AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 21 NUMBER 108

1934

Washington, Tuesday, June 5, 1956

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

PART 25—COMMON BRICK INDUSTRY

PART 32—FACE BRICK INDUSTRY

PART 47—STRUCTURAL CLAY TILE INDUSTRY

REPLACEMENT OF PARTS

CROSS REFERENCE: For replacement of Parts 25, 32, and 47, in their entirety, see Part 27 of this chapter, *infra*.

[File No. 21-468]

PART 27—BRICK AND STRUCTURAL CLAY TILE AND ALLIED PRODUCTS INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 5, 1956.

Statement by the Commission: Trade practice rules for the brick and structural clay tile and allied products industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. The rules constitute a revision, extension, and consolidation of the rules for the common brick, face brick, and structural clay tile industries as promulgated by the Commission in 1931.

The industry for which these rules are established is composed of those engaged in the manufacture, sale, or distribution of any kind or type of building units or materials which are, or are represented directly or indirectly as being, brick or structural tile.

The rules are directed to the elimination and prevention of unfair trade practices to the end that the industry, the trade, and the public may be protected from the harmful effects of unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses. They are to be applied to such end and to the exclusion of any unlawful acts or practices which suppress competition or otherwise unreasonably restrain trade.

Proceedings under which the rules have been established were instituted upon application from members of the industry. A general industry conference was held under Commission auspices in Washington, D. C., at which proposals for rules were submitted for consideration of the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington on July 14, 1955, and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

The rules: These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The deceptive practices proscribed by the rules herein are subject to the Commission's jurisdiction when in commerce as commerce is defined in section 4 of the Federal Trade Commission Act, which definition reads as follows:

"Commerce" means commerce among the several States or with foreign nations, or in

(Continued on next page)

CONTENTS

	Page
Agricultural Marketing Service	
Notices:	
Stratton Sales Barn, Stratton, Colo.; deposting of stockyard	3840
Agriculture Department	
See Agricultural Marketing Service.	
Air Force Department	
Rules and regulations:	
Safeguarding military information	3834
Alien Property Office	
Notices:	
Balian & Co., S. A.; vesting order	3852
Civil Aeronautics Board	
Notices:	
Statement of organization	3841
Commerce Department	
See Federal Maritime Board.	
Defense Department	
See Air Force Department.	
Defense Minerals Exploration Administration	
Rules and regulations:	
Defense exploration projects; selenium	3838
Defense Mobilization Office	
Rules and regulations:	
Interagency Health Advisory Board	3838
Federal Communications Commission	
Notices:	
Hearings, etc.:	
General-Times Television Corp. and Columbia Broadcasting System, Inc	3849
Golden, B. L	3848
News On The Air, Inc	3848
Pacific Television, Inc., and KOOS, Inc	3848
Voice of Berrien County and Lake Broadcasters	3849
WCHS-TV, Inc	3849
Rules and regulations:	
Commercial radio operators; editorial change	3839
Federal Maritime Board	
Notices:	
Isbrandtsen Co., Inc.; hearing on application for operating-differential subsidy agreement	3840

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 14: Parts 1–399 ($2.50)
Titles 28–29 ($1.25)
Title 32: Parts 400–699 ($0.65)
Title 33 ($1.50)
Title 43 ($0.50)
Title 46: Parts 1–145 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

	Page
Federal Power Commission	
Notices:	
Hearings, etc.:	
Blackwell Oil & Gas Co. et al	3845
Chicago Corp	3846
Delta Natural Gas Co	3845
Gas Gathering Co. et al	3847
Phillips Petroleum Co	3846
Phillips Petroleum Co. and Gulf Oil Corp	3846
Sears, H. F	3847
Virginia Electric and Power Co. et al	3845
Federal Trade Commission	
Rules and regulations:	
Brick and structural clay tile industry and allied industries:	
Promulgation of trade practice rules	3829
Replacement of parts; cross reference	3829
Wholesale plumbing and heating industry; trade practice rules; standard industry committee	3833
Interior Department	
See Defense Minerals Exploration Administration; Land Management Bureau.	
Interstate Commerce Commission	
Notices:	
Fourth section applications for relief	3851
Rules and regulations:	
Freight commodity statistics; exempt carriers	3839
Justice Department	
See Alien Property Office.	
Land Management Bureau	
Notices:	
Alaska, small tract classification	3839
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
Becker, Joseph J	3850
Clarke, George D., Ltd	3849
Stone, William P	3851
van Eck, F. M	3850
Selective Service System	
Rules and regulations:	
Preparation for classification; lists of registrants	3838
State Department	
Rules and regulations:	
Foreign areas; additional compensation; miscellaneous amendments	3833

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.

Title 5	Page
Chapter III:	
Part 325	3833
Title 16	
Chapter I:	
Part 25	3829
Part 27	3829
Part 32	3829
Part 47	3829

CODIFICATION GUIDE—Con.

Title 16—Continued	Page
Chapter I—Continued	
Part 227	3833
Title 32	
Chapter VII:	
Part 805	3834
Chapter XVI:	
Part 1621	3838
Title 32A	
Chapter I (ODM):	
DMO I–23	3838
Chapter XII (DMEA):	
DMEA 1	3838
Title 47	
Chapter I:	
Part 13	3839
Title 49	
Chapter I:	
Part 206	3839

---

any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

Sec.

27.0 The industry and its products defined.
27.1 Prohibited discrimination.
27.2 Misrepresentation and deception (general).
27.3 Misrepresentation as to character of business.
27.4 Deceptive representations as to products conforming to a standard or specification.
27.5 Deception as to composition.
27.6 Guarantees, warranties, etc.
27.7 Substitution of products.
27.8 Deceptive use of trade or corporate names, trade-marks, etc.
27.9 Imitation or simulation of trade-marks, trade names, etc.
27.10 False invoicing.
27.11 Defamation of competitors or false disparagement of their products.
27.12 Inducing breach of contract.
27.13 Enticing away employees of competitors.
27.14 Commercial bribery.
27.15 Procurement of competitors' confidential information.
27.16 Tie-in sales; coercing purchase of one product as a prerequisite to the purchase of other products.
27.17 Arrangements to exclude sales of competitors' products.
27.18 Prohibited forms of trade restraints (unlawful price fixing, etc.).
27.19 Unlawful interference with competitors' purchases or sales.
27.20 Consignment distribution.

AUTHORITY: §§ 27.0 to 27.20, issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 27.0 *The industry and its products defined.* (a) Products of the industry respecting which these rules are promulgated consist of any kind or type of building units or materials which are, or are represented directly or indirectly as being, brick or structural title.[1]

(b) Members of the industry are persons, firms, corporations, and organizations engaged in the manufacture, sale, offering for sale, or distribution of any such products.

[1] As here used, the term "structural tile" does not include the veneer types of tile used for floor or wall surfacing.

GROUP I

General statement. The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 27.1 *Prohibited discrimination* [1]—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use.

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade.

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor, or the services or facilities furnished by a competitor. (See paragraphs (c) and (d) of this section.)

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by U. S. Government; applicability of Robinson-Patman Anti-discrimination Act to same.* In an opinion submitted to the Secretary of War under date of December 28, 1936, the U. S. Attorney General advised that the Robinson - Patman Antidiscrimination Act "is not applicable to Government contracts for supplies." (38 Opinions, Attorney General 539.) [Rule 1]

§ 27.2 *Misrepresentation and deception (general).* It is an unfair trade practice to make or publish, or cause to be made or published, by way of advertising, labeling, stamping, or otherwise, any statement or representation which, directly or indirectly, or by reason of concealment of material fact, has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers concerning the grade, quality, quantity, use, size, material, finish, character, nature, strength, thickness, composition, durability, design, origin, preparation, manufacture, or distribution of any industry product, or in any other material respect. [Rule 2]

§ 27.3 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry to represent, directly or indirectly, through the use of any word or term in his corporate or trade name, in his advertising, or otherwise, that he is a producer or manufacturer of, wholesaler or jobber of, contractor or dealer in, industry products, or that he owns or controls a factory making such products, when such is not the fact, or in any other manner to misrepresent the character, extent, volume, or type of his business. (See also note to § 27.8.) [Rule 3]

§ 27.4 *Deceptive representations as to products conforming to a standard or specification.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice:

(a) To falsely represent or imply that any of such products conform to the requirements of any standard or specification, whether established or recognized by a department or unit of a city or state government, or of the Federal Government, by trade practice, or otherwise.

(b) To represent or imply that any of such products conform to the requirements of any standard or specification without clearly disclosing the identity of the standard or specification to which reference is made. Such disclosure shall be by reference to the standard or specification on all labels, invoices, sales literature, and other advertising containing such representation or implication.

(c) For any member of the industry to claim or imply that any product conforms to any standard or specification which is inapplicable or which has been rescinded, revised, superseded, or amended, and thereby mislead or deceive purchasers or prospective purchasers. [Rule 4]

§ 27.5 *Deception as to composition.* (a) It is an unfair trade practice to sell, offer for sale, or distribute any product of this industry under any designation or representation which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the composition of said product.

(b) Under this section no products of the industry shall be designated as "brick," "tile," or "structural tile," unless:

[1] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

(1) The composition thereof is primarily of clay or shale or mixtures thereof; and

(2) The ingredients thereof have been fused together as a result of the application of heat:

Provided, however, That such designations may be used for products not meeting the requirements in this section when so qualified as to denote the basic composition thereof (as, for example, "concrete brick," "coral brick," "plaster brick," "sand-lime brick," "concrete structural tile," etc.), or when, in immediate conjunction with the designations, disclosure is made of the fact that the products are not ceramic products. (See also note to § 27.8) [Rule 5]

§ 27.6 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to use any guarantee respecting industry products, whether in respect to quality, construction, serviceability, method of manufacture, or in any other respect, which does not make reasonable disclosure of the terms, conditions, and limitations of such guarantee, or which contains statements, representations, or assertions which have the capacity and tendency or effect of misleading or deceiving in any material respect, or which are of such form, text, or character as to represent or imply that the guarantee is broader than is in fact true.

(b) It is an unfair trade practice for the guarantor to fail to observe scrupulously his obligation under the guarantee by him used or caused to be used.

(c) This section shall be applicable also to warranties or any writing purporting to be a guarantee or warranty.

(d) It is also an unfair trade practice to represent any industry product as being "guaranteed" unless the nature and extent of the undertaking, and the identity of the guarantor, are conjunctively disclosed. [Rule 6]

§ 27.7 *Substitution of products.* It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such a substitution has the capacity and tendency or effect of misleading or deceiving the purchaser, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 7]

§ 27.8 *Deceptive use of trade or corporate names, trade-marks, etc.* The use of any trade name, corporate name, trade-mark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any other material respect, is an unfair trade practice.

NOTE: Nothing in this section is to be construed as prohibiting:

(a) The use of the word "brick" as a part of the name of a corporation or business concern which manufactures or distributes brick of any type or composition, or

(b) The use of the word "tile" or the words "structural tile" as a part of the name of a corporation or business concern which manufactures or distributes structural tile of any type or composition;

Provided, however, That descriptions or references to any non-ceramic industry products contained in advertising, sales promotional literature or invoices of said corporations or concerns are in accord with the requirements of § 27.5.

[Rule 8]

§ 27.9 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, or of the exclusively owned designs of competitors which have not been directly or by operation of law dedicated to the public, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 9]

§ 27.10 *False invoicing.* Withholding from or inserting in invoices or sales tickets any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales tickets, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the purchasing public, is an unfair trade practice. [Rule 10]

§ 27.11 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, or in any other respect, is an unfair trade practice. [Rule 11]

§ 27.12 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractural duties or services, under any circumstance having the capacity and tendency or effect or substantially injuring or lessening competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for an industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement or understanding by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 12]

§ 27.13 *Enticing away employees of competitors.* Knowingly enticing away employees or sales representatives of competitors under any circumstance having the capacity and tendency or effect of substantially injuring or lessening competition is an unfair trade practice: *Provided,* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 13]

§ 27.14 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 14]

§ 27.15 *Procurement of competitors' confidential information.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade. [Rule 15]

§ 27.16 *Tie-in sales; coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products of the industry as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 16]

§ 27.17 *Arrangements to exclude sales of competitors' products.* It is an unfair trade practice for any member of the industry to sell or contract for the sale of any industry products for use or resale, or to fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in new or used products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 17]

§ 27.18 *Prohibited forms of trade restraints (unlawful price fixing, etc.).*[1] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 18]

§ 27.19 *Unlawful interference with competitors' purchases or sales.* It is an unfair trade practice for any industry member, by means of any monopolistic practice or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his raw materials and supplies from whomsoever he chooses, or to sell his product to whomsoever he chooses. [Rule 19]

§ 27.20 *Consignment distribution.* (a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request or prior consent of the purchasers.

(b) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to purchasers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or unreasonably to restrain trade.

(c) Nothing in this section shall be construed to authorize any understanding or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 20]

Promulgated by the Federal Trade Commission June 5, 1956.

Issued: May 29, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4323; Filed, June 4, 1956; 8:45 a. m.]

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act).

[File 21-460]

PART 227—WHOLESALE PLUMBING AND HEATING INDUSTRY

PROMULGATION OF INDUSTRY COMMITTEE PROVISION

In the matter of amendment to trade practice rules for Wholesale Plumbing and Heating Industry (16 CFR Part 227) by addition of standard industry committee provision.

Due proceedings having been held by the Federal Trade Commission pursuant to an application filed on behalf of the wholesale plumbing and heating industry for inclusion in the rules for the industry as promulgated April 14, 1955, of the standard industry committee provision heretofore approved and promulgated by the Commission (20 F. R. 7249).

It is now ordered, That the said committee provision, as so approved by the Commission and as hereinafter appearing, be promulgated as an additional provision to the rules for the above-mentioned industry. Such provision becomes operative as of this date.

COMMITTEE ON TRADE PRACTICES

§ 227.201 *Industry Committee.* The industry may, at its option, form a trade practice committee, which shall be fairly representative of the industry, to cooperate with the Federal Trade Commission in the following respects:

(a) To assist in keeping the rules of the industry active by periodically bringing to the attention of industry members the provisions thereof;

(b) To publicize and disseminate among all members of the industry Commission stipulations, orders and opinions or administrative interpretations relating to practices covered by the rules;

(c) To meet periodically with Commission personnel for the purpose of discussing the rules, the need for their revision, and the administration thereof, the committee's function in connection with such meetings being informative only, with decisions as to any action to be taken being left solely in the hands of government officials. All such meetings shall be:

(1) Called and chairmanned by a full time Commission official; and

(2) Limited to a discussion of matters outlined in an agenda prepared by a full time Commission official.

Full and complete minutes of each such meeting shall be prepared and filed with the Commission.

(d) It is not the function of the committee to:

(1) Interpret the rules;

(2) Attempt to correct alleged rule violations;

(3) Make determinations or express opinions as to whether practices are violative of the rules;

(4) Receive or screen complaints of violations of the rules; or

(5) Perform any other act or acts within the authority of the Federal Trade Commission or any other governmental Agency or Department.

(e) All complaints of industry members and other parties respecting rule violations should be made directly to the Commission. In the event any complaint is received by the committee, or any information is brought to its attention indicating a probable violation of a rule all relevant information with respect thereto shall be promptly transmitted by the committee to the Commission without the committee contacting the party or parties alleged to have violated the rule.

(f) Immediately after its formation the committee shall inform the Commission of the identity of the members thereof, the names and addresses of the companies or concerns represented by such members, and shall supply the Commission with information showing that the membership of the committee is fairly representative of the industry. Changes in composition of the committee shall be reported to the Commission as soon as they may occur.

(g) Full and complete minutes of all meetings of the committee, identifying the members in attendance and informative of the matters discussed and actions taken, shall be kept. The minutes of the meetings falling under section (c) shall be filed with the Commission, and the minutes of all other meetings shall be kept by the committee and be made available to the Commission on request.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

By direction of the Commission.

Issued: May 31, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4378; Filed, June 4, 1956; 8:48 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Departmental Reg. 108.289]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following May 5, 1956, paragraph (a) is amended by the addition of the following posts:

Coclé Province, Panama.

2. Effective as of the beginning of the first pay period following June 2, 1956, paragraph (a) is amended by the addition of the following posts:

Antarctic Region, all posts or areas south of the 60° south latitude.

Arctic Circle, all posts or areas north of the Arctic Circle.

3. Effective as of the beginning of the first pay period following February 11, 1956, paragraph (c) is amended by the addition of the following post:

San Pedro de Macoris, Dominican Republic.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Dated: May 25, 1956.

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary-Controller.

[F. R. Doc. 56-4309; Filed, June 4, 1956; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter A—Aid of Civil Authorities and Public Relations

PART 805—SAFEGUARDING MILITARY INFORMATION

1. In Part 805, §§ 805.31 to 805.40 (Investigation and Clearance of Private Contractor Facilities) and §§ 805.51 to 805.61 (Investigation and Clearance of Private Contractor Employees) are revoked.

2. In Part 805, §§ 805.1 to 805.22 are rescinded and the following substituted therefore:

GENERAL

Sec.

805.1 Purpose.
805.2 Definitions.
805.3 Responsibility.
805.4 Preparation, reproduction and photographing.
805.5 Dissemination.
805.6 Removal of classified matter.
805.7 Return or transfer of classified matter.
805.8 Loss or other subjection to compromise.
805.9 Marking classified matter.
805.10 Atomic Energy Restricted Data.
805.11 Disclosure of classified information outside the Department of Defense.
805.12 Visitors.
805.13 Restricted areas and air space reservation.

AUTHORITY: §§ 805.1 to 805.13 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 10, 44 Stat. 787; 10 U. S. C. 310.

DERIVATION: AFR 205-1, 3 January 1956.

GENERAL

§ 805.1 *Purpose.* Sections 805.1 to 805.13 establish policies for safeguarding classified information and explain how to identify, classify and protect such official material.

§ 805.2 *Definitions*—(a) *Atomic energy restricted data.* As defined by Public Law 703, 83d Congress, Atomic Energy Act of 1954, act of August 30, 1954 (68 Stat. 924), "restricted data" means all data concerning (1) the 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 category of restricted data which the Atomic Energy Commission from time to time determines may be published without undue risk to the common defense and security.

(b) *Classified defense information.* Official information the safeguarding of which is necessary in the interests of national defense, and which is classified for such purpose by appropriate classifying authority.

(c) *Communications security.* The protection resulting from all measures designed to deny to unauthorized persons information of value which might be derived from the possession and study of electrical communications. Communications security includes transmission security, cryptographic security, and physical security.

(d) *Confidential matter.* The use of the classification Confidential shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could be prejudicial to the defense interests of the Nation.

(e) *Document.* Any recorded information regardless of its physical form or characteristics. Includes, but is not limited to, the following: All written material, whether handwritten, printed, or typed; all painted, drawn, or engraved material; all sound or voice recordings; all printed photographs and exposed or printed film, still, or motion picture; and all reproductions of the foregoing, by whatever process reproduced.

(f) *Foreign nationals.* All persons not citizens of, or immigrant aliens to, the United States. All citizens of the United States and immigrant aliens when acting as representatives, officials, or employees of a foreign government, firm, corporation, or individual shall be considered as foreign nationals. (Immigrant aliens are persons in the United States for permanent residence under immigration visas.)

(g) *Primary interest.* Primary interest in any military information is in the headquarters or agency which originated or originally classified it, or which within any chain of command is charged with control or jurisdiction over the information or current types of information similar thereto.

(h) *Material.* Any document, product, or substance on or in which information may be recorded or embodied.

(i) *Materiel.* Any article, product, substance, or apparatus from which information may be obtained. It comprises military arms, armament, and equipment, both complete and in process of research, development, experimentation, and construction, and includes elements, components, accessories, models, fixtures, mockups, jigs, and dies associated therewith.

(j) *Munitions of war.* Any and all items required for war, including food and all other supplies and equipment, but excluding manpower.

(k) *Research and development.* Applies, as far as a particular project is concerned, to an item in the process of being created for use by the Department of the Air Force. Research and development ceases with the creation of an item that has passed service tests, is adaptable to production, and is adopted by the Department of the Air Force in accordance with applicable directives.

(l) *Secret matter.* The use of the classification Secret shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important intelligence operations.

(m) *Security.* The protected conditions of classified matter which prevents unauthorized persons from obtaining information of direct or indirect military value. It is a condition resulting from the establishment and maintenance of protective measures which insure a state of inviolability from hostile acts or influences.

(n) *Short title.* A designation applied to a classified document, project, materiel, or device for purposes of security and brevity. It consists of figures, letters, words, or combinations thereof, without giving any information relative to classification or content of the document, project, materiel, or device. It may include, for example, the first letter of each word of the subject of a document.

(o) *Technical information.* That which applies to data concerning munitions and equipment, engineering performance, instructions on maintenance and operation, and any descriptive matter or components thereof. This includes means of operation, manufacture, use, techniques, and processes. Information pertaining to the various sciences which may be employed directly or indirectly in warfare is also so classed. Data of a strategic or tactical nature are specifically excluded from the meaning of this term.

(p) *Theater of operations.* A term used to designate that portion of a theater of war necessary for military operations, either offensive or defensive, pursuant to an assigned mission, and for the administration incident to such military operations.

(q) *Top secret matter.* Executive Order 10501 defines the "top secret" category as follows: The use of the classification "top secret" shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The top secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense.

(r) *United States.* In a geographical sense, includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States. When used in §§ 805.1 to 805.13, the term "continental United States" means the 48 States and the District of Columbia.

§ 805.3 *Responsibility.* (a) Each individual is responsible for protecting and accounting for any classified information which he possesses or knows, no matter how that information was obtained.

(b) All military and civilian personnel will familiarize themselves with and adhere to the provisions of §§ 805.1 to 805.13 and other security regulations which apply to them in the performance of their duties.

§ 805.4 *Preparation, reproduction and photographing*—(a) *Preparation and reproduction.* Classified documents may be prepared and reproduced only when necessary to satisfy actual military or other official government requirements.

(b) *Photographs.* Photographs or similar reproductions of classified matter are prohibited, except by persons specifically directed or authorized by proper authority.

(c) *Secret and top secret information of any agency other than the Air Force.* Secret or top secret documents originated in a department or agency of the Executive Branch of the Federal Government other than the Air Force will not be reproduced without the consent of the originating department or agency.

(d) *Effect of limitations imposed by originators.* A document will not be copied, photographed, or otherwise reproduced in whole or in part without approval of the originator or higher authority in the same chain of command, providing the originator requires such approval.

(e) *Commercial facilities.* Classified matter other than top secret may be printed, developed, or otherwise processed or reproduced in properly cleared commercial facilities if adequate Government facilities are not available.

§ 805.5 *Dissemination*—(a) *General*—(1) *Basic principle.* Only persons who are known to be trustworthy and whose official duties require knowledge or possession of classified defense information in the interest of promoting national defense will be permitted to have access to it. (It is emphasized that no person is entitled to knowledge of or access to classified defense information solely by virtue of his office or position.)

(2) *Determination of requirement for access.* Responsibility for determining whether a person's official duties require that he possess or have access to any classified information and whether he is authorized to receive it rests upon the individual who has possession, knowledge, or command control of the information involved and not upon the prospective recipient. However, the individual who has this possession, knowledge, or command control will not disclose or permit access to the information unless he is authorized to do so by §§ 805.1 to 805.13.

(3) *Determination of trustworthiness of persons.* A person may be deemed trustworthy if he has been granted personnel security clearance for access to the category of information involved. Also, a previous clearance or investigation may be considered in determining an individual's trustworthiness. In addition, persons may be deemed trustworthy if the officer or official authorized to release or disclose classified information to them personally certifies that they are (except when prior investigative action and/or clearance is specifically required by regulation or instructions of higher authority.)

(4) *Discussion and access.* Classified information will not be discussed in the presence or hearing of unauthorized persons.

(5) *Physical security factor.* Possession or use of classified defense information or material will be limited to locations where prescribed facilities for secure storage or protection of it are available.

(6) *Information of an agency other than Department of Defense.* Classified information originating in an agency outside the Department of Defense will not be disseminated outside the Department of Defense without the consent of the originating agency, except as otherwise provided by the National Security Act of July 26, 1947, (sec. 102, 61 Stat. 498, as amended, 50 U. S. C. 403). (Information originated by a contractor to a department or agency is considered as originated by that department or agency.)

(7) *Automatic distribution and dissemination.* Regulations and other directives which authorize automatic distribution of documents or dissemination of information will not apply to classified information unless the proposed dissemination is necessary and is authorized by §§ 805.1 to 805.13. Normally, automatic distribution of classified information outside the Department of Defense will not be authorized.

(b) *To Department of Defense and interdepartmental activities*—(1) *Authority.* Subject to paragraph (a) of this section originating headquarters or unit, or higher authority in the same chain of command, may disseminate classified information to other agencies, activities, or personnel in the Department of Defense by the same channels established for military correspondence. Under the same conditions, dissemination to officially constituted interdepartmental committees with Air Force membership is also authorized.

(2) *Requests.* An individual will not make a request for classified material unless he has a clear, official requirement for knowledge or possession of such material. No request will be honored by any commander or other person, regardless of the grade or position of the requester, unless the validity of the request has been fully established on the basis of policy prescribed in §§ 805.1 to 805.13.

(3) *Restriction against release for personal use.* Classified information may not be released to anyone for private use (personal, commercial, or as background information). In this connection, military personnel on active duty, military personnel in retired status, members of the Reserve Forces, and civilian personnel who request classified information for such use will be considered as "private individuals"; and their requests will not be approved, even though they may have been partly or solely responsible for production of the information.

(4) *Limitation on disclosure to Reserve Forces personnel.* Certain members of the Air Force Reserve and the Air National Guard of the United States not on extended active duty, including persons undergoing inactive duty training, may have access to classified information under the conditions specified in subdivisions (i) and (ii) of this subparagraph.

(i) Top secret information will not be used in Reserve Forces training programs. However, an individual on a short or special tour of active duty may be permitted access to such information if it is essential for the performance of his officially assigned duties.

(ii) Individuals participating in active or inactive duty training, as defined in §§ 861.1 to 861.14 of this chapter, may be permitted access to specific information classified secret or confidential only if they need it to perform their officially assigned duties.

(c) *Identification and protection*—(1) *Identification.* Before an individual discusses or permits access to classified information, he must make sure that the intended recipients are indisputably identified and determined trustworthy (by personal recognition, identifying documents, or verification of identity by telephone, telegraph, radio, or mail communication). If prior personnel security clearance is prescribed as a prerequisite for access to a specific item of information, the intended recipients' clearance will be verified.

(2) *Protection.* When classified information is discussed with persons who are subject to military law or are employed in the Executive Branch of the Federal Government they will be informed of its classification. When classified information is discussed with persons other than those subject to military law or employed in the Executive Branch, they will be informed that it affects the national defense of the United States within the meaning of the Espionage Laws and that its revelation to an unauthorized person is prohibited by law.

(d) *Telephone conversations.* Classified information will not be discussed or revealed over the telephone. However, it is permissible to refer to classified material, provided that such references do not reveal the classified portions. For example, reference may be made to the file number, date, and subject (provided that the subject itself is not classified). Each individual must make sure that questions or their answers to not reveal classified information.

(e) *Commercial publications*—(1) *Individual activities.* Military or civilian personnel will not include classified information in any personal or commercial article, thesis, book, or other product written for publication or distribution.

(2) *Compilations of information.* A compilation of individually unclassified items may be published in commercial or service publications only after coordination with the office(s) having primary interest in the material to insure that such compilation does not require classification.

(f) *Additional precautions necessary to limit dissemination*—(1) *Conferences.* Individuals who make arrangements for, or attend, meetings at which classified information is or will be revealed will comply with §§ 805.1 to 805.13 to prevent the unauthorized dissemination of classified information.

(2) *Care of documents in use.* Classified documents in actual use will be kept under the constant surveillance of the person responsible for them. They will be covered, turned face down, placed in storage, or otherwise protected when visitors are present.

(3) *Personal correspondence.* Classified information will not be included in personal correspondence or messages.

(4) *Addressing official mail.* If official correspondence contains classified information and is intended for delivery to an individual in another headquarters or office, address it to the commander or head of office, marked for the attention of the individual.

(5) *Legal instruments.* During wartime, if an individual overseas executes or acknowledges a legal instrument, he must not indicate the place of execution or acknowledgment unless proper authority determines that the information would be of no value to the enemy if it should reach him.

(6) *Rescission.* Classified documents which have been rescinded or superseded will be protected according to their category until destroyed.

§ 805.6 *Removal of classified matter*—(a) *Restriction.* No person will remove classified material from the headquarters or unit having custodial responsibility for it without the express permission of the commander or the individual designated in writing to act for him. This restriction applies under all circumstances without exception.

(b) *Recording removal.* Whenever an individual removes classified material from a headquarters or unit for purposes other than transmission, a record will be made and kept on file.

§ 805.7 *Return or transfer of classified matter*—(a) *General.* Neither a military person nor a civilian may retain classified matter for personal or commercial purposes, even though such person may have been solely or partly responsible for production of the material.

(b) *Action by individuals.* Before an individual retires, separates from the service or civilian employment, changes duty assignment, or reverts to inactive status, he will return to his commander or supervisor (or otherwise properly transfer or account for) all classified documents in his possession.

(c) *Action by commanders.* As a minimum action, commanders will require each such individual to sign a statement indicating that he has turned over to proper authority all classified matter which he might have had in his possession, and that no classified material is being retained under his custody or control.

§ 805.8 *Loss or other subjection to compromise*—(a) *Reporting.* If a person knows of the loss, unauthorized disclosure, or other possible subjection to compromise of classified information, he will promptly report it to his immediate superior or commander.

(b) *Use of the terms "compromise" and "subjection to compromise."* "Compromise" means to disclose, expose, or divulge classified information, by an act of omission or commission, in any manner that does result in loss by the Government of security protection of the information. "Subjection to compromise" means:

(1) To disclose, divulge or expose classified information, by an act of omission or commission, in any manner contrary to the provisions of §§ 805.1 to 805.13 that could result in loss by the Government of security protection of the information; or

(2) To lose classified material; or to leave it or permit it to be left unguarded or improperly stored, unless the facts developed by inquiry show definitely that compromise could not have resulted or that its possibility is remote.

§ 805.9 *Marking classified matter*—(a) *Documents.* Documents containing classified information which are furnished to authorized persons outside of the Executive Branch, will bear in addition to being marked top secret, secret, and confidential the following additional notation:

This material contains information affecting the national defense of the United States within the meaning of the Espionage Laws, Title 18, U. S. C., secs. 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law.

(b) *Materiel and other material.* When classified items of materiel or other material which do not lend themselves to marking are furnished to such persons. They will be notified in writing of the notation in paragraph (a) of this section.

§ 805.10 *Atomic energy restricted data*—(a) *Markings and notations required*—(1) *Material containing restricted data.* (i) In addition to other required classification markings and notations, all documents or other material containing Restricted Data and all inner covers in which Restricted Data is transmitted will be conspicuously marked at least once, with capital letters not less than one-quarter inch in height, as follows:

RESTRICTED DATA

ATOMIC ENERGY ACT 1954

(ii) When material is extracted from a document, or pages, sections, chapters, or other parts are so separated, each extract or part will be marked as prescribed in subdivision (i) of this subparagraph if it contains restricted data.

(b) *Dissemination*—(1) *Within Department of Defense and to contractors.* Restricted data originated or received in the Air Force may be disseminated or disclosed only to persons within the Department of Defense and to contractors of the military departments and their employees who have been granted appropriate personnel security clearance for access to the classification category which the information bears. Foreign nationals will not be permitted to have access to restricted data, regardless of grade, position, employment, or nationality (except for releases of certain data to foreign governments that are made in strict compliance with the Atomic Energy Act of 1954 after specific approval of the Chief of Staff, USAF (Director of Intelligence)).

(2) *To Atomic Energy Commission.* Restricted data may be disseminated, disclosed, or released to the Atomic Energy Commission only in accordance with § 805.10.

(3) *To other activities and individuals.* Except as provided in this section, the dissemination, disclosure, or release of restricted data to any individual may be made only by the Atomic Energy Commission or as approved by the Atomic Energy Commission. This restriction applies to restricted data originated in the Air Force, or by an Air Force contractor, as well as that which is furnished to the Air Force.

(4) *Oral discussions.* Persons with whom restricted data is discussed will be informed that the information is restricted data within the meaning of the Atomic Energy Act of 1954.

§ 805.11 *Disclosure of classified information outside the Department of Defense*—(a) *Policy*—(1) *General limitations.* Classified information will not be released or disclosed to private individuals, organizations, corporations, or State or Federal agencies, unless they must have it to perform an official governmental function in the interest of promoting national defense. Further, no release or disclosure of classified information will be made to persons or agencies outside the Department of Defense except with specific approval of designated officials.

(2) *Assuring security.* Classified information will not be released or disclosed outside the Executive branch of the Government until the recipient assures the Air Force that the information or material will be handled as safely as §§ 805.1 to 805.13 requires.

(3) *Proprietary interests.* Information will not be released if any commitment made by the Air Force in obtaining it would be violated. Individual or corporate rights in the information, whether patented or not, will be respected. Privately owned information will not be released without the consent of the owner.

(b) *Congress and its members.* All requests by the Congress or its committees or members for classified information will be referred to the Director, Office of Legislative Liaison, Office of the Secretary of the Air Force.

(c) *Committees of the Government*—(1) *Requests for testimony.* When a person under the jurisdiction of the Air Force appears before a committee of the Congress or an Executive commission, board, or similar group in either executive or public session, he will not divulge classified information unless he has been authorized by the Secretary of the Air Force to do so. If he is called upon to give testimony which includes classified information that he has not been authorized to disclose, he will respectively inform the group of this fact and offer to obtain the authority.

(2) *Protect against compromise.* When a person has been authorized by the Secretary of the Air Force to give classified information in his testimony, he will request that the testimony be given in executive session only and not appear in the record of hearings, the Congressional Record, or other document open to public inspection.

(3) *Other requests.* Except for testimony, requests by congressional committees and Executive commissions, boards, or groups for classified information will be referred to the Secretary of the Air Force or the Chief of Staff, USAF.

(d) *General Accounting Office representatives.* Normally, General Accounting Office personnel will not require access to classified information during audits, surveys, examinations, and investigations conducted pursuant to statutory authority. However, if the commander concerned determines that such is essential to fulfill statutory requirements of General Accounting Office and that the personnel have been properly cleared, he may grant the access. However, he must not release documents or disclose the following categories and types of information without specific approval of the Secretary of the Air Force or other authority, as designated:

(1) Top secret information and other sensitive areas of classified information such as plans or policies which are the basis for determining requirements concerning the number and disposition of units, armaments of units, numbers of personnel, etc.

(2) Atomic energy restricted data.

(3) Information originated by an agency other than the Air Force or its contractors, unless prior authorization for disclosure has been granted by the agency concerned.

(4) Unclassified and classified reports rendered by The Inspector General, USAF, inspectors general, or their assistants. (This is privileged information. It will not be released or disclosed without the personal approval of the Secretary of the Air Force.)

(5) Unclassified or classified reports of investigation conducted by the Office of Special Investigations (unless the release or disclosure is approved by the Director of Special Investigations, Headquarters USAF).

(e) *Contractors and prospective contractors*—(1) *Responsibility for dissemination.* The commander, major air command, who has jurisdiction over a contractor, or who will procure materiel, supplies, or services from a prospective contractor, is responsible for releasing or disclosing classified information to them if they must have it. However, he may release or disclose only the classified information required by such contractors or prospective contractors in performing specific contracts or preparing specific bids or quotations. Such a commander may authorize a subordinate commander to release or disclose classified information to a contractor or prospective contractor, if such subordinate is authorized to procure materiel, supplies, or services. The authorization will only be given in writing. Also, it must be specific as to the conditions under which the subordinate may make disclosures or releases.

(2) *Requirements for assuring security.* Before a commander can release or disclose classified information to a contractor or prospective contractor, the following is required: A security agreement, signed by the individual or by a responsible officer on behalf of the firm or corporation concerned; a facility security clearance, properly granted; and a security survey of the facility, as appropriate.

(f) *To other civilian activities.* Generally, all requests for classified information from persons or agencies outside the Department of Defense, and all proposals originating in the Air Force to release classified information to such persons or agencies will be forwarded for necessary action to the Chief of Staff, USAF.

(g) *Foreign nationals.* Classified defense information will not be furnished or disclosed to any foreign national except as provided in this paragraph.

(1) *Foreign governments and their official representatives*—(i) *Policy.* The Director of Intelligence, Headquarters USAF, is responsible for developing and implementing Air Force policy relating to disclosure of classified defense information to foreign governments.

(ii) *Requests.* If foreign governments or their official representatives (including international organizations) request classified information (or access to such information), the request will be sent through channels to the Chief of Staff, USAF (Attention: Director of Intelligence). The same applies to proposals originating within the Air Force to disclose such information to them.

(iii) *Attachment and official visits.* Only the Chief of Staff, USAF (Director of Intelligence), is authorized to commit Air Force installations and activities to receive foreign nationals as official visitors or as observers or students. In making such commitments, the Chief of Staff will issue the necessary written orders or other instructions to the commander or chief of office concerned, attaching the foreign nationals to specific courses or units, or authorizing the official visits. Persons thus attached to one installation may visit another one whenever necessary for training or to perform an assigned duty, but they must have the prior approval of the commander of the installation to be visited.

(iv) *Disclosure of information by commanders and chiefs of offices.* Orders or written instructions which attach foreign nationals to installations or permit them to visit these installations will also include necessary authority to disclose military information. These instructions will specifically identify the classification category and subject matter of any classified information that may be disclosed. Commanders and chiefs of offices must restrict access to military information by foreign nationals to that specifically authorized.

(2) *Employees residing outside the United States.* Foreign nationals employees residing outside the United States may perform only limited duties involving access to classified information.

(3) *Other foreign nationals.* Normally, commanders will deny all requests from foreign nationals for classified information (other than foreign nationals referred to in subparagraph (2) of this paragraph).

§ 805.12 *Visitors*—(a) *Definition*—(1) *Visits at Air Force activities.* For the purpose of this section, a visitor is any person admitted to any Air Force installation except those who are directly and officially concerned with its activities (on duty, employed, or traveling under official orders requiring performance of duty at the installation).

(2) *Access to classified defense information.* A person has access to classified information when he is permitted to gain knowledge of the information, or to be in a place where he would be expected to gain such knowledge. A person does not have access to classified information merely by being in a place where classified material is kept, provided security measures prevent him from gaining knowledge of the information.

(b) *Requests for permission to visit.* Individual requests to visit an installation should be referred to the installation commander for approval or disapproval. All requests for permission to visit Air Force installations or activities which will involve access to classified information will:

(1) Be in writing, and be made early enough to permit appropriate action by the commander.

(2) Be forwarded to the office or headquarters having the authority to approve the disclosure of the classified information involved.

(3) Include the following information, as applicable.

(i) Name in full, grade, title, position.

(ii) Nationality of visitor (immigrant aliens will furnish alien registration number), date, and place of birth.

(iii) Current residence or military assignment.

(iv) Employer or sponsor.

(v) Name and location of installation or activity to be visited.

(vi) Date, time, and duration of visit.

(vii) Purpose of visit, in detail.

(viii) Security clearance status of visitor and name of clearing agency (if clearance previously granted).

(c) *Visits to Air Force installations*—(1) *Visits involving access to classified defense information*—(i) *Approval.* Individuals may be permitted to visit Air Force installations or activities to receive or to have access to classified information only if its disclosure or dissemination is properly approved.

(ii) *Written authority for admission.* Approval for visitors to Air Force installations to have access to classified information must be given in writing.

(iii) *Concurrences and notices.* Whenever practical, the official who approves a request to visit another Air Force installation should coordinate with the commander of that installation for concurrence or recommendation before finally approving the visit. In all cases, the official who approves such a visit will promptly notify the commander concerned. He will also specify any lim-

itations or restrictions to be placed upon the visitor.

(2) Visits not involving access to classified information.

(i) *United States citizens and certain aliens.* United States citizens and immigrant aliens (including casual visitors, accredited reporters, photographers, and other representatives of publicity agencies) may be admitted to Air Force installations on the authority of the commander concerned.

§ 805.13 *Restricted areas and air space reservations*—(a) *Restricted areas*—(1) *Designation.* The commander of an Air Force installation will designate as a "restricted area" such areas under his jurisdiction as he considers necessary to promulgate regulations pursuant to section 21 of the Internal Security Act of 1950.

(2) *Violation of regulations.* Persons not subject to military law who violate the regulations issued by the commander will be delivered to the appropriate civil authority, subject to the following provisions:

(i) The commander of an Air Force installation will cause any such person to be detained, warned of his rights, and interrogated as soon as possible by proper authority. If there is no evidence of intent to violate the regulations, the person may be warned against repetition and released. Otherwise, the commander will promptly notify the nearest office of the Office of Special Investigations by the fastest means available. That office will immediately request the nearest office of the Federal Bureau of Investigation to take custody of the individual at the installation. The commander will furnish the representative of the Federal Bureau of Investigation with a written statement of the facts, the names and addresses of the witnesses, and any pertinent exhibits that may be available.

(ii) When an investigation reveals that such a person has entered a restricted area or building, and was not apprehended, the commander will promptly notify the nearest district office of the Office of Special Investigations of all the facts, including the names and addresses of the witnesses. The district office will immediately notify the nearest office of the Federal Bureau of Investigation.

(b) *Air space reservations*—(1) *Definition and establishment.* An air space reservation is the air space above an area on the land or water, designated and set apart by Executive Order of the President of the United States, or by a State, Commonwealth, or Territory, over which the flight of aircraft is prohibited or restricted for the purpose of national defense or for other governmental purposes.

(2) *Responsibility of commanders.* The commander of an installation over which an air space reservation has been established is responsible for its surveillance; he must make prompt report of any illegal flights in the air space to the Chief of Staff, USAF, through channels.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 56-4361; Filed, June 4, 1956; 8:45 a. m.]

Chapter XVI—Selective Service System

[Amdt. 70]

PART 1621—PREPARATION FOR CLASSIFICATION

LISTS OF REGISTRANTS

Paragraphs (a) and (c) of § 1621.5 of the Selective Service Regulations are amended to read as follows:

§ 1621.5 *Preparation of List of Registrants (SSS Form No. 3).* (a) A List of Registrants (SSS Form No. 3) shall be prepared in duplicate. A Separate List of Registrants (SSS Form No. 3) shall be prepared by the local board for each group of registrants who were born in any one year. On each List of Registrants (SSS Form No. 3) shall be entered the names of the registrants, their dates of birth, their places of residence, and their selective service numbers. Registrants shall be listed on the List of Registrants (SSS Form No. 3) in the order of their dates of birth commencing with the oldest registrant except that the names of late registrants and of registrants whose Registration Cards (SSS Form No. 1) are received late shall be placed at the bottom of the list for registrants of their year of birth.

* * * * *

(c) The local board shall forward the original of each List of Registrants (SSS Form No. 3) to the State Director of Selective Service who shall retain it as a permanent roster of all registrants of the local board, and the copy shall be retained and filed by the local board.

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460; E. O. 9979, July 20, 1948, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

May 31, 1956.

[F. R. Doc. 56-4381; Filed, June 4, 1956; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I-23]

DMO I-23—CREATING AN INTERAGENCY HEALTH ADVISORY BOARD

By virtue of the authority vested in me pursuant to the National Security Act of 1947, as amended; Reorganization Plan No. 3, effective June 12, 1953; the Defense Production Act of 1950, as amended; and Executive Order 10480 of August 14, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization an Interagency Health Advisory Board which shall consist of the Chairman of the Health Resources Advisory Committee or his alternate as Chairman, and a representative from each of the following departments and agencies:

Department of Defense.
Department of the Army.
Department of the Navy.
Department of the Air Force.
Department of Health, Education, and Welfare.
Federal Civil Defense Administration.
Veterans Administration.

and such other agencies as the Director of the Office of Defense Mobilization may from time to time designate.

2. The Interagency Health Advisory Board shall furnish advice and assistance to the Director of the Office of Defense Mobilization:

(a) On interagency problems in planning for defense mobilization purposes for the utilization and control of health resources including professional and auxiliary health manpower, health supplies and equipment, and health facilities;

(b) On related health studies and program recommendations; and

(c) On such other related health mobilization matters as may be requested.

3. This order shall take effect on May 31, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-4379; Filed, June 4, 1956; 8:49 a. m.]

Chapter XII—Defense Minerals Exploration Administration, Department of the Interior

[DMEA Order 1, Amended, Amdt. 3]

DMEA 1—GOVERNMENT AID IN DEFENSE EXPLORATION PROJECTS

SELENIUM

In the formulation of this amendment there has been no consultation with industry representatives or trade association representatives because special circumstances have rendered such consultation impracticable.

Paragraph (b) of section 7 of DMEA Order 1, Amended, (19 F. R. 1563), is amended to include selenium. The introductory portion of the section and paragraph (b), as amended, read as follows:

SEC. 7. *Ratio of contributions.* The Government, upon the terms specified in the contract, will contribute a percentage of the total allowable costs of a project, depending upon the mineral or minerals which are the subject of exploration, as follows:

* * * * *

(b) In the case of antimony, asbestos (chrysotile only), beryl, cobalt, columbium, corundum, diamonds (industrial), kyanite (strategic), manganese, mercury, mica (strategic), monazite and rare earths, nickel, platinum-group metals, quartz crystals (piezo-electric), rutile-bookite, selenium, talc (block-steatite), tantalum, thorium, tin, tungsten, and uranium—75 percent.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C., App. 2154. Interprets or applies sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093)

Dated: May 29, 1956.

C. O. MITTENDORF,
Administrator, Defense Minerals Exploration Administration.

[F. R. Doc. 56-4362; Filed, June 4, 1956; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 13-6]

PART 13—COMMERCIAL RADIO OPERATORS

AIRCRAFT RADIOTELEPHONE OPERATOR AUTHORIZATION

In the matter of amendment of Part 13 of the Commission's rules to make an editorial change.

The Commission having under consideration § 13.61 (i) of its rules, adopted April 26, 1956, to become effective August 1, 1956, and having under consideration the desirability of making a change therein to correct the language; and

It appearing that the amendment herein is editorial in nature and therefore prior publication of notice of proposed rulemaking under the provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendment herein is issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Organization, Delegations of Authority, and other information;

It is ordered, This 29th day of May 1956, that effective August 1, 1956, § 13.61 (i) is amended to include the editorial change set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: May 29, 1956.

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

The parenthetical explanation at the end of § 13.61 (i) is amended by replacing the comma after "1958" with a period, and by substituting the words "power limitation" for "Order" in the second sentence thereof. As amended the entire § 13.61 (i) reads as follows:

(i) *Aircraft radiotelephone operator authorization.* Aircraft stations at which the installation is used solely for telephony: *Provided*, That the holder of this class of license may not operate in international service or on any frequency the use of which is shared with a foreign station, any aircraft station at which the authorized power in the antenna of the unmodulated carrier wave exceeds 50 watts: *Provided*, That, with respect to any station which the holder of this class of license may operate, (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment. (The 50-watt limit is applicable to all aircraft radiotelephone operator authorizations in force beginning with August 1, 1958. Aircraft radiotelephone authorizations held by persons affected by this power limitation, expiring within the two-year period immediately prior to that date, may be extended to encompass the remainder of the two-year period upon proper request made to any engineering Field Office of the Commission. "International Service" is defined as a telecommunication service between any combination of offices or fixed, land or mobile stations which are in different countries or are subject to different countries.)

[F. R. Doc. 56-4382; Filed, June 4, 1956; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

PART 206—FREIGHT COMMODITY STATISTICS

EXEMPT CARRIERS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 21st day of May A. D. 1956.

It appearing that the matter of freight commodity statistics to be compiled and reported by class I common and contract motor carriers of property subject to Part II of the Interstate Commerce Act, 49 U. S. C., sections 301-327, being under consideration for the purpose of exempting certain motor carriers from the reporting requirements of the order of the Commission dated December 9, 1955;

It further appearing that rule making procedure under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 (a), would be impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days notice pursuant to section 4 (c) of the Administrative Procedure Act, 5 U. S. C. 1003 (c);

It is ordered, That the order of December 9, 1955, in the above-entitled matter and that 49 CFR 206.2 be, and they are hereby, amended as follows:

Section 206.2 *Exempt carriers*, be amended by changing the reference "(a)-(d)" therein to "(a)-(f)", and by adding to the list therein the following:

(e) Household goods; and

(f) Carriers of specific commodities not grouped in classes 1 to 16, inclusive, Schedule 20 of Motor Carrier Annual Report Form A;

It is further ordered, That a copy of this order shall be served on each class I common or contract motor carrier of property subject to Part II of the act and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier; and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register;

And it is further ordered, That this order shall be effective on the date of this order.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-4373; Filed, June 4, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 111]

ALASKA

SMALL TRACT CLASSIFICATION

MAY 28, 1956.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), as amended, I hereby classify the following described public lands, totalling approximately 38.3 acres in the Anchorage Land District, Alaska, as suitable for lease and sale for recreational purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended:

HAINES AREA

CHILKOOT LAKE—TRACT 1

For Lease and Sale

For Recreational Sites

Commencing at latitude 59°20'05" North, longitude 135°33'45" West, located on the

south shore of Chilkoot Lake called meander Corner No. 1, proceed S. 0° 30' E. for 8.75 chains to Corner No. 2, thence S. 88° E. for 28.75 chains to Corner No. 2, thence N. 71° W. for 10 chains to Corner No. 4, thence S. 8° 30' E. for 3.75 chains to Corner No. 5, thence S. 35° E. for 12.5 chains to Corner No. 6, thence S. 5° E. for 5.6 chains to Corner No. 7, thence S. 40° W. for 12.5 chains to Corner No. 8, thence N. 38° W. for 5.6 chains to meander Corner No. 9 located on the shores of Chilkoot Lake, then meander in a northerly then easterly direction along the south and east shore of Chilkoot Lake a distance of approximately 104.5 chains to meander Corner No. 1, the point of beginning, embracing approximately 38.3 acres.

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

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to the date of the signing of this order will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 56-4363; Filed, June 4, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

STRATTON SALES BARN

DEPOSTING OF STOCKYARD

It has been ascertained that the Stratton Sales Barn, Stratton, Colorado, originally posted on August 30, 1950, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under that act for the reason that it no longer meets the area requirements. Accordingly, notice is given to the owner thereof and to the public that such livestock market is no longer subject to the provisions of the act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a livestock market which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in the act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after its publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 29th day of May 1956.

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

[F. R. Doc. 56-4390; Filed, June 4, 1956; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-64]

ISBRANDTSEN CO., INC.

NOTICE OF HEARING ON APPLICATION FOR AN OPERATING-DIFFERENTIAL SUBSIDY AGREEMENT ON CERTAIN SERVICES

Notice is hereby given that a public hearing will be held under sections 605 (c) and 805 (a) of the Merchant Marine Act, 1936, as amended, upon an application of Isbrandtsen Company, Inc., for an operating-differential subsidy agreement on the following described services:

Service A: During the Great Lakes navigation season, two sailings per month with dry-cargo vessels—

Between: United States Great Lakes and St. Lawrence River ports (Chicago, including Calumet Harbor area, Milwaukee, Detroit and Cleveland as regular ports of call)—with occasional calls, as conditions warrant, at Green Bay, Wisconsin, Toledo, Ohio, Buffalo, New York, Muskegon, Michigan, Ashtabula, Ohio, and other United States ports on Lakes Michigan, Huron, Erie, Ontario and the St. Lawrence River.

And: London and Hamburg, with the privilege of calling at Liverpool and Bremen as conditions warrant.

Service B: During the Great Lakes navigation season, two sailings per month between regular and occasional ports on the Great Lakes and St. Lawrence River, as in Service "A" above—

And: Antwerp and Rotterdam with the privilege of calling at Le Havre, Dunkirk, Bordeaux, Amsterdam, as conditions warrant. Permission is also applied for as to the vessels in Service "A" and Service "B" to "top-off", i. e., load to the vessel's remaining capacity, outbound at Montreal and/or other outside ports and to discharge cargo at these ports on the inbound voyage; and for written permission to engage in (1) the intercoastal service, eastbound only, from a port or ports on the Pacific coast of the United States to a port or ports on the Atlantic coast, via the Panama Canal, in connection with said company's owned vessels operating in the eastbound round-the-world service, (2) the full-cargo trade in the transportation of lumber and/or wood pulp in chartered or owned American-flag vessels from Pacific Coast ports in Washington and Oregon to North Atlantic ports, (3) the domestic coastwise bulk cargo trades with irregular frequency (principally from ports in Texas, and on the Gulf Coast of Florida to North Atlantic ports, principally Baltimore, and "cross-Gulf" between Gulf ports in Florida and Texas) using owned and/or chartered American-flag vessels, and (4) the transportation of cargo from Pacific Coast United States ports to Puerto Rican ports and, on the same voyage, from Puerto Rican ports to United States North Atlantic ports, with owned vessels, in connection with its fortnightly round-the-world service; services (2) and (3) above to be in connection with non-subsidized voyages.

It is proposed, upon completion of the St. Lawrence Seaway, and application is hereby made, to operate suitable dry-cargo vessels in the closed season from North Atlantic ports to the same foreign ports set out in Service "A" and Service "B" above and at the same sailing frequency.

The purpose of the hearing under section 605 (c) is to receive evidence relevant to the following: (1) Whether the application with respect to operations from United States Great Lakes and St. Lawrence River ports during the season of open navigation and with respect to operations from U. S. North Atlantic ports during the season of closed navigation on the Great Lakes and St. Lawrence River is one with respect to a vessel or vessels to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the act additional vessels should be operated thereon; (2) whether the application covering the aforesaid operations from United States Great Lakes and St. Lawrence River ports and from U. S. North Atlantic ports is one with respect to a vessel operated or to be operated in a service, route, or line served by two or more citizens of the United States with vessels of United States registry, and, if so, whether the effect of the subsidy contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines; and (3) whether it is necessary to enter into a contract covering the aforesaid operations from United States Great Lakes and St. Lawrence ports and from U. S. North Atlantic ports in order to provide adequate service by vessels of the United States registry.

The purpose of the hearing under section 805 (a) is to receive evidence relevant to whether granting such application (a) will result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the said act.

The hearing will be conducted before an Examiner at a time and place to be announced, in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partner-

ships, and public bodies) desiring to intervene in this proceeding are requested to notify the Secretary of the Board within fifteen (15) days from publication hereof, and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

Dated: May 31, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 56-4392; Filed, June 4, 1956; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Public Notice PN 10]

STATEMENT OF ORGANIZATION

Recent changes in the organization of the Civil Aeronautics Board require that:

1. Public Notice PN 9, be revoked;

2. The following statement of the Board's central and field organization to be promulgated as Public Notice PN 10:

GENERAL STATEMENT

Sec.
1.1 Creation and authority.
1.2 Purpose and mission.
1.3 Functions.
1.4 Offices.

OFFICES OF MEMBERS

2.1 Functions of the Board.
2.2 Functions of the Chairman.
2.3 Functions of the Executive Director.

BUREAU OF HEARING EXAMINERS

3.1 Chief Examiner.
3.2 Economic Proceedings Division.
3.3 Safety Enforcement Proceedings Division.
3.4 Docket Section.

BUREAU OF AIR OPERATIONS

4.1 Director.
4.2 Foreign Air Division.
4.3 Routes and Carrier Relations Division.
4.4 Rates Division.
4.5 Alaska Liaison Office.
4.6 Bureau Counsel.

BUREAU OF SAFETY REGULATION

5.1 Director.
5.2 Air Carrier Division.
5.3 Airworthiness Division.
5.4 General Rules Division.
5.5 Activities common to all divisions.

BUREAU OF SAFETY INVESTIGATION

6.1 Director.
6.2 Investigation Division.
6.21 Investigation Field Service.
6.3 Hearing and Reports Division.
6.4 Technical Division.
6.5 Analysis Division.

OFFICE OF CARRIER ACCOUNTS AND STATISTICS

7.1 Chief.
7.2 Regulations and Reports Division.
7.3 Field Audits Division.
7.4 Research and Statistics Division.

OFFICE OF THE GENERAL COUNSEL

8.1 General Counsel.
8.2 International and Rules Division.
8.3 Litigation and Research Division.
8.4 Opinion-Writing Division.

OFFICE OF COMPLIANCE

9.1 Office of Compliance.

OFFICE OF CONGRESSIONAL LIAISON AND PUBLIC INFORMATION

Sec.
10.1 Office of Congressional Liaison and Public Information.

OFFICE OF ADMINISTRATION

11.1 Organization.
11.2 Documentation.
11.3 Administrative functions.

FIELD ORGANIZATION

12.1 Bureau of Air Operations.
12.2 Bureau of Safety Investigation.
12.3 Office of Carrier Accounts and Statistics.

GENERAL STATEMENT

SECTION 1.1 *Creation and authority.* The Civil Aeronautics Board, as distinguished from the Civil Aeronautics Administration, is an independent agency headed by a Board composed of five Members who are appointed by the President with the advice and consent of the Senate for six year terms. The President annually designates one of the Members as Chairman and another as Vice-Chairman. The Board, established effective June 30, 1940, pursuant to Reorganization Plans III and IV, exercises the functions of rule making (including the prescription of rules, regulations, and standards), adjudication, and investigation as prescribed in the Civil Aeronautics Act of 1938, as amended.

SEC. 1.2 *Purpose and mission.* The Civil Aeronautics Act of 1938 sets forth the basic principles which guide the Board and prescribes the authority pursuant to which it discharges its responsibilities. The mission of the Board is to foster and encourage the development of an air transportation system which will be adequate for the present and future needs of the foreign and domestic commerce of the United States, the postal service and the national defense; to preserve the inherent advantages of air transportation, and to regard as in the public interest competition to the extent necessary to assure the sound development of an air transportation system adjusted to the national needs; and to regulate air commerce in such manner as to best promote its development and safety.

SEC. 1.3 *Functions.* In general, the Board performs four chief functions: (1) Regulation of the economic aspects of United States air carrier operation, both domestic and international; (2) promulgation of safety standards in the form of Civil Air Regulations; (3) investigation and analysis of aircraft accidents; (4) co-operation and assistance in the establishment and development of international and domestic air transportation. These functions are briefly described in the following paragraphs:

(a) *Economic regulation.* The Board grants or denies "certificates of public convenience and necessity" to American flag carriers for both domestic and international operation and "permits" to foreign carriers; prescribes or approves rates and rate practices of air carriers and determines mail rates; fosters the safe and expeditious transportation of mail and seeks to ensure that reasonable and adequate service to the public is rendered by air carriers, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; approves or disapproves business relationships between air carriers, including contracts, agreements, interlocking relationships, consolidations, mergers, and acquisitions of control and issues appropriate regulations for the purpose of carrying out these functions. The Board investigates upon complaint or upon its own initiative anything done or omitted to be done by any person or group in contravention of the provisions of the Civil Aeronautics Act; and takes appropriate action to enforce the act.

(b) *Safety regulation.* The Board prescribes safety rules and regulations, including standards for the issuance of airman certificates, aircraft type, production and airworthiness certificates and air carrier operating certificates; and suspends or revokes such certificates.

(c) *Accident investigation and analysis.* The Board prescribes rules of notification and reporting of accidents involving civil aircraft; reviews reports of accidents and determines, after investigation to the extent required, the probable cause of accidents. Formal reports by the Board are made public when deemed to be in the public interest. The Board conducts special studies and research, establishing basic causative and statistical factors and prepares air safety bulletins for the purpose of reducing the number of aircraft accidents and preventing their recurrence.

(d) *Development of international civil aviation.* The Board consults with and assists the State Department in the negotiation of agreements with foreign governments for the establishment or development of air transportation, air navigation, air routes and services; keeps informed with respect to operations of foreign air lines and foreign aviation policies. The Board provides information for and co-ordinates with the International Civil Aviation Organization in the development of all international safety and operational standards. The Board contributes to the expense and personnel requirements of the Air Coordinating Committee; provides information and advice in the Committee's examination of aviation problems and in its recommendations establishing the United States viewpoint on international and domestic aviation matters.

SEC. 1.4 *Offices.* The central office of the Board is located in the Department of Commerce Building, Fourteenth Street between Constitution Avenue and E Street NW., Washington 25, D. C. All meetings of the Board, unless otherwise directed by the Board, are held at the above address. The Board's field offices are located in Alaska and principal cities of the country. The location of these offices is set forth in sections 12.1, 12.2 and 12.3.

OFFICES OF MEMBERS

SEC. 2.1 *Functions of the Board.* The Board Members are charged with carrying out the duties and responsibilities devolving upon the Board under the act. Action initiated pursuant to the Board's own initiative or by any document au-

thorized or required to be filed with the Board originates in or is referred to the appropriate organizational unit for study and recommendation to the Board in accordance with the description of functions outlined hereinafter. In cases other than those in which action is taken pursuant to a final delegation of authority, or in which the responsibility is that of the Chairman (see section 2.2 below), final action is taken by the Board. (See Public Notice PN 8 for statements of final delegations of authority.) The staff of the Board is organized into the following major organizational components:

(a) Bureau of Hearing Examiners.
(b) Bureau of Air Operations.
(c) Bureau of Safety Regulation.
(d) Bureau of Safety Investigation.
(e) Office of Carrier Accounts and Statistics.
(f) Office of the General Counsel.
(g) Office of Compliance.
(h) Office of Congressional Liaison and Public Information.
(i) Office of Administration.

SEC. 2.2 *Functions of the Chairman.* (a) In addition to his duties as a Member of the Board, the Chairman serves as presiding officer at meetings of the Board, determines the order in which day-to-day matters will receive attention of the Board, and by virtue of his role as Chairman, acts as spokesman for the Board before committees of Congress. In the absence or disability of the Chairman, the foregoing duties are exercised by the Vice-Chairman.

(b) Pursuant to Reorganization Plan 13 of 1950, the Chairman is responsible for the executive and administrative functions of the Board, including functions with respect to the appointment and supervision of personnel, the distribution of business among such personnel and among major organizational components of the Board, and the use and expenditure of funds.

(c) Under the terms of Reorganization Plan 13, the Chairman, in exercising the functions enumerated above, is limited by (1) the general policies of the Board and by such regulatory decisions, findings and determinations as the Board, pursuant to law may make; (2) the requirement that the appointment by the Chairman of the heads of major organizational components under the Board shall be subject to the approval of the Board, provided that personnel employed regularly and full time in the immediate offices of Members of the Board other than the Chairman shall not be affected by the provisions of Reorganization Plan 13; (3) and the reservation to the Board of its functions with respect to revising budget estimates and with respect to determining the distribution of appropriated funds according to major program purposes.

SEC. 2.3 *Functions of the Executive Director.* The Executive Director, acting for, and under general delegation of authority from, the Chairman and the Board, serves as General Manager of the Board with responsibility for planning, supervising and co-ordinating the activities of the staff.

BUREAU OF HEARING EXAMINERS

SEC. 3.1 *Chief Examiner.* The Chief Examiner supervises the Bureau of Hearing Examiners, which is responsible for the conduct and disposition of all formal proceedings before the Board arising under Titles IV, VI, and X, and section 1002 of the act. The Bureau of Hearing Examiners consists of the following organizational components:

(a) Economic Proceedings Division.
(b) Safety Enforcement Proceedings Division.
(c) Docket Section.

SEC. 3.2 *Economic Proceedings Division.* The Economic Proceedings Division conducts all formal proceedings before the Board arising under Title IV of the act; schedules the time and place of such hearings; supervises prehearing conferences; and prepares recommendations (except in those economic proceedings for the determination of passenger, cargo, and mail rates) to the Chief Examiner or the Board respecting the disposition of such matters as require action by the Chief Examiner or the Board.

SEC. 3.3 *Safety Enforcement Proceedings Division.* The Safety Enforcement Proceedings Division conducts and disposes of all formal proceedings under sections 602 through 609 of the act, regarding the issuance, amendment, suspension, and revocation of the various types of airman certificates, airworthiness certificates, air carrier operating certificates, production certificates, air navigation certificates and air agency certificates; and prepares recommendations to the Chief Examiner or the Board respecting the disposition of such matters as require action by the Chief Examiner or the Board.

SEC. 3.4 *Docket Section.* The Docket Section receives, dockets, and maintains all documents in formal proceedings before the Board; makes official service of notices, orders, rules, reports, and decisions upon parties to the proceeding; examines all filings for compliance with the Procedural Regulations; advises and assists the public in preparing documents in accordance with the Procedural Regulations; issues periodic statements and reports respecting the status of all formal proceedings; and maintains for public reference copies of applications, petitions, complaints, carrier operational and financial reports, the official docket in formal proceedings and comments on proposed economic regulations.

BUREAU OF AIR OPERATIONS

SEC. 4.1 *Director.* The Director supervises the Bureau of Air Operations, which is responsible for interpretation of economic data and advice involving policy, procedure to be followed in the economic regulation of domestic, overseas, and international air transportation. The Bureau of Air Operations consists of the following organizational components:

(a) Foreign Air Division.
(b) Routes and Carrier Relations Division.
(c) Rates Division.
(d) Alaska Liaison Office.

SEC. 4.2 *Foreign Air Division.* The Foreign Air Division advises on the formulation of positions to be taken by the United States on international civil aviation matters involving economic foreign policy; serves as liaison between the Board and the Department of State; provides representation, when so designated, in connection with international conferences and bilateral or multilateral relations with foreign countries. In the discharge of these duties the Foreign Air Division analyzes economic data bearing on the problems to be dealt with.

SEC. 4.3 *Routes and Carrier Relations Division.* The Routes and Carrier Relations Division is concerned with the legal and economic aspects of matters arising under sections 401, 402, 404, 405 (e), 416 and 1002 of the Civil Aeronautics Act of 1938, as amended, and section 6 (b) of the Air Commerce Act, as amended, relating to the authorizations of routes and other services required to meet the objectives of the act, whether by issuance of certificate of public convenience and necessity, foreign air permit or exemption order, and relating to the route patterns and services required to provide such services, and relating to all carrier relationships matters arising under sections 401 (i), 402 (h), 407 (a), 407 (b), 407 (c), 408, 409, 411, 412, 1002 (i), and 1102 of the act. The Routes and Carrier Relations Division develops for consideration by the Board statements of policy and program objectives, and recommends or takes action, where authority has been delegated, with respect to specific matters pending before the Board.

SEC. 4.4 *Rates Division.* The Rates Division is concerned with the economic and legal aspects of matters relating to determination of mail rates pursuant to section 406 of the act, determination of commercial rates pursuant to sections 403, 404, and 1002 of the act and the commercial rate aspects of International Air Transport Association resolutions. With respect to these matters, the Rates Division prepares for consideration of, and adoption by, the Board statements of policy and of program objectives and recommends or takes action where authority has been delegated with respect to specific cases pending before the Board.

SEC. 4.5 *Alaska Liaison Office.* The Alaska Liaison Office is concerned with the administration of the act and the Economic Regulations as they relate to matters affecting pilot-owners and to tariff and service matters affecting Alaskan air carriers; advising the Board and the Bureau Director on Alaskan air transportation problems; and conferring with the Alaskan air carriers, government and civic bodies and with users of air transportation in Alaska.

SEC. 4.6 *Bureau Counsel.* An attorney from the Bureau of Air Operations is designated as Bureau Counsel to present the Bureau's position in formal proceedings before the Board arising under the Civil Aeronautics Act, as amended.

BUREAU OF SAFETY REGULATION

SEC. 5.1 *Director.* The Director supervises the Bureau of Safety Regulation,

which is responsible for developing and recommending to the Board the adoption of new or revised Civil Air Regulations; making appropriate recommendations to the Board regarding international activities as reflected by the operation of the International Civil Aviation Organization; and making appropriate recommendations to the Board in regard to those matters considered by the Air Coordinating Committee and requiring Board action. The Bureau of Safety Regulation consists of the following organizational components:

(a) Air Carrier Division.
(b) Airworthiness Division.
(c) General Rules Division.

SEC. 5.2 *Air Carrier Division.* The Air Carrier Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing the minimum safety standards with respect to air carrier operations involving the certification of air carrier airmen, aircraft operational procedures, inspection and overhaul of aircraft, engines, propellers, and appliances, and air traffic rules; conducts technical research of transport-type aircraft, equipment, and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and other organizational units of the Board on any matter involving safety regulation of air carrier operations.

SEC. 5.3 *Airworthiness Division.* The Airworthiness Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing the minimum design and performance safety standards for airworthiness certification of aircraft, engines, propellers, and appliances; conducts technical research of the airworthiness aspects of aircraft, equipment, and operations, and studies current technological developments and aviation practices as a basis for formulating stafety standards; and advises and assists the Board and its organizational components on problems of an engineering nature.

SEC. 5.4 *General Rules Division.* The General Rules Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations or amendments to existing regulations prescribing minimum safety standards which have general application to all phases of civil aviation such as: The certification of pilots (student, private, and commercial), mechanics, control tower operators, and parachute riggers, aircraft operational procedures, inspection and overhaul of aircraft engines, propellers, and appliances, air traffic rules, airmen schools and repair stations, and the transportation of explosives and other dangerous articles; conducts technical research of nontransport-type aircraft, equipment and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and its organizational components on matters relating to the general safety problems of operations, utilization of equipment, certification of airmen and air agencies.

SEC. 5.5 *Activities common to all divisions.* Each division, within its own area of specialization, participates in the development of related international standards as prescribed by the International Civil Aviation Organization and modifies United States standards and practices as may be necessary to conform to the international standards; represents the United States at meetings of the Technical Divisions of the International Civil Aviation Organization, Air Navigation Commission and at other meetings concerned with matters falling within the field of interest of the Board and within the technical competence of the Bureau of Safety Regulation and analyzes the results of these meetings and co-ordinates standards and recommended practices adopted by the International Civil Aviation Organization with the Civil Air Regulations; prepares the United States position on matters with which the Air Coordinating Committee is concerned and in which the Board has a primary interest and assists other divisions of the Air Coordinating Committee in preparation of the United States position on matters in which the Board has a secondary or indirect interest; and continually examines manuals and other related materials implementing the Civil Air Regulations to ensure their proper interpretation and application.

BUREAU OF SAFETY INVESTIGATION

SEC. 6.1 *Director.* The Director supervises the Bureau of Safety Investigation, which is responsible for investigation and analysis of aircraft accidents. The Bureau of Safety Investigation consists of the following organizational components:

(a) Investigation Division.
(b) Hearing and Reports Division.
(c) Technical Division.
(d) Analysis Division.

SEC. 6.2 *Investigation Division.* The Investigation Division directs and assists in the investigation of aircraft accidents to determine their probable cause, and develops current techniques for such investigations. It makes recommendations as to the need for, and participates in, public and special inquiries; makes recommendations to prevent recurring accidents; develops educational material in various specialized phases of air safety; and conducts research and special studies relating to hazards potentially capable of resulting in serious accidents.

SEC. 6.21 *Investigation Field Service.* The field service of the Investigation Division investigates accidents and hazardous conditions involving civil aircraft of United States registry, and accidents to foreign civil aircraft occurring within the United States; reports facts and derives conclusions with respect to probable causes of such accidents; coordinates research with other interested governmental agencies and industry representatives regarding such accidents; and participates in the conferences thereon and as members of the Board of Inquiry at subsequent public inquiries.

SEC. 6.3 *Hearing and Reports Division.* The Hearing and Reports Division arranges for and conducts public accident inquiries in order to ascertain the facts, conditions, circumstances, and probable cause of accidents involving aircraft; prepares all evidence, takes depositions, administers oaths and issues subpenas for witnesses and documents incident to such inquiries; prepares and presents to the Board for adoption preliminary statements of fact and formal accident investigation reports; and arranges for the reproduction of exhibits and factual documents of accident investigation for parties of interest.

SEC. 6.4 *Technical Division.* The Technical Division directs the investigation of the technical aspects of aircraft accidents, including necessary testing of failed parts, involving the engineering problems of aerodynamics, aircraft structure, applicable meteorological factors, powerplants, propellers, electrical, radio and electronic instruments, and related equipment; assists in conduct of public inquiries and in the preparation of the technical portion of reports of accidents; assembles technical data relating to aircraft accidents and aeronautical hazards and prepares technical analysis of aircraft accidents; makes recommendations on technical problems to eliminate aeronautical hazards; and represents the Board at conferences held to obtain action on technical aviation matters.

SEC. 6.5 *Analysis Division.* The Analysis Division classifies and analyzes all reports of accidents involving aircraft in order to establish their basic casual and statistical factors; makes statistical analysis of civil aircraft accidents to isolate elements requiring corrective action and to determine accident trends; compiles statistical and analytical reports for the information of the Board and the public, and issues safety bulletins and accident reports.

OFFICE OF CARRIER ACCOUNTS AND STATISTICS

SEC. 7.1 *Chief.* The Chief supervises the Office of Carrier Accounts and Statistics, which is responsible for recommending economic regulations related to the general accounting and statistical reporting programs and participating with the General Counsel in the formulation of such regulations; approves all accounting and statistical data prepared for release as an official publication; represents the Board at interdepartmental, industry and international conferences at the direction of the Board; insures effective co-ordination with other Offices and Bureaus; and exercises administrative and technical direction of the functions of the Office. The Office of Carrier Accounts and Statistics consists of the following organizational components:

(a) Regulations and Reports Division.
(b) Field Audits Division.
(c) Research and Statistics Division.

SEC. 7.2 *Regulations and Reports Division.* The Regulations and Reports Division recommends uniform systems of accounts and a uniform system of periodic financial, operational and accounting reports, and necessary revisions thereof for all air carriers; drafts instructions and letters of interpretations; recommends modifications or waiver of uniform requirements; provides expert advice and assistance on accounting matters; and maintains liaison with accounting personnel in private, public and government practice.

SEC. 7.3 *Field Audits Division.* The Field Audits Division conducts field examinations of carrier accounts and records to insure adherence to the accounting and reporting requirements; collects data requested by other organizational units of the Board requiring access to carrier records; maintains close liaison with the Office of Compliance, reporting all significant violations of the accounting and reporting requirements to that Office for direct enforcement action; refers to other appropriate components for information and action, data indicating possible violations of the act or of the Economic Regulations and any other data of interest or value; provides expert advice and assistance on auditing matters; and maintains liaison with auditing persons in industry and other Federal agencies.

SEC. 7.4 *Research and Statistics Division.* The Research and Statistics Division conducts comprehensive economic surveys and studies related to the development and regulation of civil air transport; develops instructions for the conduct of periodic traffic surveys and other research projects and supervises the technical performance of such projects; prepares recurrent reports of operational and financial data; prepares special reports to meet stipulated requirements; prepares statistical indices and develops techniques for forecasting economic trends; comments on prospectuses relating to the issuance of securities by air carriers when so requested; provides expert advice and assistance on accounting and statistical matters; provides cartographic and mechanical drafting services; and maintains liaison with industry and government accounting and statistical officers.

OFFICE OF THE GENERAL COUNSEL

SEC. 8.1 *General Counsel.* The General Counsel supervises the Office of the General Counsel which is responsible for providing the Board and the staff with advice in connection with the legal aspects of economic and safety regulatory activities; personally represents the Board in litigation, negotiations, and conferences (including international) which involve legal considerations and where the proceedings present complex, novel or significant matters; and serves on governmental (e. g., Air Coordinating Committee) and international (e. g., International Civil Aviation Organization) committees. The Office of the General Counsel consists of the following organizational components:

(a) International and Rules Division.
(b) Litigation and Research Division.
(c) Opinion-Writing Division.

SEC. 8.2 *International and Rules Division.* The International and Rules Division participates in the drafting, negotiation, modification and interpretation of international agreements relating to civil aviation and renders legal advisory service in connection therewith; maintains liaison with other units of the Board, other Federal agencies and state aviation authorities on legal aspects of the Board's program; provides representation on various committees, such as ICAO Legal Committee and the Legal Division of the Air Coordinating Committee; drafts testimony and statements for use by the Board Members or staff members for hearings before Congressional committees; presents testimony at hearings upon proposed legislation; examines legislative proposals of interest to the Board and prepares legislative reports thereon; drafts proposed legislation and reports on the status of legislative activity; prepares, reviews and interprets economic, safety and procedural regulations and amendments thereto, and insures that the proper procedural steps are followed in the promulgation thereof; and provides legal advice and assistance on matters relating to defense mobilization and internal administration.

SEC. 8.3 *Litigation and Research Division.* The Litigation and Research Division represents the Board, in collaboration with the Department of Justice, in court actions to which the Board is a party, or is interested, in order to sustain action previously taken by the Board, including preparation of the record, drafting of all necessary briefs, motions and other documents and argument of the case before the court; and performs legal research for and renders legal opinions based thereon on matters of general interest or applicability.

SEC. 8.4 *Opinion-Writing Division.* The Opinion-Writing Division in accordance with instructions of the Board drafts opinions, orders, certificates and permits in cases where the issues, substantive or procedural, warrant formal expression by the Board; and recommends to the Board appropriate action on petitions for reconsideration of previously prepared orders and with respect to other motions or petitions filed at any time after the Examiner's report is issued.

OFFICE OF COMPLIANCE

SEC. 9 *Office of Compliance.* The Office of Compliance is responsible for the development and execution of a program designed to obtain observance of the economic provisions of the Civil Aeronautics Act of 1938, as amended, and of all economic orders, regulations and other requirements promulgated by the Board. The Office of Compliance initiates and conducts investigations of alleged violations; seeks to obtain voluntary compliance by informal action; negotiates, where appropriate, formal stipulations and other consent agreements to cease and desist from illegal practices or recommends the issuance of an appropriate Board order; seeks adjustment of informal complaints; presents evidence and argument in formal economic enforcement proceedings; institutes and prosecutes civil and criminal actions; and maintains liaison with other government agencies in connection with enforcement activities.

OFFICE OF CONGRESSIONAL LIAISON AND PUBLIC INFORMATION

SEC. 10.1 *Office of Congressional Liaison and Public Information.* The Office of Congressional Liaison and Public Information is responsible for maintaining an effective exchange of information between the Board and Congress, for keeping the aviation industry, the press and the general public advised of the major actions of the Board and for co-ordinating the formulation of the Board's legislative program.

OFFICE OF ADMINISTRATION

SEC. 11.1 *Organization.* The Secretary of the Board also serves as Director of the Office of Administration, which consists of the following organizational components:

(a) Minutes Section.
(b) Budget and Fiscal Section.
(c) Management Section.
(d) Personnel Section.
(e) General Services Section.
(f) Publications Section.
(g) Library.

SEC. 11.2 *Documentation.* The Secretary is responsible for recording all formal actions of the Board; the processing, including review as to accuracy, form and content, of all documents evidencing such action; and for authenticating Board records for any official purpose. Pursuant to the Civil Aeronautics Act of 1938, as amended, the Secretary has legal custody of records and documents as specified therein.

SEC. 11.3 *Administrative functions.* As Director, Office of Administration, the Secretary is responsible for providing budget, fiscal, management, personnel and other administrative services to the Board and the staff which include: (a) Developing the Board's annual budget estimates for "Salaries and Expenses" as well as estimates of appropriations for "Payments to Air Carriers" and the justification of these estimates before the Bureau of the Budget and the Appropriations Committees of Congress; (b) developing the Board's annual fiscal plan for utilizing its appropriation for "Salaries and Expenses" and maintaining a system for administrative control of expenditures to conform with such plan and the requirements of law and of regulations; (c) disbursement of, and accounting for, subsidy payments to air carriers in accordance with the provisions of Reorganization Plan 10 of 1953, which involves, among other things, review and processing of the carriers' monthly billings; (d) appraisal of and recommendations concerning the organization of the Board, distribution of functions, operating procedures and management techniques and maintenance of a Manual setting forth current organization, methods and administrative prac-

tices; (e) recommending and administering personnel policies and programs and insuring that the same comply with the law and regulations; (f) provision for space, equipment, supplies, communications, reproduction and other resources and facilities.

FIELD ORGANIZATION

SEC. 12.1 *Bureau of Air Operations.* The Alaska Liaison Office of the Bureau is located at Loussac-Sogn Building, Anchorage, Alaska (P. O. Box 2219).

SEC. 12.2 *Bureau of Safety Investigation.* Field offices of the Bureau are located at the following addresses:

Field Office Address and Territory

Federal Building, New York International Airport, Jamaica, N. Y.; Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, and Virginia.

P. O. Box 931, Miami International Airport Branch, Miami 48, Fla.; North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, and Louisiana east of the 91st meridian.

6200 South Cicero Avenue, Chicago 38, Ill.; Ohio, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Minnesota, North Dakota.

Federal Office Building, 911 Walnut Street, Kansas City, Mo.; Missouri, Iowa, South Dakota, Nebraska, Kansas, Wyoming, Colorado, Texas, Oklahoma, Arkansas and Louisiana, except that portion east of the 91st meridian.

506 Santa Monica Boulevard, Santa Monica, Calif.; New Mexico, Arizona and that portion of California and Nevada south of the following boundary: intersection of the coastline and the 36th parallel eastward to longitude 118°36', thence northerly along the ridge of the Sierra Nevada Mountains to longitude 119°30' and parallel 38° to the Utah State line.

P. O. Box 86, Oakland Airport Station, Oakland 14, Calif.; Utah and the northern portion of Nevada and California north of the Santa Monica office boundary.

Room 202, Administration Building, King County Airport, Seattle 8, Wash.; Washington, Oregon, Idaho, and Montana.

P. O. Box 2219, Anchorage, Alaska; Alaska.

SEC. 12.3 *Office of Carrier Accounts and Statistics.* Field offices of the Office of Carrier Accounts and Statistics are located at 2 Park Avenue, New York 16, New York, the Old Mint Building, Fifth and Mission Streets, San Francisco, California and the Pacific Building, 327 N.E. First Avenue, Miami 32, Florida.

Effective: January 1, 1956.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-4391; Filed, June 4, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-8970, G-9173]

BLACKWELL OIL & GAS CO. ET AL.

ORDER POSTPONING DATE OF HEARING

In the matters of Blackwell Oil & Gas Company, Docket No. G-8970; T. L. James and Company, et al., Docket No. G-9173.

By order issued March 30, 1956, the Commission consolidated these proceedings for the purpose of hearing, and directed that hearing in these matters be commenced on May 21, 1956. By notice of continuance of hearing the Secretary of the Commission postponed the hearing from May 21, 1956, to June 4, 1956. On May 16, 1956, T. L. James Company filed a motion for reconsideration of the postponement, alleging that it cannot be prepared to present its case before July 5, 1956.

The Commission finds: Good cause has been shown for postponing the hearing herein as ordered.

The Commission orders: The hearing in these matters, now fixed to commence on June 4, 1956, be and it is hereby postponed to July 9, 1956.

Issued: May 29, 1956.

By the Commission.

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

[F. R. Doc. 56-4364; Filed, June 4, 1956; 8:46 a. m.]

[Docket No. G-10160]

DELTA NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 28, 1956.

Take notice that Delta Natural Gas Company (applicant), a Kentucky corporation, with its principal place of business at Winchester, Kentucky, filed an application on March 27, 1956, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Tennessee Gas Transmission Company to establish physical connection of its transportation facilities with the proposed facilities of applicant and to sell and deliver natural gas to applicant for resale and distribution in the Cities of Nicholasville and Wilmore, Jessamine County, Kentucky as hereinafter described, all as more fully represented in the application, which is now on file with the Commission and open to public inspection.

Applicant states that no other gas service is available in the proposed service area. It proposes to construct and operate a 4-inch transmission line extending from Tennessee's main line in Garrard County, Kentucky to the Nicholasville City gate, a distance of approximately 11.4 miles and thence to the Wilmore City gate an additional 3.8 miles. Also proposed is the construction and operation of a natural gas distribution system in each of these areas. The estimated cost for the total construction by Applicant is $360,000, which Applicant states it will finance with the proceeds from the sale of $400,000 First Mortgage Bonds at 5 percent.

Applicant states that the City of Nicholasville, Kentucky has 1,141 potential customers within the city limits and 48 along the proposed transmission line. The City of Wilmore, Kentucky has 461 potential customers within its service area making a total for the system of 1,650 potential customers. The estimated gas requirements for both towns are as follows for the years 1956 through 1960:

	1956	1957	1958	1959	1960
Maximum day (Mcf).	1,600	2,320	2,400	2,550	2,660
	43,200	183,110	228,800	241,580	252,300

Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 and 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10) on or before June 14, 1956.

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

[F. R. Doc. 56-4365; Filed, June 4, 1956; 8:46 a. m.]

[Docket No. E-6684]

VIRGINIA ELECTRIC AND POWER CO. ET AL.

ORDER INSTITUTING AN INVESTIGATION

In the matter of Virginia Electric and Power Company, Dan River Mills, Inc., Spray Cotton Mills, and Spray Water and Land Company, City of Martinsville, Virginia.

The Roanoke Rapids Project No. 2009 of the Virginia Electric and Power Company is located at river mile 137 on the Roanoke River. The John H. Kerr project constructed by the United States is located at river mile 179 on the Roanoke River. The Riverside and Schoolfield projects of the Dan River Mills, Inc., are located at river miles 63 and 66, respectively, on the Dan River. The Spray project of the Spray Cotton Mills and the Spray Water and Land Company is located at river mile 3 on the Smith River. The Martinsville project of the City of Martinsville is located at river mile 25 on the Smith River. The Philpott project constructed by the United States is located at river mile 44 on the Smith River.

Pursuant to the provisions of section 10 (f) of the Federal Power Act, we are required to determine and assess headwater improvement benefit charges against the owner of any project directly benefited by upstream improvements constructed by the United States. The Smith River is a tributary of the Dan River and the latter river discharges into the Roanoke River near Clarksville, Virginia. The Martinsville project, the Spray project, the Schoolfield project, and the Riverside project may be directly benefited by reason of the construction and operation by the United States of its upstream Philpott project. The Roanoke Rapids project may be directly benefited by reason of the construction and operation by the United States of its upstream Philpott and John H. Kerr projects.

The Commission finds: It is appropriate and in the public interest that an investigation be instituted by the Commission as hereinafter provided.

The Commission orders: An investigation is hereby instituted pursuant to the provisions of the Federal Power Act, particularly section 10 (f) thereof, for the purpose of enabling the Commission to determine whether any of the above designated projects located on the Smith, Dan, or Roanoke Rivers downstream

from the above designated headwater improvements constructed by the United States is directly benefited by the construction and operation of such upstream improvements of the United States and, if it so finds, to determine the equitable proportion of the annual charges to be paid by the owner of any project so benefited for interest, maintenance and depreciation on such upstream improvements constructed by the United States.

Issued: May 28, 1956.

By the Commission.

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

[F. R. Doc. 56-4366; Filed, June 4, 1956; 8:46 a. m.]

[Docket Nos. G-8695, G-8919]

PHILLIPS PETROLEUM CO. AND GULF OIL CORP.

ORDER SEVERING PROCEEDINGS

By order issued May 19, 1955 the above-designated matters were consolidated with Docket No. G-8697, in the matter of Stanolind Oil and Gas Company (Operator), et al. and Docket No. G-8696, in the matter of Continental Oil Company, for the purpose of hearing.

By notice of severence of proceedings and of hearing, issued on June 10, 1955, Docket Nos. G-8697 and G-8696 were severed from Docket Nos. G-8695 and G-8919.

The Commission finds: Docket No. G-8695, in the matter of Phillips Petroleum Company, should be severed from Docket No. G-8919, in order that the proceedings in Docket No. G-8695 may be consolidated with other proceedings involving the Phillips Petroleum Company now scheduled for hearing on June 26, 1956.

The Commission orders: Docket No. G-8695, in the matter of Phillips Petroleum Company, be and it hereby is severed from Docket No. G-8919, in the matter of Gulf Oil Corporation.

Issued: May 28, 1956.

By the Commission.

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

[F. R. Doc. 56-4367; Filed, June 4, 1956; 8:46 a. m.]

[Docket No. G-1148, etc.]

PHILLIPS PETROLEUM CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matter of Phillips Petroleum Company, Docket Nos. G-1148, G-3175, G-4333, G-6621, G-7773, G-8623, G-8695, G-8883, and G-10359.

By order issued October 29, 1948, in Docket No. G-1148, the Commission instituted an investigation of Phillips Petroleum Company (Phillips) to determine (1) whether it is a natural-gas company within the meaning of the Natural Gas Act, and (2) whether, in connection with any transportation or sale of natural gas by such company, subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

In its opinion issued August 22, 1951,[1] the Commission found, inter alia, that Phillips was not a natural-gas company within the meaning of sections 1 (b) or 2 (6) of the Natural Gas Act, and by order accompanying that opinion the Commission terminated the investigation proceeding instituted by its order of October 29, 1948. Thereafter, the United States Court of Appeals for the District of Columbia Circuit handed down its opinion[2] reversing the Commission and determined that Phillips is a natural-gas company and that the "Commission should fix the rates" for the Phillips sales of natural gas for resale in interstate commerce. On June 7, 1954, the United States Supreme Court affirmed the opinion of the Court of Appeals.[3]

In compliance with the mandate of the Court of Appeals, the Commission, on November 22, 1954, issued its Order vacating termination of proceedings and continuing investigation in Docket No. G-1148.

In each of the eight other dockets hereinabove designated,[4] the Commission has heretofore issued its order suspending proposed increases in rates and charges for sales of natural gas for resale in interstate commerce by Phillips. Such proposed increases approximate $2,300,000 per year in the aggregate. The sales and deliveries of gas involved in the eight designated suspension dockets are made by Phillips to Michigan-Wisconsin Pipe Line Company, Northern Natural Gas Company, Cities Service Gas Company, Arkansas-Louisiana Gas Company, El Paso Natural Gas Company, Consolidated Gas Utilities Corporation, Transcontinental Gas Pipe Corporation and Mississippi River Fuel Corporation. Such sales and deliveries of gas by Phillips involve questions of law and fact interrelated with those inherent in the matters involved and the issues presented in Docket No. G-1148.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act and good cause exists to consolidate the above-entitled proceedings for the purpose of hearing.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15, and 16 thereof, and the Commission's general rules and regulations (18 CFR Chapter I), the proceedings in the above-designated Docket Nos. G-1148, G-3175, G-4333, G-6621, G-7773, G-8623, G-8695, G-8883 and G-10359 be and the same hereby are consolidated for the purpose of hearing.

(B) A hearing be held commencing on June 26, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the consolidated proceedings designated in paragraph (A) above.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: May 28, 1956.

By the Commission.

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

[F. R. Doc. 56-4368; Filed, June 4, 1956; 8:46 a. m.]

[1] In the Matter of Phillips Petroleum Company, Docket No. G-1148, Opinion No. 217 and accompanying order, 10 F. P. C. 246, 283.

[2] State of Wisconsin v. Federal Power Commission, 92 U. S. App. D. C. 284, 205 F. 2d 706.

[3] Phillips Petroleum Company v. Wisconsin, et al., 347 U. S. 672.

[4] Docket Nos. G-3175, G-4333, G-6621, G-7773, G-8623, G-8695, G-8883, and G-10359.

[Docket Nos. G-9277, G-9280]

CHICAGO CORP. AND GULF PLAINS CORP.

ORDER AMENDING ORDER INSTITUTING INVESTIGATIONS

By order issued in these proceedings on January 27, 1956, the Commission instituted investigations of respondent, The Chicago Corporation (Docket No. G-9277) and respondents, The Chicago Corporation and Gulf Plains Corporation (Docket No. G-9280). The said investigations were instituted to enable the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by such respondents, any of the rates, charges or classifications demanded, observed, charged or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential.

In the pleading designated "Defendants' Motions to Dismiss and Answer" filed herein by respondents, The Chicago Corporation and Gulf Plains Corporation on October 17, 1955, in response to the complaint filed by Tennessee Public Service Commission, et al. on August 31, 1955, the said respondents aver, inter alia, that:

Gulf Plains Corporation prior to its dissolution on December 31, 1953, as hereinafter alleged, was a Texas corporation and at the time of and prior to its dissolution was a wholly owned subsidiary of The Chicago Corporation. Pursuant to a plan of complete liquidation and dissolution duly adopted and consented to by The Chicago Corporation as the owner and holder of all of its stock, all of its assets were transferred, conveyed, and assigned to The Chicago Corporation in complete cancellation and liquidation of all of its outstanding capital stock, and The Chicago Corporation assumed all of the valid legal obligations of Gulf Plains Corporation including those set forth in the aforementioned contract with Tennessee Gas Transmission Company (TGT). A certificate of dissolution was duly filed with the Secretary of State of the State of Texas and said corporation was thereby dissolved on December 31, 1953. Said corporation has not subse-

quent to said date existed or functioned as a corporation, and at the time of the filing of this Complaint has no existence as a corporation and consequently is not and has never been a party to The Chicago Corporation FPC Gas Rate Schedule No. 5.

In consideration of the facts above-recited, it appears that Gulf Plains Corporation has not existed, functioned, nor retained any vestige of corporate status since its dissolution on December 31, 1953.

The Commission finds: It is appropriate in the administration of the Natural Gas Act to amend the order instituting investigations issued in these proceedings on January 27, 1956, by deleting therefrom Gulf Plains Corporation as a respondent and by terminating the investigation instituted by such order insofar as it pertains to the said corporation.

The Commission orders:

The Order Instituting Investigations, issued in these proceedings on January 27, 1956, be and the same is hereby amended as follows:

(A) By the deletion therefrom of Gulf Plains Corporation as a respondent in Docket No. G-9280.

(B) By termination of the investigation instituted therein of Gulf Plains Corporation.

Issued: May 28, 1956.

By the Commission.

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

[F. R. Doc. 56-4369; Filed, June 4, 1956; 8:46 a. m.]

[Docket No. G-10494]

H. F. SEARS

ORDER SUSPENDING PROPOSED CHANGES IN RATES

H. F. Sears (applicant), on May 11, 1956 tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, undated; Phillips Petroleum Company; Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 5; June 11, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until November 11, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: May 29, 1956.

By the Commission.[1]

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

[F. R. Doc. 56-4370; Filed, June 4, 1956; 8:47 a. m.]

[Docket No. G-7872 etc.]

GAS GATHERING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and 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 the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) 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) not less than ten days before the date of hearing. 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 for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

The dockets, applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser

G-7872; Gas Gathering Company, Corpus Christi, Tex.; 12-3-54; East Mathis, San Patricio County, Tex.; Texas Illinois Natural Gas Pipeline Company.

G-8419; Crawford Investment Corporation, Shreveport, La.; 1-31-55; East Haynesville, Claiborne Parish, La.; Arkansas-Louisiana Gas Company.

G-8422; American States Oil Company, Oklahoma City, Okla.; 1-31-55; Oklahoma N. E., Glenwood, Beaver County, Okla.; Northern Natural Gas Company.

G-8423; P. H. Pewitt, Longview, Tex.; 1-31-55; Rodessa, Marion County, Tex.; Texas Eastern Transmission Corp.

G-8424; P. H. Pewitt, Longview, Tex.; 1-31-55; Rodessa, Marion County, Tex.; Arkansas-Louisiana Gas Company.

G-8441; Clegg & Hunt, Houston, Tex.; 2-4-55; South Hillebrandt, Bayou, Jefferson County, Tex.; United Gas Pipe Line Company.

G-8448; Gulf Refining Company, Pittsburgh, Pa.; 2-7-55; Athens, Claiborne Parish, La.; Arkansas-Louisiana Gas Company.

G-8449; Kenneth A. Ellison and Edwin C. Nash, Oklahoma City, Okla.; 2-7-55; Hugoton-Guymon, Texas County, Okla.; Northern Natural Gas Company.

G-8451; The Sumner Oil & Gas Company, Marietta, Ohio; 2-7-55; Sutton Township, Meigs County, Ohio; Ohio Fuel Gas Company.

G-8452; Walter E. Stewart, Tyler, Tex.; 2-7-55; South Hallsville, Harrison County, Tex.; Arkansas-Louisiana Gas Company.

G-8457; D. Thomason, Shreveport, La.; 2-7-55; Rodessa, Caddo Parish, La.; Arkansas-Louisiana Gas Company.

G-8464; J. R. Sharp, Tulsa, Okla.; 12-3-54; Keystone, Winkler County, Tex.; Sid Richardson Gasoline Company.

G-8465; J. R. Sharp, Tulsa, Okla.; 12-3-54; Keystone, Winkler County, Tex.; Sid Richardson Gasoline Company.

G-8466; Ada Oil Company, Houston, Tex.; 2-10-55; South Crowley, Acadia Parish, La.; Tennessee Gas Transmission Company and La-Tex Petroleum Products.

G-8649; J. N. Stephan et al., Marietta, Ohio; 2-22-55; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Company.

G-8656; West Virginia Coal & Coke Company, Sutton, W. Va.; 3-22-55; Braxton County, W. Va.; Equitable Gas Company.

G-8669; Frank Parkes, Hooker, Okla.; 3-25-55; Guymon-Hugoton, Texas County, Okla.; Cities Service Gas Company.

G-8670; Zogg & Zogg Inc., Charleston, W. Va.; 3-25-55; Union District, Clay County, W. Va.; Hope Natural Gas Company.

G-8671; Ernest Campbell, Creston, W. Va.; 3-25-55; Lee District, Calhoun County, W. Va.; Hope Natural Gas Company.

A public hearing will be held on the 28th day of June 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concern-

---

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by applicant if later.

[1] Commissioner Digby dissenting in opinion.

ing the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
Secretary.

MAY 29, 1956.

[F. R. Doc. 56-4371; Filed, June 4, 1956; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11632, 11633; FCC 56M-526]

PACIFIC TELEVISION, INC. AND KOOS, INC.

ORDER CONTINUING HEARING

In re applications of Pacific Television, Inc., Coos Bay, Oregon, Docket No. 11632, File No. BPCT-2046; KOOS, Inc., Coos Bay, Oregon, Docket No. 11633, File No. BPCT-2052; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a motion for continuance filed by Pacific Television, Inc., on May 23, 1956;

It appearing that the date for commencement of hearing was previously continued to May 31, 1956, in order to await Commission action upon a request by one of the parties herein for rule-making which would involve the assignment of another UHF channel to Coos Bay; and

It further appearing that this request has not yet been acted upon but the parties do not wish to incur the needless expense in time and money which would be involved in proceeding with the hearing in this case and which may be avoided if the new channel is assigned; and

It further appearing that KOOS, Inc., and the Broadcast Bureau have consented to a grant of the continuance to July 23, 1956;

It is ordered, This 28th day of May 1956, that the motion of Pacific Television, Inc., for continuance is granted and that the date for commencement of hearing is continued from May 31 to July 23, 1956.

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

[F. R. Doc. 56-4383; Filed, June 4, 1956; 8:50 a. m.]

[Docket No. 11652; FCC 56M-530]

B. L. GOLDEN

ORDER CONTROLLING THE CONDUCT OF HEARING

MAY 28, 1956.

In re application of B. L. Golden, Fresno, California, Docket No. 11652, File No. BP-10085; for construction permit.

Appearances. Sylvia Kessler, on behalf of B. L. Golden; Thomas H. Wall and Thomas J. Dougherty, on behalf of Stanislaus County Broadcasters, Inc. (KBOX); A. L. Stein, on behalf of Marmat Broadcasting Company (KBIS); and Earl C. Walck, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. A pre-hearing conference, pursuant to notice, was held Friday, May 18, 1956.

2. The issues as specified in the Commission's order of March 14, 1956, are as follows:

1. To determine the areas and populations which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Station KBOX, Modesto, California, and Station KECC, Pittsburg, California, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine whether the proposed antenna system would constitute a hazard to air navigation.

4. To determine whether in the light of the evidence adduced under the foregoing issues, a grant of the subject application would serve the public interest.

3. Marmat Broadcasting Company (KBIS) was not a party to the proceeding at the time of the hearing conference but inasmuch as engineering exhibits indicated that the station proposed herein would cause interference to Station KBIS, counsel for that station participated in the hearing conference with the consent of all parties. Marmat Broadcasting Company has now become a party to this proceeding.

4. As shown by the transcript of the hearing conference, the attorney of record for KECC, Incorporated, Pittsburg, California, did not appear at the hearing conference.

5. By a communication dated April 3, 1956, the Air Space Subcommittee of the Air Coordinating Committee has given its approval to the construction of the antenna tower proposed by the applicant herein subject to the tower being market and lighted in accordance with the Commission's rules. Such being the case, Issue 3 is declared by the Examiner to be moot.

6. At the hearing conference on May 18, 1956, it was disclosed that measurements were being taken which were designed to show with greater exactness the possible areas of interference to and from existing and proposed stations and that the engineering exhibits based on such measurements would be made available to the parties on or before Tuesday, May 29, 1956. It was the desire of all parties present that the hearing originally scheduled to begin on Monday, June 4, 1956, begin on June 6, 1956, subject to the right of the parties, other than the applicant, to come forward with rebuttal engineering exhibits if the necessity therefor became apparent.

7. At the hearing conference on May 18, 1956, the following time schedule was agreed to:

a. All exhibits to be offered by the applicant deemed necessary to establish his affirmative showing in response to each and every one of the engineering issues, other than Issue 3 which has become moot, shall be exchanged with the other parties on or before Tuesday, May 29, 1956.

b. The evidentiary hearing originally scheduled to begin on June 4, 1956, will begin on June 6, 1956, at which time the applicant may offer in evidence all of the engineering exhibits exchanged with the parties as provided in a. above.

c. At the evidentiary hearing on June 6, 1956, each party, other than the applicant, will announce whether he desires to introduce in evidence any exhibit which would tend to show engineering facts inconsistent with or at variance with the engineering exhibits exchanged by the applicant as provided in a. above. In the event any party intends to prepare and offer in evidence such exhibits, the Hearing Examiner will specify the time for the exchange of such exhibits and the date for further hearing.

It is so ordered, This the 28th day of May 1956.

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

[F. R. Doc. 56-4384; Filed, June 4, 1956; 8:50 a. m.]

[Docket No. 11670; FCC 56M-529]

NEWS ON THE AIR, INC.

ORDER CONTROLLING THE CONDUCT OF HEARING

MAY 28, 1956.

In re application of News on the Air, Inc., Port Clinton, Ohio, Docket No. 11670, File No. BP-9977; for construction permit.

Appearances. Truman A. Morris and Robert W. Reider, on behalf of News on the Air, Inc.; John F. Clagett, on behalf of Court House Broadcasting Company; Leonidas P. B. Emerson, on behalf of WXYZ, Inc.; and David I. Kraushaar, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. A pre-hearing conference called pursuant to the provisions of section 1.813 of the Commission's rules was held Monday, May 14, 1956. Participants were those shown in the appearances above.

2. The issues are presently specified in this proceeding are as follows:

1. To determine the areas and populations which would be served by the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Stations WCHO, Washington Court House, Ohio, and WXYZ, Detroit, Michigan, or any other existing broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the proposal of News on the Air, Inc., would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine, in the light of the evidence adduced with respect to the foregoing issues, whether a grant of the subject appli-

cation would serve the public interest, convenience or necessity.

3. At the hearing conference on May 14, 1956, it was stated that Court House Broadcasting Company was presently engaged in taking measurements on radio between Station WCHO and the site of the proposed Port Clinton, Ohio, station and that such measurements and exhibits reflecting the same would be available to the parties on or before June 11, 1956. In view of this fact, all parties agreed that the date for the start of the evidentiary hearing should be postponed beyond June 11, 1956, the date presently specified.

4. At the hearing conference on May 14, 1956, the following timetable was agreed to:

a. All exhibits to be offered by the applicant deemed necessary to establish its affirmative showing in response to each and every one of the engineering issues shall be exchanged with other parties on or before Monday, June 11, 1956.

b. All exhibits to be introduced on behalf of Court House Broadcasting Company (Station WCHO) or on behalf of WXYZ, Inc. (WXYZ), designed to establish an affirmative showing by said parties with respect to each and every one of the engineering issues in hearing shall be exchanged with other parties on or before Monday, June 11, 1956.

c. Further hearing conference will be held on Tuesday, June 21, 1956.

d. If after the exchange of the engineering exhibits on June 11, 1956, the parties agree that a further hearing conference is not necessary and the parties are able to agree upon a date for the offer and receipt in evidence of the exhibits which have been exchanged, the Hearing Examiner will entertain a request that he specify an early date for the start of the evidentiary hearing.

e. The evidentiary hearing will not begin on June 11, 1956, the date originally specified, but on a date to be specified by the Hearing Examiner at the hearing conference on June 21, 1956, or in response to a request for a specified date as provided for in d. hereof.

It is so ordered, This the 28th day of May 1956.

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

[F. R. Doc. 56-4385; Filed, June 4, 1956; 8:50 a. m.]

[Docket No. 11682; FCC 56M-525]

GENERAL-TIMES TELEVISION CORP. AND COLUMBIA BROADCASTING SYSTEM, INC.

ORDER CONTINUING HEARING CONFERENCE

In re application of General-Times Television Corporation (Assignor), and Columbia Broadcasting System, Inc. (Assignee), Docket No. 11682, File No. BAPCT-159; for consent to the assignment of the construction permit for WGTH-TV Hartford, Connecticut.

It is ordered, This 25th day of May 1956, on the Hearing Examiners' own motion and with the consent of all parties to the proceeding, that hearing conference in the matter, presently scheduled for May 29, 1956, is continued to June 12, 1956.

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

[F. R. Doc. 56-4386; Filed, June 4, 1956; 8:50 a. m.]

[Docket No. 11683; FCC 56M-528]

WCHS-TV, INC.

NOTICE OF PRE-HEARING CONFERENCE

In re application of WCHS-TV, Inc., Charleston, West Virginia, (WCHS-TV), Docket No. 11683, File No. BMPCT-3392; for modification of construction permit (Channel 8).

A pre-hearing conference in the above-entitled proceeding will be held on Thursday, May 31, 1956, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the Rules.

It is so ordered, This the 28th day of May 1956.

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

[F. R. Doc. 56-4387; Filed, June 4, 1956; 8:50 a. m.]

[Docket Nos. 11697, 11698; FCC 56M-532]

VOICE OF BERRIEN COUNTY AND LAKE BROADCASTERS

NOTICE OF PRE-HEARING CONFERENCE

In re applications of E. Harold Munn, Jr., and E. Harold Munn, Sr., d/b as Voice of Berrien County, Niles, Michigan, Docket No. 11697, File No. BP-9617; Maurice Humphrey, Carl L. Benson, Richard W. Lee and Ralph W. Newland, d/b as Lake Broadcasters, St. Joseph, Michigan, Docket No. 11698, File No. BP-9967; for construction permits.

Notice is hereby given that a pre-hearing conference will be held in the above-entitled proceeding at 10:00 o'clock a. m., on Wednesday, June 13, 1956, in the offices of this Commission, Washington, D. C.

Dated this 29th day of May 1956.

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

[F. R. Doc. 56-4388; Filed, June 4, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

GEORGE D. CLARKE, LTD.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

MAY 28, 1956.

In the matter of George D. Clarke, Ltd., 50 Broad Street, New York 4, New York.

I. The Commission's public official files disclose that George D. Clarke, Ltd., a New York Corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc., a national securities association, registered pursuant to section 15A of said act.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant;

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant; and

(e) Whether, pursuant to section 15A (*l*) (2) of the Securities Exchange Act of 1934, it is necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of said section, to suspend for a period not to exceed twelve (12) months or to expel registrant from membership in the National Association of Securities Dealers, Inc.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 27th day of June 1956, at the main office of the Securities and Ex-

[1] Filed as part of the original document.

change Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 13, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 27, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

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

[F. R. Doc. 56-4374; Filed, June 4, 1956; 8:47 a. m.]

F. M. VAN ECK

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of May 1956.

In the matter of Fred M. van Eck, dba F. M. van Eck, 12 East 88th Street, New York 28, New York.

I. The Commission's public official files disclose that Fred M. van Eck, a sole proprietor, dba F. M. van Eck, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1952 and 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 27th day of June 1956, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 13, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 27, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

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

[F. R. Doc. 56-4375; Filed, June 4, 1956; 8:48 a. m.]

[1] Filed as part of the original document.

JOSEPH J. BECKER

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of May 1956.

In the matter of Joseph J. Becker, 24 Commerce Street, Newark, New Jersey.

I. The Commission's public official files disclose that Joseph J. Becker, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 27th day of June 1956, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the

Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 13, 1936. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 27, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

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

[F. R. Doc. 56-4376; Filed, June 4, 1956; 8:48 a. m.]

WILLIAM P. STONE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of May 1956.

In the matter of William P. Stone, 347 Madison Avenue, New York 17, New York.

I. The Commission's public official files disclose that William P. Stone, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

[1] Filed as part of the original document.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 27th day of June 1956, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 13, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer, of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 27, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

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

[F. R. Doc. 56-4377; Filed, June 4, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 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. 32151: *Acrylonitrile—New Orleans, La., to Chicago, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on acrylonitrile, tank-car loads, from New Orleans, La., to Chicago, Ill.

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

FSA No. 32152: *All freight—St. Louis, Mo., group to North Birmingham, Ala.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from St. Louis, Mo., and East St. Louis, Ill., to North Birmingham, Ala.

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

FSA No. 32153: *Scrap iron and steel from and to points in official territory.* Filed by the Baltimore and Ohio Railroad Company for itself and interested rail carriers. Rates on scrap iron and steel, and related articles, taking same rates, carloads, from specified points on the Baltimore and Ohio Railroad in New York, Ohio, Pennsylvania and West Virginia to specified points in trunk-line territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 1 to Baltimore and Ohio Railroad tariff I. C. C. 24322.

FSA No. 32154: *Concrete mixture—Southwest to South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on concrete mixture, dry, straight or mixed carloads, as described in the application from specified points in Arkansas, Kansas, Missouri, Oklahoma, and Texas to specified points in southern territory.

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

Tariff: Supplement 9 to Agent Kratzmeir's I. C. C. 4185.

FSA No. 32155: *Silica sand to Loving, N. M.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on silica sand, carloads from specified points in Arkansas, Missouri, Oklahoma, and Texas, also from Ottawa, Ill., to Loving, N. M.

Grounds for relief: Carrier competition.

Tariff: Supplement 59 to Agent Kratzmeir's I. C. C. 4135.

FSA No. 32156: *Chimney parts—Buda, Ill., to New Jersey and New York.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on chimney parts, carloads, as described in the application from Buda, Ill., to Clark, N. J., Bellport, Riverhead and Thompkinsville, N. Y.

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

Tariff: Supplement 174 to Agent Hinsch's I. C. C. 4542.

FSA No. 32157: *Urea—Ohio and West Virginia to Norfolk, Va.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on urea, in bags, barrels or boxes, carloads from Lima and South Point, Ohio and Belle, W. Va., to Norfolk, Va.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 174 to Agent Hinsch's I. C. C. 4542.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-4372; Filed, June 4, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-56]

BALIAN & CO., S. A.

In re: Debt owing to Balian & Co., S. A.; F-57-86, D-63-270.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, in the amount of $27,300.10 as of May 7, 1956, being a portion of an account entitled, "Superintendence Company, Inc., Special Account, New York, New York", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Balian & Co., S. A., Constantza, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 29, 1956.

For the Attorney General.

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

[F. R. Doc. 56-4380; Filed, June 4, 1956; 8:49 a. m.]