Fujisawa Shoko K. K., Chunichi Seiyaku K. K., Tadami Maru, Yonesaburo Takeno, Toshio Kato, Motohisa Kato, and S. K. Lai, trading as Levee and Company, made false representations to the Bureau of Foreign Commerce in support of an application or applications for license to export goods from the United States, in violation of Section 381.5 of the export control regulations; and

B. Respondents Tokyo Shoko K. K., Fujisawa Shoko K. K., Chunichi Seiyaku K. K., Yonesaburo Takeno, Tadami Maru, Toshio Kato, Motohisa Kato, and S. K. Lai, in violation of § 381.5 (b) (1) of the export control regulations, wilfully concealed material facts pertaining to the final destination of goods exported from the United States pursuant to an export license; and

C. Respondent Yonesaburo Takeno, in violation of § 381.5 (b) (1) of the export control regulations, knowingly and wilfully made false statements to an agent of the Bureau of Foreign Commerce in response to questions concerning the final destination of goods exported from the United States pursuant to an export license.

In his report, the Compliance Commissioner said,

> All these respondents were served with the charging letter and they have failed to answer it or put any of the charges in issue by demanding a hearing. Apart from the evidence submitted, they may therefore be held to have admitted all the charges by their failure to deny and by their default. In addition, they had more than ample opportunity to provide this agency with information tending to disprove the charges but they have not availed themselves of these opportunities and they have also failed to answer the formal interrogatories served upon them. While all this is not conclusive evidence that everything alleged in the charging letter actually did occur, it does demonstrate to my satisfaction that these respondents cannot be permitted to participate in any exportations from the United States because, by their conduct, in the face of admonitions as to the possible consequences, they have shown that any attempt to police any exportation to them from the United States will be frustrated. If exportations from the United States cannot be policed to make certain that they do not go to prohibited persons or areas, then the exportations cannot be permitted. To do otherwise would make impossible effective enforcement of the Export Control Act. There is also another approach which may be taken. It has never been doubted or questioned that an applicant for or a party to an application for license to export goods from the United States is properly required

to disclose the destination of and the use to which the goods will be put. It seems to me that there can be no distinction between a prospective disclosure of destination and use for the purpose of justifying the issuance of the license and a subsequent disclosure of the destination and use to show that the license has been properly issued. If one is necessary to obtain licenses the other is equally necessary. Parties who refuse either should not be allowed to participate in exportations from the United States.

Having concluded that the recommendation of the Compliance Commissioner is fair and just and, being of the opinion that the action hereinafter provided is necessary to achieve effective enforcement of the law; *It is hereby ordered:*

I. Henceforth, and so long as export controls shall be in effect, the respondents and each of them are hereby suspended from and denied all privileges of participating, directly or indirectly in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to each of the respondents, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when any respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part I hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with such respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which such respondent may have an interest of any kind or nature, direct or indirect.

Dated: January 31, 1956.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 56-867; Filed, Feb. 2, 1956; 8:45 a. m.]

[Case No. 205B]

I. K. LAI

ORDER DISMISSING CHARGES OF VIOLATION

In the matter of I. K. Lai, Luke Yew Building, 50 Queen's Road Central, Hong Kong, Respondent, Case No. 205B.

The Charging Letter, dated October 20, 1955, having been referred to the Compliance Commissioner, who has considered the evidence submitted in support thereof and reported that the same does not support a finding that a violation has been committed by the respondent, I. K. Lai, of Luke Yew Building, in Hong Kong: *It is hereby ordered:*

That the said Charging Letter be and the same hereby is dismissed as to said respondent, I. K. Lai, and that the temporary order denying license privileges to him, dated April 11, 1955, be vacated, subject however to such action as may be proper under Part II of the order being entered simultaneously herewith against S. K. Lai.

Dated: January 31, 1956.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 56-866; Filed, Feb. 2, 1956; 8:45 a. m.]

Office of the Secretary

CORTLANDT VAN RENSSELAER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Cortlandt Van Rensselaer.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: January 4, 1956.

4. Title of position: Deputy Director.[1]

5. Name of private employer: Hewlett-Packard Company.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American Telephone & Telegraph Company.
Dynac, Inc.
Eitel McCullough, Inc.
Hewlett-Packard Company.
Bank Deposits.
Building and Loan Deposit.

Dated: January 25, 1956.

C. VAN RENSSELAER.

[F. R. Doc. 56-873; Filed, Feb. 2, 1956; 8:47 a. m.]

[1] Scientific, Motion Picture & Photographic Products Division.

CIVIL AERONAUTICS BOARD

[Docket No. 5031 et al.]

REOPENED TRANS-PACIFIC CERTIFICATE RENEWAL CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on February 6, 1956, at 10:00 a. m., e. s. t., in Room 2505, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

Dated at Washington, D. C., January 30, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-883; Filed, Feb. 2, 1956; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9666]

COLORADO INTERSTATE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 30, 1956.

Take notice that Colorado Interstate Gas Company (Applicant), a Delaware corporation with a principal place of business in Colorado Springs, Colorado, filed on November 16, 1955, an application for a certificate of public convenience and necessity, and supplementary data thereto on November 18, 1955, pursuant to section 7 of the Natural Gas Act, authorizing the Applicant to construct and operate 1.23 miles of 8-inch transmission pipeline and a meter station for the purpose of connecting its Rock Springs, Wyoming-Denver, Colorado, system with facilities of Northern Gas Company (Northern) at Laramie, Wyoming, and thereby providing facilities for making available to Northern (1) a source of supply for emergency deliveries to Laramie, Wyoming, and (2) providing facilities for the making of a direct sale of natural gas on an interruptible basis to Great Western Aggregate Company, sub-

ject to the jurisdiction of the Commission, all as more fully represented in the application filed in this proceeding.

The application recites that Northern presently delivers gas to Laramie through 54 miles of 8-inch pipeline extending from its Medicine Bow, Wyoming storage field, traversing a remote and isolated area; which service was seriously affected due to a line break in January 1955. Applicant and Great Western have entered into a direct industrial sales contract for maximum deliveries of 5000 Mcf on an interruptible basis. The overall cost of the proposed facilities will be $45,827 of which $24,003 is the estimated cost of the 1.23 miles of 8-inch pipeline and $19,425 is the estimated cost of the meter station.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 5, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 20, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-875; Filed, Feb. 2, 1956; 8:47 a. m.]

[Docket No. G-9496]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 30, 1956.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation with principal place of business in the Watts Building, Birmingham, Alabama, filed, on October 17, 1955, an application for certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate certain natural gas facilities and to render increased service in connection therewith as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of Applicant's present system, additional natural gas facilities as necessary and incident to the proposed increased sale and delivery of natural gas in interstate commerce to United States Steel Corporation, Tennessee Coal and Iron Division (Tennessee) on an interruptible basis for the purpose of supplying the fuel requirements for steam generation and heating of Tennessee's coal mine (Concord mine) located near the village of Concord, Jefferson County, Alabama.

Applicant proposes to construct and operate a line tap at or near Mile Post 6.667 on Applicant's existing Calera, Alabama, branch line and appropriate measuring and regulating facilities at or near said tap. Tennessee will construct approximately 2 miles of 4-inch line extending from Applicant's delivery point to the Concord mine.

Applicant alleges, among other things, that it is currently selling natural gas, pursuant to agreement dated May 9, 1949, on an interruptible basis to Tennessee at several delivery points for use and consumption by Tennessee in its plants located in the general vicinity of Birmingham, Alabama; that the proposed increased sale will be made pursuant to agreement dated May 9, 1949, as further amended by agreement dated August 29, 1955; that the estimated annual requirements of Tennessee for this project is approximately 100,000 Mcf with annual delivery estimated to be 94,500 Mcf which latter figure represents approximately 3/100's of 1 percent Applicant's estimated total requirements for 1956; that the estimated cost of constructing Applicant's proposed facilities is $8,995, which cost of construction will be defrayed from cash on hand; and that the annual net operating revenues is estimated to be $3,712.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, March 6, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

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 February 20, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-876; Filed, Feb. 2, 1956; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

[Application 37417]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO REPRESENT FEDERAL GOVERNMENT IN THE MATTER OF SOUTHERN CALIFORNIA EDISON CO.

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Southern California Edison Company, Application No. 37417, before the California Public Utilities Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective January 28, 1956.

Dated: January 30, 1956.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 56-907; Filed, Feb. 1, 1956; 12:56 p. m.]

DISPOSITION OF PALM OIL HELD IN NATIONAL STOCK PILE

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 60 Stat. 597, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 20,000,000 pounds of palm oil now held in the National Stock Pile.

This quantity of palm oil is no longer needed in the National Stock Pile because of a revised determination by the Office of Defense Mobilization that palm oil is obsolescent for use in time of war because of the development of new and better materials.

The palm oil to be disposed of will be offered for sale generally. All those considered by the General Services Administration to be interested in purchasing such material will be invited to submit offers. It is believed that this plan will protect the United States against avoidable loss.

Sales of the oil will be made at intervals and in quantities consistent with the requirements of industry. In this manner it is believed that producers, processors and consumers will be protected against avoidable disruption of their usual markets.

This material will be available for disposition on and after August 6, 1956.

Dated: February 1, 1956.

R. A. HEDDLESTON,
Acting Commissioner, Emergency Procurement Service, General Services Administration.

[F. R. Doc. 56-952; Filed, Feb. 2, 1956; 12:35 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FRITZ (URI) LEVY ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

(1) Fritz (Uri) Levy, Haifa, Israel, (2) Herbert (Moshe) Levy, Haifa, Israel and, (3) Harold Albert Levy, 67-30 Dartmouth Street, Forest Hills, Long Island, New York. Claims Nos. 42150 and 42151; $2,096.63 in the Treasury of the United States.

All rights and interests evidenced by Participation Certificate No. 1295 Series B issued by Z. & F. Assets Realization Corporation, Allonge attached, presently in the custody of the Federal Reserve Bank in New York.

Executed at Washington, D. C., on January 25, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 56-851; Filed, Feb. 1, 1956; 8:52 a. m.]

HILDE MITZLAFF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hilde Mitzlaff, Hamburg, Germany, Claim No. 41734, Vesting Order No. 8567; $66.91 in the Treasury of the United States.

Executed at Washington, D. C., on January 25, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 56-852; Filed, Feb. 1, 1956; 8:52 a. m.]

TITO R. SCHIPA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Tito R. Schipa, "Tenuta Orto", Pasturana, Italy, Claim No. 42526; $594.33, in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the works and arrangements listed below, by Tito R. Schipa, as listed in Exhibits A to Vesting Orders Nos. 1758 (9 F. R. 13773, November 17, 1944) and 4032 (9 F. R. 13781, November 17, 1944), to the extent owned by Tito R. Schipa immediately prior to the vesting thereof by Vesting Orders Nos. 1758 and 4032: Somebody's Smile; El Gaucho; La Farfaletta (Arrangement); La Playera, Rgnados (Arrangement); Toast to Cuba; Ave Maria; Andaluza; Capricetto; Catina; Liebestraum, Listz (Arrangement); Notalada Veneziana; Prece and Remembrance.

Executed at Washington, D. C., on January 25, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 56-856; Filed, Feb. 1, 1956; 8:52 a. m.]

ANNA DEGRAUW WYNANTS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Degrauw Wynants, Brussels, Belgium, Claim No. 60714, Vesting Orders Nos. 17893, 17901 and 17913, $3,036.04 in the Treasury of the United States.

Executed at Washington, D. C., on January 25, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 56-857; Filed, Feb. 1, 1956; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 30, 1956.

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. 31597: *Salt—Louisiana Mines to Anniston, Ala.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on mine run salt, in bulk, carloads from Anse La Butte, Avery Island, Jefferson Island and Weeks, La., to Anniston, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 62 to Agent Kratzmeir's I. C. C. 3903.

FSA No. 31598: *Caustic soda—Baldwin, Ark., to Illinois and Indiana.* Rates on caustic soda, in solution, tankcar loads from Baldwin, Ark., to Ficklin, Jacksonville, Lawrenceville, Quincy, Robinson, and Tuscola, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 272 to Agent Kratzmeir's I. C. C. 3908.

FSA No. 31599: *All freight—New England points to Florida.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on all commodities, in mixed carloads from specified points in Connecticut, Massachusetts, and Rhode Island to Pensacola and St. Petersburg, Fla.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 5 to Agent Boin's I. C. C. 1069.

FSA No. 31600: *Hides, pelts or skins—Castle Hayne, N. C., to Peabody, Mass.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on hides, pelts or skins, carloads from Castle Hayne, N. C., to Peabody, Mass.

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

Tariff: Supplement 169 to Agent Spaninger's I. C. C. 1324.

FSA No. 31601: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on various commodities, carloads between points in Texas, over interstate routes.

Grounds for relief: Interstate competition and circuity.

Tariff: Supplement 11 to Agent Brown's I. C. C. 865.

FSA No. 31603: *Class and commodities—Pacific Coast Area to Alabama.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on various commodities, moving on class and commodity rates, carloads from specified points in western states at or adjacent to the Pacific coast to Montgomery, Steiner, and Dingley, Ala.

Grounds for relief: Circuitous routes operating through higher-rated destination groups.

Tariffs: Supplement 53 to Agent Prueter's I. C. C. No. 1567 and six other tariffs.

FSA No. 31604: *Automobiles—Detroit, Mich., to Lewistown, Mont.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on automobiles, set up or automobile chassis, set up, carloads from Detroit, Mich., to Lewistown, Mont.

Grounds for relief: Circuitous routes.

Tariff: Supplement 77 to Agent Prueter's I. C. C. 1560.

AGGREGATE-OF-INTERMEDIATES

FSA No. 31602: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on various commodities between points in Texas over interstate routes.

Grounds for relief: Maintenance of present rates from or to points outside of Texas without observing rates proposed between points in Texas as factors in constructing lower combination rates.

Tariff: Supplement 11 to Agent Brown's I. C. C. 865.

FSA No. 31605: *Charges—Seat Occupancy in Compartments of Pullman Cars.* Filed by E. B. Padrick, Agent, for interested rail and passenger carriers. Charges for exclusive occupancy of seats in compartments of pullman cars between points in the United States, east and west of Chicago, Ill., St. Louis, Mo., and the Mississippi River.

Grounds for relief: Experimental minimum fares or charges for exclusive occupancy of seats in compartments in pullman cars between points in the United States west of Chicago, St. Louis, and the Mississippi River.

By the Commission.

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

[F. R. Doc. 56-840; Filed, Feb. 1, 1956; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 31, 1956.

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. 31606: *Superphosphate—Don, Idaho, to Montana.* Filed by Union Pacific Railroad Company for itself and interested rail carriers. Rates on superphosphate, ammoniated or not ammoniated, phosphate, ammonium and fertilizer compound (manufactured fertilizer), noibn, carloads, from Don, Idaho to specified points in Montana.

Grounds for relief: Circuitous routes.

Tariff: Supplement 17 to Union Pacific Railroad I. C. C. 5415.

FSA No. 31607: *Caustic soda—Louisiana and Texas to Illinois.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on caustic soda, in solution, tank-car loads from Lake Charles and West Lake Charles, La., and Corpus Christi, Velasco, and Houston, Tex., to East Alton, Hartford and Murphysboro, Ill.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 120 to Agent Kratzmeir's I. C. C. 4087; Supplement 139 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 31608: *Grain and products—From and to points in the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain, grain products and related articles, also seeds, carloads from specified points in Arkansas and Missouri on the St. Louis-San Francisco Railway to specified points in Arkansas, Louisiana, and Texas on the Kansas City Southern and Louisiana & Arkansas Railway.

Grounds for relief: Carrier competition and circuity competition of carriers forming routed through competing transit point at Ft. Smith, Ark., with those forming routes through transit point at Little Rock, Ark., and circuity.

Tariff: Supplement 61 to Agent Kratzmeir's I. C. C. 3940; Supplement 118 to Agent Kratzmeir's I. C. C. 3941.

FSA No. 31609: *Magnesite—Loving, N. Mex., to Official Territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on magnesite, dead burned, carloads from Loving, N. Mex., to specified points in Illinois, Maryland, Massachusetts, New York, Ohio, Pennsylvania, and Virginia.

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

Tariff: Supplement 140 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 31610: *Petroleum coke—Chicago, Ill., and Whiting, Ind., to Louisville, Ky.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on petroleum coke, carloads, from Chicago, Ill., and Whiting, Ind., to Louisville, Ky.

Grounds for relief: Carrier competition and circuity.

Tariff: Supplement 127 to Agent Hinsch's I. C. C. 4236.

FSA No. 31611: *Coal—Illinois, Indiana, and Kentucky to Chicago, Ill., Area.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous fine coal, carloads from mines in Illinois, Indiana and Western Kentucky districts named in filed schedules to Chicago, Ill., and points in Illinois in the Chicago switching district, and in Indiana in the Chicago area and nearby destinations.

Grounds for relief: Maintenance of existing differential relations with rail barge rates from mines in southern Illinois, all-rail origin relations from other mines, and circuity.

Tariff: Schedules named in exhibit 1 of the application.

FSA No. 31612: *Minimum rates—Floor covering—Between North and South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on linoleum and felt base floor covering, carloads between points in official territory on traffic destined to or originating at points in southern territory.

Grounds for relief: Short-line distance formulas, grouping, and circuitous routes.

Tariffs: Supplement 240 to Agent C. W. Boin's I. C. C. A-800; Supplement 332 to Agent H. R. Hinsch's I. C. C. 3636.

FSA No. 31613: *Sulphuric acid—Nitro, W. Va., to Jeffersonville, Ind.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Nitro, W. Va., to Jeffersonville, Ind.

Grounds for relief: Barge competition and circuity.

Tariff: Supplement 22 to New York Central Railroad I. C. C. 1612.

FSA No. 31614: *Merchandise—Cincinnati, Ohio, to Sarasota, Fla.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on merchandise, in mixed carloads from Cincinnati, Ohio, to Sarasota, Fla.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 28 to Agent Spaninger's I. C. C. 1458.

FSA No. 31615: *Kyanite—Clover, S. C., to North Haven, Conn., and Worcester, Mass.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on kyanite, crude or ground (not pulverized), carloads from Clover, S. C., to North Haven, Conn., and Worcester, Mass.

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

Tariff: Supplement 94 to Agent Spaninger's I. C. C. 1346.

By the Commission.

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

[F. R. Doc. 56-877; Filed, Feb. 2, 1956; 8:47 a. m.]