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# FEDERAL REGISTER

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Washington, Friday, July 13, 1956

## TITLE 6—AGRICULTURAL CREDIT

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

#### Subchapter D—Regulations Under Soil Bank Act

##### PART 485—SOIL BANK

##### SUBPART—ACREAGE RESERVE PROGRAM

##### MISCELLANEOUS AMENDMENTS

The regulations issued by the Secretary of Agriculture, published in 21 F. R. 4379, governing the 1956 acreage reserve part of the Soil Bank Program are hereby amended as set forth below:

1. Section 485.110 is amended by adding a new paragraph (e) which reads as follows:

(e) If there are any liens or encumbrances on any crop which, under the acreage reserve program, is to be plowed under or otherwise physically incorporated into the soil, or clipped, mowed, or cut, waivers of such liens or encumbrances on Form CSS 809 (Soil Bank) must be furnished to the county committee prior to execution of the agreement. The operator or landlord may designate such holder of a lien or encumbrance as payee to receive all or any part of the compensation payable under the agreement to such operator or landlord, but may not designate such holder of a lien or encumbrance as payee to receive any of the compensation due tenants and sharecroppers.

2. Paragraph (a) of § 485.111 is amended to read as follows:

(a) Reduction of the acreage may be by underplanting the allotment or Soil Bank corn base, if the underplanting in the case of fall-seeded wheat, was due to adverse weather, or, in the case of any of the other commodities (including spring-seeded wheat) was due to adverse weather or was in anticipation of participating in the Soil Bank Program: *Provided*, That, in the case of spring-seeded wheat, the provisions of this paragraph shall not apply if the farm is one on which fall-seeded wheat is normally planted and on which spring-seeded wheat was not planted in 1954, 1955, or 1956.

3. The first sentence of paragraph (b) of § 485.111 is amended to read as follows:

(b) Reduction of the acreage may be by plowing the crop under or otherwise physically incorporating it into the soil, or clipping, mowing, or cutting it to prevent maturing, subsequent to May 27, 1956, and prior to the date indicated in subparagraph (1) or (2) of this paragraph but in no event later than July 31, 1956: *Provided*, That if the final disposition date fixed for the area for compliance with allotments for purposes of price support and marketing quotas is prior to May 28, 1956, and the farm was in compliance with its allotment on such final disposition date, reduction for purposes of the acreage reserve program may be accomplished at any time subsequent to such final disposition date and on or before June 30, 1956. \* \* \*

4. Paragraph (b) of § 485.112 is amended to read as follows:

(b) No crop shall have been harvested from the acreage reserve in 1956 or shall be harvested from the acreage reserve prior to January 1, 1957, and the acreage reserve shall not have been grazed since June 22, 1956, and shall not be grazed after execution of the agreement and prior to January 1, 1957, unless the Secretary, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disasters and gives written consent to such grazing. The operator must furnish, prior to the execution of the agreement, a certified statement that no crop has been harvested from the acreage reserve in 1956 and that the acreage reserve has not been grazed since June 22, 1956. The provision of section 2 (b) of the printed form of the agreement that "the acreage reserve has not been grazed in 1956" shall not be construed as a representation that such acreage reserve was not grazed during the period January 1, 1956, to June 22, 1956, inclusive.

5. Paragraph (a) of § 485.117 is amended to read as follows:

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### CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) (\$2.25)

Title 38 (\$2.00)

Titles 44-45 (\$1.00)

Title 50 (\$0.60)

Previously announced: Title 3, 1955 Supp. (\$2.00); Titles 4 and 5 (\$1.00); Title 6 (\$1.75); Title 7: Parts 1-209 (\$1.25), Parts 210-899 (Rev., 1955) with Supplement (\$4.50), Parts 900-959 (Rev., 1955) (\$6.00), Part 960 to end (Rev., 1955) with Supplement (\$5.85); Title 8 (\$0.50); Title 9 (\$0.70); Titles 10-13 (\$0.70); Title 14: Parts 1-300 (\$2.50), 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 (1954) Parts 1-220 (Rev., 1955) (\$2.00); 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. 1, and Title 27 (\$1.00); Titles 28 and 29 (\$1.25); Titles 30 and 31 (\$1.25); Title 32: Parts 1-399 (\$0.60), Parts 400-699 (\$0.65), Parts 700-799 (\$0.35), Parts 800-1099 (\$0.40), Part 1100 to end (\$0.35); Title 32A (Rev., 1955) (\$1.25); Title 33 (\$1.50); Titles 35-37 (\$1.00); Title 39 (Rev., 1955) (\$4.25); Titles 40-42 (\$0.65); Title 43 (\$0.50); Title 46: Parts 1-145 (\$0.60), Part 146 to end (\$1.25); Titles 47 and 48 (\$2.25); 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.

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(a) In the case of reduction of acreage by underplanting the allotment for cotton, rice, peanuts, tobacco, spring-seeded wheat, or underplanting the Soil Bank corn base, the yield factor shall be the normal yield for the farm, unless the normal yield for the tract of land designated as the acreage reserve is less than the normal yield for the farm, in which case the yield factor shall be the normal yield for the tract of land designated as the acreage reserve. The normal yield for the tract of land designated as the acreage reserve shall be determined by the county committee on the basis of (1) the normal yield for the farm and (2) any variation in yield between the farm and the tract of land designated as the acreage reserve.

6. Paragraph (b) of § 485.118 is amended to read as follows:

(b) *Appraised yield for the field.* In appraising the yield for a crop destroyed due to natural causes, the county committee shall estimate the yield on the basis of the actual condition of the crop after the damage or destruction took place. In the case of total destruction, the yield will be zero. In appraising the yield for a crop plowed under or otherwise physically incorporated into the soil, or clipped, mowed, or cut to prevent maturing before an agreement has been signed by the operator and filed with the county committee, the county committee shall estimate the yield on the basis of the actual condition of the crop before such adjustment in the acreage took place. In appraising the yield for a crop to be plowed under, or otherwise phys-

cally incorporated into the soil, or clipped, mowed, or cut to prevent maturing, after the agreement is signed, the county committee shall estimate the yield on the basis of the actual condition of the crop prior to the signing of the agreement.

(Sec. 124, Pub. Law 540, 84th Cong.)

Issued at Washington, D. C., this 9th day of July 1956.

[SEAL] TRUE D. MORSE,  
Acting Secretary of Agriculture.

[F. R. Doc. 56-5582; Filed, July 12, 1956;  
8:55 a. m.]

## TITLE 7—AGRICULTURE

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

## Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

## PART 56—GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

## MISCELLANEOUS AMENDMENTS

Notice of a proposed amendment to the regulations governing the grading and inspection of shell eggs and United States standards, grades, and weight classes for shell eggs (7 CFR Part 56) was published in the FEDERAL REGISTER on May 4, 1956 (21 F. R. 2984). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1987; 7 U. S. C. 1621 et seq.).

The amendment changes the form of application for grading service by incorporating most of the provisions which are currently set forth in the application form into the main portion of the regulations. The amendment hereinafter set forth is essentially the same as was published in the aforesaid notice.

After consideration of all relevant material presented, the amendment hereinafter set forth is promulgated to become effective upon publication in the FEDERAL REGISTER.

It is hereby found that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER for the reasons that (1) the changes will improve the grading program; (2) it will preclude new firms applying for the service from making two applications within a 30-day period; and (3) no additional time is required by interested persons to prepare for this amendment.

The amendment is as follows:

1. Delete the word "contract" in the definition of "Grading" or "grading service" in § 56.2 *Terms defined*, and substitute in lieu thereof the word "resident".

2. Change paragraph (b) of § 56.21 *How application may be made*, to read as follows:

(b) *On a resident grading basis.* An application for continuous grading service on a resident grading basis to be rendered in an official plant must be made in writing on forms approved by

the Administrator and filed with the Administrator.

3. Change § 56.47 *Fees for appeal grading*, to read as follows:

§ 56.47 *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That, the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be the same as set forth in the grading certificate from which the appeal is taken. If the fee on the certificate from which the appeal is taken is based on the provisions of § 56.52, then the fee for such appeal grading shall be double the amount specified in § 56.50 for the applicable volume of product appeal graded. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

4. Change § 56.52 *On a contract basis*, to read as follows:

§ 56.52 *On a resident grading basis—*  
(a) *Charges.* The charges for grading of shell eggs shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS") not later than fifteen (15) days from the date of billing. Such full costs shall comprise such of the items listed in this section as may be due and may be included, from time to time, in the bill or bills covering the period or periods during which the grading service may be rendered. A charge will be made by AMS in the amount of one (1) percent per month or fraction thereof of any amounts remaining unpaid after thirty (30) days from the date of bill.

(1) A charge of \$5.00 per hour plus a charge to cover travel and per diem costs incurred by AMS in making the initial survey of the designated plant and its premises prior to the performance, by AMS, of the grading service;

(2) A charge of \$100 for the final survey and inauguration of the grading service including the assignment of one grader and one alternate grader, provided they are installed at the same time;

(3) A charge of \$50 for each additional grader or replacement of a previously assigned grader to the designated plant; *Provided*, That, in the sole discretion of the Service no such charge will be made for a replacement when such replacement is made by the use of a regular employee of the Service, or when the replacement is made necessary by the transfer of an employee of the Service for the sole benefit of the Service;

(4) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS including an amount for annual leave and sick leave; *Provided*, That, no charge is to be made for salary cost of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, ex-

cept when the assigned grader is performing service for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered based on a formula concurred in jointly by the Departments of Defense and Agriculture;

(5) A charge equal to the salary cost, travel expenses and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual leave or sick leave;

(6) A charge for the actual cost to AMS of any travel or per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(7) A charge, at the sole discretion of AMS of an amount not in excess of the actual cost to AMS of the travel (including the cost of household goods and dependents) and per diem with respect to each grader or inspector who is transferred from an official station to the designated plant;

(8) A charge, included in salary cost, equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivors Benefits under the Social Security System, and an amount equal to the cost to AMS for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954.

(9) An administrative service charge based upon the aggregate number of thirty dozen cases of shell eggs handled in the plant per month and computed in accordance with the following table:

| COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES |         |
|---|---------|
| 0 to 500 cases.....                           | \$25.00 |
| 501 to 1,750 cases.....                       | 33.25   |
| 1,751 to 2,750 cases.....                     | 38.00   |
| 2,751 to 3,750 cases.....                     | 42.75   |
| 3,751 to 5,000 cases.....                     | 47.50   |
| 5,001 to 6,000 cases.....                     | 52.25   |
| 6,001 to 7,000 cases.....                     | 57.00   |
| 7,001 to 8,000 cases.....                     | 61.75   |
| 8,001 to 9,000 cases.....                     | 66.50   |
| 9,001 to 10,000 cases.....                    | 71.25   |
| 10,001 to 11,000 cases.....                   | 76.00   |
| 11,001 to 12,000 cases.....                   | 80.75   |
| 12,001 to 13,000 cases.....                   | 85.50   |
| 13,001 to 14,000 cases.....                   | 90.25   |
| 14,001 and over.....                          | 95.00   |

(10) A charge of \$5 per hour plus actual cost to AMS for per diem and travel cost incurred in rendering service not specifically covered in this section such as surveys in addition to the initial and final.

(11) A charge equal to 7 percent of the salary paid by AMS to each grader exclusive of one regular grader whose salary is paid by AMS.

(b) Other provisions. (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) AMS will provide as available an adequate number of graders to perform the grading service.

(3) At the sole discretion of AMS, graders may be either Federal or State employees or licensed employees of the applicant.

(4) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by

(i) Mutual consent;  
(ii) Thirty (30) days' written notice, by either the applicant or AMS specifying the date of suspension, withdrawal, or termination.

(iii) One (1) day's written notice by AMS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Termination of the services pursuant to the provisions of (v) of this paragraph;

(v) Grading service shall be terminated by AMS at any time AMS, acting pursuant to any applicable laws, rules and regulations, debars the applicant from receiving any further benefits of the service.

(5) Federally employed graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That, in no instance will the Federally employed grader assume the duties of management.

5. Delete the word "contract" in § 56.56 *Grading certificate issuance* and substitute in lieu thereof the word "resident".

6. Delete the words "or contract" in the last sentence of § 56.75.

7. Change § 56.100 to read as follows:

§ 56.100 *Application for grading service with respect to shell eggs.*

Application is hereby made, in accordance with the applicable provisions of the regulations governing the grading and inspection of shell eggs and United States standards, grades and weight classes for shell eggs, for shell egg grading service at the following designated plant:

Name of plant \_\_\_\_\_  
Street address \_\_\_\_\_  
City and State \_\_\_\_\_

In making this application the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to such instructions governing grading of products as may be issued, from time to time, by the Administrator). This application is made for grading service to be performed on a resident grading basis pursuant to 56.52 and such other provisions of the aforesaid regulations which are applicable.

-----  
(Applicant)<sup>1</sup>

By -----

-----  
(Street)

-----  
(City) (State)

-----  
(Date)

Application granted:

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(Date)

-----  
(Title)

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C.

1624)

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Issued at Washington, D. C., this 10th day of July 1956.

[SEAL] FRANK E. BLOOD,  
*Acting Deputy Administrator,  
Agricultural Marketing Service.*

[F. R. Doc. 56-5575; Filed, July 12, 1956;  
8:54 a. m.]

### Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 615, 3d Rev.]

#### PART 301—DOMESTIC QUARANTINE NOTICES SUBPART—MEDITERRANEAN FRUIT FLY

##### ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREA

Pursuant to § 301.78-2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR Supp. 301.78-2, 21 F. R. 3214) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions issued as 7 CFR Supp. 301.78-2a (21 F. R. 3216), effective May 16, 1956, as amended effective June 1, 1956, and July 7, 1956 (21 F. R. 3722, 5032), are hereby amended to read as follows:

§ 301.78-2a *Administrative instructions designating regulated area under the Mediterranean fruit fly quarantine and regulations.* Infestations of the Mediterranean fruit fly have been determined to exist in the civil divisions listed below. Accordingly, such civil divisions are hereby designated as the Mediterranean fruit fly regulated area within the meaning of the provisions in this subpart:

*Florida.* The counties of Broward, Collier, Dade, Hendry, Lee, Palm Beach, and Pinellas.

These amended administrative instructions shall become effective July 13, 1956.

The purpose of the amendment is to add the Florida county of Pinellas to the list of counties in which Mediterranean fruit fly infestations have been determined to exist, and designate this county as part of the area regulated under the Mediterranean fruit fly quarantine and regulations.

Surveys have shown that a rather general infestation of the Mediterranean fruit fly has developed along the coastal area of heavily populated Pinellas County, involving a part of St. Petersburg. The Florida Plant Board has acted promptly to prevent spread of infestation from this county by establishing road inspection stations on the five exit highways.

This amendment imposes restrictions supplementing Mediterranean fruit fly quarantine regulations already effective. It must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective

<sup>1</sup> No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from this service unless derived through service rendered a corporation for its general benefit.

date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interpret or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 9th day of July 1956.

[SEAL]

L. F. CURL,  
Chief,  
Plant Pest Control Branch.

[P. R. Doc. 56-5562; Filed, July 12, 1956; 8:52 a. m.]

## Chapter IV—Federal Crop Insurance Corporation

### PART 425—PEACH CROP INSURANCE

#### SUBPART—REGULATIONS FOR CONTRACTS FOR 1957 CROP YEAR

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to peach crop insurance contracts for the 1957 crop year.

- Sec.  
425.1 Availability of peach crop insurance.  
425.2 Coverages, premium rates, and guaranteed production.  
425.3 Application for insurance.  
425.4 Public notice of indemnities paid.  
425.5 Creditors.  
425.6 The policy.

**AUTHORITY:** §§ 425.1 to 425.6 issued under secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509.

§ 425.1 *Availability of peach crop insurance.* (a) Peach crop insurance may be provided for experimental purposes in counties designated by the Manager of the Corporation from a list approved by the Board of Directors of the Corporation. A list of the designated counties shall be published by appendix to this section.

(b) Insurance will not be provided in a county unless the minimum participation requirement established by the Federal Crop Insurance Act, as amended, is met. For the purpose of determining whether the minimum participation requirement is met, each insurance unit shall be counted as one farm.

§ 425.2 *Coverages, premium rates, and guaranteed production.* (a) The Corporation shall establish dollar coverage(s), premium rate(s), and a bushel guaranteed production(s) per acre which shall be shown on the county actuarial table on file in the county office.

(b) The premium shall be paid on or before December 31, 1956, except that the payment may be deferred to February 1, 1957, upon the insured making arrangements satisfactory to the Corporation for payment of the premium.

§ 425.3 *Application for insurance.* Application for insurance on a form prescribed by the Corporation may be made by any person to cover his interest as a landlord, owner-operator, or tenant in a peach crop. Applications shall be sub-

mitted to the county office on or before December 31, 1956.

§ 425.4 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses in the county.

§ 425.5 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract.

§ 425.6 *The policy.* The provisions of the policy for the 1957 crop year are as follows:

Pursuant to the provisions of the application upon which this policy is issued, which application together with this policy shall constitute the contract, and subject to the terms and conditions set forth herein, the Federal Crop Insurance Corporation (herein called the "Corporation") does insure the applicant (herein called the "insured") subject to the acceptance of his application against unavoidable loss on his peach crop due to frost, freeze, hurricane, tornado, hail, or windstorm when accompanied by hail.

#### TERMS AND CONDITIONS

1. *Insurable acreage.* Any acreage is insurable if a coverage for such acreage is shown on the county actuarial table.

2. *Responsibility of insured to report acreage and interest.* The insured shall specify on his application all the insurable acres of peaches in the county in which he has an interest on the date the application is signed, and his interest in each such acreage. These data shall be revised by the insured on or before December 31, 1956, provided that the data on the application or latest revision are incorrect, to show the actual insurable acreage of peaches in which he has an interest on such date and his interest therein. If such data are not so revised, the data on the latest revision, or the application if there has been no revision, shall constitute the insured's report of his peach acreage and his interest therein on December 31, 1956.

3. *Insured acreage.* The insured acreage with respect to each insurance unit shall be the insurable acreage of peaches in which the insured has an interest on December 31, 1956, as reported by the insured, or as determined by the Corporation, whichever the Corporation shall elect.

4. *Insured interest.* The insured interest in the peach crops covered by the contract shall be the insured's interest on December 31, 1956, as reported by the insured, or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss.

5. *Coverage, premium rate, and guaranteed production per acre.* (a) The coverage(s) and premium rate(s) per acre shall be those established by the Corporation for the area in which the insured acreage is located, and shown on the county actuarial table on file in the county office.

(b) Where more than one coverage per acre is established for a county, the amount of coverage elected by the insured shall be specified on the application for insurance. Provided, however, That on any acreage the Corporation reserves the right to limit the amount of coverage per acre which may be elected by the insured.

(c) The guaranteed production of peaches per acre shall be the number of bushels of peaches established by the Corporation for the area in which the insured acreage is located, and shown on the county actuarial table on file in the county office.

6. *Insurance period.* Insurance shall attach on January 1, 1957. Insurance shall cease with respect to any portion of a peach crop covered by the contract upon harvest but in no event shall the insurance remain in effect after September 15, 1957, unless such time is extended in writing by the Corporation.

7. *Causes of loss not insured against.* The contract shall not cover loss caused by (a) failure to follow good orchard practices, (b) failure properly and without unreasonable delay to care for, harvest, salvage, or market the insured peach crops, (c) failure of a marketing agency or buyer to accept delivery of marketable fruit, (d) drought, (e) flood, (f) lightning, (g) fire, (h) excessive rain, (i) wildlife, (j) insect infestation, (k) plant disease, (l) normal dropping of fruit, (m) neglect or malfeasance of the insured or of any person in his household or employment or connected with the orchard as caretaker, sharecropper, tenant, or wage hand, or (n) any cause of loss other than frost, freeze, hurricane, tornado, hail, or windstorm when accompanied by hail.

8. *Amount of premium.* (a) The premium for each insurance unit under the contract will be based upon (1) the insured acreage, (2) the applicable premium rate(s), and (3) the insured interest(s) in the peach crop(s) on December 31, 1956. The premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The premium with respect to any insured coverage shall be regarded as earned on January 1, 1957.

(b) If a premium is earned under this contract and totals less than \$50.00 the amount shall be increased to \$50.00.

9. *Notice of loss or damage.* (a) Notice shall be given within seven days after each material damage to the insured crop on any insurance unit from an insured cause. Such notice shall state the cause and date of damage.

(b) Notice of the time of intended harvesting shall be given at least seven days before the beginning of harvest if a loss is to be claimed, and final adjustment has not been made by that time. Provided, however, if damage occurs within the seven-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately.

(c) Any notice required by this section shall be given the Corporation in writing at the county office and if any such notice is not so given, the Corporation reserves the right to reject any claim for indemnity.

10. *No abandonment.* There shall be no liability under the contract on any peach crop or part thereof which is abandoned by the insured without the written consent of the Corporation. There shall be no abandonment of any crop or portion thereof to the Corporation.

11. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period unless the entire crop on the insurance unit was destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage as determined by the Corporation.

12. *Proof of loss.* (a) For each insurance unit on which a loss is claimed, the insured shall submit to the Corporation, on a form prescribed by the Corporation, such information regarding the manner and extent of the loss as may be required by the Corporation. This form containing such information shall be executed and submitted within 30 days after the time of loss, unless additional time is granted in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made, and that such loss is not due to an uninsured cause(s) and has been directly caused by one or more of the hazards insured

against by the contract during the insurance period.

13. *Insurance unit.* An insurance unit means (a) all the insurable acreage of peaches in the county in which the insured has 100 percent interest on December 31, 1956, that is located on contiguous land under the same ownership, or (b) all the insurable acreage of peaches in the county in which two or more persons have 100 percent interest on December 31, 1956, that is located on contiguous land under the same ownership, excluding any other acreage of peaches in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous. Any acreage shall be considered to be located in the county if a coverage is shown thereon on the county actuarial table.

14. *Amount of loss.* (a) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) subtracting from the guaranteed production of peaches for the insurance unit the bushels of peaches produced plus the estimated bushels lost from causes not insured against other than normal dropping, (2) dividing the result by the said guaranteed production of peaches, (3) multiplying the ratio thus obtained by the coverage for the insurance unit, and (4) deducting from this amount 40 percent of the coverage for the insurance unit: *Provided, however,* That peaches which do not grade U. S. No. 2 or better (determined in accordance with U. S. Standards for Peaches, effective June 15, 1952 (17 F. R. 4473)) because of poor quality due to insurable causes occurring within the insurance period shall not be counted as production.

(b) The amount of coverage with respect to any insurance unit shall be determined by multiplying the insured acreage of peaches on the insurance unit by the insured interest and the result by the applicable coverage per acre.

(c) The Corporation reserves the right in any case to delay settlement until the amount of loss can be determined.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

15. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation. In no event shall the Corporation be liable for interest or damage in connection with any claim for indemnity.

(b) If the insured dies, is judicially declared incompetent or disappears during an insurance period, any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit, the determination of the Corporation as to the existence or non-existence of a cir-

cumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid.

16. *Transfer of interest.* If the insured transfers all or part of his insured interest in a peach crop before the end of the insurance period the transferee upon written request made by the transferor will be entitled to the benefits of the contract, subject to its terms and conditions, accruing after the transfer with respect to the interest so transferred. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 17. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place.

17. *Collateral assignment.* The original insured may assign his right to an indemnity under the contract by executing a form prescribed by the Corporation, and upon approval thereto by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

18. *Records and access to orchard.* The insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all peaches produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. Any person(s) designated by the Corporation shall have access to such records and the orchard(s) for purposes related to the contract.

19. *Avoidance of contract.* The Corporation may void the contract without affecting the insured's liability for premium(s) or waiving any right or remedy including the right to collect any unpaid premium(s), if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or (b) the insured fails to give any notice or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed.

20. *Modification of contract.* No notice to any representative of the Corporation or knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or a change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized representative of the Corporation; nor shall any provision or condition of this contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder.

21. *Forms.* Copies of forms referred to in the contract are available at the county office.

22. *Meaning of terms.* For the purpose of the peach insurance program:

(a) "County" means the area shown on the county actuarial table which may include orchards located in a local producing area(s) bordering on the county.

(b) "County actuarial table" means the form(s) and related materials (including the crop insurance maps) which are approved by the Corporation and show the coverages per acre and the premium rates per acre applicable in the county.

(c) "County office" means the Corporation office for the county shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

(d) "Crop year" means the period beginning January 1, 1957, and extending through September 15, 1957.

(e) "Harvest" means (1) any severance of the fruit from the tree by picking, or (2) picking up marketable fruit from the ground.

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

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

Adopted by the Board of Directors on June 29, 1956.

[SEAL]

ERNEST C. NEAS,

Acting Secretary,

Federal Crop Insurance Corporation.

Approved on July 10, 1956.

MARVIN L. McLAIN,

Assistant Secretary.

[F. R. Doc. 56-5563; Filed, July 12, 1956; 8:52 a. m.]

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

[Amtd. 7]

### PART 728—WHEAT

#### SUBPART—WHEAT MARKETING QUOTAS FOR THE 1955 CROP

##### RECORDS AND REPORTS, REVISION

This amendment is issued under the wheat marketing provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of revising the wheat marketing quota regulations so as to state in more detail the kind of records relating to wheat purchased, acquired or received which warehousemen, elevator operators, feeders, other processors, and buyers other than intermediate buyers shall make available to authorized representatives of the Department of Agriculture in order for such representatives to ascertain the correctness of any report made by such persons or to obtain the information required to be reported but not so reported.

Prior to the preparation of this amendment, public notice (21 F. R. 3969) of the Secretary's intention to issue the amendment was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining thereto which were received pursuant to such notice have been duly considered in the preparation of the amendment.

Paragraph (b) of § 728.586 of the regulations for the 1955-56 marketing year (20 F. R. 1630) is amended to read as follows:

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, shall keep, as part of or in addition to the records maintained by him in the con-

duct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (MQ-76—Wheat (1955)), or marketing certificate (MQ-94—Wheat), or intermediate buyer's record and report (MQ-95—Wheat (1955)), by which the wheat was identified, or the report and penalty receipt (MQ-81—Wheat (1955)), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made and all business records of such persons required to keep such records shall be kept available for examination by the county office manager or any authorized representative of the State Administrative Officer or investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, check stubs, canceled checks, documents, and memoranda but shall be examined only for the purpose of ascertaining the correctness of any report or record kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in any report pursuant to the regulations in this subpart but not so furnished. The County office manager shall furnish, without cost, blank copies of MQ-97—Wheat which may be used for the purpose of keeping the record required under this section.

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

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 331-339, 362-368, 372-376, 52 Stat. 38, as amended; 55 Stat. 203, as amended; 7 U. S. C. 1301-1340, 1362-1368, 1372-1376)

Done at Washington, D. C., this 9th day of July 1956.

[SEAL] TRUE D. MORSE,  
Acting Secretary of Agriculture.  
[F. R. Doc. 56-5581; Filed, July 12, 1956;  
8:55 a. m.]

[Amdt. 10]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR  
THE 1954 CROP

RECORDS AND REPORTS, REVISION

This amendment is issued under the wheat marketing provisions of the Agricultural Adjustment Act of 1938, as

amended, for the purpose of revising the wheat marketing quota regulations so as to state in more detail the kind of records relating to wheat purchased, acquired or received which warehousemen, elevator operators, feeders, other processors, and buyers other than intermediate buyers shall make available to authorized representatives of the Department of Agriculture in order for such representatives to ascertain the correctness of any report made by such persons or to obtain the information required to be reported but not so reported.

Prior to the preparation of this amendment, public notice (21 F. R. 3969) of the Secretary's intention to issue the amendment was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining thereto which were received pursuant to such notice have been duly considered in the preparation of the amendment.

Paragraph (b) of § 728.486 of the wheat marketing quota regulations for the 1954-55 marketing year (20 F. R. 209) is amended to read as follows:

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, shall keep, as a part or in addition to the records maintained by him in the conduct of his business a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (MQ-76—Wheat (1954)), or marketing certificate (MQ-94—Wheat (1954)), or intermediate buyer's record and report (MQ-95—Wheat (1954)) by which the wheat was identified, or the report and penalty receipt (MQ-81—Wheat (1954)), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made and all business records of such persons required to keep such records shall be kept available for examination by the county office manager or any authorized representative of the State Administrative Officer or investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, checks stubs, cancelled checks, documents, and memoranda but shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart or of obtaining the information required to be furnished in any report pursuant to the regulations in this subpart but not so furnished. The county office manager shall furnish, without cost, blank copies

of MQ-97—Wheat which may be used for the purpose of keeping the record required under this section.

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

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 331-339, 362-368, 372, 376, 52 Stat. 38, as amended; 55 Stat. 203, as amended; 7 U. S. C. 1301-1340, 1362-1368, 1372-1376)

Done at Washington, D. C., this 9th day of July 1956.

[SEAL] TRUE D. MORSE,  
Acting Secretary of Agriculture.  
[F. R. Doc. 56-5580; Filed, July 12, 1956;  
8:55 a. m.]

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

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 855.3, Revised]

PART 855—MAINLAND CANE SUGAR AREA  
PROPORTIONATE SHARES FOR SUGARCANE  
FARMS IN THE MAINLAND CANE SUGAR AREA  
FOR 1956 CROPS

Pursuant to the provisions of Section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the Determination of Proportionate Shares, Mainland Cane Sugar Area, 1956 Crop, (§ 855.3) issued October 10, 1955 (20 F. R. 7639) is hereby revised by changing paragraph (a) and subparagraphs (1), (2) and (4) (1) of paragraph (a), by renumbering subparagraphs (5) and (6) of paragraph (a) as (6) and (7), respectively, and by inserting a new subparagraph (5). Section 855.3, as revised, reads as follows:

§ 855.3 *Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1956 crop—(a) Farm proportionate share.* A 1956-crop proportionate share for each sugarcane farm in the mainland cane sugar area shall be established in terms of acres (acreage or acres as used herein means the area on which sugarcane is grown on the farm and marketed (or processed) for the extraction of sugar or liquid sugar, except any area on which sugarcane is grown and marketed (or processed) for the extraction of sugar or liquid sugar for use as livestock feed, or for the production of livestock feed, and the area of sugarcane harvested for seed or abandoned and classified as bona fide abandonment under procedure issued by the Commodity Stabilization Service) as follows:

(1) *Farm bases—(i) All farms except those in Avoyelles, St. Landry, and Rapides Parishes, Louisiana.* The farm base for each farm for which a proportionate share was established pursuant to § 855.2 (Determination of Proportionate Shares for the 1955 Crop) shall be

such share, except that if the 1955 acreage on any farm was less than 80 percent of its 1955 proportionate share, due to a cause other than drought, flood, storm, freeze, disease or insects, as determined by the appropriate Agricultural Stabilization and Conservation County Committee (referred to in this section as County Committee) the base shall be the larger of 5 acres or 125 percent of such 1955 acreage.

(ii) *All farms in Avoyelles, St. Landry, and Rapides Parishes, Louisiana.* A base shall be established for each farm on which there was sugarcane acreage in any of the years within the period 1948 through 1952 (hereinafter referred to as "base period") by adding 50 percent of the largest acreage on the farm in any one of the years within the base period and 12.5 percent of the total acreage on the farm for the other four years within the base period.

(2) *Farms with bases.*—(i) *All farms except those in Avoyelles, St. Landry, and Rapides Parishes, Louisiana.* The proportionate share for any farm for which a farm base is established under subparagraph (1) (i) of this paragraph shall be the largest of (a) 5 acres; (b) the farm base, but not in excess of 25.0 acres; and (c) 87.0 percent of such farm base.

(ii) *All farms in Avoyelles, St. Landry, and Rapides Parishes, Louisiana.* The proportionate share for any farm for which a farm base is established under subparagraph (1) (ii) of this paragraph shall be the largest of (a) 5 acres; (b) the farm base, but not in excess of 25.0 acres; (c) 71.34 percent of such farm base; and (d) the proportionate share established for the farm under the provisions of the 1956 crop Determination of Proportionate Shares as originally issued on October 10, 1955.

(3) *New farms.* The proportionate share for any farm without a farm base and on which there was no sugarcane acreage during the 1955-crop year, shall be 5.0 acres.

(4) *Transfer of farm bases.*—(i) *Land acquired by Federal or State Agency, County, Parish, Township, Municipality, Public or Private Association or Corporation, having the right of eminent domain.* The base established, or which would have been established pursuant to subparagraph (1) of this paragraph, for any land transferred by sale, lease or donation, to any Federal or State agency, or county, parish, township, municipality or instrumentality thereof, or public or private association or corporation, each having the right of eminent domain, shall be available for use in providing an equitable base for land owned, purchased, or leased by the owner of the land so transferred. Upon application to the appropriate Agricultural Stabilization and Conservation State Office (referred to in this section as State Office) within five years from the date of such transfer, any such owner shall be entitled to a base for any other land owned, purchased, or leased by him equal to the farm base which would have been established for such other land, plus the farm base which would have been established for the land so transferred, as determined by the appropriate State Office.

(ii) *Dividing or combining ownership tract acreage records.* (a) Where an ownership tract of land (a farm or a portion of a farm which is separately owned) which was part of a farm as constituted for the 1955 program becomes a part of another farm or a separate farm under the 1956 program, a base for such tract shall be determined by multiplying the 1955 proportionate share for the farm of which such tract was a part by the percentage that the total acreage of sugarcane for the tract for the crop years 1951-54 plus the 1955 measured acreage within the proportionate share is of the total sugarcane acreage within the farm's proportionate shares in this period for all tracts comprising the 1955 farm of which it was a part. Where an ownership tract of land which was part of a 1955 farm is subdivided, the base for each subdivision shall be determined by multiplying the base established for the tract in accordance with the above method by the percentage that the total cropland acreage in each subdivision of the tract suitable for the production of sugarcane is of the total acreage of such cropland in the tract. Where a 1955 farm consisting of one ownership tract is subdivided, the base for each subdivision shall be obtained by multiplying the 1955 proportionate share by the percentage that the total cropland acreage suitable for the production of sugarcane in each subdivision of the tract is of the total acreage of such cropland in the ownership tract. Where the County Committee determines that the use of the cropland relationships in any case results in the establishment of a base which is not representative of the crops growing on the 1955 farm at the time of subdivision or combination or is inconsistent with written evidence of sugarcane acreage records supplied by the parties affected, such base shall be adjusted by the County Committee taking into consideration the foregoing factors.

(b) The base for such tract or subdivision thereof determined as heretofore provided shall, for the purposes of determining a farm base under subparagraph (1) of this paragraph, be considered as the 1955-crop proportionate share for such tract or subdivision thereof, if it becomes a separate farm, or as a part of the 1955-crop proportionate share of the farm of which the tract or subdivision thereof becomes a part.

(c) Where two or more farms, for each of which a 1955 proportionate share was established, are combined as one farm for the 1956 crop, the sum of the 1955 proportionate shares established for each of the farms combined shall, for the purposes of determining a farm base under subparagraph (1) of this paragraph, be considered as the 1955-crop proportionate share for such combined farm.

(d) A farm proportionate share shall be established as provided in this section for each farm involved in a division or combination under this paragraph.

(5) *Reallotment of unused acreage.* If it is determined by the Agricultural Stabilization and Conservation Louisiana State Committee that the proportionate share established in accordance with the foregoing provisions for any

farm in Avoyelles, St. Landry, and Rapides Parishes of Louisiana will not be fully used for sugarcane to be marketed (or processed) for the extraction of sugar or liquid sugar (except sugar or liquid sugar for livestock feed or for the production of livestock feed), harvested for seed, or classified as bona fide abandonment, the proportionate shares for other farms within such parishes which are capable of marketing sugarcane for sugar or liquid sugar or harvesting sugarcane for seed from an acreage in excess of the proportionate shares established under subparagraph (2) (ii) of this paragraph may be increased prior to August 1, 1956, by prorating the total unused acreage among such farms on the basis of their proportionate shares established under subparagraph (2) (ii) of this paragraph. Before prorating unused acreage with respect to any farm, the State Committee shall obtain a statement from the operator thereof as to the number of acres within the proportionate share that will not be used.

(6) *Appeals.* (i) A producer of sugarcane who believes that the proportionate share established for his farm pursuant to this determination is inequitable may file an appeal in writing at the local county Agricultural Stabilization and Conservation office (referred to in this section as county office) prior to July 1, 1956. The county committee shall make such adjustments as are necessary due to the use of any incorrect data in determining the proportionate share. In other cases, the county committee shall, after review of all of the facts, forward the case, together with its recommendation, to the State Committee. The State Committee shall consider the appeal and the county committee's recommendation in light of the interest of the appellant as related to the interests of all other producers of sugarcane in the State and shall return the case to the county committee, indicating the appropriate disposition.

(ii) Upon receipt thereof, the county committee shall notify the producer in writing as soon as possible regarding the decision on his appeal. If the producer is dissatisfied with the decision he may appeal in writing before September 1, 1956, to the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C., whose decision shall be final.

(7) *Delegation.* Farm bases and farm proportionate shares shall be established by the county committee in accordance with this determination.

(b) *Share tenant and sharecropper protection and compliance with other conditions for payment.* In addition to compliance with the proportionate share for the farm in accordance with this determination, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) That the number of share tenants or sharecroppers engaged in the production of sugarcane of the 1956 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the State Committee. In considering such approval the State

Committee shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecropper, or whether the reduction was beyond the control of the producer;

(2) That such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect; and

(3) That such producer has met the requirements of the act with respect to child labor, wage rates and, in the case of a processor-producer, prices paid for sugarcane.

*Statement of bases and considerations.* As indicated in the statement issued in conjunction with the original determination, farm bases for the 1956 crop will be established generally from the proportionate shares established under the 1955-crop determination. Farm bases under the 1955-crop determinations were established for each farm on which there was sugarcane acreage in any of the crop years 1949 through 1953 by assigning a weighting of 50 percent to the largest acreage on the farm in any of such years as a measure of "ability to produce" and a weighting of 12.5 percent to the total acreage on the farm in the other four years of such period as a measure of "past production".

The parishes of Avoyelles, Rapides, and St. Landry in Louisiana comprise the northernmost portion of the Mainland Cane Sugar Area. Because of location and accompanying climatic conditions, sugarcane in this area is subject to damage from freeze and other vagaries of weather to a much greater extent than is the sugarcane acreage in other producing districts in the area. This is reflected in the fact that the percentage of abandoned acres in these parishes, as related to the total planted acreage during the five-year period 1950-54 was more than two times the average for all other parishes and counties in the Mainland Cane Sugar Area. Moreover, the yield of sugar per harvested acre for this same period was more than 15 percent below the average for other parishes and counties in the area.

Largely as a result of the foregoing factors, the total acreage of sugarcane for sugar in these parishes has decreased in recent years. Although the average acreage of sugarcane in the entire mainland area increased slightly during the period 1949-53, as compared with the 1948-52 period, the average acreage for the three parishes in the 1949-53 period decreased by over 9.0 percent from the average for the 1948-52 period. Moreover, the average acreage for the three parishes during the 1949-53 period declined 7.2 percent, as compared with the average acreage for the 1944-48 period. Therefore, the average acreage for the 1949-53 period in these three parishes was subnormal, as compared with the average acreage during earlier periods. While the average sugarcane acreage in these three parishes during the 1949-53 period declined from the average acreage during the 1944-48 and 1948-52 periods,

the average acreage increased during the same periods in the balance of the area. The factors of weather and low yields have also contributed to the failure of producers in these parishes to fully utilize the proportionate shares established for their farms. For the years 1954 and 1955, the percentage of deficits within proportionate shares for these parishes was greatly in excess of the percentage for the area as a whole. This fact resulted in a smaller acreage of sugarcane in these parishes in relation to the sugarcane acreage for the Mainland Area than was contemplated.

The revised determination establishes the parishes of Avoyelles, Rapides, and St. Landry, Louisiana, as an area separate from the balance of the Mainland Cane Sugar Area. Because of the reduced acreage in sugarcane in these parishes during the period 1949-53 as compared with that in prior years, this period is not considered a fair measure of "past production" and "ability to produce" for the farms in such parishes. Accordingly, the revised determination establishes a base period comprising the crop years 1948-52 for these parishes which more fairly represents these factors, with a minimum proportionate share equivalent to the 1956-crop farm proportionate share established under the original determination. The adjustment factor of 71.34 percent, which will be applied to the farm bases in excess of 25 acres, is the product of the 1955 adjustment factor of 82 percent and the 1956 adjustment factor of 87 percent applicable generally to the large farms located in the balance of the Mainland Cane Sugar Area. In addition, provision is made whereby deficits in proportionate share acres on farms in such parishes may be prorated to other farms having acreage available for harvest, thus protecting the interests of the producers of sugarcane in these parishes by permitting the planting of an acreage representing their equitable share of the over-all acreage limitation for the mainland area. Moreover, to bring about a further utilization of the proportionate shares established for the farms in these parishes, the proportionate shares of the producers therein will not be subject to a reduction for failure to fill their previous year's proportionate shares to the 80 percent level.

Under the original determination, a provision was included whereby the farm base established, or which would have been established for any land acquired by purchase or lease by any Federal or State Agency having the right of eminent domain would be available for use in providing an equitable base for other land owned, purchased, or leased by the owner of the land so transferred. Situations have arisen wherein owners wish to sell, lease, or donate portions of their farms to other than Federal or State agencies having the right of eminent domain. These owners are reluctant to transfer voluntarily their land if the action results in a reduction of the proportionate shares for their farms. It is believed that in cases in which sugarcane acreage is transferred to other than Federal or State agencies having the

right of eminent domain and such acreage is to be used in the public interest, the proportionate share rights should remain with the original farm just as it does in cases wherein the land is transferred to a Federal or State agency. This revision, therefore, extends the provision of the original determination relating to transfers to include any county, parish, township, municipality or instrumentality thereof, or public or private association or corporation, each having the right of eminent domain as well as Federal or State agencies.

The provision excluding from the definition of "acres" any acreage from which sugarcane is marketed (or processed) into sugar for livestock feed or for the production of livestock feed is necessitated by a recent amendment to the Sugar Act of 1948. Regulations governing the processing and marketing of such sugar will be issued in the near future.

Accordingly, I hereby find and conclude that the foregoing revised Determination of Proportionate Shares for Sugarcane Farms in the Mainland Cane Sugar Area for the 1956 Crop will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, Pub. Law 545, 84th Cong.; 7 U. S. C. 1132)

Issued this 9th day of July 1956.

[SEAL] TRUE D. MORSE,  
Acting Secretary of Agriculture.

[F. R. Doc. 56-5577; Filed, July 12, 1956; 8:54 a. m.]

#### Subchapter H—Determination of Wage Rates

[Sugar Determination 863.9]

#### PART 863—WAGES; SUGARCANE; FLORIDA

FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN PRODUCTION, CULTIVATION, ON HARVESTING OF SUGARCANE IN FLORIDA DURING THE PERIOD JULY 1, 1956-JUNE 30, 1957

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Clewiston, Florida on May 10, 1956, the following determination is hereby issued:

§ 863.9 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1956, through June 30, 1957—(a) Requirements.* A producer of sugarcane in Florida shall be deemed to have complied with the wage provisions of the act during the period July 1, 1956 through June 30, 1957 if all persons employed on the farm in production, cultivation or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, and after July 1, 1956, or the date of publication of this section in the FEDERAL

REGISTER, whichever is later, not less than the following:

(i) For work performed on a time basis.

|   | Cents<br>per hour |
|---|-------------------|
| Tractor drivers and operators of mechanical harvesting or loading equipment | 75.0              |
| All other workers   | 65.0              |

(ii) For work performed on a piecework basis. The piecework rate for any operation shall be as agreed upon between the producer and the worker: *Provided*, That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in subdivision (i) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, time spent in transit to and from the field is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, a charge may be made for equipment furnished any worker for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in this section through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Agricultural Stabilization and Conservation Office against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local county ASC office. Upon receipt of a wage claim the county office shall there-

upon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office, Cheops Building, Gainesville, Florida, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

*Statement of bases and considerations—(a) General.* The foregoing determination establishes the fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida during the period from July 1, 1956 through June 30, 1957, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, (i. e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various producing areas.

(c) *1956-57 wage determination.* This determination increases the level of wage rates five cents per hour, or 8 percent, above the wage rates specified in the 1955-56 wage determination and eliminates the requirement that producers furnish to workers the customary perquisites. Other provisions of the 1955-56 determination remain unchanged.

A public hearing was held in Clewiston, Florida on May 10, 1956, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates during the period

July 1, 1956 through June 30, 1957. At this hearing several producers recommended that the wage levels and other provisions of the 1955-56 wage determination be continued in the 1956-57 determination. These witnesses stated that acreage of sugarcane has declined although the fixed costs of production remain the same. They also cited the decline in living costs, and anticipated that lower sugar prices and income would prevail during the coming year. Producers generally opposed the elimination of the perquisite provision of the determination, although some stated that the provision could be eliminated provided that the value of perquisites did not become a part of the minimum wage structure. A representative of a labor union which negotiates an agreement with one large producer stated that because of the large scale sugarcane operations in Florida and the extent of mechanization, fieldworkers should be deemed to be industrial workers and paid accordingly. This representative recommended a minimum wage of \$1.25 per hour for the reasons that substantial wage increases had occurred throughout the national economy, that living costs are higher, and that data as to the financial condition of large sugarcane producers indicates their ability to pay higher wage rates.

Consideration has been given to the recommendations made at the hearing, to the results of studies and investigations of the sugarcane industry, and to other pertinent factors. Data for several recent crops covering the returns, costs, and profits of sugarcane production have been re-stated in terms of conditions likely to prevail for the 1956 crop. Analysis of all factors indicates that the wage rates of this determination are within the producers' ability to pay.

The labor force in Florida in sugarcane fields is composed primarily of imported workers from the British West Indies. These workers are mostly unskilled—the skilled and semi-skilled workers generally are resident of the farms or nearby communities. Most of the unskilled hand work on sugarcane farms is done on a piecework basis. Tractor drivers and other semi-skilled or skilled workers generally are paid by the hour. Earnings of workers employed on the piecework and time basis during previous crops have substantially exceeded the minimum wage rates of the determinations.

Determinations since 1937 have provided that a producer must furnish workers with the perquisites customarily furnished by him, such as housing, garden and pasture plots, and medical services. This provision resulted in some inequities in the furnishing of perquisites as among producers and as among workers. Furthermore, during the intervening years there have been substantial changes in the working force which have caused changes in the types of perquisites furnished. The elimination of the perquisite provision is expected to have no effect upon the furnishing of customary perquisites to workers. However, it will provide both producers and workers greater flexibility in their appraisal of

the perquisite situation and in making such adjustment as may be needed.

After consideration of all the factors, the wage rates and other provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 302, Stat. 929; 7 U. S. C. Sup., 1131)

Issued this 9th day of July 1956.

[SEAL] TRUE D. MORSE,  
Acting Secretary of Agriculture.

[F. R. Doc. 56-5576; Filed, July 12, 1956;  
8:54 a. m.]

#### Subchapter I—Determination of Prices

[Sugar Determination 871.9]

#### PART 871—SUGAR BEETS

##### FAIR AND REASONABLE PRICES FOR 1956 CROPS

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of evidence presented at the several public hearings held in November 1955 (for southern Oregon, California, southwestern Arizona, and western Nevada), and during January 1956 (for States other than those regions), the following determination is hereby issued:

§ 871.9 *Fair and reasonable prices for the 1956 crop of sugar beets.* A producer of sugar beets who is also a processor of sugar beets (herein referred to as "processor") shall have paid, or contracted to pay for sugar beets of the 1956 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Purchase agreements.* (1) The price for sugar beets in regions other than Imperial Valley, California, shall be not less than that determined pursuant to the 1956 crop sugar beet purchase contract between the processor and producers; (2) the price for sugar beets in Imperial Valley, California, shall be not less than that determined pursuant to the 1956 crop sugar beet purchase contract which may be negotiated between the processor and producers, unless the Secretary gives public notice prior to December 31, 1956, that such price is found not to be fair and reasonable, or the price for sugar beets in Imperial Valley, California, is otherwise determined by an amendment to this determination.

(b) *Subterfuge.* The processor shall not reduce returns to producers below those determined herein through any subterfuge or device whatsoever.

*Statement of basis and considerations—(a) General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugar beets of the 1956 crop grown by other producers.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides that the

producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1956 fair price determination.* The 1956 price determination provides that in regions other than Imperial Valley, California, a processor shall be deemed to have complied with the fair price provisions of the act if he has paid, or contracted to pay, prices for sugar beets not less than those determined pursuant to his 1956 crop purchase contract with producers. The price for 1956 crop sugar beets in Imperial Valley, California, shall be that determined pursuant to purchase contracts which may be negotiated by the processor and producers unless such prices are deemed to be inequitable or a contract is not negotiated.

At the public hearings testimony was offered by only one processor representative. In most regions, producers reported that the majority of contracts had been negotiated with processors and approved by producers. The processor representative testified as to the high freight costs on sugar beets paid by producers in one region of the factory district located at some distance from the mill. Because of competitive factors, this processor proposed to offer producers a contract in which the processor would absorb a portion of the freight costs. The witness stated that no other changes were contemplated in the purchase contract.

An analysis of the 1956 crop sugar beet purchase contracts which have been negotiated by producers and processors indicates that the scales of payment for sugar beets are the same as those provided for in the 1955 crop contracts with two exceptions. In these two contracts, between producers and processors in the eastern sugar beet region, the sharing ratio has been changed. In the 1955 crop contract the producer received 50 percent of the net proceeds from sugar, pulp, and molasses, plus an additional 15 percent of the amount by which the average net proceeds from sugar exceeded \$6.70 per hundred pounds. The 1956 crop contract provides a sliding scale of payments per ton of sugar beets under which the producer will receive 48 to 52 percent of the net proceeds from sugar, pulp, and molasses depending on the level of such proceeds. If net proceeds are less than \$20.00 per ton of sugar beets, the percentage share is further decreased. At present levels of net proceeds and sugar extraction this change in the sharing ratio reduces the price per ton of beets to the producers who deliver to one processor by approximately sixty cents per ton, and by approximately forty cents per ton to producers who deliver beets to another processor. Other changes have been made in a few contracts which affect the price of seed, freight allowances, the use of nitrogen fertilizer, and the basis of computing net

returns. The effect of these changes on the returns to producers for 1956 crop sugar beets is considered to be nominal.

Purchase contracts for the Imperial Valley (California) for the 1956 crop (to be planted in the fall of 1956 and harvested in 1957) have not been negotiated and therefore were not available for examination. When the contracts covering the purchase of sugar beets in this region are negotiated and are received by the Department, they will be analyzed to determine whether the terms and conditions provide for an equitable sharing relationship. If the contracts are found to be fair and reasonable, no amendment to this determination will be required. However, if any of the contracts do not provide for an equitable sharing of returns, or no contract is negotiated, an amendment to this determination will be issued.

In analyzing 1956 crop purchase agreements, consideration has been given to the results of investigations covering economic conditions, volume of production, and price levels which are likely to exist during the production and marketing of the 1956 crop of sugar beets, and to comparative operating results of processors and producers. The analysis indicates that prices payable for sugar beets in the 1956 crop purchase contracts are fair and reasonable at sugar prices around the current price level for refined cane sugar.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies Sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 9th day of July 1956.

[SEAL] TRUE D. MORSE,  
Acting Secretary of Agriculture.

[F. R. Doc. 56-5579; Filed, July 12, 1956;  
8:55 a. m.]

[Sugar Determination 876.8]

#### PART 876—HAWAII

##### FAIR AND REASONABLE PRICES FOR 1956 CROPS OF HAWAIIAN SUGARCANE

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii on November 7 and 8, 1955, the following determination is hereby issued:

§ 876.8 *Fair and reasonable prices for the 1956 crop of Hawaiian sugarcane.* A producer of sugarcane in Hawaii who is also a processor of sugarcane (referred to in this part as "processor") shall have paid, or contracted to pay, for sugarcane of the 1956 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a tolling arrangement, in accordance with the following requirements:

(a) *Purchase agreements.* (1) The price for sugarcane of the 1956 crop un-

der adherent planter agreements shall be not less than a price determined in accordance with the agreement between the processor and the producer applicable to the 1955 crop or as otherwise specified in the price determination applicable to that crop.

(2) The price for sugarcane under independent grower purchase agreements at the Lihue Plantation Company, Ltd., and Oahu Sugar Company, Ltd. shall be not less than a price determined in accordance with the agreement between the processor and the producer applicable to the 1955 crop: *Provided, however*, That the items of expense incurred for the 1956 crop which may be deducted in computing net returns shall be limited to those applicable to the 1955 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions which the Director, Hawaiian Area Agricultural Stabilization and Conservation Office, Honolulu, Hawaii (referred to in this part as "Director of the Area Office"), determines justify the incurrence of such expenses under the circumstances, such expenses also shall be deductible.

(3) The price for sugarcane delivered under an independent grower purchase agreement to a processor specified under subparagraph (b) (2) of this part shall be not less than the price the producer would have received for such sugarcane had it been delivered, processed, and the resultant sugar and molasses delivered pursuant to the requirements of such subparagraph (b) (2).

(b) *Toll agreement.* (1) The rate for processing sugarcane under a toll agreement at Lihue Plantation Company, Ltd., Olokele Sugar Company, Ltd., and Kekaha Sugar Company, Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the 1955 crop.

(2) (i) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed in the table below shall be not more than that specified for each such processor.

| Processor                  | Rate for processing—expressed as a percentage of the gross proceeds from raw sugar and molasses stated in dollars per hundredweight of sugar, raw value basis | Delivery point    |
|----------------------------|---|-------------------|
| Olaa Sugar Co., Ltd.       | 30  | Mill.             |
| Kohala Sugar Co.           | 26  | Do.               |
| Laupahoehoe Sugar Co.      | 40  | Loaded in trucks. |
| Hilo Sugar Co., Ltd.       | 42  | Do. <sup>1</sup>  |
| Onomea Sugar Co.           | 42  | Do. <sup>1</sup>  |
| Pepeekeo Sugar Co.         | 42  | Do. <sup>1</sup>  |
| Hakalau Sugar Co., Ltd.    | 42  | Do. <sup>1</sup>  |
| Paanahan Sugar Co., Ltd.   | 42  | Do.               |
| Hawaiian Agricultural Co.  | 42  | Do.               |
| Hutchinson Sugar Co., Ltd. | 42  | Do.               |

<sup>1</sup> Where flumes are used to transport sugarcane to the mill the delivery point shall be alongside flume.

(ii) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard

Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Refining Corporation, Ltd. (a cooperative agricultural marketing association referred to in this part as "Association"): *Provided, however*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rate for processing.

(iii) The applicable rate specified in this subparagraph for processing the sugarcane of the producer shall cover (a) all transporting, handling, and processing costs applicable to such sugarcane, from the delivery point specified in the table above until the raw sugar and molasses, recovered therefrom, leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (b) the cost of insuring the sugarcane of the producer against loss by fire to the same extent that sugarcane of the processor is insured; (c) the costs of weighing, sampling, and taring the sugarcane of the producer; (d) the cost of general weed and rodent control; (e) the cost of research and experimental work relating to the production and processing of sugarcane; and (f) in the case of Hilo Sugar Company, Ltd., Onomea Sugar Company, Pepeekeo Sugar Company, and Hakalau Sugar Company, Ltd. if sugarcane of the producer is cut by hand and transported by flume or otherwise to the point of delivery such rate shall also cover the costs of placing sugarcane in the flume, fluming, applicable infield transportation, and the loading of such sugarcane on trucks at the point of delivery.

(iv) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent of the producer, shall handle and deliver to the Association the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to the Association of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of gross proceeds received for the sugar and molasses, recovered from the sugarcane of the producer, less the applicable processing fee, and less the expenses paid by the processor, as agent for the producer, in handling and delivering to the Association the raw sugar and molasses of the producer pursuant to the toll agreement.

(c) *Sugarcane trash and quality determination.* The processor shall determine the net weight and quality of the sugarcane received from the producer and allocate sugar and molasses recoveries to the producer in accordance with methods customarily used by the processor which will reflect the true weight, quality and quantities of sugar and molasses recovered from the sugarcane of the producer.

(d) *Overhead charges for services furnished producers.* In instances where the processor, at the producer's request furnishes the producer labor, material, or services used in the production of the producer's crop of sugarcane, the processor may charge in addition to the direct costs of such labor, material, or services, those overhead expenses which are properly apportionable under generally accepted accounting principles, as approved by the Director of the Area Office, and may also charge a profit not to exceed 5 percent of the sum of the direct and overhead cost of such labor, material, or services.

(e) *Reporting requirements.* With respect to purchase agreements which provide that payment for sugarcane is to be based on net returns from sugar and molasses and with respect to toll agreements which provide that handling and delivery expenses on sugar and molasses are to be deducted by the processor from the gross proceeds from sugar and molasses otherwise due the producer, the processor shall submit to the Director of the Area Office a certified statement of the gross proceeds and handling and delivery expenses incurred.

(f) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in this section through any subterfuge or device whatsoever.

*Statement of bases and considerations—(a) General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1956 crop grown by other producers.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *Public hearing.* A public hearing was held in Hilo, Hawaii, on November 7 and 8, 1955 and testimony was received with regard to fair and reasonable prices or rates for the 1956 crop of Hawaiian sugarcane.

During recent years, processors in Hawaii have purchased sugarcane from most producers under independent grower purchase agreements. These agreements generally provided a price for sugarcane cut and piled in the field, from which point the processor assumed the costs of transporting and processing the cane and the costs of handling and the delivery of the sugar and molasses to the Association. Title to the sugar and molasses produced from such sugarcane was vested in the processor. The testimony offered at the hearing by processor representatives was devoted to the introduction and explanation of proposed toll agreements in lieu of the sugarcane purchase agreements. These proposed toll agreements generally provide that sugar-

cane would be delivered to the processor loaded in trucks for transporting to the mill, or delivered directly to the mill; that title to the sugar and molasses produced from such sugarcane would remain in the producer until these products are delivered to the Association; that the producer would pay the processor a fixed percentage of the gross proceeds from sugar and molasses as a rate for processing; and that the processor, as agent for the producer, would enter into marketing contracts with the Association, would act for the producer in the handling and delivery of the sugar and molasses, and would promptly transmit to the producer the gross proceeds received from the Association for the sale of these products, after deducting the processing rate and the handling and delivery expenses.

Representative of the Hawaiian Sugar Planters' Association—This witness stated that practically all raw sugar and molasses produced in Hawaii is marketed through the Association. He stated that the Association must operate in a manner to assure compliance with applicable laws, regulations, and interpretations by the courts governing cooperatives. He pointed out that in view of recent rulings it is desirable that if sugar and molasses produced from sugarcane grown by independent growers are to be marketed through the Association, that such independent growers enter into Standard Sugar and Molasses Marketing Contracts. Under these contracts the independent growers will retain title to the sugar and molasses until the products are delivered to the Association. These growers would become non-member patrons, but would not be subject to any withholding of proceeds for capital purposes and would have the right to cancel their contracts. The witness stated that the various processors would submit toll agreements under which sugarcane of independent growers would be processed to carry out these objectives.

The representative of the six major producer associations stated that the producers he represented had been studying the toll agreements proposed by the processors but no decision had been made as to all of the terms and conditions of these agreements.

Olaa Sugar Company and related processors—The processor representative submitted a proposed toll agreement which provides for sugarcane of the producer to be delivered to the mill at the expense of the producer; for the processor to process the sugarcane and act as agent in the handling and delivery of the raw sugar and final molasses for a processing rate of 35.25 percent of gross returns from sugar and molasses, plus an agency fee of .75 percent; and that the processor would charge a profit of ten percent on services furnished to producers. The witness stated that the processor would absorb the cost, above the average cost, for harvesting sugarcane of producers who had not prepared their land for mechanical harvesting. The witness recommended that the proposed toll agreement and the charge on services furnished to producers be approved as fair and reasonable.

The representative of the producers who deliver sugarcane to this processor stated that the producers had the proposed toll agreement under consideration, but had not reached a decision. In a supplemental brief these producers recommended a processing rate of 34.5 percent of the gross proceeds from sugar and molasses, but objected to the charging of a profit on services and the agency fee.

In a joint supplemental brief, representatives of the processor and the producers stated that the parties would execute a tentative toll agreement providing for a processing rate of 36 percent for purposes of a provisional settlement, and that the charge for profit and the agency fee proposed by the processor would be held in a special account pending the issuance of the 1956 crop fair price determination. The brief pointed out that such tentative agreement should not jeopardize the position of the respective parties.

Hilo Sugar Company, Ltd., Onomea Sugar Company, Pepeekeo Sugar Company, Hakalau Sugar Company, Ltd., Paauhau Sugar Company, Ltd., Hawaiian Agricultural Company, Hutchinson Sugar Company, Ltd., and related processors—The representative for these processors submitted a proposed toll agreement applicable to all of these processors providing for the delivery of sugarcane loaded on trucks or placed alongside flumes, and for a processing rate of 45 percent of gross returns from sugar and molasses. The representative stated that the supplement to the toll agreement provides that certain processors would absorb the additional costs on hand cut sugarcane of the 1956 crop which are the result of the change in delivery point. The witness recommended the adoption of this toll agreement and the supplement, where applicable, for the 1956 crop and that the remaining adherent planter agreements continue unchanged for 1956.

The representative of the majority of the producers who deliver sugarcane to these processors stated that no agreement had been reached regarding the proposed toll agreement. In a supplemental brief the producers who deliver sugarcane to the four Hilo Coast processors recommended a processing rate of 38 percent of gross proceeds from sugar and molasses for hand cut sugarcane delivered in the field, and a rate of 46 percent for mechanically harvested sugarcane piled in the field. In another brief the producers who deliver cane to the Hawaiian Agricultural Company, recommended a processing rate of 32 percent for mechanically harvested sugarcane piled in the field.

In a joint supplemental brief by representatives of the four Hilo Coast processors and of the producers who deliver sugarcane to those processors, it was stated that the toll agreement would be executed only by those producers whose sugarcane was to be mechanically harvested prior to the issuance of the price determination. However, it was pointed out that the execution of the contract should not be considered as acceptance of the processing rate nor the delivery point proposed by the processor.

A representative of a number of producers who deliver sugarcane to Onomea Sugar Company, recommended that the processing rate proposed by the processor be reduced and that the point of delivery of sugarcane be at roadside instead of loaded on trucks.

Laupahoehoe Sugar Company and related processors—The representative of this processor submitted a proposed toll agreement providing for a processing rate of 47.85 percent for sugarcane piled at designated points for loading into trucks, and a charge of ten percent profit on services furnished to producers. A representative of producers who deliver sugarcane to this processor stated that since the independent grower agreement had been in effect only one year, producers found it difficult to appraise their economic position under either that agreement or the proposed toll agreement. However, in a supplemental brief, the representative of these producers recommended a processing rate of 47 percent; that infield transportation costs be borne by the processor; and that the charge for profit on services furnished to producers by processors not be approved but, if any such charge were included it should be less than 10 percent.

Kohala Sugar Company and related processors—The representative of this processor submitted a toll agreement which provides for a processing rate of 26 percent for sugarcane delivered at the mill, and for a ten percent profit on services furnished to producers by the processor. The representative of the producers at Kohala Sugar Company stated that they were still negotiating with the processor regarding the proposed agreement. In a supplemental brief, these producers recommended a processing rate of 24 percent and that the charge for profit on services not be approved. In a joint supplemental brief the parties agreed upon the toll agreement proposed by the processor, but eliminated contractual provisions relating to the profit on services furnished to producers.

(d) 1956 price determination. This determination provides (1) that the price for sugarcane under adherent planter agreements between producers and processors, shall be not less than that determined pursuant to such agreements for the 1955 crop or as otherwise specified in the 1955 price determination; (2) that the price for sugarcane under independent grower agreements between producers and those processors who did not submit a proposed toll agreement at the hearing to be applicable to the 1956 crop, shall be not less than that determined pursuant to the independent grower agreement for the 1955 crop; (3) that the price for sugarcane delivered by a producer under an independent grower agreement to a processor who submitted a proposed toll agreement at the hearing applicable to the 1956 crop, shall be not less than that which would be payable had the sugarcane been delivered to such processor pursuant to the toll agreement; (4) that the rate for processing sugarcane under a toll agreement between producers and those processors who entered into such agreements for the 1955 crop, shall be not more than that

specified in the 1955 crop agreement; and (5) that the rate for processing sugarcane for those processors who submitted proposed toll agreements at the hearing for the 1956 crop, shall be not more than the rate specified in this determination, at designated delivery points, for each of such processors.

This determination specifies that the rate for processing sugarcane, for those processors who submitted toll agreements at the hearing for the 1956 crop, shall be applied to the gross proceeds received from the Association from the sale of sugar and molasses and enumerates the items of costs which are covered in the rate for processing. The determination also provides that the processor shall process and, as agent of the producer, shall handle and deliver to the Association the products of the producer in a manner which is no less favorable than the processing and the handling and delivery of the same products of the processor; and that the processor shall promptly transmit to the producer the net proceeds from sugar and molasses.

This determination provides under all types of agreements, that processors who render services or provide materials or labor to producers at their request, may charge a profit not to exceed five percent of the total cost thereof. The basis on which the profit may be computed is the direct costs of such services, materials, or labor and all overhead or indirect costs properly related thereto in accordance with generally accepted accounting principles. The processor is required to submit to the Director of the Area Office a certified statement of gross proceeds and the handling and delivery expenses on sugar and molasses where the agreement provides for the deduction of these expenses.

Consideration has been given to the recommendations and information submitted at the hearing, to the results of studies and investigations of the economic position of producers and processors, and to other pertinent factors. Analysis of the returns, costs, and profits of sugarcane production and processing, obtained by survey for prior years and restated in terms of prospective price and production conditions for the 1956 crop, indicates that the sharing relationships provided in this determination are fair and reasonable.

The rates for processing sugarcane which are specified in this determination have been developed by adjusting the indicated 1956 costs of producing and processing sugarcane under the various independent grower agreements to the toll agreement basis. These adjustments recognize the shifts in the costs of the handling and delivery of sugar and molasses from the processor to the producer and the additional costs incurred by the producer for changes in sugarcane delivery points. Furthermore, adjustments have been made in production costs whereby the producer assumes the costs of direct and appropriate overhead charges for labor, services, or materials furnished to him by the processor. Heretofore, some processors had not charged producers for all applicable overhead costs of such services. Adjustments have been made in the indicated 1956 process-

ing costs to reflect the costs of services which are customarily recognized as part of processing costs or those costs with respect to which a proration between producers and processors is not practicable. Adjustments also were made in the costs of one processor to reflect the cost of insuring the sugarcane of the producer against loss by fire and for another processor to reflect the costs of unloading, weighing, and taring sugarcane at the mill. Under the proposed toll agreements submitted by these processors such costs would have been borne by the producer.

Recently data have become available covering the harvesting and transportation of sugarcane during the first four months of 1956 at one mill. The costs of these operations are considerably in excess of the cost estimates presented by this processor at the hearing, and in addition, the yields of sugar have declined. This situation appears attributable primarily to extremely unfavorable weather conditions which have prevailed during the early part of the year. The major impact of the cost increases affects producers, inasmuch as the sugarcane delivery point under the toll agreement is different from that under the former purchase agreement. Accordingly, adjustments have been made to take into account the results of these abnormal conditions even though it is expected that operations for the remainder of the year will substantially improve. These adjustments result in a lower rate for processing than would otherwise be indicated.

The rate for a profit charge on labor, material, and services furnished to producers by processors is not as high as that recommended by certain processors at the hearing. Heretofore, processors have furnished these items to producers without including a charge for profit. It is believed that the rate chargeable for profit is adequate to enable processors to continue to provide these necessary services to producers.

The sugarcane delivery points specified in this determination are deemed to be equitable and practical under current operating methods and provide for a measure of uniformity in establishing rates for processing.

The determination relates the gross proceeds from sugar and molasses to which the rate for processing applies to the applicable provisions of the Standard Sugar Marketing Contract as amended, effective July 1, 1955, and the Standard Molasses Marketing Contract as amended, effective January 1, 1952, both as submitted at the public hearing. Such contracts, under the provisions of the 1956 crop toll agreements, are to be entered into by the producer, or his agent, with the California and Hawaiian Sugar Refining Corporation, Ltd.

The determination provides that the price for sugarcane processed under an independent grower agreement by a processor who offers a 1956 crop toll agreement to producers, is to be not less than the price determined in accordance with the provisions of this determination applicable to the toll agreement specified herein for such processor. This provision establishes a uniform basis for

payment to producers who deliver sugarcane to each of these processors under either type of agreement.

This determination requires that the processor compute net weights, tare, and quality of the sugarcane of the producer, and allocate sugar and molasses recoveries to the producer in accordance with customary practices. Further studies need to be made of these practices to provide more specific and uniform procedures in future price determinations.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or applies Sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 9th day of July 1956.

[SEAL] TRUE D. MORSE,  
Acting Secretary of Agriculture.

[F. R. Doc. 56-5578; Filed, July 12, 1956; 8:55 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

#### Subchapter A—Civil Air Regulations

[Suppl. 1]

#### PART 14—AIRCRAFT PROPELLER AIRWORTHINESS

Civil Aeronautics Manual 14 contains policies of the Civil Aeronautics Administration, listing design data required to be furnished by the manufacturer of propellers to obtain a type certificate. Recommended methods and procedures for testing and recording of tests required to show compliance with airworthiness regulations are also provided. Procedures for obtaining type certification of propellers manufactured for military use are included.

Civil Aeronautics Manual 14 is adopted to read as follows:

|          |  |
|----------|--|
| Sec.     |  |
| 14.1-1   | Definitions.                           |
| 14.14-1  | Type design data.                      |
| 14.14-2  | Data required for military propellers. |
| 14.16-1  | Required tests.                        |
| 14.16-2  | Testing facilities.                    |
| 14.16-3  | Propeller operating limitations.       |
| 14.100-1 | Design features.                       |
| 14.103-1 | Reversible propeller failure analysis. |
| 14.150-1 | Essential accessories.                 |
| 14.151-1 | Centrifugal load test.                 |
| 14.153-1 | Endurance test.                        |
| 14.156-1 | Teardown inspections.                  |

AUTHORITY: §§ 14.1-1 to 14.156-1 issued under sec. 205, 52 Stat. 994; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553.

§ 14.1-1 *Definitions* (CAA policies which apply to § 14.1). Those technical terms used in the CAM material implementing this part which have special meanings are listed and defined as follows:

(1) *Blade angle*. This is the acute angle between the blade reference station airfoil section chord line and the plane of rotation. The blade reference

station is normally located at 75 percent of the blade radius.

(2) *Manifold pressure.* The absolute pressure in inches of mercury in the intake manifold of the engine is the manifold pressure.

(3) *Maximum continuous rating.* This rating is composed of the power and r. p. m. limits for which the propeller is certificated for continuous operation.

(4) *Pitch.* The distance the propeller would advance in one revolution if it were moving along a helix having an angle equal to its blade angle is the geometric pitch of the blade.

(5) *Power.* This is the brake horsepower (b. hp.) delivered by the engine to the propeller.

(6) *Shank.* Shank is that portion of the blade which is used to attach the propeller blade to the hub. In the case of a fixed-pitch propeller, the term "shank" applies to that portion at which the blade fairs into the hub.

(7) *Takeoff rating.* This is a rating composed of the power and r. p. m. limits for which the propeller is certificated for takeoff.

§ 14.14-1 *Type design data*<sup>1</sup> (CAA policies which apply to § 14.14). The data specified in paragraphs (a) through (i) of this section constitute the type design data which should be submitted in complying with § 14.14.<sup>2</sup>

(a) *Parts list.* No parts list need be submitted for fixed-pitch propellers. For all other type propellers, two copies of the parts list should be submitted, one copy of which, upon certification of the propeller, will be sealed and returned to the manufacturer.

(b) *Drawings.* (1) For fixed-pitch propellers, two sets of drawings should be submitted, one set of which will be sealed and returned to the manufacturer upon certification of the propeller.

(2) Only one set of drawings for propellers other than the fixed-pitch type should be submitted by the manufacturer.

(3) The following drawings should be submitted. Other drawings in lieu of those listed are acceptable provided they disclose the same information.

- (i) Complete propeller assembly.
- (ii) Hub assembly.
- (iii) Hub.
- (iv) Blade retention structural parts.
- (v) Blade assembly.
- (vi) Blade design (if not disclosed in the blade assembly drawing).
- (vii) Pitch control assemblies (if not disclosed in the propeller or hub assembly drawings).
- (viii) Schematic pitch control diagram.

<sup>1</sup> Vibration stress data is not acceptable for determining the airworthiness of a propeller with respect to power and r. p. m. ratings since vibratory stresses bear no relationship to the steady stresses present during operating conditions.

<sup>2</sup> The initial request for approval of a propeller should be accompanied by at least the drawings specified in § 14.14-1 (b) (3) (i), (vi), and (viii), stress analyses as discussed in § 14.14-1 (f) where applicable, and the proposed test program as specified in § 14.16-1.

(ix) Such other drawings as the Administrator may find necessary to determine compliance with the requirements of this part.

(c) *Production specifications.* (1) Specifications covering all materials used in the manufacture of the propellers.

(2) Specifications covering all processes used in the manufacture of the propellers.

(3) Military or SAE specifications need not be submitted, but should be referred to in all drawings and materials and process specifications where applicable.

(d) *Type test report.* The type test report, suitably identified by title and number and signed by a responsible representative of the applicant for the type certificate, should cover the items listed in this paragraph. The applicant's report number should appear on all pages of the report.

(1) Conclusions and/or recommendations for operating limitations, if any.

(2) Description of propeller, including all accessories, such as governor and synchronizer.

(3) Summary of test conditions and log. The report need not contain the complete test log.

(4) Calibration of test instruments when necessary.

(5) Test engine specification. At least enough information to unquestionably identify the engine, including such information as complete model number, takeoff and maximum continuous ratings and reduction gear ratio.

(6) Description of test setup if other than established test stand.

(7) Test irregularities, failures and forced stops due to the propeller.

(8) Description of the condition of the propeller at the teardown inspection, including the results of magnetic particle, dye penetrant, fluorescent penetrant and X-ray inspections.

(9) Changes in the propeller during testing and proposed changes as a result of testing.

(10) If the approved version of the propeller differs from the prototype (i. e., the test propeller) parts lists for both propellers should be included in the test report and appropriately identified.

(11) Photos of failed or worn parts of the test propeller. Photos of the assembled test propeller if it is unconventional or has special features. Photos of the test rig if other than established test stand.

(e) *Other reports.* The applicant should submit reports covering any special tests that may be required by § 14.155.

(f) *Stress analysis.* A stress analysis may be acceptable in lieu of type tests for a propeller which incorporates major components similar to those in an applicant's previously certificated propeller. The analysis should present a comparison of stresses in the new propeller to those in the older propeller.

(1) For a propeller which incorporates a hub similar to one previously certificated, and previously certificated blades, the analysis should include:

(i) Total bending moment and total centrifugal force which the blade imposes on the new hub and the old hub.

(2) For a propeller which incorporates blades similar to ones previously certificated, and a previously certificated hub and pitch changing mechanism, the analysis should include:

(i) Combined stresses for several stations along the blade for the new blade and the old blade.

(ii) Total centrifugal force twisting moments at representative blade angles for the new blades and the old blades to demonstrate the relative loading of the pitch change mechanism.

(iii) Total bending moment and total centrifugal force which the new blades and the old blades impose on the hub.

(g) *Reversible propeller failure analysis.* The failure analysis covered by § 14.103-1 should determine what types of failures or malfunctions are most likely to occur to all components of the reversing system, should disclose how such failures or malfunctions affect propeller pitch, and what design feature prevents unwanted travel of the propeller blades to a position substantially below the normal flight low pitch stop.

(h) *Flight time data.* Where acceptable in the type certification of a propeller, flight time data should include a copy of the flight log certified to by the person flying the aircraft, and a statement of the estimated number of hours operated both at the maximum continuous rating and at the takeoff rating. The data should also include the model designations of the aircraft, the engine, and the propeller.

(i) *Referral to data previously submitted.* In lieu of submitting all of the data required for a new approval, the applicant may refer to data previously submitted by him, or if he is the holder of a current right to the benefits of a previous approval or type certificate, he may refer to data previously submitted in connection with such approval or type certificate. In any case the applicant should identify the data referred to and establish that they are pertinent and equivalent to the data required for the new approval.

§ 14.14-2 *Data required for military propellers* (CAA policies which apply to § 14.14). In addition to data specified in § 14.14-1 (a), (b), (c), (e) and (g), the applicant should submit the data specified in either paragraph (a) or paragraph (b) of this section.

(a) A copy of the official report which forms the basis of military approval.

(b) A letter from the military which includes the following information:

(1) Identification of the propeller.

(2) Identification of the engine upon which the endurance test was run.

(3) Duration and r. p. m. of overspeed test.

(4) Duration and rating at which the normal-rating endurance test was run.

(5) Duration and rating at which the flash performance endurance test was run.

(6) Number of pitch change cycles accomplished.

(7) Number of feathering cycles accomplished.

(8) Number of reversing cycles accomplished.

(9) Results of teardown inspection.

(10) Operating limitations if any.

§ 14.16-1 *Required tests (CAA policies which apply to § 14.16)*. The applicant should submit for approval his proposed type test program. The data submitted should include:

(a) How each test will be conducted.

(b) Identification of propeller and accessories being tested.

(c) Identification of engine used.

(d) Location of tests and teardown inspection.

§ 14.16-2 *Testing facilities (CAA policies which apply to § 14.16 (a))*. The testing equipment available for conducting the tests specified in §§ 14.151 through 14.155 should be:

(a) An engine capable of developing at least the power and speed for which certification of the propeller is desired.

(b) A suitable engine mount.

(c) An accurate tachometer, which should be calibrated before and after testing or checked with a stopwatch and revolution counter during testing.

(d) A suitable manifold pressure gage if the test is not run at full throttle (not required for fixed-pitch wood propeller tests). The manifold pressure connection should be permanently located so that the manifold pressure is a uniform indication of power. All test values should be on a basis of dry absolute manifold pressure which is obtained by subtracting the vapor pressure from the observed absolute manifold pressure.

§ 14.16-3 *Propeller operating limitations\* (CAA policies which apply to § 14.16 (c))*. (a) The following operating limitations will be established as determined from tests conducted for type certification:

(1) Maximum continuous power and r. p. m.

(2) Takeoff power and r. p. m.

(3) When applicable, avoidance of continuous operation at or between certain r. p. m.

(4) When applicable, special limitations imposed due to functional or structural considerations, such as minimum engine oil pressure necessary and life limit.

(b) Requests for increases in power and/or r. p. m. ratings up to a maximum of 10 percent above the values substantiated by actual tests, provided there are no structural changes in the propeller, should be accompanied by substantiating test data or stress analysis as covered in § 14.14-1 (e), (f) and (h). Requests for increases greater than 10

\* The operating limitations together with diameter and pitch limits and general specifications for the propeller are published in the form of propeller specifications available free of charge from the Civil Aeronautics Administration, Aviation Information Office, W-47, Washington 25, D. C.

percent should be substantiated in a manner satisfactory to the Administrator.

§ 14.100-1 *Design features (CAA policies which apply to § 14.100)*. Where applicable, the propeller should incorporate design features to comply with the requirements of pertinent portions of Parts 3 and 4b of this subchapter, regarding feathering and unfeathering, r. p. m. governing, de-icing, low pitch stops, r. p. m. and pitch controls, feathering controls, and reversing controls.

§ 14.103-1 *Reversible propeller failure analysis (CAA interpretations which apply to § 14.103)*. The words "reversing system" apply to the portion of the complete propeller reversing system incorporated into the propeller itself, and to the portions supplied by the applicant for installation into the aircraft. (For requirements with regard to the failure analysis, see § 14.14-1 (g)).

§ 14.150-1 *Essential accessories (CAA policies which apply to § 14.150)*. All accessories and appurtenances intended for use with the propeller should be included in the tests required in §§ 14.153, 14.154 and 14.155. These accessories and appurtenances include, but are not limited to:

(a) Propeller spinner.

(b) Propeller brakes.

(c) Propeller cuffs or fairings.

(d) De-icing fluid slinger rings.

(e) De-icing fluid distributing strips.

§ 14.151-1 *Centrifugal load test\* (CAA policies which apply to § 14.151)*—

(a) *Whirl test*. The complete propeller, or the propeller hub with weighted stub blades, may be used in this test. If stub blades are used, they should produce the required centrifugal force at the test r. p. m. Any type of motive power may be used for this test. The propeller may be reduced in pitch any amount so as to reduce the power if desired.

(b) *Static pull test*. Stub blades used for this test need not be formed into airfoil sections, but should be flared out to provide adequate holding means to insure that any failure will occur in the blade retention arrangement.

§ 14.153-1 *Endurance test (CAA policies which apply to § 14.153)*. Endurance block tests should take into account air temperature, barometric pressure, humidity, engine manifold pressure or torque meter or torque reaction stand readings, and engine r. p. m.

(a) *Continuity of test*. The endurance test may be continuous or in increments agreed upon between the propeller manufacturer and the Administrator.

\* So that it will not be necessary to repeat this test for new blade designs which would impose greater centrifugal loading on the retention system, it is suggested that the test selected be conducted at the greatest centrifugal loading anticipated.

The double centrifugal force loading for this test, the purpose of which is to substantiate the structural integrity of the blade retention arrangement, is based on the maximum continuous r. p. m. for which the propeller is to be certificated.

(b) *Power output*. The engine power output should be at least equal to the manufacturer's official ratings (hp. and r. p. m.).

(1) The engine power output should be determined on torque reaction test stands, by calibrated propellers or by engine torque meters. If a torque reaction stand is not used, an engine torque meter should be used for power monitoring during the test.

(c) *Forced stop*. The test should be terminated upon evidence of any unusual vibration, hunting or noncontrollability of the propeller, a change in power or r. p. m. not attributable to general atmospheric conditions or any change in the readings descriptive of the propeller during the testing.

(1) The test should be terminated when any failure of the propeller or its essential accessories would result in an immediate forced landing of an aircraft. The failures should be corrected to the satisfaction of the Administrator before official type certification testing is resumed.

(2) The failure of the test stand equipment or engine accessories is not a forced stop.

§ 14.156-1 *Teardown inspections (CAA policies which apply to § 14.156)*. The teardown inspection is one of the means for determining the airworthiness of the propeller and compliance with the requirements of this part. As a result of the inspection the Administrator may require such revisions to the design or additional tests to establish the airworthiness of the propeller before approving the issuance of a type certificate.

(a) *Wood or composition propellers*. Wood propellers or those with blades of composition or of other than conventional wood or metal construction should be thoroughly examined for evidence of loosened or excessively cracked tipping, opened glue joints, cracks in the wood, local failure or cracking around the hub bolt holes, and slipping or crushing around the shank. Some flexural cracks in the metal tipping is considered normal. Plastic covered propellers should be inspected for cracks in the covering which would indicate a cracked lamination or open glue joint. Failures of these types are cause for the refusal to issue a type certificate.

(b) *Variable pitch propellers*. No vital part of the propeller should bear evidence of fatigue cracks or wear which would necessitate altering or replacing such part. Wear measurements should be made on parts that are visibly unduly worn. All unduly worn or cracked parts should be photographed for further study in determining the airworthiness of the propeller. No parts of the propeller should show evidence of impending failure.

(c) *Hub and control mechanism*. All ferrous parts of the hub and control mechanism should be given a magnetic particle inspection. All aluminum parts should be carefully inspected for cracks by a suitable process such as etching, anodizing, fluorescent penetrant or dye penetrant.

(d) *Aluminum alloy propellers and blades.* Aluminum alloy propellers or propeller blades should be thoroughly inspected for cracks and material defects by a suitable process such as etching, anodizing, fluorescent penetrant or dye penetrants. Particular attention should be given to critical sections such as fillets and points of abrupt curvature. The blades should then be inspected for cracks with a 4 to 6 power magnifying glass.

(e) *Steel blades.* Hollow steel blades and solid steel blades should be given a thorough visual and magnetic inspection for cracks and material defects in accordance with the manufacturer's established procedures and specifications. The magnetic inspection should be made only by a highly skilled operator. Any magnetic indication should be discussed with a representative of the Administrator since such indication may warrant a complete metallurgical examination.

This supplement shall become effective August 20, 1956.

[SEAL] JAMES T. PYLE,  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 56-5560; Filed, July 12, 1956;  
8:51 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 173]

### PART 608—RESTRICTED AREAS

#### ALTERATION

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

Part 608 is amended as follows:

1. In § 608.21, the Savanna, Illinois, temporary area (R-498), published on December 13, 1955, in 20 F. R. 9301, is amended to make it a permanent area and by changing the "Time of Designation" column to read: "Continuous".

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

This amendment shall become effective on July 15, 1956.

[SEAL] JAMES T. PYLE,  
Acting Administrator of  
Civil Aeronautics.

[F. R. Doc. 56-5559; Filed, July 12, 1956;  
8:51 a. m.]

No. 135—3

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6212]

#### PART 13—DIGEST OF CEASE AND DESIST ORDERS

—HENRY ROSENFELD, INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended—* Payment for services or facilities for processing or sale under 2 (d); § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Henry Rosenfeld, Inc., et al., New York, N. Y., Docket 6212, June 21, 1956]

*In the Matter of Henry Rosenfeld, Inc., a Corporation, and Henry Rosenfeld, Individually and as President of Henry Rosenfeld, Inc.*

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporation and its responsible officer—engaged in selling and distributing women's dresses from their place of business in New York City to retailers throughout the United States, with gross sales in each of the years 1949, 1950, and 1951 exceeding \$10,000,000—with violating subsection 2 (d) of the Clayton Act as amended, through paying some of its customers credits or sums of money by way of promotional allowances for advertising amounting to 50 percent of the retailer's local advertising costs up to \$1.00 per garment, while not making such credits or payments available to all other of their competing customers.

Following respondents' answer, hearings in due course, denial of respondents' motion to dismiss, filing of proposed findings of fact<sup>1</sup> and conclusions<sup>1</sup> by all counsel, the hearing examiner made his initial decision<sup>1</sup> and order to cease and desist, from which respondents appealed.

The Commission, after hearing the matter upon the record, including briefs and oral arguments of counsel, on June 21, 1956, rendered its decision denying the appeal and adopting as its decision the initial decision as modified by its opinion delivered by Commissioner Secret.<sup>1</sup>

The order to cease and desist is as follows:

*It is ordered,* That respondents, Henry Rosenfeld, Inc., a corporation, its officers, employees, agents and representatives, and Henry Rosenfeld, individually and as president of Henry Rosenfeld, Inc., directly or through any corporate or other device, in or in connection with the sale of women's clothing in commerce, as commerce is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering

<sup>1</sup>Filed as part of the original document.

for resale, or resale of products sold to him by respondents, unless such payment is affirmatively offered or otherwise made available to all competing customers in amounts determined by the same percentage of the same measurable base.

By "Final Order", report of compliance was required as follows:

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

Issued: June 21, 1956.

By the Commission.<sup>2</sup>

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F. R. Doc. 56-5544; Filed, July 12, 1956;  
8:49 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

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

#### Appendix—Public Land Orders

[Public Land Order 1312]

[M-013826 (S. D.)]

#### NORTH AND SOUTH DAKOTA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY IN CONNECTION WITH THE OAHE RESERVOIR PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in North and South Dakota are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, except for oil and gas, and reserved for use in connection with the Oahe Reservoir Project, under the supervision of the Department of the Army as authorized by the Flood Control Act of December 22, 1944 (58 Stat. 887):

#### SOUTH DAKOTA

##### BLACK HILLS MERIDIAN

- T. 8 N., R. 24 E.,  
Sec. 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 6, Lot 3.  
T. 9 N., R. 24 E.,  
Sec. 12, Lot 1;  
Sec. 13, Lots 2, 3, and 4;  
Sec. 24, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 26, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 9 N., R. 25 E.,  
Sec. 7, Lots 1 and 2;  
Sec. 15, Lot 2;  
Sec. 17, Lots 2 and 3;  
Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 24, Lot 4.  
T. 8 N., R. 26 E.,  
Sec. 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

<sup>2</sup>Chairman Gwynne concurring in the result.

- T. 9 N., R. 26 E.  
 Sec. 1, Lot 5, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 2, Lots 1 and 5;  
 Sec. 3, Lots 1, 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 9, Lot 3;  
 Sec. 10, Lots 1, 2, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 11, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 29, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 30, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 32, E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 9 N., R. 27 E.  
 Sec. 2, Lot 1;  
 Sec. 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 7 N., R. 28 E.  
 Sec. 1, SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 12, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$   
 SE $\frac{1}{4}$ ;  
 Sec. 13, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 8 N., R. 28 E.  
 Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .
- T. 9 N., R. 28 E.  
 Sec. 5, Lots 1 and 2;  
 Sec. 6, Lots 2, 3, 4, 5, and 6;  
 Sec. 7, Lots 1, 8, 9, and 10;  
 Sec. 9, SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 23, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 6 N., R. 29 E.  
 Sec. 3, SE $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 4, SE $\frac{1}{4}$ ;  
 Sec. 5, Lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 8, N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 25, Lots 1, 2, 3, and 4.
- T. 7 N., R. 29 E.  
 Sec. 5, Lots 1, 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 6, Lot 7, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 7, Lots 1, 2, 3, and 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , NE $\frac{1}{4}$ ,  
 N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 8, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 9, Lot 1;  
 Sec. 15, Lots 2 and 3;  
 Sec. 17, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 20, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 24, Lot 1;  
 Sec. 26, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 27, S $\frac{1}{2}$ N $\frac{1}{2}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 32, NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ .
- T. 8 N., R. 29 E.  
 Sec. 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 17, N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 19, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 20, Lots 4 and 5, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 31, W $\frac{1}{2}$ E $\frac{1}{2}$ .
- T. 9 N., R. 29 E.  
 Sec. 20, Lot 1.
- T. 6 N., R. 30 E.  
 Sec. 28, Lot 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 33, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 25, Lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 26, Lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , E $\frac{1}{2}$   
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , SE $\frac{1}{4}$   
 SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 27, Lots 1, 2, 3, and 4, SW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
 N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$   
 NW $\frac{1}{4}$ ;  
 Sec. 34, NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$ .
- T. 120 N., R. 78 W.  
 Sec. 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 29, Lots 5, 6, and 7;  
 Sec. 32, Lots 5 and 6.
- T. 122 N., R. 78 W.  
 Sec. 21, Lot 4.
- T. 126 N., R. 79 W.  
 Sec. 1, Lots 2, 3, 4, and 5, E $\frac{1}{2}$ SE $\frac{1}{4}$ .
- T. 128 N., R. 79 W.  
 Sec. 35, Lot 1.
- T. 112 N., R. 80 W.  
 Sec. 27, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 34, Lot 3;  
 Sec. 35, Lots 1, 2, 3, and 4.

- T. 115 N., R. 80 W.  
 Sec. 20, W $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 116 N., R. 80 W.  
 Sec. 35, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ .
- T. 128 N., R. 80 W.  
 Sec. 10, Lot 1.
- T. 112 N., R. 81 W.  
 Sec. 1, Lot 1;  
 Sec. 12, Lot 4;  
 Sec. 14, Lot 1.
- T. 113 N., R. 81 W.  
 Sec. 34, Lot 1.

The areas described aggregate 9,193.82 acres.

## NORTH DAKOTA

## FIFTH PRINCIPAL MERIDIAN

- T. 133 N., R. 78 W.  
 Sec. 18, Lot 4.
- T. 135 N., R. 79 W.  
 Sec. 1, Lot 1;  
 Sec. 12, Lots 5 and 6;  
 Sec. 34, Lots 5 and 6.
- T. 136 N., R. 79 W.  
 Sec. 9, Lot 8;  
 Sec. 12, Lot 11;  
 Sec. 13, SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 14, Lots 2, 4, and 5, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$   
 NW $\frac{1}{4}$ ;  
 Sec. 23, Lots 1 and 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 137 N., R. 79 W.  
 Sec. 33, Lot 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .
- T. 137 N., R. 80 W.  
 Sec. 3, Lots 12 and 13;  
 Sec. 4, Lots 6, 7, 8, 9, 10, and 11;  
 Sec. 5, Lots 1, 2, 3, 4, 5, and 6, S $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 8, Lots 9 and 10;  
 Sec. 9, Lots 5 and 6;  
 Sec. 10, Lot 3;  
 Sec. 23, Lots 1 and 3;  
 Secs. 23, 24, Tracts numbered 38, 39, and  
 40;  
 Sec. 24, Lot 1;  
 Sec. 25, Lots 1, 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 26, Lot 4.
- T. 138 N., R. 80 W.  
 Sec. 8, Lots 1, 2, N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 18, Lots 2 and 3;  
 Sec. 26, Lot 6;  
 Sec. 28, Lots 7, 8, 9, and 10, SW $\frac{1}{4}$ ;  
 Sec. 32, Lots 1, 2, 3, and 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 33, Lots 2 and 3, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ,  
 SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 34, Lots 5, 6, 7, 11, and 13.
- T. 139 N., R. 81 W.  
 Sec. 4, Lot 1;  
 Sec. 14, Lot 1.

The areas described aggregate 3,903.47 acres.

WESLEY A. D'EWART,

*Assistant Secretary of the Interior.*

JULY 6, 1956.

[F. R. Doc. 56-5526; Filed, July 12, 1956;  
 8:45 a. m.]

## TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service,  
Department of the Interior

## Subchapter E—Alaska Wildlife Protection

PART 46—TAKING ANIMALS, BIRDS, AND  
GAME FISHES

*Basis and purpose.* Section 9 of the Alaska Game Law of July 1, 1943, as amended (57 Stat. 306; 48 U. S. C. 198), authorizes and directs the Secretary of the Interior, from time to time, upon consultation with or recommendations from the Alaska Game Commission, to determine when, to what extent, and by

what means, game animals, fur animals, game birds, nongame birds, and nests or eggs of birds, and game fishes may be taken, possessed, transported, bought or sold in the Territory of Alaska, and to adopt suitable regulations permitting and governing such activities in accordance with such determinations.

By Notice of Proposed Rule Making published on February 1, 1956 (21 F. R. 698), the public was notified of a hearing to be held by the Alaska Game Commission in Juneau, Alaska, on February 13, 1956, and was afforded an opportunity to present views, data or arguments with respect to amendments to Part 46, Title 50, Code of Federal Regulations, to be proposed for the purpose of specifying open seasons, means of taking, bag and possession limits, and other conditions to govern the taking of game and fur animals, birds, and game fishes in Alaska. The public was also invited to submit written views with respect to these matters to John L. Farley, Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., on or before February 20, 1956.

Investigations by the Fish and Wildlife Service and the Alaska Game Commission, and personal observations of citizens and agencies within the Territory of Alaska, indicate that changing conditions within the Territory, including changes in both human and wildlife populations, require a further protection to wildlife in some instances and permit some relaxation of regulatory protection in other instances. Following the public hearings held at Juneau and elsewhere in the Territory on proposed amendments to existing regulations and after giving due consideration to all relevant matters presented in response to the Notice of Proposed Rule Making, the Commission has recommended a number of substantive changes in the regulations to conserve the game resources of the Territory and at the same time permit such utilization of these resources as is consistent with the preservation of breeding stocks of game and fur animals, birds, and game fishes.

The complete text of the regulations in Part 46, Title 50, Code of Federal Regulations, was last published in a single document, pursuant to the Federal Register Act, on May 11, 1949 (14 F. R. 2442, 2501). Since that date portions of the regulations have been substantially amended at least once each year, certain section headings and numbers have been revised and redesignated, changes in format have been accomplished, and various other changes have been effected which occasion difficulty in codifying and interpreting the regulations which are presently applicable. To obviate this difficulty and in order to combine the numerous amendments to the part in a single document the revision of Part 46 set forth below has been adopted. This revision incorporates the substantive changes recommended by the Alaska Game Commission, contains minor editorial changes, and changes the titles of various officers referred to in the regulations to conform to the present organization of the Fish and Wildlife Service in Alaska.

Part 46 is completely revised and republished to read as follows:

| DEFINITIONS                      |   |
|----------------------------------|---|
| 46.1                             | Meaning of terms.   |
| LICENSES                         |   |
| 46.6                             | General provisions.   |
| 46.7                             | Application.  |
| 46.8                             | Exemptions.   |
| PERMITTED FOOD AND CLOTHING USES |   |
| 46.11                            | Emergency use.  |
| 46.12                            | Native use.   |
| ESCAPED ANIMALS AND BIRDS        |   |
| 46.21                            | Pursuit of escaped animals and birds.   |
| INSPECTIONS AND REPORTS          |   |
| 46.31                            | Inspections.  |
| 46.32                            | Reports by fur dealers.   |
| 46.33                            | Reports by hunters and trappers.  |
| 46.34                            | Records retention period.   |
| POSSESSION AND TRANSPORTATION    |   |
| 46.41                            | General provisions.   |
| PURCHASE AND SALE                |   |
| 46.51                            | General provisions.   |
| LIVE ANIMALS, BIRDS, AND FISHES  |   |
| 46.61                            | Restrictions with respect to live animals, birds, and fishes.                                 |
| METHODS, SEASONS, AND LIMITS     |   |
| 46.71                            | General provisions.   |
| GAME ANIMALS                     |   |
| 46.81                            | Methods and means.  |
| 46.82                            | Seasons, limits, and other provisions.  |
| FUR ANIMALS                      |   |
| 46.91                            | Methods and means.  |
| 46.92                            | Permits to set traps during closed season on certain fur animals.                             |
| 46.93                            | Seasons, limits, and other provisions.  |
| GAME BIRDS                       |   |
| 46.101                           | Methods and means.  |
| 46.102                           | Seasons, limits, and other provisions.  |
| NONGAME BIRDS                    |   |
| 46.111                           | Methods and means.  |
| 46.112                           | Species, seasons, and limits.   |
| 46.113                           | Bald eagles.  |
| GAME FISHES                      |   |
| 46.121                           | Methods and means.  |
| 46.122                           | Seasons, limits, and other provisions.  |
| RESERVES                         |   |
| 46.131                           | National park or national monument.   |
| 46.132                           | Reserves continuously closed on all animals and birds; exceptions.                            |
| 46.141                           | Reserves continuously closed to the taking of designated game and fur animals and game birds. |
| EMERGENCY CLOSURES               |   |
| 46.151                           | Emergency closures.   |
| PERMITS                          |   |
| 46.161                           | General provisions.   |
| 46.162                           | Carrying and exhibition.  |
| 46.163                           | Applications.   |
| 46.164                           | Reports.  |
| SCHEDULES                        |   |
| 46.201                           | Seasons and limits on game animals.   |
| 46.251                           | Seasons and limits on fur animals.  |
| 46.301                           | Seasons and limits on game birds.   |
| 46.351                           | Seasons and limits on game fishes.  |

AUTHORITY: §§ 46.1 to 46.351 issued under sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 196.

## DEFINITIONS

§ 46.1. *Meaning of terms.* For purposes of the regulations in this part,

terms shall have the meanings ascribed in this section.

(a) *Territory.* Territory of Alaska.  
(b) *Commission.* The Alaska Game Commission.

(c) *Secretary.* The Secretary of the Interior or his authorized representative.

(d) *Director.* Director, Fish and Wildlife Service, Department of the Interior.

(e) *Administrator.* Administrator, Alaska Wildlife Resources.

(f) *Person.* Individual, club, association, partnership or corporation, any one or all, as the context requires.

(g) *Indians.* Natives of one-half or more Indian blood.

(h) *Eskimos.* Natives of one-half or more Eskimo blood.

(i) *Take.* Taking, pursuing, disturbing, hunting, capturing, trapping, or killing game animals, fur animals, game or nongame birds, or game fishes; attempting to take, pursue, disturb, hunt, capture, trap, or kill such animals, birds, or game fishes, or setting or using a net, trap, or other device for taking them, or collecting the nests or eggs of such birds, unless the context otherwise requires. Whenever the taking of animals, birds, or nests or eggs of birds, or game fishes is permitted, reference is had to taking by lawful means and in lawful manner.

(j) *Open season.* The time during which animals, birds, or game fishes may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof. Whenever the word year is used in the regulations in this part it shall mean the year from July 1 to June 30 of the following year.

(k) *Closed season.* The time during which animals, birds, or game fishes may not be taken.

(l) *Transport.* Shipping, transporting, carrying, importing, exporting, or receiving or delivering for shipment, transportation, carriage, or export, unless the context otherwise requires.

(m) *Big-game animals.* Deer, moose, caribou, elk, mountain sheep, mountain goat, bison, muskox, and the large brown, grizzly, and black bears.

(n) *Small-game animals.* Hare and rabbit.

(o) *Fur animals.* Beaver, muskrat, marmot, raccoon, pika, squirrel, fisher, fox, lynx, marten or sable, mink, weasel or ermine, sea otter, land otter, wolverine, coyote, wolf, and polar bear, excepting therefrom domestically raised animals. Fur animals which have escaped from captivity and which are not recaptured within a period of thirty days after the discovery of the escape shall be deemed to have reverted to a natural and undomesticated state.

(p) *Game birds.* Anatidae, commonly known as waterfowl, including ducks, geese, brant, and swans; Haematopodidae, Charadriidae, Scolopacidae, and Phalaropodidae, commonly known as shorebirds, including oyster-catchers, plovers, sandpipers, snipe, curlew, and phalaropes; Gruidae, commonly known as cranes; and the several species of grouse and ptarmigan, and such other birds as have been or may hereafter be transplanted, introduced, or reintroduced into the Territory, or any part thereof,

and found and declared by the Secretary to be game birds.

(q) *Nongame birds.* All wild birds except game birds.

(r) *Game fishes.* Rainbow, steelhead, cutthroat, Mackinaw or lake trout, eastern brook, and Dolly Varden trout, and grayling, and such other fishes as the Secretary may declare, from time to time, to be game fishes.

(s) *Resident.* A citizen or a national of the United States who has maintained a bona fide residence in the Territory for a period of twelve months, three years in the case of trapping, immediately preceding his claim for resident hunting, trapping, fishing, or other privileges under this part, or a foreign-born person not a citizen or a national of the United States who has declared his intention to become a citizen of the United States, and who has resided in the Territory for the required period, shall be considered a resident; but if such a foreign-born person shall not have been admitted to citizenship within seven years from the date he first declared his intention to become a citizen, he shall thereafter be deemed to be an alien until admitted to citizenship. Accumulated periods of residence in Alaska while engaged in seasonal activities do not qualify for resident privileges.

(t) *Nonresident.* A citizen or a national of the United States who has not maintained a bona fide residence in the Territory for a period of twelve months or for the extended period of three years, as the case may be, immediately preceding his claim for resident privileges, shall be considered a nonresident.

(u) *Alien.* Any person not a citizen or a national of the United States and who is not a resident or a nonresident of the Territory, as defined herein.

(v) *Camp.* An erected structure providing overnight shelter and equipped with bedding and messing facilities for the occupants.

(w) *Yearly bag limit.* The greatest number of a species permitted to be taken during the current license year (July 1 to June 30) in any area designated in this part as open to hunting or trapping.

(x) *Highway.* Any road supported or maintained by a governmental agency.

(y) *Fawn deer.* Spotted young deer of the year.

(z) *Antlerless deer.* Deer of either sex without antlers or having antlers not more than three inches in length (but not including fawns).

(aa) *Wildlife Management Units.* The twenty-six geographical divisions of the Territory described as follows:

*Unit 1, Southeast Mainland.* The southeast Alaska mainland from Dixon Entrance to Cape Fairweather and those islands lying east of Clarence Strait from Dixon Entrance to Caamano Point and all islands in Stephens Pass and Lynn Canal north of Taku Inlet.

*Unit 2, Prince of Wales.* Prince of Wales and all adjacent islands bounded by a line from Dixon Entrance in the center of Clarence, Kashevarof, and Sumner Straits, to and including Warren Island, in southeastern Alaska.

*Unit 3, Petersburg-Wrangell.* Coronation, Kulu, Kupreanof, Mitkof, Zarembo, Kashevarof, Woronkofski, Etolin, Wrangell, Deer and all adjacent islands in southeastern Alaska.

**Unit 4, Admiralty-Baranof-Chichagof.** Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, Pleasant, and adjacent islands in southeastern Alaska.

**Unit 5, Yakutat.** The mainland drainage into the Gulf of Alaska between Cape Fairweather and Icy Cape.

**Unit 6, Cordova-Valdez.** That area draining into the Gulf of Alaska and Prince William Sound between Icy Cape and Cape Fairfield but not extending above Miles Glacier on the Copper River; and Kayak, Hinchinbrook, Montague and adjacent islands.

**Unit 7, Seward.** That part of the Kenai Peninsula which drains into the Gulf of Alaska between Pt. Fairfield and Pt. Gore; the drainage into the Kenai River upstream from the Chugach National Forest boundary and the drainage into Turnagain Arm east of the Chugach National Forest boundary to and including the Placer River drainage near Portage.

**Unit 8, Kodiak-Shelikof.** Kodiak, Afognak, Chirikof, the Semidi and all their adjacent offshore islands and that part of the Alaska Peninsula which drains into the Pacific Ocean between Cape Douglas to but not including Kujulik Bay; and adjacent islands.

**Unit 9, Alaska Peninsula.** That part of the Alaska Peninsula and adjacent mainland, which drains into the Pacific Ocean from and including Kujulik Bay to False Pass and into Bristol Bay from False Pass to Etolin Point on the eastern entrance to Nushagak Bay.

**Unit 10, Aleutian Islands.** The Aleutian Islands.

**Unit 11, Wrangell Mts.-Chitina River.** That area draining into the headwaters of the Copper River above the mouth of the Sliana River and the area drained by all tributaries into the east bank of the Copper River between the mouth of the Sliana River and Miles Glacier.

**Unit 12, Upper Tanana-White River.** That area drained by the Tanana River and tributaries upstream from the east bank of the Robertson River to the Alaska-Canada boundary and the White River and tributaries lying within Alaska.

**Unit 13, Nelchina-Upper Susitna.** That area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier to and including the Sliana River; the drainage into the Delta River upstream from Clear Creek and Black Rapids Glacier; the drainage into the Nenana River upstream from the southeast corner of Mt. McKinley National Park near Windy; the drainages into the Susitna and Chulitna Rivers upstream from their junction; the drainage into the north bank of the Talkeetna River; and the drainages into the Matanuska and Chickaloon Rivers above their junction.

**Unit 14, Anchorage.** That area draining into the north side of Turnagain Arm west of the Placer River drainage; into Knik Arm except from above the junction of the Matanuska and Chickaloon Rivers; into the head of Cook Inlet east of the Susitna River, and into all tributaries into the east bank of the Susitna River upstream to the north bank of the Talkeetna River.

**Unit 15, Kenai.** That part of the Kenai Peninsula draining into the Gulf of Alaska, Cook Inlet and Turnagain Arm from Pt. Gore to the Chugach National Forest boundary near Big Indian Creek and the drainage into the Kenai River downstream from the Chugach National Forest boundary.

**Unit 16, Lower Susitna.** That area draining into the west side of Cook Inlet from Cape Douglas northward to and including the Susitna River and its drainage from the west upstream to its junction with the Chulitna River.

**Unit 17, Bristol Bay.** That part of the mainland draining into Bristol Bay between Etolin Pt. west to Cape Newenham.

**Unit 18, Yukon-Kuskokwim Delta.** That area draining into the Yukon and Kuskokwim Rivers downstream from the Palmiut-Kalskag portage and into all streams flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak and adjacent islands.

**Unit 19, McGrath.** All of the drainage into the Kuskokwim River upstream from the Palmiut-Kalskag portage.

**Unit 20, Fairbanks-Central Tanana.** That area drained by the Tanana River and tributaries downstream from the east bank of the Robertson River to the east banks of the Toklat and lower Kantishna Rivers on the south, and to and including the Tolovana River drainage on the north but not including the headwater portions of the Nenena and Delta Rivers described as part of Unit 13; and the Ladue and Fortymile River drainages within Alaska.

**Unit 21, Middle Yukon.** That area draining into the Yukon River from the Palmiut-Kalskag portage upstream to but not including the Hess Creek drainage; the Koyukuk River upstream to and including the Dubl River drainage; and the Tanana River upstream to the Tolovana River drainage on the north and to the east banks of the lower Kantishna and Toklat Rivers on the south.

**Unit 22, Nome.** That part of the Seward Peninsula and adjacent mainland drained by all streams flowing into Kotzebue Sound, Bering Strait, and Norton Sound from but not including the Goodhope River drainage on the north to but not including the Pastolik River drainage on the south; King, Little, Diomedea, St. Lawrence, Sledge, Stuart, and adjacent islands.

**Unit 23, Kotzebue Sound.** That area drained by all streams flowing into the Arctic Ocean and Kotzebue Sound from Cape Lisburne on the north to and including the drainage into the Goodhope River on the south.

**Unit 24, Koyukuk.** That area drained by the Koyukuk River and tributaries upstream from but not including the Dubl River drainage.

**Unit 25, Fort Yukon.** The drainage into the Yukon River upstream from and including the Hess Creek drainage to the Alaska-Canada boundary.

**Unit 26, Arctic Slope.** That area drained by all streams and rivers flowing into the Arctic Ocean between Cape Lisburne and the Alaska-Canada boundary; and the Firth River drainage lying within Alaska.

#### LICENSES

§ 46.6 *General provisions.* Except as permitted in § 46.51, no person shall take, possess or transport game animals, wild fur animals (other than wolves and coyotes), game birds, or game fishes, or purchase or sell wild fur animals or parts thereof, or act as a guide in the Territory, unless he is in possession of a valid license, as required by the Alaska Game Law and regulations of the Commission thereunder (Part 161 of this chapter), bearing his signature written in ink on the face thereof, and he shall have his license on his person when taking such animals, birds, or fishes, or when acting as a guide, and shall produce it for inspection by any game management agent or other authorized person requesting to see it.

§ 46.7 *Application.* Each application for a license shall be made on the form prescribed by the Commission and if the application is made by mail it shall be accompanied by a bank draft or an express or postal money order payable to

the U. S. Fish and Wildlife Service for the amount of the license fee.

§ 46.8 *Exemptions.* No license shall be required of native Indians and Eskimos, or of residents under the age of sixteen.

#### PERMITTED FOOD AND CLOTHING USES

§ 46.11 *Emergency use.* An explorer, prospector, traveler, Indian or Eskimo may, when in need thereof and other sufficient food is not available, take animals, birds (except migratory birds), or game fishes in any part of the Territory at any time for food; but he shall not transport or sell any animal, bird, game fish, or part thereof so taken.

§ 46.12 *Native use.* An Indian or Eskimo may take, possess, and transport, at any time, auks, auklets, guillemots, murrelets, and puffins, and their eggs for food, and their skins for clothing, for his own use and that of his immediate family.

#### ESCAPED ANIMALS AND BIRDS

§ 46.21 *Pursuit of escaped animals and birds.* Operators of licensed fur farms or game farms from which fur or game animals and game birds escape from captivity may conduct operations for the recapture of such escaped animals or birds through the use of legal trapping devices within a period of thirty days after the discovery of the escape. If such operations are conducted during the closed season on wild animals or birds of the same species, such operators shall immediately notify the nearest game management agent, in writing, of the numbers and kinds of escaped animals or birds, the kinds of devices being used in recapturing operations, and the locality where such operations are being conducted.

#### INSPECTIONS AND REPORTS<sup>1</sup>

§ 46.31 *Inspections.* Each fur dealer, including Indian or Eskimo cooperative stores operated exclusively by and for native Indians or Eskimos, and stores operated by missions exclusively for native Indians or Eskimos, shall allow any member of the Commission, any game management agent, or any authorized employee of the Department of the Interior to enter at all reasonable hours and inspect the premises where operations are being carried on under the Alaska Game Law and the regulations thereunder, and to inspect the books and records relating thereto.

§ 46.32 *Reports by fur dealers.* Each fur dealer, including Indian or Eskimo cooperative stores operated exclusively by and for native Indians or Eskimos, and stores operated by missions exclusively for native Indians or Eskimos, shall keep records showing the number and kind of each fur purchased or procured, the names of the persons from whom purchased and to whom sold, date of purchase or sale, name of trapper and his

<sup>1</sup>The record-keeping requirements contained in the regulations in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

license number, and shall, on or before thirty days after the expiration of his license, make a written report to the Commission on a form furnished by it setting forth in full such data.

§ 46.33 *Reports by hunters and trappers.* Each person taking animals or birds in the Territory shall keep records to show the kind and number of each species taken, and shall, at the time of renewal of his license, make a written report to the Commission of all game taken on a form furnished for that purpose.

§ 46.34 *Records retention period.* The records required to be maintained for the purpose of making reports under the regulations in this part shall be retained by the person or persons responsible for their preparation and maintenance for a period of six months following the date on which such reports are submitted.

#### POSSESSION AND TRANSPORTATION

§ 46.41 *General provisions.* Game animals, wild fur animals, game birds, and game fishes, and parts thereof, taken in conformity with the season and bag and possession limits prescribed by the regulations in this part, and articles manufactured from such animals, birds, and fishes may be possessed within the Territory by any person, at any time, and may be transported within and exported out of the Territory by any person, at any time, subject to the following restrictions and limitations:

(a) *Limitations with respect to animals killed to protect life or property.* Nothing contained in this section shall be deemed to authorize the possession or transportation of game animals or wild fur animals killed in accordance with the provisions of the regulations in this part to prevent injury to persons or damage to livestock, poultry, or other property, and the skins or hides, and carcasses of any such animals so killed shall be surrendered upon demand to any game management agent or other official authorized to enforce the Alaska Game Law.

(b) *Possession of game.* No person may possess any dead game animal, game bird, game fish, or part thereof, not legally taken by himself unless he furnishes upon request of any official authorized to enforce the Alaska Game Law, a written statement of the name, address, and license or permit number of the person from whom such animal, bird, fish, or part thereof, was obtained.

(c) *Evidence of sex and identity.* (1) No person shall possess or transport any dead mountain goat or mountain sheep unless the horns accompany such animal.

(2) Whenever the taking of any big-game animal is restricted to the male sex during all or a portion of an open season, no person shall possess or transport the carcass of any big-game animal (irrespective of the time when taken) which does not have sufficient portions of the sex organs attached to indicate conclusively the sex of the animal. Nothing contained in this paragraph shall apply to the carcass of any big-game animal which has been cut and placed in storage for preservation, or

otherwise prepared for consumption, upon arrival at the location where it is to be consumed.

(d) *Fur dealers.* No fur dealer shall possess or transport the skin of any wild fur animal, or part thereof, unless at the time of such possession or transportation he is licensed to carry on such business.

(e) *Beaver skins.* No skins of beavers, whether taken within or without the Territory shall be exported from the Territory until the same have been sealed with a Commission-prescribed seal, or possessed or transported by any person within the Territory until the same have been tagged or sealed with a Commission-prescribed tag or seal, except that persons taking beaver within the Territory may possess the untagged or unsealed skins thereof, during the open season therefor and for thirty days thereafter, and within the same period may transport the same untagged or unsealed for the purpose of having them tagged or sealed by a game management agent or other officer authorized by the Commission.

(f) *Transportation of skins.* Where skins of wild fur animals, black bear, hare or rabbit, or parts thereof, are shipped out of the Territory the shipper shall, if shipment is by express or freight, first deliver to the common, contract or private carrier, or his transportation agent at the point of shipment, or if by parcel post, to the postmaster at the point of mailing, a statement on a form prescribed by the Commission clearly showing the number and kind of skins in each shipment and declaring that no illegal skin or unsealed beaver skin is contained therein. Such statements shall be promptly forwarded to the Commission by the carrier, transportation agent or postmaster receiving them. Where such skins are transported out of the Territory by means other than express, freight, or parcel post the person transporting them shall make and forward a like statement to the Commission immediately prior to exporting such skins.

(g) *Export permits.* No person shall export from the Territory any game animal, game bird, trophy therefrom, or other part thereof, except in accordance with the terms of an export permit issued under the direction of the Executive Officer of the Commission. Such permit shall be obtainable from any game management agent or other officer designated by the Commission, upon payment of a fee of fifty cents (50¢), for each animal, bird, trophy therefrom, or other part thereof, and the Commission tags furnished with such permit shall be securely attached on the outside of each package in the shipment by the shipper at the point of origin and accompany it to final destination: *Provided*, That a licensed nonresident or alien hunter shall be permitted to export lawfully taken game birds and small-game animals, and not exceeding one season's bag limit, as applied to nonresidents or aliens, of big-game animals and polar bear by first obtaining from any game management agent or other officer designated by the Commission a permit

to export same, for which no additional fee will be charged.

(h) *Marking of packages.* No package containing game animals, game birds, game fishes, parts thereof, or articles manufactured therefrom, shall be possessed or transported unless it has clearly and conspicuously marked on the outside thereof the names and addresses of the consignor and consignee and an accurate and detailed statement of its contents and, if exported, the number and kind of permit as required by paragraph (g) of this section.

(i) *Bald eagles.* No bald eagle, part, nest or egg thereof may be exported to the United States or any of its territories except under permit authorized by the Act of June 8, 1940 (54 Stat. 250; 16 U. S. C. 668).

(j) *Migratory birds.* The possession and transportation of migratory birds are subject to such additional restrictions as may be imposed by the Migratory Bird Treaty Act regulations (Part 6 of this chapter).

(k) *Duties of transportation agents.* No common, contract or private carrier or transportation agent shall transport or accept for transportation out of the Territory, any game animals or game birds, or parts thereof, to which the Commission tags required by paragraph (g) of this section have not been attached, or any skins of wild fur animals, black bear, hare or rabbit, unless accompanied by the statement required by paragraph (f) of this section, which statement shall be promptly forwarded to the Commission. Such carrier or agent shall record the Commission tag numbers upon the shipping documents or other permanent records accompanying shipments of game animals or game birds, or parts thereof.

#### PURCHASE AND SALE

§ 46.51 *General provisions.* Purchases or sales of the following designated parts or products of game and fur animals, and game fishes may be made by any person, other than a fur dealer, without a permit or license, and by any fur dealer holding a valid fur dealer license.

(a) *Skins, hides, and meat.* Tagged or sealed skins of beaver; skins of other fur animals; skins of black bear; hides of deer, moose, and caribou; and the meat and skins of hare and rabbit.

(b) *Manufactured articles.* Articles manufactured from the hides and hoofs of moose, caribou, deer, and mountain goat, and from the skins of black bear.

(c) *Shed antlers.* Shed antlers of deer, moose, and caribou.

(d) *Strips of grizzly bear hides.* In Units 18, 22, 23, and 26, parka hood trimmings cut from hides of grizzly bear in strips not to exceed 4 inches in width.

(e) *Steelhead trout.* Steelhead trout taken in salt water incidental to commercial salmon-fishing operations.

(f) *Dolly Varden trout and Mackinaw or lake trout.* Dolly Varden trout taken in salt water and Dolly Varden and Mackinaw or lake trout taken in conformity with the provisions of § 46.121 (b).

(g) *Trout reared in captivity.* Trout reared in captivity for food purposes on

commercial fish farms within the Territory under permits issued pursuant to § 46.151 and trout so reared outside of and shipped into the Territory: *Provided*, That such trout must be accompanied by an invoice or bill of sale showing the names and addresses of the buyer and seller, date of sale, and the total weight and number of each species in each lot of such fish.

#### LIVE ANIMALS, BIRDS, AND FISHES

§ 46.61 *Restrictions with respect to live animals, birds, and fishes.* No game or fur animals, game or nongame birds, or game fishes shall be taken alive, possessed, or transported except in accordance with the terms of a permit issued pursuant to § 46.161, but this section shall not preclude the importation, possession, or transportation of nongame birds in accordance with Part 9 of this chapter.

#### METHODS, SEASONS, AND LIMITS

§ 46.71 *General provisions.* The game and fur animals, game and nongame birds, and game fishes on which open seasons are prescribed in the succeeding sections of this part may be taken during such open seasons (dates inclusive), by the methods and means, in the designated open areas, and in numbers not exceeding the limits prescribed therefor, but not at any other time, by any other method, aid, or means; nor in any other areas or numbers: *Provided*, That no person while on any railroad or highway or within 100 feet of the centerline of any highway shall take any such birds or animals (except wolves and coyotes); nor shall such birds or animals (except wolves and coyotes) be taken from, on, or across any railroad or from, on, across, or within 100 feet of the centerline of any highway: *Provided further*, That when any person shall have taken game or fur animals equal to the yearly bag limit prescribed for any of the designated open areas within the Territory, he shall not again hunt or trap for the species so taken except in a designated open area where a greater yearly bag limit on such species is prescribed; and in no event shall the cumulative numbers of the species taken by him exceed the yearly bag limit prescribed for the respective area in which the additional game or fur animals are taken.

#### GAME ANIMALS

§ 46.81 *Methods and means.* Game animals may be taken only with a shotgun (not larger than No. 10 gauge and not capable of holding more than three shells), rifle or pistol (except those using rim-fire cartridges), or bow and arrow; but not with aid or use of a dog, machine or submachine gun, set gun of any description, or spear, pit, deadfall, fire, jacklight, searchlight or other artificial light, two-way radio communications, or artificial salt licks, or from or by means or aid of an aircraft, motor vehicle, motorboat, or any other boat except that propelled by paddle, oars, or pole; nor while such animals are swimming: *Provided*, That rabbits may be taken by snares not larger than No. 1, by rifles and

pistols using rim-fire cartridges, and with the aid of a dog: *Provided further*, That no aircraft or motordriven vehicle shall be used for the purpose of driving, herding, or molesting big-game animals: *And provided further*, That no helicopter shall be used in any manner in the taking or transportation of game animals.

§ 46.82 *Seasons, limits and other provisions.* The open seasons (dates inclusive), bag limits, and other provisions applicable to the taking of game animals shall be as prescribed annually in § 46.201.

#### FUR ANIMALS

§ 46.91 *Methods and means.* Fur animals may be taken by any means except by aid or use of a set gun, a shotgun, artificial light of any kind, a steel bear trap or other trap with jaws having a spread exceeding 9 inches, poison, a dog, a fish trap or net, by setting any trap or snare within 25 feet of a beaver house or den or within 100 feet of a fox den, by use of smoke or chemicals, by destroying or disturbing houses, dens, dams, or runways of such animals: *Provided*, That mink and beaver may be taken only by means of a steel trap or snare only by persons who have attained the age of 11 years: *Provided further*, That snares larger than No. 1 are prohibited on the Kenai Peninsula, except in the taking of beaver: *Provided further*, That wolves and coyotes may be killed at any time by means of a bow and arrow, rifle, shotgun, or pistol, by any person permitted to carry firearms: *Provided further*, That no aircraft shall be used in taking fur animals, except as a means of transportation between a settlement or point of outfitting and a single base camp, and for locating, but not for taking, polar bear, and for the taking of wolves and coyotes by authorized predator-control agents or by persons conducting operations under authority of a permit: *Provided further*, That no helicopter shall be used in any manner in the taking or transportation of fur animals, including polar bear: *And provided further*, That land otter may not be taken with steel traps smaller than size 48 during any closed season on mink or marten within the same unit.

§ 46.92 *Permits to set traps during closed season on certain fur animals.* During the closed season on mink, land otter, weasel, fox, wolverine, lynx and marten, in the respective units, no person shall set, maintain, or attend traps for wolves or coyotes, or other fur animals upon which there is no closed season, without first procuring a permit issuable at the discretion of the Commission, authorizing him to do so. Applications for such permits shall be addressed to the nearest Fish and Wildlife Service field office and shall contain a statement of the nature, extent, and locality of the proposed operation and the species of animals to be taken.

§ 46.93 *Seasons, limits, and other provisions.* The open seasons (dates inclusive), bag limits, and other provisions applicable to the taking of fur animals

shall be as prescribed annually in § 46.251.

#### GAME BIRDS

§ 46.101 *Methods and means.* Grouse and ptarmigan only may be taken with a shotgun (not larger than No. 10 gauge and not capable of holding more than 3 shells), rifle, pistol, bow and arrow, or spear, or with the aid of a dog, but not from or by means of a motor vehicle. Any game bird protected under the provisions of the Migratory Bird Treaty Act of July 3, 1918, as amended, may be taken only in the manner, by the means, and at the times or places permitted by the regulations of the Secretary adopted pursuant to the terms of that act.

§ 46.102 *Seasons, limits, and other provisions.* The open seasons (dates inclusive), bag limits, and other provisions applicable to the taking of game birds shall be as prescribed annually in § 46.301.

#### NONGAME BIRDS

§ 46.111 *Methods and means.* Nongame birds on which open seasons are prescribed in § 46.112 may be taken by any means except by the use of poison.

§ 46.112 *Species, seasons, and limits.* A continuously open season, with no limit on the numbers which may be taken, is prescribed on the following nongame birds and their nests and eggs: Crows, hawks, owls, golden eagles, ravens, magpies, and cormorants.

§ 46.113 *Bald eagles.* No open season. Bald eagles may be killed only when committing damage to fishes, other wildlife, domestic birds, and animals. No bald eagle so killed, or the carcass or any part thereof, including feathers, may be possessed or transported for any purpose.

#### GAME FISHES

§ 46.121 *Methods and means.* (a) Except as permitted in paragraph (b) of this section, game fishes may be taken only by angling with a single line held in the hand or attached to a rod so held, or fixed within sight of the owner when used for angling through the ice (in which case the fixed line shall be clearly marked with the name and address of the operator), but no line shall at any time have attached to it more than two flies or hooks, nor more than one plug, spoon, or spinner: *Provided*, That the use of snag or gang hooks is prohibited: *Provided further*, That Dolly Varden and Mackinaw or lake trout may be taken by use of gill net, trap or seine in all drainages into the Arctic Ocean north of Cape Krusenstern and in salt water; but no game fish may be taken by any means within 300 feet of any operating fish weir or fish ladder; nor in those portions of the lower Russian and Kenai Rivers which lie within 300 yards of the mouth of the lower Russian River; nor in waters where game-fish planting or restocking is being conducted and such waters are so designated by appropriately posted Alaska Game Commission signs.

(b) Commercial fishing for Dolly Varden and Mackinaw or lake trout may be conducted during the period December 1

through April 30 in the waters of Iliamna, Ugashik, and Becharof Lakes and their outlet rivers, the Nushagak and Chilkat river drainages, and in such additional waters as may be designated, from time to time, by the Director upon recommendation of the Commission, and announced by him through suitable publication subject to the following terms, conditions, and restrictions:

(1) Such fish may be taken by use of gill net, trap, or seine, but they may not be taken by any means within 300 feet of any operating fish weir or fish ladder.

(2) In addition to such fishing license as may be required by the regulations in this part or by other law, every person conducting operations under this paragraph shall possess a special commercial fishing permit issued without charge by the Administrator, and shall produce said permit for inspection by any member of the Commission, any game management agent, or any authorized employee of the Department of the Interior.

(3) Every person engaging in commercial-fishing operations in accordance with this paragraph shall maintain accurate records showing the numbers of each species of trout taken, the dates taken, and the names and addresses of the persons to whom sold or other means of disposition of trout so taken. Such records shall be preserved for a period of six months following the close of the commercial-fishing season prescribed in this paragraph and shall be produced at any reasonable time for inspection by any officer authorized to enforce the Alaska Game Law.

(4) Every person who shall sell Dolly Varden and Mackinaw or lake trout taken in accordance with this paragraph shall furnish to the purchaser at the time of sale an invoice or bill of sale showing the names and addresses of the buyer and seller, date of sale, and the numbers of each species of trout sold. Such invoice or bill of sale shall constitute authority for the use, possession, resale, or transportation, within or without the Territory, of the trout therein described.

(c) The Director may shorten the commercial-fishing season prescribed in paragraph (b) of this section and impose further restrictions on the means, methods, and areas of fishing and on the catch of trout otherwise permitted to be taken thereunder whenever he shall determine that such measures are necessary to prevent undue depletion of game fishes. Any shortening of the season or restriction on the means and methods of fishing or on the catch of fish to be taken shall be effected through publication of an appropriate announcement in the FEDERAL REGISTER.

§ 46.122 *Seasons, limits, and other provisions.* The open seasons (dates inclusive), bag limits, and other provisions applicable to the taking of designated species of game fishes shall be as prescribed annually in § 46.351.

#### RESERVES

§ 46.131 *National park or national monument.* Any national park or national monument is closed to the taking

of all species of animals and birds except that (subject to laws and regulations applicable to areas administered by the National Park Service) specimens of animal life may be collected for scientific or educational purposes under permits issued as hereinafter provided in this part.

§ 46.132 *Reserves continuously closed on all animals and birds; exceptions.* A continuously closed season, except for scientific purposes when authorized by a permit issued in accordance with § 46.161, is prescribed on all species of game and fur animals, except wolves and coyotes, and on game and nongame birds in the following described reserves:

*Birch Lake Reserve* (near Fairbanks). On and within ½ mile of Birch Lake.

*Eklutna Lake Reserve* (near Anchorage). The entire drainage into Eklutna Lake and the Eklutna River above the mouth of Thunderbird Creek.

*Harding Lake Reserve* (near Fairbanks). On and within ½ mile of Harding or Salchaket Lake.

*Highway Reserve.* The area within 100 feet of the centerline of all highways.

*Rainbow Reserve.* The entire drainage into Turnagain Arm from the Potter Railroad station to the Alaska Railroad—Seward-Anchorage Highway crossing near Girdwood.

*Tongass National Forest Reserve.* Ward Lake area as described and posted by the U. S. Forest Service.

*University of Alaska Reserve.* Posted lands in the vicinity of the University of Alaska, the College and Farmers' Loop Roads, and the Steese Highway, within Secs. 27, 28, 29, 31, 33, 34, and 35, Twp. 1 N., R. 1; Sec. 36, Twp. 1 N., R. 2; Sec. 6, Twp. 1 S., R. 1; and Sec. 1, Twp. 1 S., R. 2; all west of the Fairbanks Meridian.

§ 46.141 *Reserves continuously closed to the taking of designated game and fur animals and game birds.* A continuously closed season, except for scientific or propagating purposes when authorized by permits issued in accordance with § 46.161, is prescribed for the designated species of game and fur animals and game birds in the following described reserves:

*Anan Creek Reserve* (in Unit 1). The drainage of Anan Creek on the Cleveland Peninsula. (Closed on black bear.)

*Cooper Landing Reserve.* Beginning at the Forest Service trail from Kenai Lake and running to Cooper Lake and following this trail to its confluence with upper Russian Lake; thence downstream along upper and lower Russian Lakes and Russian River to its confluence with Kenai River; thence north along the National Forest boundary line to Chickaloon River; thence easterly to Summit Lake on the Seward-Anchorage Highway; thence southerly and westerly along the Seward-Anchorage Highway and Kenai River Highway to Kenai Lake; thence southerly along the west side of Kenai Lake to the place of beginning. (Closed on mountain goat and mountain sheep.)

*Denali Reserve.* That part of Unit 13 lying north of the Denali Highway from and including the McClaren River drainage to a point 10 miles east of Cantwell. (Closed on all big-game animals.)

*Eagle River Reserve* (near Anchorage). The entire watershed of Eagle River upstream from the Anchorage-Palmer Highway. (Closed on mountain goat and mountain sheep.)

*Juneau Reserve.* The strip within ¼ mile of the mainland coast between Thane and

Eagle River (near Juneau). (Closed on all fur animals.)

*Kenai Peninsula Highway Reserve.* A strip ½ mile wide on each side of all highways on the Kenai Peninsula. (Closed on all big-game animals.)

*McNeil River Reserve* (in Kamishak Bay). The entire watershed of McNeil River which empties into the head of Kamishak Bay in lower Cook Inlet. (Closed on brown and grizzly bear.)

*Mitkof Island Reserve.* From the steamer channel in Wrangell Narrows on the west, including that portion of Mitkof Island draining into Wrangell Narrows and Frederick Sound from Blind Point on the south to and including Sandy Beach on the north. (Closed on game animals, game birds, and beaver.)

*Mount Hayes-Blair Lakes Reserve.* Beginning on the Bonfield Trail on the south bank of the Tanana River about 4 miles south of Fairbanks; thence southerly along said trail to Wood River; thence easterly to the mouth of the Little Delta River; thence up the east bank of the Little Delta River to the summit of Mt. Hayes; thence to a point on the Big Delta River due west of Donnelly Roadhouse; thence northerly along the west bank of the Big Delta River to the Tanana River; thence following the south bank of the Tanana River to the point of beginning. (Closed on all game animals, except black bear, hare and rabbit.)

*Pack Creek Reserve* (on Admiralty Island). The entire watershed of Pack Creek, which empties into Seymour Canal near the north side of the entrance to Windfall Harbor, containing approximately 21 square miles. (Closed on brown and grizzly bear.)

*Sheep Mountain Reserve.* Beginning at Caribou Creek Milepost 107 Glenn Highway; thence easterly along highway to Milepost 123; thence in a line going north to Squaw Creek; thence downstream to Caribou Creek and downstream to point of beginning. (Closed on mountain goat and mountain sheep.)

*Southeastern Alaska Highway Reserve.* A strip ¼ mile wide on each side of all highways in Southeastern Alaska. (Closed on all big-game animals.)

*Steese Highway Reserve.* The area lying within 5 miles of each side of the Steese Highway between Mileposts 102 and 112 on Eagle Summit. (Closed on caribou.)

*Sullivan Island-Taiya Reserve.* All of the drainage into Lynn Canal north of the latitude of Point Sherman in Southeastern Alaska. (Closed on deer.)

*Thayer Mountain Reserve* (on Admiralty Island). Beginning at the foot of the waterfall at the mouth of Hasselborg River on Salt Lake, head of Mitchell Bay; thence along the easterly bank of the Hasselborg River to the outlet of Hasselborg Lake; thence along the west shore of said lake to the outlet of the creek flowing into the head of the lake; thence upstream along the east bank of said creek to the trail crossing; thence in a southwesterly direction along the trail to the head of Thayer Lake; thence along the easterly shore of said lake to the extreme southern end of the lake; thence southeasterly approximately 2 miles in a straight line to the west end of Salt Lake at the head of Mitchell Bay; thence along to the line of mean high tide of Salt Lake to the foot of the waterfall on Hasselborg River, the place of beginning, containing approximately 60 square miles. (Closed on brown and grizzly bear.)

*Tok River Reserve* (in Mentasta Pass). A strip 1 mile wide on each side of the Slana-Tok Highway between Mileposts 80 and 100. (Closed on mountain sheep.)

#### EMERGENCY CLOSURES

§ 46.151 *Emergency closures.* If at any time during the open season it ap-

pears that lives and property may be seriously endangered through the taking of big-game animals in particular areas or excessive killing of big-game animals may result from the taking of such animals when concentrated near highways, the Director may close the affected area or areas to the taking of these animals for such periods as may be deemed necessary to alleviate the hazard to lives and property or to afford these animals additional protection on their annual migrations. The facts concerning the existence of an emergency condition in any area which requires the closing of the season and the period of time during which the season shall be closed will be ascertained by the Director and announced through publication in the FEDERAL REGISTER and by suitable posting in the area or areas where the emergency exists. Any period of time for which an emergency closure is effected may be shortened and the area or areas reopened to hunting by similar publication upon a finding that the particular emergency condition no longer exists.

#### PERMITS

§ 46.161 *General provisions.* The Administrator, upon recommendation of the Commission, may prescribe the terms and conditions of and issue permits authorizing the taking, possession, purchase, sale, exchange, or transportation, of such game and fur animals, game fishes, and game and nongame birds and their nests and eggs for scientific, propagating, educational, exhibition, or other limited purposes (including mounting, tanning, processing, or other preparation by a taxidermist), and for the protection of property as may be determined, from time to time, to be consistent with the proper conservation and development of the species. Any act authorized by a permit issued under this section shall be subject to any applicable law or regulation administered by any other Federal agency or by any agency or municipality of the Territory.

§ 46.162 *Carrying and exhibition.* Any permit issued under § 46.161 shall be carried by the permittee when taking, possessing, or transporting said animals, fishes, birds or their nests or eggs, and shall be exhibited to any game management agent or other authorized person requesting to see it.

§ 46.163 *Applications.* Applications for permits should be addressed to the Administrator, Alaska Wildlife Resources, Juneau, Alaska.

§ 46.164 *Reports.* Unless a different date is stated on the permit, reports of operations required under the terms of any permit shall be filed, in duplicate, on or before the 10th day of January following issuance of the permit with the Administrator, Alaska Wildlife Resources, Juneau, Alaska. The records required to be maintained for the purpose of making reports pursuant to the provisions of any permit shall be retained by the person or persons responsible for their preparation and maintenance for a period of six months following the date on which such reports are submitted.

#### SCHEDULES

§ 46.201 *Seasons and limits on game animals.* Subject to the applicable provisions of the preceding sections of the regulations in this part, the game animals which may be taken, the areas open to hunting (but not including any area within the Reserves described in

§ 46.131 through § 46.141 where the season is continuously closed to the taking of designated species of game animals), the open seasons (dates inclusive), and the bag limits on game animals during the year beginning July 1, 1956 and ending June 30, 1957, are prescribed as follows:

| Species and areas  | Open seasons   | Bag limits   |
|--|--|--|
| <i>Deer (except fawns)</i>   |  |  |
| Unit 1 (except Sullivan Island-Taiya Reserve).....   | Aug. 20-Nov. 26.....   | 3 bucks a year (3-inch antlers or longer).   |
| Unit 5.....  |  |  |
| Units 2, 3, and 4.....   | Aug. 20-Nov. 26.....   | 3 bucks a year (3-inch antlers or longer) or<br>2 bucks a year (3-inch antlers or longer) and 1 antlerless deer: <i>Provided</i> , That the antlerless deer may be taken only during the period Nov. 13-Nov. 26. |
| Unit 6.....  | Aug. 20-Nov. 26.....   | 2 bucks a year (3-inch antlers or longer) or<br>2 antlerless deer a year: <i>Provided</i> , That the antlerless deer may be taken only during the period Oct. 1-Nov. 26.   |
| Unit 8.....  | Aug. 20-Oct. 15.....   | 1 buck a year (3-inch antlers or longer).  |
| <i>Moose (bulls with forked antlers or larger)</i>   |  |  |
| Unit 1.....  | Sept. 15-Oct. 5.....   | 1 bull a year.   |
| Unit 5.....  | Aug. 20-Sept. 30.....  |  |
| Unit 7.....  | Aug. 20-Sept. 20.....  |  |
| Units 9 and 17.....  | Aug. 20-Sept. 30.....<br>and<br>Dec. 10-Dec. 31.....   | 1 bull a year.   |
| Units 11, 13 (except Denali Reserve), 14 (except Rainbow Reserve), and 16.....   | Aug. 20-Sept. 20.....<br>and<br>Nov. 1-Nov. 30.....  |  |
| Units 12, 15, and 20.....  | Aug. 20-Sept. 30.....<br>and<br>Nov. 20-Nov. 30.....   |  |
| Units 18, 19, 21, 22, 24, 25, and 26.....  | Aug. 20-Sept. 30.....<br>and<br>Nov. 20-Nov. 30.....   | 1 bull a year.   |
| <i>Caribou (either sex)</i>  |  |  |
| Unit 9.....  | Aug. 20-Aug. 31.....<br>and<br>Dec. 10-Dec. 31.....  | 1 a year.  |
| Units 12, 13 (except Denali Reserve), 14, 16, 17, 19, 20 (except the Steese Highway Reserve), Units 21, 22, and those portions of Units 23, 24, and 25 south of the Arctic Circle. | Aug. 20-Dec. 31.....   | 2 a year.  |
| Unit 26 and those portions of Units 23, 24, and 25 north of the Arctic Circle.   | Aug. 20-Feb. 28.....   | No limit.  |
| <i>Elk (forked antlers or larger)</i>  |  |  |
| Unit 8.....  | Sept. 1-Sept. 20.....  | 1 bull a year.   |
| <i>Mountain goat (except kids)</i>   |  |  |
| Units 1, 3, 4 (except on Chichagof Island).....  | Aug. 20-Nov. 26.....   | 2 a year.  |
| Units 5 and 6.....   | Aug. 20-Oct. 31.....   | 1 a year.  |
| Unit 7 (except Cooper Landing Reserve).....  |  |  |
| Units 11, 13 (except Sheep Mountain Reserve).....  |  |  |
| Unit 14 (except Eagle River Reserve), and 15.....  | <i>Mountain sheep (rams with <math>\frac{3}{4}</math> curl horn or larger)</i>               |  |
| Units 11, 12 (except Tok Reserve).....   | Aug. 20-Sept. 10.....  | 1 ram with $\frac{3}{4}$ curl horn or larger a year.   |
| Unit 13 (except Denali and Sheep Mountain Reserves).....   |  |  |
| Unit 14 (except Eagle River Reserve).....  | Aug. 15-Sept. 10.....  | No open season.  |
| Units 16, 19, 20, and that portion of Unit 25 lying south of the Yukon River.  |  |  |
| Units 23, 24, 26, and that portion of Unit 25 north of the Yukon River.  | <i>Bison</i>   |  |
| Bison.....   | No open season.....  | No open season.  |
| <i>Brown and grizzly bear <sup>1</sup></i>   |  |  |
| Units 1, 4 (except Thayer Mountain and Pack Creek Reserves).....   | Sept. 1-June 30.....   | 1 of either species a year.  |
| Unit 5.....  | Sept. 1-May 31.....  |  |
| Unit 8, that portion in the Kodiak National Wildlife Refuge and mainland coast.  |  |  |
| Remainder of Unit 8.....   | Sept. 1-June 20.....   | 1 of either species a year.  |
| Unit 9.....  | Sept. 1-May 31.....  |  |
| Units 14 and 16 (except McNeil River Reserve).....   | Sept. 1-Mar. 31 and<br>May 6-June 20.....  | No open season.  |
| Units 6, 7, 11, 12, 13 (except Denali Reserve).....  | Sept. 1-June 20.....   |  |
| Units 15, 17, and 18 through 26.....   | <i>Black Bear (including its brown, blue, or glacier bear color variations) <sup>1</sup></i> |  |
| Units 1, 2, 3, 4, and 5.....   | Sept. 1-June 30.....   | 2 a year.  |
| Units 7 and 15.....  | No closed season.....  | 3 a year.  |
| Units 6, 8, 9, 11, 12, 13 (except Denali Reserve).....   | Sept. 1-June 20.....   | 3 a year.  |
| Units 14 and 16 through 26.....  | <i>Hare and rabbit</i>   |  |
| Units 1, 2, 3, 4, and 5.....   | Sept. 1-Apr. 30.....   | 5 a day.   |
| Units 6 through 26.....  | No closed season.....  | No limit.  |

<sup>1</sup> *Provided*. That any bear may be killed at any time or place in the Territory when about to attack or molest persons or their property. Persons so killing such animals shall, within ten (10) days from the date of such killing submit a written report to the Commission setting forth the time, place, and reason for such killing.

**§ 46.251 Seasons and limits on fur animals.** Subject to the applicable provisions of the preceding sections of the regulations in this part, the fur animals which may be taken, the areas open to the taking of such animals, (but not including any area within the Reserves described in § 46.131 through § 46.141 where the season is continuously closed to the taking of designated species of fur animals), the open seasons (dates inclusive), and the bag limits on fur animals during the year beginning July 1, 1956, and ending June 30, 1957, are prescribed as follows:

| Species and areas  | Open seasons   | Bag limits  |
|--|--|---|
| <i>Mink, marten, fox, lynx, weasel (ermine), and wolverine</i> <sup>1</sup>  |  |   |
| Units 1 (except in the Juneau Reserve), Units 2, 3, and 4 (except for marten on Chichagof Island), Unit 6 (that portion west of the Copper River, except Montague Island), Unit 5 (that portion east of the Copper River), Unit 7, 8 (except for mink on Kodiak Island and marten on Adognak Island), Unit 9 through 20  | Dec. 15-Jan. 20<br>Nov. 20-Dec. 20<br>Nov. 16-Jan. 31  | No limit.<br>No limit.  |
| <i>Least otter</i> <sup>2</sup>  |  |   |
| Units 1 (except in the Juneau Reserve), Unit 2, 3, and 4, Unit 5 (that portion west of the Copper River), and 7 through 20   | Dec. 15-Jan. 20<br>Nov. 20-Dec. 20<br>Nov. 16-Mar. 31  | No limit.<br>No limit.  |
| <i>White fox</i> <sup>3</sup>  |  |   |
| Units 8, 11, 18, 22, 23, and 25  | Dec. 1-Mar. 15   | No limit.   |
| <i>Muskrat</i>   |  |   |
| Units 1 through 5, Unit 6 through 20   | No open season<br>Jan. 1-June 10   | No open season.<br>No limit.  |
| <i>Beaver</i>  |  |   |
| Units 1, 2, 3, 4, 5, and 18, Units 6, 7, 11, 13, 14, 15, 16, and the Koyukuk Fur Management Area within Unit 8, Unit 12, Unit 17 (except all drainages to Bristol Bay south of Cape N. latitude), Unit 8, Unit 9 (except all drainages to the Pacific Ocean and Bristol Bay west of and including the Meshek River), Units 19, 20 (except drainage of Chena River and tributary drainages between the Little Chena and Tanana Rivers), Units 21, 22, 23, remainder of Unit 24, and 25. | No open season<br>Feb. 1-Mar. 31<br>Feb. 1-Mar. 31<br>Mar. 1-Apr. 30<br>Feb. 1-Mar. 31<br>No closed season<br>No closed season | No open season.<br>20 a year.<br>5 a year.<br>10 a year.<br>15 a year.<br>15 a year.<br>No limit. |
| <i>Wolf, coyote, marmot, and squirrel</i>  |  |   |
| Units 1 through 20   | No closed season   | No limit.   |
| <i>Polar bear</i>  |  |   |
| Units 18, 22, 23, and 25   | No closed season   | 3 a year for residents; 1 a year for non-residents.   |

<sup>1</sup> Provided, That any fox or wolverine may be killed at any time when damaging property or about to molest domestic animals.  
<sup>2</sup> Provided, That land otter may not be taken with steel traps smaller than size 48 during any closed season on mink or marten within the same unit.

**§ 46.301 Seasons and limits on game birds.** Subject to the applicable provisions of the preceding sections of the regulations in this part, the game birds which may be taken, the areas open to hunting (but not including any area within the Reserves described in § 46.131 through § 46.141 where the season is continuously closed to the taking of designated species of game birds), the open seasons (dates inclusive), and the bag limits on game birds during the year beginning July 1, 1956, and ending June 30, 1957, are prescribed as follows:

| Species and areas                        | Open seasons   | Bag limits           |
|--|--|----------------------|
| Units 1 through 17, <i>Grouse</i>        | Aug. 20-Dec. 31<br>Aug. 20-Apr. 15   | 10 a day<br>10 a day |
| Units 18 through 20, <i>Partridge</i>    | Aug. 20-Apr. 15  | 20 a day.            |
| <i>Migratory game birds</i> <sup>1</sup> |  |                      |
| In the Territory                         | Seasons and limits in accordance with the current Migratory Bird Treaty Act regulations. |                      |

<sup>1</sup> The Migratory Bird Hunting Stamp Act of Mar. 15, 1904, as amended (16 U. S. C. 718), provides that no person over 16 years of age shall take any migratory waterfowl (brant, wild ducks, geese, and swans) unless at the time of such taking he carries on his person an unexpired Federal migratory bird hunting stamp (Duck Stamp) validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds.

**§ 46.351 Seasons and limits on game in the drainages into Bristol Bay; nor in fishes.** Subject to the applicable provisions of the preceding sections of the and Arctic Ocean northward from St. Michael (except in the Nome, Snake, Flambeau, and Eldorado Rivers); *Provided* (dates inclusive), daily bag and possession limits, and the areas in which rain-bow, steelhead, cutthroat, eastern brook, Dolly Varden, and Mackinaw or lake trout, and grayling may be taken during the period when, these species are being the year beginning July 1, 1956 and ending June 30, 1957, are prescribed below: authority of a permit issued pursuant to *Provided*, That there shall be no limit on § 46.121 (b): Dolly Varden trout taken in salt water or

| Areas   | Open seasons                      | Bag limits  |
|---|-----------------------------------|---|
| Units 1, 2, 3, 4, 5, 6, 8, 18, 19, 21, 22, 23, 24, 25, and 26.  | No closed season                  | 15 fish but not to exceed 15 pounds and 1 fish daily. Possession limit: 3 daily bag limits.   |
| Units 7, 13 (except Tangle and Fiddling Lakes, the drainages thereof, and the Copper River watershed), Units 14, 15, and 16, <i>Provided</i> , That fishing in Jewell, Hidden, and Falk Lakes is permitted only for persons under 16 years of age.  | July 1-Mar. 31 and May 28-June 30 | 10 fish daily or in possession: <i>Provided</i> , That such limit may not contain more than 2 fish over 20" in length, and that no fish under 12" in length may be taken in the Chusankika and Big Delta Clearwater Rivers. |
| Unit 11 and the Tangle and Fiddling Lakes, the drainages thereof, and the Copper River watershed in Unit 13: <i>Provided</i> , That only books of ¼ inch or less gape measure are permitted in the outlet of Summit Lake (near Passon) and for 1 mile downstream.   | July 1-Apr. 30 and June 5-June 30 |   |
| Unit 9, all waters thereof, except Naknek River and waters of Naknek Lake within ½ mile of its outlet.  | No closed season                  |   |
| Units 10, 12, and 17  | July 1-Mar. 31 and May 28-June 30 |   |
| Unit 9, Naknek River and waters of Naknek Lake within ½ mile of its outlet.   | No closed season                  |   |
| Unit 20, all waters thereof, except Shaw Creek and the Tanana River for 3 miles below Shaw Creek: <i>Provided</i> , That fishing in stocked gravel pits along the Richardson Highway and in Fiddling Slough is permitted only for persons under 16 years of age: <i>Provided further</i> , That only books of ¼ inch or less gape measure are permitted in the Sakcha and Little Sakcha Rivers. | July 1-Mar. 31 and May 28-June 30 |   |
| Unit 20, Shaw Creek and the Tanana River for 3 miles below Shaw Creek.  | July 1-Mar. 31 and May 28-June 30 |   |

A majority of the seasons prescribed herein are identical so far as opening dates are concerned with those previously prescribed and in effect immediately prior to the publication of this revision. With the exception of the seasons on game fishes prescribed by § 46.351, none of the opening dates prescribed herein, and which amend previously existing opening dates, will begin within a period of less than 30 days from the publication hereof. Since this revision of Part 46 does not affect materially privileges heretofore granted, it has been determined that, except for § 46.351 the revision may become effective when published under the provisions of the exceptions provided in section 4 (c) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237). Accordingly, this revision shall become effective upon publication in the FEDERAL REGISTER, except § 46.351 which shall become effective 30 days from the date of such publication.

Issued at Washington, D. C., and dated July 10, 1956.

FRED A. SEATON,  
Secretary of the Interior.

[F. R. Doc. 56-5585; Filed, July 12, 1956;  
8:56 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[FCC 56-643; Rules Amdt. 2-23]

#### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

#### LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO

In the matter of amendment to § 2.601 of Part 2 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of July 1956:

The Commission having under consideration § 2.601 of Part 2 of its rules and regulations; and

It appearing that the proposed changes are not substantive and do not in any way affect the requirements of any of the Commission's rules and regulations; and

It further appearing that because of the informational nature of the proposed changes, notice and public procedure thereon as prescribed by section 4 (a) of the Administrative Procedure Act is unnecessary, and that this order may be made effective immediately for the same reasons; and

It further appearing that authority for this action is contained in sections 4 (1) and 303 (r) of the Communications Act of 1934, as amended.

It is ordered, That, effective immediately, Part 2 of the Commission's rules and regulations is amended as set forth below.

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

Released: July 9, 1956.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

I. Part 2 is amended by replacing the existing text of § 2.601 with the text below:

§ 2.601 *Laws, Treaties, Agreements and Arrangements Relating to Radio.* (Corrected to July 1, 1956. Unless otherwise indicated, copies of these documents listed below may be obtained from the Government Printing Office, Washington 25, D. C.)

(a) The applicable Federal Laws, International Treaties, Agreements, and Arrangements in force relating to radio and to which the United States of America is a party, are listed below:

| Date          | Series <sup>1</sup> | Subject  |
|---------------|---------------------|--|
| 1925          | T. S. 724-A         | Arrangements between the United States, Great Britain, Canada, and Newfoundland. Effected by exchange of notes signed Sept. and Oct. 1925, providing for the prevention of interference by ships off the coast of these countries with radio broadcasting. Entered into force Oct. 1, 1925. (Not available at the Government Printing Office.)   |
| 1928 and 1929 | T. S. 767-A         | Arrangement between the United States and the Dominion of Canada governing radio communication between private experimental stations. Effected by exchange of notes signed Oct. 2, and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. This Arrangement is continued by the Arrangement contained in E. A. S. 62. (Not available at the Government Printing Office.)  |
| 1929          | T. S. 777-A         | Arrangement between the United States, Canada, Cuba, and Newfoundland relating to assignment of high frequencies on the North American Continent. Effected by exchange of notes signed at Ottawa on Feb. 25 and 28, 1929. Entered into force Mar. 1, 1929. (Cuba ceased to be a party by virtue of notice to the Canadian Government of Oct. 5, 1933.) Arrangement still in force with respect to the United States and Canada (including Newfoundland). (Not available at the Government Printing Office.)                        |
| 1934          | 1934                | Communications Act of 1934, as amended.  |
| 1934          | E. A. S. 62         | Arrangement between the United States and the Dominion of Canada relative to radio communications between private experimental stations and between amateur stations. Continues the Arrangement effected by the Arrangement contained in T. S. 767-A. Effected by exchange of notes Apr. 23, and May 2 and 4, 1934. Entered into force on May 4, 1934. (Not available at the Government Printing Office.)  |
| 1934          | E. A. S. 66         | Arrangement between the United States and Peru concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Feb. 16, and May 23, 1934. Entered into force May 23, 1934. (Not available at the Government Printing Office.)  |
| 1934          | E. A. S. 72         | Arrangement between the United States and Chile relative to radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934. (Not available at the Government Printing Office.)   |
| 1937          | E. A. S. 109        | Agreement between the United States and Canada relating to the exchange of information concerning issuance of radio licenses. Effected by exchange of notes signed Mar. 2 and 10, Aug. 17, Sept. 8 and 20, Oct. 9, 1937. Entered into force Sept. 8, 1937. This Agreement was largely superseded by the notification procedure established in the NARBA (T. S. 962, E. A. S. 227, and TIAS 1553) and under the Inter-American Radio Communications Convention (T. S. 938). (Not available at the Government Printing Office.)      |
| 1937          | T. S. 938           | Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana, Dec. 13, 1937 (First Inter-American Conference). Entered into force Apr. 17, 1939. (Not available at the Government Printing Office.)   |
| 1937          | T. S. 962           | North American Regional Broadcasting Agreement (NARBA) between the United States, Canada, Cuba, Dominican Republic, Haiti, and Mexico. Signed at Havana, Dec. 13, 1937. Entered into force Mar. 29, 1941. E. A. S. 227 and TIAS 1553 supplement this Agreement. (Not available at the Government Printing Office.)   |
| 1938          | T. S. 949           | Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City, Dec. 8, 1938. Entered into force Oct. 9, 1939. (Not available at the Government Printing Office.)  |
| 1938          | E. A. S. 136        | Arrangement between the United States and Canada relative to Radio Broadcasting. Effected by exchange of notes signed Oct. 28, and Dec. 10, 1938. Entered into force Mar. 29, 1940. (Not available at the Government Printing Office.)   |
| 1938          | E. A. S. 142        | Agreement between the United States and Canada concerning Radio Communications. Effected by exchange of notes signed in June, July, August, September, October, November and December 1938. Entered into force Aug. 1, 1938. (Not available at the Government Printing Office.)  |
| 1939          | E. A. S. 143        | Arrangement between the United States and Canada concerning the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes signed Feb. 20, 1939. Entered into force Feb. 20, 1939. (Not available at the Government Printing Office.)   |
| 1940          | E. A. S. 106        | Agreement between the United States and Mexico with regard to Broadcasting. Effected by exchange of notes signed Aug. 24, and 28, 1940. Entered into force Mar. 29, 1941. (Not available at the Government Printing Office.)   |
| 1941          | E. A. S. 227        | Supplementary North American Regional Broadcasting Agreement signed at Washington, D. C., Jan. 30, 1941. Entered into force Mar. 29, 1941. (See T. S. 962 and TIAS 1553.) (Not available at the Government Printing Office.)   |
| 1944          | E. A. S. 400        | Agreement between the United States and Canada regarding Construction and Operation of Radio Broadcasting Stations in Northwestern Canada. Effected by exchange of notes signed at Ottawa Nov. 5, and 25, 1943, and Jan. 17, 1944. Entered into force Jan. 17, 1944. (Not available at the Government Printing Office.)  |
| 1946          | TIAS 1527           | Agreement between the United States and the Union of Soviet Socialist Republics on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow, May 24, 1946. Entered into force May 24, 1946. (Not available at the Government Printing Office.)   |
| 1946          | TIAS 1553           | North American Regional Broadcasting (NARBA) Interim Agreement between the United States and Other Governments (Modus Vivendi). Signed at Washington, D. C., Feb. 25, 1946. Entered into force Mar. 29, 1946. (See T. S. 962 and E. A. S. 227.) Amended by an Arrangement between the United States and Canada concerning Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540-1600 kc) (TIAS 1862 which entered into force Apr. 1, 1948). (Not available at the Government Printing Office.) |
| 1947          | TIAS 1652           | Agreement between the United States and the United Kingdom of Great Britain and Northern Ireland concerning Telecommunication Standardization of Distance Measuring Equipment. Signed at Washington, D. C., Oct. 13, 1947. Entered into force Oct. 13, 1947. (Not available at the Government Printing Office.)  |
| 1947          | TIAS 1670           | Interim Arrangement between the United States and Canada with respect to Mobile Radio Transmitting Stations. Effected by exchange of notes signed at Washington, D. C., June 25, and Aug. 20, 1947. Entered into force Aug. 20, 1947. Canceled conditionally by exchange of notes signed at Washington, D. C., Mar. 9 and 17, 1956 (published as TIAS 3188). (Not available at the Government Printing Office.)  |

<sup>1</sup> T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and other International Acts Series.

| Date | Series    | Subject  |
|------|-----------|--|
| 1942 | TIAS 2064 | Agreement between the United States and Canada which assigns Television Frequency Channels to cities within 250 miles of the United States-Canadian border. Entered into force Jan. 20, 1942. (Not available at the Government Printing Office.) |
| 1942 | TIAS 2064 | Agreement between the United States and Canada which assigns Television Frequency Channels to cities within 250 miles of the United States-Canadian border. Entered into force Jan. 20, 1942. (Not available at the Government Printing Office.) |
| 1942 | TIAS 2066 | Agreement between the United States and Canada which assigns Television Frequency Channels to cities within 250 miles of the United States-Canadian border. Entered into force Jan. 20, 1942. (Not available at the Government Printing Office.) |
| 1942 | TIAS 2705 | Agreement between the United States and Canada which assigns Television Frequency Channels to cities within 250 miles of the United States-Canadian border. Entered into force Jan. 20, 1942. (Not available at the Government Printing Office.) |
| 1942 | TIAS 2936 | Agreement between the United States and Canada which assigns Television Frequency Channels to cities within 250 miles of the United States-Canadian border. Entered into force Jan. 20, 1942. (Not available at the Government Printing Office.) |
| 1943 | TIAS 3138 | Agreement between the United States and Canada which assigns Television Frequency Channels to cities within 250 miles of the United States-Canadian border. Entered into force Jan. 20, 1942. (Not available at the Government Printing Office.) |
| 1945 | TIAS 3095 | Agreement between the United States and Canada which assigns Television Frequency Channels to cities within 250 miles of the United States-Canadian border. Entered into force Jan. 20, 1942. (Not available at the Government Printing Office.) |
| 1946 |           | Agreement between the United States and Canada which assigns Television Frequency Channels to cities within 250 miles of the United States-Canadian border. Entered into force Jan. 20, 1942. (Not available at the Government Printing Office.) |

(b) In addition, the United States of America is bound by certain treaties and agreements which are generally considered as superseded because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound by the older agreement with respect to its relations with those particular countries. These include the following:

| Date | Series       | Subject  |
|------|--------------|--|
| 1912 | T. S. 581    | International Radiotelegraph Convention, Final Protocol and Service Regulations. Signed at London, July 4, 1912. Entered into force July 1, 1913. (Not available at the Government Printing Office.)   |
| 1927 | T. S. 767    | International Radiotelegraph Convention and General Regulations. Signed at Washington, D. C., Nov. 2, 1927. Entered into force Jan. 1, 1928. (Not available at the Government Printing Office.)  |
| 1932 | T. S. 867    | International Telecommunication Convention, General Radio Regulations annexed to the International Telecommunication Convention. Signed at Madrid, Dec. 9, 1932. Entered into force Jan. 1, 1934. (Not available at the Government Printing Office.)   |
| 1937 | E. A. S. 200 | Inter-American Arrangement concerning Radiocommunications and Amort. Signed at Havana Dec. 13, 1937. Entered into force July 1, 1938. This Arrangement was superseded by the Inter-American Agreement concerning Radiocommunications signed at Santiago Jan. 26, 1949 (E. A. S. 201). (Not available at the Government Printing Office.)   |
| 1938 | T. S. 948    | General Radio Regulations (Calvo Revision, 1938) and Final Radio Protocol (Calvo Revision, 1938) annexed to the International Telecommunication Convention of Madrid, 1932. Superseded by the Radio Regulations (Atlantic City, 1947) annexed to the International Telecommunication Convention. Entered into force Sept. 1, 1938. (Not available at the Government Printing Office.)                                  |
| 1949 | E. A. S. 201 | Inter-American Radio Communications Agreement between the United States, Canada, and Other American Republics. (Second Inter-American Radio Conference) Signed at Santiago Jan. 26, 1949. Entered into force with respect to the United States June 26, 1949. Ratified by the Inter-American Radio Agreement signed at Washington, D. C., July 9, 1949 (TIAS 3489). (Not available at the Government Printing Office.) |
| 1947 | TIAS 1901    | International Telecommunication Convention. Signed at Atlantic City, Oct. 2, 1947. Entered into force Jan. 1, 1949. Superseded by the International Telecommunication Convention signed at Buenos Aires, Dec. 22, 1953 (TIAS 2390). This printing contains also the Radio Regulations and other documents still in force. (Not available at the Government Printing Office.)   |

| Date | Series    | Subject   |
|------|-----------|---|
| 1947 | TIAS 1676 | Agreement between the United States and the United Nations relative to headquarters of the U. N. Signed at Lake Success, June 24, 1947. Entered into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary-General of the U. N. (The provisions of this Agreement were also made Public Law 357 of the 80th Congress, approved Aug. 4, 1947.) (Not available at the Government Printing Office.)  |
| 1947 | TIAS 1726 | Agreement between the United States and Canada providing for Frequency Modulation Broadcasting in Channels in the I.F. band 88-108 Mc. Effected by exchange of notes signed at Washington, D. C., Jan. 8, and Oct. 15, 1947. Entered into force Oct. 15, 1947. (Not available at the Government Printing Office.)   |
| 1947 | TIAS 1901 | International Radio Regulations. Signed at Atlantic City, Oct. 2, 1947. Entered into force Jan. 1, 1949, except for those Radio Regulations enumerated in Article 47. However, the effective date provisions of the Radio Regulations Article 47 have been superseded by the provisions of the Agreement signed at the Extraordinary Administrative Radio Conference, Geneva, 1951. (T.S. printing contains also the International Telecommunication Convention, Atlantic City, 1947, which is superseded by the International Telecommunication Convention, Buenos Aires, 1951. The printing does not contain the Additional Radio Regulations since the United States is not a party thereto. Copies of the Atlantic City Radio Regulations which include the Additional Radio Regulations, are available only from the International Telecommunication Union, Geneva, Switzerland.) (Not available at the Government Printing Office.) |
| 1948 | TIAS 1802 | Agreement between the United States and Canada concerning Radio Broadcasting Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540-160 kc). Effected by exchange of notes signed at Washington, D. C., Dec. 24, 1947, and Apr. 1, 1948. Entered into force Apr. 1, 1948. (Not available at the Government Printing Office.)   |
| 1948 | TIAS 2405 | International Convention for the Safety of Life at Sea and Amended Regulations. Signed at London June 10, 1948. Entered into force Nov. 19, 1948.   |
| 1949 | TIAS 2175 | Telegraph Regulations (Paris Revision, 1949), annexed to the International Telecommunication Convention and Final Protocol to the Telegraph Regulations. Signed at Paris Aug. 5, 1949. Entered into force with respect to the United States Sept. 25, 1950.   |
| 1949 | TIAS 2435 | Agreement between the United States and Certain British Commonwealth Governments regarding Telecommunications. Signed at London, Aug. 17, 1949. Entered into force Feb. 24, 1950. This Agreement was superseded by TIAS 2555 which was signed Oct. 1, 1952.   |
| 1949 | TIAS 2489 | Inter-American Radio Agreement between the United States and Canada and Other American Republics (Fourth Inter-American Radio Conference) Signed at Washington, D. C., July 9, 1949. Entered into force Apr. 13, 1953, subject to the provisions of Article 11.   |
| 1950 | TIAS 2483 | Agreement between the United States and Ecuador concerning Radio Communications between Amalour Station (60° 30' Bahall of Third Parties). Effected by exchange of notes signed at Quito, Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.   |
| 1951 | TIAS 2223 | Agreement between the United States and Liberia regarding Radio Communications between Amalour Station on Bahall of Third Parties. Effected by exchange of notes signed at Monrovia Nov. 9, 1950, and Jan. 8, 9, and 10, 1951. Entered into force Jan. 11, 1951.  |
| 1951 | TIAS 2508 | Treaty with annex relating to Mutual Recognition by the United States and Canada of Certain Radio Stations and Operator Licenses issued in either country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952. (Not available at the Government Printing Office.)   |
| 1951 | TIAS 2509 | Agreement between the United States and Cayman concerning the Use of Facilities of Radio Stations. Effected by exchange of notes signed at Colombo May 12 and 14, 1951. Entered into force May 14, 1951.  |
| 1951 | TIAS 2506 | Agreement between the United States and Mexico which assigns Television Frequency Channels to cities within 250 miles of the United States-Mexico border. Effected by exchange of notes signed at Mexico Aug. 30 and Sept. 26, 1951. Entered into force Sept. 26, 1951. (TIAS 2566 is annexed by TIAS 2654 which was signed at Mexico City June 4 and 25, 1952.)  |
| 1951 | TIAS 2459 | Agreement between the United States and Cuba concerning the Control of Electromagnetic Radiation. Effected by exchange of notes signed at Havana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.  |
| 1951 | TIAS 2733 | Agreement signed at the Extraordinary Administrative Radio Conference to bring into force the Table of Frequency Allocations and other provisions of the Radio Regulations (Atlantic City, 1947) not brought into force Jan. 1, 1949. Signed at Geneva, Dec. 3, 1951. Entered into force Mar. 1, 1952.  |
| 1952 | TIAS 2530 | Agreement between the United States and Cuba regarding Radio Communications between Amalour Stations on Bahall of Third Parties. Effected by exchange of notes signed at Havana Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952. (Not available at the Government Printing Office.)   |
| 1952 | TIAS 2516 | Agreement between the United States and Denmark regarding the Registration of Frequencies Used in Greenland by United States Authorities. Effected by exchange of notes signed at Washington, D. C., Mar. 25 and Apr. 4, 1952. Entered into force Apr. 4, 1952.   |

1 T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and other International Acts Series.  
 1 In addition, certain Resolutions and Recommendations were adopted by a number of countries, members of the International Telecommunication Union Region 2 At Washington, D. C., on July 9, 1949. (Not available at the Government Printing Office. Available from the International Telecommunication Union, Geneva, Switzerland.)

(c) The following agreement has been signed by the United States and is included because of its importance or of the imminence of its effective date:

| Date | Series <sup>1</sup> | Subject   |
|------|---------------------|---|
| 1950 |                     | North American Regional Broadcasting Agreement (NARBA) between the United States, Canada, Cuba, Dominican Republic, United Kingdom of Great Britain and Northern Ireland for the Territories in the North American Region (Bahama Islands and Jamaica). Signed at Washington, D. C., Nov. 15, 1950. Agreement will enter into force subsequent to ratification or adherence of at least three of the following four countries, in accordance with Part III, Paragraph 1, of the Agreement: Canada, Cuba, Mexico and the United States. Subject to ratification procedure in the United States. (Not available at the Government Printing Office. Available from the Department of State, Telecommunications Division, Washington 25, D. C.) |

<sup>1</sup> TIAS—Treaties and Other International Acts Series.

(d) There are, in addition to the foregoing, certain treaties, agreements, or arrangements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission, insofar as they involve communications. Among the most important of these are the following:

| Date            | Series <sup>1</sup> | Subject   |
|-----------------|---------------------|---|
| 1944            | TIAS 1591           | International Civil Aviation Convention. <sup>2</sup> Signed at Chicago, Dec. 7, 1944. Entered into force Apr. 4, 1947. |
| 1946 to present |                     | ICAO Regional Air Navigation Meetings, Communications Committee Final Reports. <sup>2</sup>                             |
| 1946            |                     | ICAO Communication Division, Second Session, Montreal. <sup>2</sup>   |
| 1949            |                     | ICAO Communication Division, Third Session, Montreal. <sup>2</sup>  |
| 1951            |                     | ICAO Communication Division, Fourth Session, Montreal. <sup>2</sup>   |
| 1954            |                     | ICAO Communication Division, Fifth Session, Montreal. <sup>2</sup>  |

<sup>1</sup> TIAS—Treaties and Other International Acts Series.

<sup>2</sup> Not available at the Government Printing Office. Available from the Secretary General of ICAO, International Aviation Building, 1080 University St., Montreal, Canada.

[F. R. Doc. 56-5531; Filed, July 12, 1956; 8:46 a. m.]

[Docket No. 11460; FCC 56-627]

[Rules Amdt. 3-18]

### PART 3—RADIO BROADCAST SERVICES

#### TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments*, rules governing television broadcast stations (Alamosa, Colorado).

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on July 15, 1955, and published in the FEDERAL REGISTER on July 20, 1955 (20 F. R. 5208), proposing to shift Channel 3 from Pueblo, Colorado to Alamosa, Colorado, in response to the petition of Star Broadcasting Company, Inc.

2. No comments opposing the proposed amendment have been filed. Star Broadcasting Company, Inc. filed comments in support of the requested amendment in which it is urged that the assignment of Channel 3 to Alamosa would fully comply with the Commission's minimum mileage separation requirements and provide a first television service for Alamosa and its surrounding area with a total population of approximately 50,000 persons; that Alamosa is presently isolated from any existing VHF or UHF television service; that the nearest operating UHF stations are more than 450 miles away and that there are no applications or authorizations for UHF stations in Colorado including Channel 19 which is presently assigned to Alamosa, or the contiguous states of New Mexico, Arizona, Utah, Idaho, Wyoming or Nebraska; and, further, that the rugged terrain and low population density in the area make UHF operation completely unfeasible.

3. It is also argued that the VHF as-

signments nearest to Alamosa are in Pueblo, approximately 88 miles from Alamosa; that even with maximum power and an antenna height of 2,000 feet above average terrain, a Pueblo station could not place a Grade B signal over Alamosa, particularly in view of the fact that Pueblo is separated from Alamosa by the Sangre de Cristo Mountain range.

4. Petitioner also urges that in view of the fact that Pueblo now receives service from VHF stations in Pueblo and Colorado Springs, there is no likelihood that additional applications will be made for television facilities in Pueblo in the foreseeable future; that Station KDHA-TV, which operated on Channel 3 in Pueblo from March 1953 to April 1954, relinquished its construction permit in September 1954 and; that there have been no other applications for channels now assigned to Pueblo.

5. The Commission is of the view that the assignment of Channel 3 to Alamosa would serve the public interest by making more effective use of available television facilities. It would provide a new television service in conformance with the rules and standards.

6. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective August 15, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

| City:              | Channel No.     |
|--------------------|-----------------|
| Pueblo, Colo.....  | 5, *8, 28+, 34- |
| Alamosa, Colo..... | 3-, 19+         |

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 5, 1956.

Released: July 9, 1956.

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

[F. R. Doc. 56-5532; Filed, July 12, 1956; 8:46 a. m.]

[Docket No. 11495; FCC 56-628]

[Rules Amdt. 3-19]

### PART 3—RADIO BROADCAST SERVICES

#### TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations.

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on September 1, 1955 (FCC 55-894), and published in the FEDERAL REGISTER on September 7, 1955 (20 F. R. 6562). The Notice was issued in response to the mutually exclusive petitions of Aaron B. Robinson, Greenwood Broadcasting Company and Lamar Life Broadcasting Company, respectively, requesting the Commission to institute rule making proceedings to amend the Table of Television Assignments to shift Channel 6 from Clarksdale to Indianola, Greenwood, or Cleveland-Ruleville, Mississippi. Alternatively, Lamar Life Broadcasting Company requests that Channel 6 be transferred to an area bounded by lines drawn between the communities of Cleveland-Ruleville, Greenwood and Indianola.

2. Comments in support of their respective proposals were filed by each of the petitioners. Comments opposing the transfer of Channel 6 from Clarksdale were filed by the Coahoma County Chamber of Commerce.

3. In support of his request to assign Channel 6 to Indianola, Aaron B. Robinson urges that it would provide a television service to an area of 7,850 square miles and a population of 430,000 people, of whom 386,500 within a radius of 50 miles are without service, whereas within the same radius around Clarksdale 44 percent of the population would receive one or more services; and that the area is of such economic importance as to warrant and be able to support a television station. With respect to the other proposals, Robinson urges that his proposal is to be preferred since it would provide a "city-grade" service of 74 dbu within a radius of 28 miles, assuming a power of 100 kw and an antenna height of 1,000 feet, to a greater population than would an assignment at Greenwood or Cleveland-Ruleville; that such a station would place a 74 dbu signal over Greenville, Greenwood, and Cleveland-Ruleville whereas a station at Cleveland-Ruleville would not so cover Greenwood or Greenville; that the priorities would be better served if the station is at Indianola; and that the other proposals

would result in only one assignment in Clarksdale since neither of the other parties have proposed a replacement for Channel 6 at Clarksdale.

4. Greenwood Broadcasting Company urges that Greenwood is located in the heart of the northwestern section of the state and is the largest retail and wholesale center in the Mississippi Delta area; and that it is an important population, industrial and trade area and includes Indianola in its general retail and wholesale trade area.

5. Lamar Life Broadcasting Company urges that the cities of Cleveland and Ruleville are centrally located in the area in which Channel 6 can be assigned and with respect to the four markets of Memphis, Jackson, Little Rock, and Monroe in which there are operating TV stations. Lamar suggests that it would be desirable that Channel 6 be used for an area station and that it therefore be assigned to the area bounded by lines joining the cities of Cleveland, Ruleville, Greenwood and Indianola.

6. The Coahoma County Chamber of Commerce opposed the above three petitions and urged that Channel 6 be retained in Clarksdale. It urged that the elimination of this assignment would preclude the possibility of a local television outlet; that the area has VHF sets installed to receive signals from the Memphis area and hence an intermixture of VHF and UHF in this area would spell the death knell for future television there; that it is possible for several UHF stations to be operated in the Greenwood, Indianola, Cleveland, Ruleville, area thus making it an all UHF area; that Clarksdale is one of the largest and most important cities in the Delta region and a station at Clarksdale would serve practically all of the area in question; that the Commission should not change the Table of Assignments merely because the channel involved has not been applied for; and that it has been advised that interested parties are contemplating an application for Channel 6 in Clarksdale.

7. The first question to be determined is whether the Channel 6 assignment should be moved from Clarksdale. The Coahoma County Chamber of Commerce states that it is advised that interested parties are contemplating an application for a station to operate on Channel 6 in Clarksdale. However, no applications therefor have been received by the Commission during the more than three years that the channel has been assigned to Clarksdale. On the other hand, the petitioners have each represented to the Commission that they will file an application for a station to operate on Channel 6 if their respective proposals are approved. The Commission does not believe that it would be justified in withholding action which would bring additional television service to a significant number of people. Refusing to make use of this valuable VHF frequency would, we believe, be a waste of valuable spectrum space for which active demand is indicated. We must therefore determine which of the conflicting proposals is to be preferred.

8. Upon careful consideration of all the comments and evidence submitted in

this proceeding, we have concluded that the public interest would be best served by assigning Channel 6 to Greenwood, Mississippi. A station at Greenwood would provide Grade B or better service to all of the communities here under consideration, including Clarksdale and Greenville. At the same time it would provide an outlet for local expression to a significantly greater number of people than would an assignment to Cleveland-Ruleville or Indianola.

9. We find no merit in the argument advanced by Aaron B. Robinson that his proposal is to be preferred since it would provide a "city-grade" service to a greater population than would an assignment at Greenwood or Cleveland-Ruleville. While it is true, as contended by Robinson, that a station at Indianola would place a 74 dbu signal over Greenville, Greenwood and Cleveland-Ruleville whereas a station at Greenwood would not provide such service to Greenville or Cleveland and a station at Cleveland-Ruleville would not so cover Greenwood or Greenville, a station located in one of the three communities would provide Grade B service to substantially the same number of persons.

10. Authority for the adoption of the amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

11. In view of the foregoing: *It is ordered*, That, effective August 15, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

| City:                 | Channel No. |
|-----------------------|-------------|
| Clarksdale, Miss..... | 32          |
| Greenwood, Miss.....  | 6, 24 +     |

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 5, 1956.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 56-5533; Filed, July 12, 1956;  
8:47 a. m.]

[Docket No. 11496; FCC 56-629]

[Rules Amdt. 3-20]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments*, rules governing television broadcast stations (Marquette, Michigan).

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on September 1, 1955 (FCC 55-895), and published in the FEDERAL REGISTER on September 7, 1955 (20 F. R. 6563) proposing to amend the Commission's Table of

<sup>1</sup> Commissioner Bartley dissenting and voting for an area assignment; Commissioner Lee not participating; Commissioner Craven abstaining from voting.

television channel assignments by adding Channel 13 to Marquette, Michigan. It was proposed to accomplish this assignment by substituting Channel 5 for Channel 13 at Calumet, Michigan.<sup>1</sup>

2. No comments opposing the proposed amendment have been filed. Channel 13 in Marquette would provide facilities for affording an additional television service to the Marquette area. This assignment can be accomplished in complete conformity with the Commission's rules and Standards. The Commission believes that the public interest would be served by finalizing this assignment.

3. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered*, That effective August 15, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

| City:                | Channel No.      |
|----------------------|------------------|
| Marquette, Mich..... | 6-, 13+, 17, *35 |
| Calumet, Mich.....   | 5                |

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 5, 1956.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 56-5534; Filed, July 12, 1956;  
8:47 a. m.]

[Docket No. 11612; FCC 56-635]  
[Rules Amdt. 3-21]

PART 3—RADIO BROADCAST SERVICES

In the matter of amendment of § 3.606, *Table of assignments*, rules governing television broadcast stations (Clarkston, Washington).

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on January 13, 1956 (FCC 56-46), and published in the FEDERAL REGISTER on January 19, 1956 (21 F. R. 375), proposing to amend the Commission's Table of Television Assignments by adding Channels 34 and 40 to Clarkston, Washington.

2. Comments in support of the proposal were submitted by several local organizations.<sup>1</sup> They urge that Chan-

<sup>1</sup> The instant rule making proceeding was initiated upon the petition of Lake Superior Broadcasting Company, Marquette, Michigan. After the Notice was adopted, Lake Superior advised the Commission that it had acquired a television station in Marquette and no longer desired to prosecute its rule making petition. Nevertheless, the Commission believes that the assignment of Channel 13 in Marquette would serve the public interest and should be finalized.

<sup>2</sup> IWA—Local 10-364, Lewiston Valley Grange #300, VFW Post #1443, Clarkston Lions Club, Asotin Lions Club, VFW Post #16043, Paper Makers Local A 1608 and I. B. P. S. & M. W. Local #712.

nels 34 and 40 should be assigned to Clarkston in order that three free television services will be available in the area.

3. Lewiston TV Co., permittee of Station KLEW-TV in Lewiston, Idaho, opposes the proposal. Lewiston states that if the channels are assigned as proposed, they will be employed for the purpose of establishing satellites. Lewiston urges that satellite stations should not be authorized where an established television station in the area would be placed in jeopardy. They note that Clarkston already receives service from Station KLEW-TV and that a community antenna system brings the signals of three Spokane stations into the area.

4. The assignment of Channels 34 and 40 can be accomplished in Clarkston in conformity with the Commission's engineering requirements. The addition of these frequencies in the Clarkston area would make possible the bringing of additional television service. The question as to the use of these frequencies for satellite operation and the effect such operation might have on KLEW-TV can be more appropriately considered in connection with applications that may be filed for the channels and need not be determined in this rule making proceeding.

5. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective August 15, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended by the addition of the following community and its channel assignments:

|                  |             |
|------------------|-------------|
| City:            | Channel No. |
| Clarkston, Wash. | 34 +, 40 +  |

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1061, 1062, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 5, 1956.

Released: July 9, 1956.

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

[F. R. Doc. 56-5635; Filed, July 12, 1956;  
8:47 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54131]

#### PART 74—IMPORTATION OF ARTICLES IN CONNECTION WITH THE INTERNATIONAL PHOTOGRAPHIC EXPOSITION AT WASHINGTON, DISTRICT OF COLUMBIA, UNDER PUBLIC LAW NO. 513, 84TH CONGRESS<sup>1</sup>

The following regulations under Public Law No. 513, 84th Congress, approved

<sup>1</sup>Any article which is imported from a foreign country for the purpose of exhibition at the International Photographic Exposition (hereinafter in this Act referred to as the 'exposition'), to be held at Washington,

May 9, 1956, relate to the entry of articles in connection with the International Photographic Exposition to be held at Washington, District of Columbia, March 18 to April 4, 1957.

Sec.

- 74.1 Invoices; marking; bond
- 74.2 Entry; appraisement; procedure
- 74.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act
- 74.4 Detail of customs officers to protect revenue; expenses
- 74.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment

AUTHORITY: §§ 74.1 to 74.5 issued under sec. 6, Pub. Law No. 513, 84th Cong.

§ 74.1 *Invoices; marking; bond.* (a) Articles intended for exhibition under the provisions of Public Law No. 513, 84th Congress, and valued at over \$500, are subject to the usual special customs invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930, as amended, and the regulations issued thereunder. The invoices shall be on foreign service Form 138 (Invoice of Merchandise) and shall contain the information prescribed under section 481 of the Tariff Act of 1930. (19 U. S. C. 1481.)

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the

District of Columbia, from March 18 to April 4, 1957, inclusive, by the Master Photo Dealers and Finishers Association, a non-profit membership corporation (hereinafter in this Act referred to as the 'association'), or for use in constructing, installing, or maintaining foreign exhibits at the exposition, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges under such regulations as the Secretary of the Treasury shall prescribe.

"Sec. 2. It shall be lawful at any time during or within three months after the close of the exposition to sell within the area of the exposition any articles provided for in this Act, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry under this Act for consumption or entry under the general tariff law.

"Sec. 3. Imported articles provided for in this Act shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but

tariff act, as amended, and the regulations promulgated thereunder.

(c) The Master Photo Dealers and Finishers Association shall give to the collector of customs at Baltimore, Maryland, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 513, 84th Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 74.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of Washington, District of Columbia, in the name of the Master Photo Dealers and Finishers Association, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under these regulations, an entry under the general tariff law in the name of any person duly authorized in writing by the Master Photo Dealers and Finishers Association to make such entry may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Washington, D. C., shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Washington, D. C., of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

no additional duty shall be assessed such articles were not sufficiently marked when imported into the United States.

"Sec. 4. At any time during or within three months after the close of the exposition, any article entered under this Act may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such articles shall be remitted.

"Sec. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the exposition under such regulations as the Secretary of the Treasury shall prescribe.

"Sec. 6. The association shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under this Act. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under this Act, shall be reimbursed by the association to the United States under regulations to be prescribed by the Secretary of the Treasury. Receipt from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C. 1524)."

## ENTRY FOR EXHIBITION

Entry No. ....

Entry at the port of Washington, D. C., of articles consigned or transferred to the Master Photo Dealers and Finishers Association under ..... I. T. No. ...., ex S. S. ...., on the ..... day of ..... 19....., for exhibition purposes under Public Law No. 513 of the 84th Congress, approved May 9, 1956.

| Mark | Number | Package and contents | Quantity | Invoice value |
|------|--------|----------------------|----------|---------------|
|      |        |                      |          |               |

MASTER PHOTO DEALERS AND FINISHERS ASSOCIATION,

By .....

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under these regulations shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 74.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the exposition in the manner prescribed in § 10.49 (c) of this chapter, except that in each case an entry under paragraph (c) of this section shall be filed, which shall supersede any previous entry, and no new bond other than that specified in paragraph (c) of this section shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the exposition in the manner prescribed in § 8.33 of this chapter.

§ 74.3 *Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151-164a, 167), shall not be permitted except under permits issued therefor by the Plant Quarantine Branch of the Agriculture Research Service, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of

food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 301 et seq.), and regulations issued thereunder.

§ 74.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Baltimore, Maryland, shall detail an officer to act as his representative at the exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisal, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the exposition or transferred thereto for exhibition, shall be reimbursed by the Master Photo Dealers and Finishers Association to the Government, payment to be made monthly to the collector of customs, Baltimore, Maryland, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 74.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.* (a) Any articles entered under the regulations of this Part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the exposition or at any time during or within three months after the close of the exposition. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisal, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned

upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 513 of the 84th Congress.

(b) At any time prior to the opening of the exposition, or at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of this chapter.

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

[SEAL] RALPH KELLY,  
Commissioner of Customs.

Approved: July 2, 1956.

DAVID W. KENDALL  
Acting Secretary of the Treasury.

[F. R. Doc. 56-5569; Filed, July 12, 1956;  
8:53 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Food and Drug Administration

[ 21 CFR Part 120 ]

#### TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

#### NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF EXEMPTION FROM NECESSITY OF TOLERANCE FOR RESIDUES OF AMMONIA

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by the Regents of The University of California, Berkeley 4, California, proposing that the pesticide chemical ammonia be exempted from the requirement of a tolerance when applied after harvest to grapefruit, lemons, and oranges.

Analytical methods proposed in the petition for determining residues of ammonia as ammonia nitrogen, urease nitrogen, and total nitrogen are the standard Kjeldahl methods reported in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Eighth Edition, 1955.

Dated: July 9, 1956.

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

[F. R. Doc. 56-5565; Filed, July 12, 1956;  
8:52 a. m.]

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Part 52 ]

## U. S. STANDARDS FOR GRADES OF COMB HONEY

## EXTENSION OF TIME TO FILE VIEWS DATA OR ARGUMENTS

Proposed revised United States Standards for Grades of Comb Honey were set forth in a notice which was published in the FEDERAL REGISTER on April 24, 1956 (21 F. R. 2627).

In consideration of comments and suggestions received indicating the need for further study of the proposed changes, notice is hereby given of an extension until February 28, 1957, of the period of time within which written data, views, or arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed revised United States Standards for Grades of Comb Honey.

Dated: July 9, 1956.

[SEAL] FRANK E. BLOOD,  
Acting Deputy Administrator,  
Marketing Services.

[F. R. Doc. 56-5561; Filed, July 12, 1956;  
8:51 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 3 ]

[Docket No. 11497; FCC 56-630]

## RADIO BROADCAST SERVICES

## TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, Table of assignments, rules governing television broadcast stations.

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on September 1, 1955, concerning the proposal of Artesia Broadcasting Company to shift Channel 10 from Roswell, New Mexico, to Artesia, New Mexico.

2. Roswell, with a population of 25,300 persons presently has three TV channels, Channels 3, 8 and 10, Channel 3 being reserved for education. Station KSWSTV operates on Channel 8. No applications have been filed for an educational station on Channel 3. On October 7, 1955, Taylor Broadcasting Company filed an application for a station on Channel 10 (BPCT-2043). Artesia, located some 45 miles south of Roswell, has a population of 8,244 persons and one UHF channel, Channel 21, is assigned. No applications have been filed for this frequency.

3. Artesia Broadcasting Company filed a comment in support of its proposal to shift Channel 10 from Roswell to Artesia. Artesia Broadcasting Company urges that Artesia is an important industrial, population and cultural center and that the assignment of Channel 10 to this community will bring a television service to an area without adequate service. It is argued that operation on UHF Channel 21 would not be feasible in view of

the approaching saturation of the area by VHF receivers. Artesia Broadcasting Company represents that it will file an application for this assignment if Channel 10 is assigned to Artesia.

4. Taylor Broadcasting Company, licensee of AM station KBIM in Roswell, filed an opposition to the proposed shift of Channel 10 to Artesia. On October 7, 1955, Taylor filed an application for a station on Channel 10 in Roswell (BPCT-2043). Taylor submits that Artesia receives good television service from a station in Roswell and notes that a construction permit has been granted for a VHF station in Carlsbad, New Mexico, and that Artesia will also receive service from this station. It is argued, therefore, that Artesia will receive two VHF services, while Roswell, a much larger community, presently only gets good television service from one station. Taylor contends that Roswell's viewing and listening audience is much larger than census figures indicate since the figures do not include the population of the Walker Air Force Base, 5 miles from Roswell, which has about 9,000 people and New Mexico Military Institute, also located at Roswell.

5. In reply, Artesia Broadcasting Company argues that even though Taylor has filed an application for Channel 10 in Roswell, section 307 (b) of the Communications Act requires that the channel be reassigned to Artesia to provide a local service in each city.

6. The Commission believes that the public interest would be served by retaining Channel 10 in Roswell, a city of over 25,000 persons. We do not believe that Channel 10 should be deleted from a community of this size in order to provide a frequency for Artesia, a community of less than 9,000 persons. Channel 21 as assigned to Artesia and this community will receive service from stations in other communities. We believe that

| City                    | Channel No.                |                          |
|-------------------------|----------------------------|--------------------------|
|                         | Present                    | Proposed                 |
| Youngstown, Ohio.....   | 21-, 27, 73-               | 21-, 27, 33              |
| Pittsburgh, Pa. ....    | 2-, 11, 13-*, 16, 47-, 53+ | 2-, 11, 13*, 16, 22, 53+ |
| Clarksburg, W. Va. .... | 12+, 22, 69-               | 12+, 69-, 77+            |

3. Community Telecasting Company is authorized to operate television Station WXTV on Channel 73 in Youngstown. In support of its petition, Community Telecasting alludes to the problems inherent in the operation of television stations on the higher UHF channels in light of difficulties in obtaining proper equipment, network and advertiser reluctance in utilizing such stations, and competition with other stations in the community on lower assignments. Community Telecasting urges that no other stations would suffer loss of service as a result of its proposal and that proposed assignments would comply with the minimum spacing requirements. Since petitioner's proposal would substitute Channel 33 for its present authorized frequency, it requests that it be ordered to show cause why its outstanding authorization should not be so modified. In addition, Station WTVQ is authorized to

a second commercial VHF channel in Roswell is to be preferred to a first VHF station in Artesia. At the time the Commission issued its Notice of Proposed Rule Making in this proceeding, no application had been filed for Channel 10 in Roswell. Since our Notice, however, a demand for this frequency has been indicated by the filing of such an application. In view of the foregoing, we believe that Channel 10 should be retained in Roswell.

7. It is ordered, That the aforesaid petition of Artesia Broadcasting Company, Inc., is denied, and this proceeding, is terminated.

Adopted: July 5, 1956.

Released: July 9, 1956.

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

[F. R. Doc. 56-5536; Filed, July 12, 1956;  
8:47 a. m.]

## [ 47 CFR Part 3 ]

[Docket No. 11766; FCC 56-631]

## RADIO BROADCAST SERVICES

## TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 Table of assignments, Television Broadcast Stations (Youngstown, Ohio and New Castle, Pa.).

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

2. The Commission has before it for consideration a petition filed on March 19, 1956, by Sanford A. Schafitz and Guy W. Guiley d/b as Community Telecasting Company requesting the Commission to amend the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, as follows:

operate on Channel 47 in Pittsburgh and Community Telecasting requests that this station also be ordered to show cause why its authorization should not be modified to specify operation on Channel 22, which would replace Channel 47 in Pittsburgh under petitioner's proposed amendment.

4. The Commission has previously denied in a rule making proceeding (Docket No. 11280) a request by WKST, Inc., to shift the operation of its station on Channel 45 from New Castle, Pennsylvania, to Youngstown, Ohio. (See Report and Order of January 13, 1956, FCC 56-45.) However, upon reconsidering this matter on its own motion, the Commission is of the view that further rule making proceedings should be instituted to consider the request of WKST, Inc. Three alternative plans have been advanced to accomplish the change in assignment, as follows:

| City                              | Plan I                    |                          |
|-----------------------------------|---------------------------|--------------------------|
|                                   | Present                   | Proposed                 |
| Youngstown, Ohio.....             | 21-, 27, 73-              | 21-, 27, 45-, 73-        |
| New Castle, Pa.....               | 45-                       | 33                       |
| Pittsburgh, Pa.....               | 2-, 11, 13*, 16, 47-, 53+ | 2-, 11, 13*, 16, 22, 53+ |
| Clarksburg, W. Va.....            | 12+, 2, 69-               | 12+, 69-, 79+            |
|                                   | Plan II                   |                          |
| Youngstown, Ohio.....             | 21-, 27, 73-              | 21-, 27, 45-, 73-        |
| New Castle, Pa.....               | 45                        | 51+                      |
| Wheeling-Steubenville, W. Va..... | 7, 9+, 51+                | 7, 9, 22                 |
| Clarksburg, W. Va.....            | 12+, 22, 69-              | 12+, 69-, 79+            |
| Meadville, Pa.....                | 37                        | 62+                      |
|                                   | Plan III                  |                          |
| Youngstown, Ohio.....             | 21-, 27, 73-              | 21-, 27, 45-, 73-        |
| New Castle, Pa.....               | 45-                       | 55-                      |
| Akron, Ohio.....                  | 49+, 55*, 61+             | 49+, 61*, 71-            |

\* This plan would require a change in the offset carrier requirement for Frederick, Md., from Channel 62 plus to Channel 62 even.

5. WKST is presently authorized to operate as a New Castle station. In order to implement its proposal it would be required to shift the operation of its station to Youngstown. Under Plan I, Channel 22 would replace Channel 47 in Pittsburgh. Golden Triangle Television Corporation is authorized to operate Station WTVQ on this frequency and would be required to show cause in this proceeding why its authorization should not be modified to specify Channel 22. Under Plan II, Channel 22 would replace Channel 51 in Wheeling-Steubenville. Polan Industries is authorized to operate Station WLTV on this frequency, and would be required to show cause in this proceeding why its authorization should not be modified to specify Channel 22.

6. Plans I and II above conflict with the request of Community Telecasting for Youngstown since Plan I would assign Channel 33 to New Castle and Community Telecasting's proposal would employ this channel in Youngstown; and since in Plan II channel 22 would be assigned to Wheeling-Steubenville, while Community Telecasting would assign this frequency to Clarksburg.

7. The Commission believes the public interest would be served by considering the above conflicting requests in a rule making proceeding in order that all interested parties may submit their views with respect to these proposals to the Commission. Parties are also requested to direct their comments to the question of whether either Channel 33 or Channel 45 should be assigned to Youngstown-New Castle as a hyphenated community.

8. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

9. Any interested person who is of the view that the proposals herein should not be adopted may file with the Commission on or before September 10, 1956, written data, views, or arguments setting forth his comments. Comments in support of the proposals may also be filed on or before the same date. Comments or briefs in reply to such original comments as may be submitted should be filed within 10 days from the last day for fil-

ing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing such additional comments is established. The Commission will consider all such additional comments submitted before taking further action in this matter, and if any comments appear to warrant the holding of a hearing, oral argument, or demonstration, notice of the time and place of such hearing, oral argument or demonstration will be given.

10. The various rule making proposals would change channel assignments of authorized television stations. However, the Commission does not believe that show cause orders should be issued at this time to be considered in this rule making proceeding. At the conclusion of the rule making proceeding when the Commission has determined what, if any, changes in channel assignments should be made, such additional proceedings as may be necessary in light of changes to authorized stations can be undertaken.

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

Adopted: July 5, 1956.

Released: July 9, 1956.

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

[F. R. Doc. 56-5537; Filed, July 12, 1956;  
8:47 a. m.]

#### [ 47 CFR Part 3 ]

[Docket No. 11767; FCC 56-632]

#### RADIO BROADCAST SERVICES

##### TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 Table of assignments, television broadcast stations (Elk City and Woodward, Oklahoma).

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on August 11, 1955, by Video Independent Theatres for amendment of the Table of Assignments in § 3.606 of its rules and regulations by shifting Channel 8+ from Woodward, Oklahoma, to Elk City, Oklahoma, and substituting Channel 35+ in Woodward.

3. In support of the proposed amendment, petitioner notes that there are no pending applications for a television station in either Elk City or Woodward and that the assignment of Channel 8+ to Elk City and Channel 35+ to Woodward, in the manner proposed, would meet all separation requirements of the Commission. Petitioner states that Elk City is located in Beckham County, which has a population of 21,627 persons and that Woodward is located in Woodward County, which has a population of 14,383 persons. It is argued that Beckham County is the more thickly populated and economically active. Petitioner represents that if Channel 8 is assigned to Elk City, it will apply for a station in that community.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views, and that the Commission may be apprised of such views prior to taking further action.

5. Authority for the issuance of the instant Notice is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested person who is of the view that petitioner's proposal herein should not be adopted may file with the Commission on or before August 31, 1956, written data, views, or arguments setting forth his comments. Comments in support of the proposal may also be filed on or before the same date. Comments or briefs in reply to such original comments as may be submitted should be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing such additional comments is established. The Commission will consider all such additional comments submitted before taking further action in this matter, and if any comments appear to warrant the holding of a hearing, oral argument, or demonstration, notice of the time and place of such hearing, oral argument or demonstration will be given.

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

Adopted: July 5, 1956.

Released: July 9, 1956.

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

[F. R. Doc. 56-5538; Filed, July 12, 1956;  
8:48 a. m.]

## [ 47 CFR Part 3 ]

[Docket No. 11788; FCC 56-634]

## RADIO BROADCAST SERVICES

## TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, television broadcast stations. (Anderson, Indiana, Indianapolis, Indiana).

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. On April 12, 1956, the Great Commission Schools, Inc., permittee of television Station WCBC-TV authorized to operate on Channel 61 in Anderson, Indiana, filed a petition requesting rule making to amend § 3.606 *Table of assignments*, Television Broadcast Stations so as to assign Channel 26 to Anderson, Indiana in lieu of Channel 16 as follows:

| City               | Channel No. |     |
|--------------------|-------------|-----|
|                    | Delete      | Add |
| Anderson, Ind.     | 61          | 26+ |
| Indianapolis, Ind. | 26+         | 77  |

Petitioner further requests that the Commission Order it to Show Cause why its outstanding authorization for Station

WCBC-TV should not be modified to specify operation on Channel 26 in lieu of Channel 61 at Anderson.

3. In support of its request, petitioner submits that it is important that it operate on the lowest possible channel in view of the high saturation of VHF-only sets in the area and the higher cost in providing the greater power needed on the high channels to overcome the difficulties inherent in present day receivers; and that the proposal conforms to the rules and would not adversely affect any other party.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views to the Commission and the Commission may have the benefit of such views prior to taking further action.

5. We do not believe, however, that we should direct the Great Commission Schools, Inc., in this proceeding to show cause why its authorization for Station WCBC-TV should not be modified to specify operation on Channel 26 in place of Channel 61. Such additional show cause proceedings which may be necessary can be instituted at the termination of this rule making proceeding.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be

adopted in the form set forth herein, may file with the Commission on or before August 31, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. Authority for the adoption of the amendment proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (f), (g), (h) and (r) and 307, (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

8. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: July 5, 1956.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 56-5539; Filed, July 12, 1956;  
8:48 a. m.]

## NOTICES

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## OREGON

NOTICE OF PROPOSED WITHDRAWAL AND  
RESERVATION OF LANDS

JULY 3, 1956.

The Bureau of Land Management, Department of the Interior, has filed an application, Serial No. 04395, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws and leasing under the mineral leasing laws except oil and gas leasing.

The applicant desires the land for a source of hard rock for surfacing and ballast in construction and maintenance of timber access roads in the vicinity.

For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1001 N. E. Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

## WILLAMETTE MERIDIAN, OREGON

T. 15 S., R. 6 W.,

Sec. 5: NW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 8: N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ .

100 acres.

RUSSELL E. GETTY,

Acting State Supervisor.

[F. R. Doc. 56-5527; Filed, July 12, 1956;  
8:45 a. m.]

## National Park Service

[Region One, Order 3, Amdt. 2]

## SUPERINTENDENTS

DELEGATION OF AUTHORITY WITH RESPECT  
TO APPROVAL OF PRELIMINARY PLANS FOR  
CONCESSIONERS' PROJECTS AND OF ARCHITECTURAL STYLES

1. The following new paragraph is added to section 1:

(f) Approval of preliminary plans for concessioners' projects and approval of preliminary plans which establish the architectural style in a newly developed area or which are a departure from a previous style in an established area.

2. The following new paragraph is added to section 2:

(g) Approval of preliminary plans for concessioners' projects and approval of preliminary plans which establish the architectural style in a newly developed area or which are a departure from a previous style in an established area.

3. The following new paragraph is added to section 3:

(m) Approval of preliminary plans for concessioners' projects and approval of preliminary plans which establish the architectural style in a newly developed area or which are a departure from a previous style in an established area.

[SEAL]

ELBERT COX,  
Regional Director,  
Region One.

[F. R. Doc. 56-5528; Filed, July 12, 1956;  
8:45 a. m.]

[Region Four, Order 3, Amdt. 2]

## SUPERINTENDENTS

DELEGATION OF AUTHORITY WITH RESPECT  
TO APPROVAL OF PRELIMINARY PLANS FOR  
CONCESSIONERS' PLANS AND OF ARCHITECTURAL STYLES

1. A new paragraph, numbered (f) and reading as follows, is added to section 1:

(f) Approval of preliminary plans for architectural style in a new developed area or departures from a previous style in an established area and approval of preliminary plans for concessioners' projects.

2. A new paragraph, numbered (g) and reading as follows, is added to section 2:

(g) Approval of preliminary plans for architectural style in a new developed

area or departures from a previous style in an established area and approval of preliminary plans for concessioner's projects.

3. A new paragraph, numbered (m) and reading as follows, is added to section 3:

(m) Approval of preliminary plans for architectural style in a new developed area or departures from a previous style in an established area and approval of preliminary plans for concessioner's projects. (National Park Service Order 14).

[SEAL] LAWRENCE C. MERRIAM,  
Regional Director,  
Region Four.

[F. R. Doc. 56-5529; Filed, July 12, 1956;  
8:45 a. m.]

### Bureau of Reclamation

NEWELL TOWNSITE, SOUTH DAKOTA

SALE OF BLOCKS 115 AND 116

1. *Statutory authority.* Two additional blocks of the townsite of Newell, South Dakota, will be disposed of in accordance with the acts of April 16 and June 27, 1906 (34 Stat. 116, 519, 43 U. S. C. 561, 568).

2. *Area and appraised value.*

NEWELL TOWNSITE, SOUTH DAKOTA

T. 9 N., R. 6 E. B. H. M.,

Block 115 of Sec. 20, 5 acres, \$500.

Block 116 of Sec. 20, 6 acres, \$150.

3. *Public sale.* On July 24, 1956, at 10:00 a. m. at the Belle Fourche Irrigation District Office, Newell, South Dakota, said two blocks will be sold at public auction to the highest bidder at not less than the appraised value. Purchasers must be citizens of the United States. William Maxey, Jr., Chief, Irrigation Division, Missouri-Oahe Projects Office, Bureau of Reclamation, Huron, South Dakota, has been designated as superintendent of sale and as auctioneer.

4. *Terms of sale.* Full payment for the lots and tracts must be made in cash on the date of the sale.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids for any block and to suspend, adjourn, or postpone the sale of any block to such time and place as he may deem proper. After the blocks have been offered, the superintendent will close the sale. Any block remaining unsold will be subject to private sale by the Manager, Land Office, Billings, Montana.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any block from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under U. S. C. 1860.

F. M. CLINTON,  
Regional Director.

[F. R. Doc. 56-5530; Filed, July 12, 1956;  
8:46 a. m.]

### COLUMBIA BASIN PROJECT, WASHINGTON

#### ORDER OF REVOCATION

JANUARY 17, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of March 22, 1934, and June 13, 1947, in so far as said orders affect the following-described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN, OREGON

T. 9 N., R. 29 E.,

Sec. 14, SW  $\frac{1}{4}$ .

T. 27 N., R. 34 E.,

Sec. 2, SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ .

The above areas aggregate approximately 200 acres.

W. A. DEXHEIMER,  
Commissioner.

[1539695]

JULY 9, 1956.

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

1. The SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , sec. 2, T. 27 N., R. 34 E., lies in a steep rocky point bordering Roosevelt Lake on the Columbia River behind Grand Coulee Dam. It supports a fair stand of fir and pine timber, and an understory of grass makes the tract desirable for grazing livestock.

2. No application for the lands described in paragraph 1 may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

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

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

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

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of

World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on August 14, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 13, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 13, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

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

5. The SW  $\frac{1}{4}$ , sec. 14, T. 9 N., R. 29 E., shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a ninety-one day preference-right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended.

b. The lands in paragraph 1 have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on November 13, 1956.

6. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

DEPUE FALCK,  
Acting Director,

Bureau of Land Management.

[F. R. Doc. 56-5566; Filed, July 12, 1956;  
8:53 a. m.]

### DEPARTMENT OF JUSTICE

#### Office of Alien Property

TEUNTJE ADRIANA MATENA

#### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the

following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Teuntje Adriana Matena, Middelburg, Netherlands, \$498.81 in the Treasury of the United States.

Claim No. 61717. Vesting Order No. 18118.

Executed at Washington, D. C., on July 5, 1956.

For the Attorney General.

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

[F. R. Doc. 56-5570; Filed, July 12, 1956;  
8:53 a. m.]

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### CERTAIN LANDS

#### SUITABILITY FOR NATIONAL FOREST PURPOSES

Pursuant to the requirement of Executive Order 10445, dated April 10, 1953 (18 F. R. 2069), except as to lands within the States of Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming, all lands within the exterior boundaries of national forests which have been acquired through exchange since June 30, 1955, or that are in the process of being acquired through exchange by the Forest Service on behalf of the United States under authority of Title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1010-1013), are hereby determined to be suitable for national forest purposes.

[SEAL] RICHARD E. MCARDLE,  
Chief, Forest Service.

JUNE 28, 1956.

[F. R. Doc. 56-5583; Filed, July 12, 1956;  
8:55 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Appeals Board, Docket No. 34, BFC Case 209]

#### GENERAL EXPORT CLOTHING CORP.

#### APPEALS BOARD DECISION

In the matter of General Export Clothing Corp., 145-147 Mulberry Street, New York 13, New York.

The Appeals Board has carefully examined the extensive record in this matter and has considered the arguments of this appellant at a hearing before the Board.

Not finding justification for a modification of the Order Revoking Export Licenses and Denying Export Privileges, issued by the Director of Export Supply, Bureau of Foreign Commerce, dated May 14, 1956, the Board finds that the Order should be sustained.

Now, therefore: *It is ordered*, That the appeal be and hereby is denied.

FREDERIC W. OLNSTEAD,  
Chairman, Appeals Board.

JULY 9, 1956.

[F. R. Doc. 56-5568; Filed, July 12, 1956;  
8:53 a. m.]

#### L. KEVILLE LARSON

#### REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

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

#### Report of Appointment

1. Name of appointee: Mr. L. Keville Larson.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 31, 1956.
4. Title of position: Consultant.
5. Name of private employer: Weyerhaeuser Timber Company, 230 Park Avenue, New York City, New York.

[SEAL] CARLTON HAYWARD,  
Director of Personnel.

#### Statement of Financial Interests

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

Missouri Pacific,  
National Container,  
Oxford Paper Company,  
Edward Hines Lumber Co.  
Kimberly-Clark Corp.,  
Southern Mineral,  
Weyerhaeuser Timber Company,  
Wood Conservation Co.,  
Bank Deposits.

Dated: June 22, 1956.

L. KEVILLE LARSON.

[F. R. Doc. 56-5571; Filed, July 12, 1956;  
8:53 a. m.]

#### JOHN ROBERT JONES

#### REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

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

#### Report of Appointment

1. Name of appointee: Mr. John Robert Jones.

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

3. Date of appointment: June 14, 1956.

4. Title of position: Consultant.

5. Name of private employer: Kearney and Trecker Corporation, 6784 W. National Avenue, Milwaukee, Wisconsin.

[SEAL] CARLTON HAYWARD,  
Director of Personnel.

#### Statement of Financial Interests

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

Kearney & Trecker Corporation, vice president.

AMTEA Corporation, president.  
Stock Ownership: Kearney & Trecker Corporation, American Machine & Foundry Co., Burroughs Company, Marathon Paper Company, Trenton Chemical Company.

Dated: June 19, 1956.

JOHN ROBERT JONES.

[F. R. Doc. 56-5572; Filed, July 12, 1956;  
8:53 a. m.]

#### WALTER D. SCHLUNDT

#### REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTEREST

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

#### Report of Appointment

1. Name of appointee: Mr. Walter D. Schlundt.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 11, 1956.
4. Title of position: Chief, Carbon & Alloy Flat Rolled & Tubular Br.
5. Name of private employer: Pittsburgh Steel Company, Grant Building, Pittsburgh, Penna.

[SEAL] CARLTON HAYWARD,  
Director of Personnel.

#### Statement of Financial Interests

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

owns, or within 60 days preceding appointment has owned, any similar interest.

Pittsburgh Steel Company.  
Bank Deposits.

Dated: June 21, 1956.

WALTER D. SCHLUNDT,

[F. R. Doc. 56-5573; Filed, July 12, 1956;  
8:53 a. m.]

## United States Weather Bureau

### WEATHER SERVICES

1. *General state weather forecasts.* A general public weather service of daily weather bulletins, forecasts, warnings, and advices for agriculture, business, commerce, industry, etc., is provided through the field stations of the Weather Bureau. This information is based upon the forecasts issued from 29 forecast offices which are listed below. Forecasts are regularly available four times daily to cover weather developments expected during the ensuing 36 to 48 hours, but in critical situations warnings of storms and cold waves are issued as developments warrant, without regard to regular forecasting schedules.

Five-day weather outlook statements are issued for all parts of the United States three times weekly. A 30-day outlook is issued at Washington twice a month.

### Forecast Offices

|                      |                       |
|----------------------|-----------------------|
| Albany, N. Y.        | Los Angeles, Calif.   |
| Albuquerque, N. Mex. | Miami, Fla.           |
| Anchorage, Alaska.   | Minneapolis, Minn.    |
| Atlanta, Ga.         | New Orleans, La.      |
| Baltimore, Md.       | New York, N. Y.       |
| Boston, Mass.        | Oklahoma City, Okla.  |
| Buffalo, N. Y.       | Philadelphia, Pa.     |
| Chicago, Ill.        | Pittsburgh, Pa.       |
| Denver, Colo.        | Raleigh, N. C.        |
| Des Moines, Iowa.    | Salt Lake City, Utah. |
| Great Falls, Mont.   | San Francisco, Calif. |
| Hartford, Conn.      | San Juan, P. R.       |
| Harrisburg, Pa.      | Seattle, Wash.        |
| Honolulu, T. H.      | Washington, D. C.     |
| Kansas City, Mo.     |                       |

2. *Local weather forecasts.* Local Weather Bureau offices throughout the nation provide reports, advices, and forecast, warning and information services to the public for their respective communities and surrounding areas. Detailed and localized forecasts are prepared by these offices for their own locality; many offices prepare individual forecasts for nearby localities also. These localized forecasts are adaptations of the general state forecasts issued by the forecast centers. They contain more detail than the general state forecasts and take into account the local climatology, topography and weather peculiarities of the particular limited area to which they apply.

Weather bulletins and forecasts issued by the local Weather Bureau offices are published in nearly all daily newspapers and broadcast by most commercial radio and TV stations in the country. Weather information service is also given wide distribution to the general public by means of direct radio broadcasts which originate in Weather Bureau offices and are carried by about 700 radio

stations. Local forecasts and reports are available by telephone or personal visit at all Weather Bureau offices.

3. *Severe local storm warning service.* The primary objective of the severe local storm warning service is to have warnings reach all residents of a threatened area as quickly as possible, in order to provide the maximum amount of time for disaster preparations including possible evacuation measures.

The service consists of the regular Weather Bureau forecast centers and field offices supplemented by local networks of cooperative observers and coordinated on a national basis at the Severe Local Storm Warning Center located at Kansas City, Mo. This Center maintains a continuous watch of weather conditions across the United States to detect the possibility of severe local storm development (tornadoes, damaging local wind storms, severe thunder storms or damaging hail storms) issues severe weather forecasts for national distribution, provides technical information to forecast centers, and coordinates the issuance of forecasts across forecast center boundaries. Within the boundaries of a particular forecast area, severe storm warnings covering the location and direction of movement are issued by the forecast center by telephone and teletypewriter to local Weather Bureau offices which adapt and distribute them locally by telephone, television, press, radio and other media for mass dissemination. Severe local storm warnings are telephoned to Civil Defense agencies, safety officials, and other responsible civic representatives in communities without Weather Bureau offices for further dissemination locally.

4. *Hurricane forecasts and warnings.* The hurricane warning service has three main functions: the collection or reports, the preparation of forecasts and warnings, and the immediate and widespread distribution of information to the public and ships at sea. Forecast services are provided by Hurricane Forecast Centers on the Gulf and Atlantic Coasts, on the Pacific Coast and in Hawaii. All Weather Bureau stations on the Gulf and Atlantic Coasts from Brownsville, Tex., to Portland, Maine are connected by a special hurricane teletypewriter circuit. In this way, all special reports and all warnings and advisories are available simultaneously at all connecting stations. Emergency Warning Centers to serve as "news rooms" have been set up in all major cities in the coastal areas of the hurricane belt so that radio-TV announcers and newsmen can operate from on-the-spot locations to disseminate the official advisories and bulletins.

Surface and upper-air observations from the regular Weather Bureau network are supplemented by special observations furnished through the cooperation of various agencies and governments. Included are observations from Coast Guard stations, lighthouses, mobile units, stations in Mexico, Central and South America, the West Indies, Bahamas, and Cuba, and from amateur radio reporting networks in a number of states. Air Force and Navy reconnaissance aircraft patrol areas of suspected activity or fly into and report on existing

storms. Radar stations (military, private and Weather Bureau) also observe and report on tropical storms. Also, observations from ships at sea are received by radio, and special ship reports from designated areas are furnished hourly when needed.

### Hurricane Forecast Centers

|                     |                       |
|---------------------|-----------------------|
| Boston, Mass.       | New Orleans, La.      |
| Honolulu, T. H.     | San Francisco, Calif. |
| Los Angeles, Calif. | San Juan, P. R.       |
| Miami, Fla.         | Washington, D. C.     |

5. *Horticultural and agricultural forecast service.* This service is intended to provide the farmer with the weather information he needs for planning and conducting his operations, and is provided at most local Weather Bureau offices. Specialized forecasts for the protection of fruit and truck crops are issued in cooperation with the Department of Agriculture Extension Service, county agents, local growers' organizations, and local radio stations. Forecasts are specific with respect to rain, wind, and other weather conditions affecting spraying and dusting for insect and disease control; harvesting fruit and vegetable crops; fruit drying; haying; irrigation; fertilizing and other farm, grove, and marketing activities subject to weather hazard. Where winter and spring crops require protection against frost and low temperatures, an intensive fruit-frost service is maintained on a cooperative basis with states, counties or local growers' organizations bearing a portion of the operating costs. Intensive fruit-frost services are now provided to fruit growers in sections of the States of Washington, Oregon, Idaho, Arizona, Wisconsin, California and Florida.

6. *Fire-weather forecast and warning service.* This service provides forecasts of humidity, wind, precipitation, thunderstorm conditions, temperature, and other weather elements affecting fire behavior, in the forested regions of the country to assist the federal, state, and private forest protection agencies in combatting the fire menace. Operations that are controlled by the weather forecast include such items as suppression work on going fires, alerting cooperators, manning lookout towers, issuing burning permits, closing forest areas to public use, suspending logging operations, requiring speeder-patrols on railroads, burning slash and firing railroad right-of-way, etc.

Fire-weather service is available from Weather Bureau offices in the following localities:

|                      |                       |
|----------------------|-----------------------|
| Albany, N. Y.        | Kansas City, Mo.      |
| Albuquerque, N. Mex. | Little Rock, Ark.     |
| Asheville, N. C.     | Los Angeles, Calif.   |
| Anchorage, Alaska.   | Miami, Fla.           |
| Atlanta, Ga.         | Missoula, Mont.       |
| Baltimore, Md.       | Montgomery, Ala.      |
| Billings, Mont.      | Olympia, Wash.        |
| Boise, Idaho.        | Pendleton, Oreg.      |
| Boston, Mass.        | Philadelphia, Pa.     |
| Cheyenne, Wyo.       | Phoenix, Ariz.        |
| Chicago, Ill.        | Portland, Oreg.       |
| Denver, Colo.        | Rapid City, S. Dak.   |
| Fort Smith, Ark.     | Redding, Calif.       |
| Fresno, Calif.       | Reno, Nev.            |
| Harrisburg, Pa.      | Salt Lake City, Utah. |
| Hartford, Conn.      | San Francisco, Calif. |
| Houston, Tex.        | Seattle, Wash.        |
| Jackson, Miss.       | Shreveport, La.       |
| Jacksonville, Fla.   | Tallahassee, Fla.     |

**7. Domestic aviation weather service.** Domestic service consists of about 241 airport stations. These are connected by nationwide teletypewriter circuits operated by the Civil Aeronautics Administration, which collect and exchange detailed reports hourly on weather conditions along the civil airways, and disseminate forecasts and other current weather information. Flight weather briefing is available at all airport stations. Operational forecasts for aviation are issued every 6 hours by specially trained forecast personnel at 26 Flight Advisory Weather Service Centers. As a further aid to safety in the air, each Center working through its associated CAA Air Route Traffic Control Center provides in-flight weather service as required.

Flight Advisory Weather Service Centers are located at:

|                      |                       |
|----------------------|-----------------------|
| Albuquerque, N. Mex. | Los Angeles, Calif.   |
| Atlanta, Ga.         | Memphis, Tenn.        |
| Boston, Mass.        | Miami, Fla.           |
| Chicago, Ill.        | Minneapolis, Minn.    |
| Cincinnati, Ohio.    | New Orleans, La.      |
| Cleveland, Ohio.     | New York, N. Y.       |
| Denver, Colo.        | Pittsburgh, Pa.       |
| Detroit, Mich.       | Salt Lake City, Utah. |
| El Paso, Tex.        | San Antonio, Tex.     |
| Fort Worth, Tex.     | San Francisco, Calif. |
| Great Falls, Mont.   | Seattle, Wash.        |
| Jacksonville, Fla.   | St. Louis, Mo.        |
| Kansas City, Mo.     | Washington, D. C.     |

**8. Marine meteorological service.** This service collects weather observations from vessels at sea, and supplies bulletins of whether reports, forecasts, and storm warnings for surface shipping on the oceans and the Great Lakes. At present over 700 United States vessels furnish weather reports by radio and/or mail while at sea, and arrangements have been made on a worldwide basis for vessels of all flags to report to designated radio stations when in specified areas. Reports are also received from all U. S. military vessels. Observations are normally made at 6-hourly intervals but, under adverse weather conditions, are made oftener as warranted.

Marine weather information is available by telephone or personal visit at Weather Bureau offices in the following coastal cities:

|                      |                       |
|----------------------|-----------------------|
| Anchorage, Alaska.   | New Orleans, La.      |
| Baltimore, Md.       | New York, N. Y.       |
| Boston, Mass.        | Norfolk, Va.          |
| Brownsville, Tex.    | Pensacola, Fla.       |
| Charleston, S. C.    | Philadelphia, Pa.     |
| Corpus Christi, Tex. | Port Arthur, Tex.     |
| Galveston, Tex.      | Portland, Maine.      |
| Honolulu, T. H.      | Portland, Oreg.       |
| Houston, Tex.        | Providence, R. I.     |
| Jacksonville, Fla.   | San Diego, Calif.     |
| Juneau, Alaska.      | San Francisco, Calif. |
| Key West, Fla.       | San Juan, P. R.       |
| Lake Charles, La.    | Savannah, Ga.         |
| Los Angeles, Calif.  | Seattle, Wash.        |
| Miami, Fla.          | Tampa, Fla.           |
| Mobile, Ala.         | Wilmington, N. C.     |

**9. International aviation weather service.** Weather forecasting and briefing services for trans-oceanic flights are provided by Weather Bureau offices at the following locations:

|                                 |                     |
|---------------------------------|---------------------|
| Anchorage, Alaska.              | Cold Bay, Alaska.   |
| Boston, Mass.                   | Detroit, Mich.      |
| Canton Island (Phoenix Island). | Honolulu, T. H.     |
| Chicago, Ill.                   | Houston, Tex.       |
|                                 | Los Angeles, Calif. |

|                       |                   |
|-----------------------|-------------------|
| Miami, Fla.           | Seattle, Wash.    |
| New Orleans, La.      | Tampa, Fla.       |
| New York, N. Y.       | Wake Island       |
| Portland, Oreg.       | (Pacific).        |
| San Francisco, Calif. | Washington, D. C. |
| San Juan, P. R.       |                   |

**10. Hydrologic services.** River and flood forecast and warning service is concerned with the preparation and issuance of river-stage and flood warnings in advance of a flood's occurrence, in order to provide the time needed for evacuation of people and movable property, and for the strengthening and operation of protective installations and measures. In non-flood periods the daily river forecast is used in planning the operation of locks, dams, and other river structures as well as reclamation and irrigation projects.

There are nine river forecast centers, each responsible for a major river basin and furnishing key river forecasts to the local district offices. There are 88 districts covering all the principal rivers and tributaries of the United States. River stages are observed daily at about 1,000 stations and daily river stage forecasts from 24 to 72 hours in advance are made on many of the larger rivers for the benefit of river navigation and control, in addition to flood stage forecasts made as needed. The observed stages are published in an annual summary for the use of industry, commerce, water utilization, and flood-control interests.

In collaboration with the United States Corps of Engineers, the Weather Bureau maintains and publishes data from a network of some 3,000 special precipitation measuring stations, and makes studies of outstanding storms of record to determine the maximum rainfall amounts likely to fall over river basins for which engineering works are under development. In the western States the Bureau's network of mountain snowfall stations is used to provide forecasts of runoff from the snow fields for irrigation and other water interests, published from January to May, inclusive, in "Water Supply Forecasts for the Western United States".

River district offices are located in the following communities:

|                      |                     |
|----------------------|---------------------|
| Albany, N. Y.        | Fort Worth, Tex.    |
| Albuquerque, N. Mex. | Fresno, Calif.      |
| Allentown, Pa.       | Grand Junction,     |
| Asheville, N. C.     | Colo.               |
| Atlanta, Ga.         | Grand Rapids, Mich. |
| Augusta, Ga.         | Harrisburg, Pa.     |
| Austin, Tex.         | Hartford, Conn.     |
| Bakersfield, Calif.  | Helena, Mont.       |
| Billings, Mont.      | Houston, Tex.       |
| Binghamton, N. Y.    | Huntington, W. Va.  |
| Bismarck, N. Dak.    | Indianapolis, Ind.  |
| Boise, Idaho         | Jackson, Miss.      |
| Brownsville, Tex.    | Kansas City, Mo.    |
| Burlington, Iowa.    | Knoxville, Tenn.    |
| Burlington, Vt.      | La Crosse, Wis.     |
| Cairo, Ill.          | Lake Charles, La.   |
| Charleston, S. C.    | Lansing, Mich.      |
| Cincinnati, Ohio.    | Little Rock, Ark.   |
| Columbia, S. C.      | Los Angeles, Calif. |
| Columbus, Ohio.      | Louisville, Ky.     |
| Concord, N. H.       | Macon, Ga.          |
| Corpus Christi, Tex. | Medford, Oreg.      |
| Denver, Colo.        | Memphis, Tenn.      |
| Des Moines, Iowa.    | Minneapolis, Minn.  |
| Dodge City, Kans.    | Mobile, Ala.        |
| El Paso, Tex.        | Moline, Ill.        |
| Eureka, Calif.       | Montgomery, Ala.    |
| Evansville, Ind.     | Nashville, Tenn.    |
| Fargo, N. Dak.       | New Orleans, La.    |
| Fort Wayne, Ind.     | Norfolk, Nebr.      |

|                      |                       |
|----------------------|-----------------------|
| Oklahoma City, Okla. | Sacramento, Calif.    |
| Omaha, Nebr.         | St. Louis, Mo.        |
| Parkersburg, W. Va.  | Salt Lake City, Utah. |
| Pensacola, Fla.      | San Antonio, Tex.     |
| Philadelphia, Pa.    | San Francisco, Calif. |
| Phoenix, Ariz.       | Seattle, Wash.        |
| Pittsburgh, Pa.      | Shreveport, La.       |
| Portland, Maine.     | Sioux City, Iowa.     |
| Portland, Oreg.      | Spokane, Wash.        |
| Pueblo, Colo.        | Topeka, Kans.         |
| Raleigh, N. C.       | Tulsa, Okla.          |
| Reading, Pa.         | Vicksburg, Miss.      |
| Reno, Nev.           | Washington, D. C.     |
| Richmond, Va.        | Wichita, Kans.        |
| Rochester, N. Y.     |                       |

**11. Climatological Services.** The climatological service seeks to determine and record the various types of climate, and to explain the causes of these climates, their variation, geographical location, and their effects on the economy of the nation. This service collects and makes statistical analyses of non-current observations from all sources in the United States, its territories, and ocean areas.

The work is supported basically by the observations taken at about 11,300 substations, the majority of which are manned by unpaid cooperative observers. Also, there are three data monitoring centers—San Francisco, Calif., Kansas City, Mo., and Chattanooga, Tenn.—equipped to receive and process, by modern tabulating methods, the original climatological observations of all the substations and regular Weather Bureau stations and to publish the established monthly and annual statistical summaries of climatological data for the United States. The final repository for American weather records, plus facilities for handling large-scale tabulation and summarization projects, are maintained in the National Weather Records Center in Asheville, N. C. This Center produces special machine tabulations of an operational or investigational nature for government use and, through trust fund arrangements, provides statistical studies of meteorological data for non-governmental uses.

Each Weather Bureau office maintains local climatological records. Information concerning state-wide weather records can be obtained from the State Climatologist offices listed below.

*State and Location of State Climatologist*

|                                  |
|----------------------------------|
| Alabama—Montgomery, Ala.         |
| Alaska—Anchorage, Alaska.        |
| Arizona—Phoenix, Ariz.           |
| Arkansas—Little Rock, Ark.       |
| California—San Francisco, Calif. |
| Colorado—Denver, Colo.           |
| Connecticut—Hartford, Conn.      |
| Delaware—Baltimore, Md.          |
| Florida—Gainesville, Fla.        |
| Georgia—Athens, Ga.              |
| Hawaii—Honolulu, T. H.           |
| Idaho—Boise, Idaho.              |
| Illinois—Champaign, Ill.         |
| Indiana—Lafayette, Ind.          |
| Iowa—Des Moines, Iowa.           |
| Kansas—Topeka, Kans.             |
| Kentucky—Louisville, Ky.         |
| Louisiana—New Orleans, La.       |
| Maine—Boston, Mass.              |
| Maryland—Baltimore, Md.          |
| Massachusetts—Boston, Mass.      |
| Michigan—Lansing, Mich.          |
| Minnesota—Minneapolis, Minn.     |
| Mississippi—New Orleans, La.     |
| Missouri—Columbia, Mo.           |
| Montana—Helena, Mont.            |
| Nebraska—Lincoln, Nebr.          |

Nevada—Salt Lake City, Utah.  
 New Jersey—Trenton, N. J.  
 New Hampshire—Boston, Mass.  
 New Mexico—Albuquerque, N. Mex.  
 New York—Albany, N. Y.  
 North Carolina—Raleigh, N. C.  
 North Dakota, Bismarck, N. Dak.  
 Ohio—Columbus, Ohio.  
 Oklahoma, Okla. City, Okla.  
 Oregon—Portland, Oreg.  
 Pennsylvania—Harrisburg, Pa.  
 Rhode Island—Hartford, Conn.  
 South Carolina—Columbia, S. C.  
 South Dakota—Huron, S. Dak.  
 Tennessee—Nashville, Tenn.  
 Texas—Austin, Tex.  
 Utah—Salt Lake City, Utah.  
 Vermont—Boston, Mass.  
 Virginia—Richmond, Va.  
 Washington—Seattle, Wash.  
 West Indies—San Juan, P. R.  
 West Virginia—Parkersburg, W. Va.  
 Wisconsin—Madison, Wis.  
 Wyoming—Cheyenne, Wyo.

12. *Publications.* The Weather Bureau has available for public distribution numerous bulletins, charts, maps and pamphlets containing statistical information recording the weather which has occurred throughout the country. These publications provide weekly, monthly and annual summaries for specific cities, states and for the country as a whole, including contiguous ocean areas. Printed lists of the publications are available from the Superintendent of Documents, Government Printing Office, Washington, D. C., or samples may be inspected at the nearest Weather Bureau office.

[SEAL] F. W. REICHELDERFER,  
 Chief,  
 Weather Bureau.

[F. R. Doc. 56-5574; Filed, July 12, 1956;  
 8:54 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11685, 11686; FCC 56M-665]

POLK RADIO, INC., AND DUANE F.  
 MCCONNELL

### ORDER CONTINUING HEARING

In re application of Polk Radio, Inc., Lakeland, Florida, Docket No. 11685, File No. BP-10136 and Duane F. McConnell, Winter Haven, Florida, Docket No. 11686, File No. BP-10400; for construction permits.

The Hearing Examiner having under consideration a motion for continuance filed by Duane F. McConnell on July 5, 1956;

It appearing that consolidation of a third mutually exclusive application in this proceeding is imminent; and

It further appearing that all participants in the proceeding have agreed to the requested continuance and to waiver of the provisions of § 1.745 of the Commission's rules;

It is ordered, This 6th day of July 1956, that the hearing now scheduled for July 9, 1956, is continued without date.

FEDERAL COMMUNICATIONS  
 COMMISSION,

[SEAL] MARY JANE MORRIS,  
 Secretary.

[F. R. Doc. 56-5540; Filed, July 12, 1956;  
 8:48 a. m.]

[Docket Nos. 11763, 11764; FCC 56-620]

J. E. WILLIS AND CRAWFORDSVILLE  
 BROADCASTERS, INC.

### ORDER DESIGNATING APPLICATIONS FOR CON- SOLIDATED HEARING ON STATED ISSUES

In re applications of J. E. Willis, Lafayette, Indiana, Docket No. 11763, File No. BP-10253 and Crawfordsville Broadcasters, Inc., Crawfordsville, Indiana, Docket No. 11764, File No. BP-10460; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of July 1956;

The Commission having under consideration the above-captioned applications of J. E. Willis, and the Crawfordsville Broadcasters, Inc., each for a construction permit for a new standard broadcast station to operate on 1410 kilocycles with a power of one kilowatt, directional antenna, daytime only, at Lafayette and Crawfordsville, Indiana, respectively;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; that both proposals would cause interference to Station WIRE, Indianapolis, Indiana (1430 kc, 5 kw, DA-N, U); that neither proposal may comply with § 3.28 (c) of the Commission's rules due to interference which would be received by the proposal of J. E. Willis from Stations WING, Dayton, Ohio (1410 kc, 5 kw, DA-N, U) and WRMN, Elgin, Illinois (1410 kc, 500 w, Day) and due to interference which would be received by the Crawfordsville Broadcasters, Inc., proposal from Station WING; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 25, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that a timely reply was filed by each of the applicants; and

It further appearing, that both applicants have requested a waiver of § 3.28 (c) of the Commission's rules; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

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

2. To determine whether the proposed operations would cause interference to

Station WIRE, Indianapolis, Indiana, 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, because of the interference received, the proposed operations 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 section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

5. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That Indianapolis Broadcasting, Incorporated, licensee of Station WIRE, is made a party to the proceeding.

It is further ordered, That, in the event the application of J. E. Willis is granted, J. E. Willis shall be responsible for the installation and adjustment of suitable filter circuits, or other equipment as may be necessary to prevent interaction between the proposed antenna system and the antenna system of Station WBAA, West Lafayette, Indiana.

Released: July 9, 1956.

FEDERAL COMMUNICATIONS  
 COMMISSION,

[SEAL] MARY JANE MORRIS,  
 Secretary.

[F. R. Doc. 56-5541; Filed, July 12, 1956;  
 8:48 a. m.]

[Docket No. 11765; FCC 56-623]

BABYLON-BAY SHORE BROADCASTING CORP.

### ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re Application of Babylon-Bay Shore Broadcasting Corp., Babylon, New York, Docket No. 11765, File No. BP-10144; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of July 1956;

The Commission having under consideration the above-entitled application of the Babylon-Bay Shore Broadcasting Corp. for a construction permit for a new standard broadcast station to operate on 1440 kilocycles with a power of 500 watts, daytime only, at Babylon, New York;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the proposed operation may cause interference to Stations WNJR, Newark, New Jersey (1430 kc, 5 kw, DA-N, U) and WBIS, Bristol, Connecticut (1440 kc, 500 w, Day); that

the proposed operation will not provide adequate coverage to the city sought to be served as required by §§ 3.182 and 3.188 of the Commission's rules; and that the aerial site photograph submitted with the application does not show sufficient detail within the proposed 1000 mv/m contour upon which to base a determination that proposed transmitter site will be satisfactory; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated June 15, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that a timely reply was received from the applicant; and

It further appearing that counsel for Station WNJR, by letters dated April 11 and May 15, 1956, opposed the grant of the subject application and has requested that the application be designated for hearing; and

It further appearing that the applicant, on March 2, 1956, requested a waiver of § 3.182 of the Commission's rules; and

It further appearing that the Commission is unable to make a determination with respect to the request for a waiver of § 3.182 of the Commission's rules on the basis of the data before it;

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

*It is ordered.* That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues;

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 Stations WNJR, Newark, New Jersey, and WBIS, Bristol, Connecticut, or any other standard broadcast stations, 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 operation would be in compliance with §§ 3.182 and 3.188 of the Commission's rules with regard to adequate coverage to the city sought to be served, and if compliance with §§ 3.182 and 3.188 is not achieved, whether circumstances exist which would warrant a waiver of said Sections of the Rules.

4. To determine whether the proposed installation and operation would be in compliance with the Commission's Rules and Technical Standards with particular reference to the suitability of the proposed transmitter site.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, if a grant of the subject application would serve the public interest.

*It is further ordered.* That the Great Northern Television, Inc. and The Bristol

Broadcasting Corporation, licensees of Stations WNJR and WBIS, respectively, are made parties to the proceeding.

Released: July 9, 1956.

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

[F. R. Doc. 56-5542; Filed, July 12, 1956;  
8:48 a. m.]

[FCC 56-653]

BOARD OF COMMISSIONERS

DELEGATION OF AUTHORITY WITH RESPECT  
TO INSTITUTING INVESTIGATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of July 1956;

The Commission having under consideration its announcement of April 25, 1956, regarding its plans for one meeting and no hearings or oral arguments in August 1956; planned summer absences of its members; and the limitation on the delegation of authority to a Board of Commissioners, contained in section 0.213 of the Commission's Statement of Organization, Delegations of Authority and Other Information, whereby such Board cannot institute investigations;

It appearing, that a quorum of the Commission may not be present at times during the period from July 15, 1956 to August 29, 1956, inclusive;

It further appearing that it is necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business during the above-described period, that a Board of Commissioners be authorized to institute investigations whenever a quorum of the Commission is not present during the above-described period;

*It is ordered.* That, pursuant to section 5 (d) (1) of The Communications Act of 1934, as amended, during the period from July 15, 1956 to August 29, 1956, inclusive, there is delegated to a Board of Commissioners, to be composed of all Commissioners present and able to act during said period, authority to institute investigations whenever a quorum of the Commission is not present.

Released: July 9, 1956.

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

[F. R. Doc. 56-5543; Filed, July 12, 1956;  
8:48 a. m.]

SECURITIES AND EXCHANGE  
COMMISSION

[File No. 7-1802]

AMERADA PETROLEUM CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted

trading privileges in Amerada Petroleum Corporation, capital stock, File No. 7-1802.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before July 25, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 56-5550; Filed, July 12, 1956;  
8:50 a. m.]

[File No. 7-1803]

ARMOUR & CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

In the matter of application by the Los Angeles Stock Exchange for Unlisted Trading Privileges in Armour & Company, warrants to purchase common stock, File No. 7-1803.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American and Midwest Stock Exchanges.

Upon receipt of a request, on or before July 25, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information

contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 56-5551; Filed, July 12, 1956;  
8:50 a. m.]

[File No. 7-1805]

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD  
Co.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Chicago, Rock Island & Pacific Railroad Company, Common Stock, File No. 7-1805.

The above-named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Midwest Stock Exchanges.

Upon receipt of a request, on or before July 25, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 56-5552; Filed, July 12, 1956;  
8:50 a. m.]

[File No. 7-1807]

HAMMOND ORGAN Co.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Hammond Organ Company, common stock, File No. 7-1807.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading

privileges in the specified security, which is listed and registered on the American and Midwest Stock Exchanges.

Upon receipt of a request, on or before July 25, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 56-5553; Filed, July 12, 1956;  
8:50 a. m.]

[File No. 7-1811]

PARKE, DAVIS & Co.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

In the matter of application by the Los Angeles stock exchange for unlisted trading privileges in Parke, Davis & Company, Common Stock, File No. 7-1811.

The above named stock exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Detroit Stock Exchanges.

Upon receipt of a request, on or before July 25, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 56-5554; Filed, July 12, 1956;  
8:50 a. m.]

[File No. 7-1812]

PROCTER & GAMBLE Co.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Procter & Gamble Company, common stock, File No. 7-1812.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Cincinnati Stock Exchange.

Upon receipt of a request, on or before July 25, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 56-5555; Filed, July 12, 1956;  
8:51 a. m.]

[File No. 7-1815]

STAUFFER CHEMICAL Co.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Stauffer Chemical Company, common stock File No. 7-1815.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and San Francisco Stock Exchanges.

Upon receipt of a request, on or before July 25, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts

bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 56-5556; Filed, July 12, 1956;  
8:51 a. m.]

[File No. 24A-943]

INTERNATIONAL SOUND FILMS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREOF, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

I. International Sound Films, Inc., a Georgia corporation with its principal office located at 220 Pharr Road NE., Atlanta, Georgia, having filed with the Commission on September 8, 1955, a notification on Form 1-A and a Rule 219 (b) Statement as an exhibit thereto and subsequently having filed an amendment thereto relating to an offering of 560 shares of \$10.00 par value common stock and 300 shares of \$100 par value 6 percent preferred stock, both classes to be offered at par, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file on Form 2-A report of sales as required by Rule 224 of Regulation A, and has ignored the request by the Commission's staff for such report.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 56-5547; Filed, July 12, 1956;  
8:49 a. m.]

[File No. 24D-1194]

UNITED BUSINESS UNDERWRITERS, LTD.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREOF, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

I. United Business Underwriters, Ltd., a Utah corporation, 305-7 Newhouse Building, Salt Lake City, Utah, having filed with the Commission on November 27, 1953 a notification on Form 1-A and an Offering Circular, and subsequently having filed amendments thereto, relating to an offering of between 130,680 and 163,350 shares of Class A \$1 par common stock, first, to debentureholders in exchange for outstanding debentures, and thereafter, the unexchanged portion to be offered to the public at \$1.25 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports of sales on Form 2-A as is required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 56-5548; Filed, July 12, 1956;  
8:50 a. m.]

[File Nos. 24SF-1962, 24SF-2116]

GOLDFIELD URANIUM, INC., AND NEVA-UTEX URANIUM, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREOF, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 9, 1956.

I. Goldfield Uranium Inc., 312 East Crook Street, Goldfield, Nevada, having filed with the Commission on September 9, 1954, a Notification on Form 1-A and an Offering Circular and subsequent amendments thereto, relating to an offering of 1,000,000 shares of its common stock 5 cents par value, at 5 cents per

share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

Neva-Utex Uranium, Inc., 118 Euclid Street, Goldfield, Nevada, having filed with the Commission on July 15, 1955, a Notification on Form 1-A and an Offering Circular and subsequent amendments thereto, relating to an offering of 4,000,000 shares of its common capital stock, 5 cents par value, at 5 cents per share, also for the purpose of obtaining an exemption from said registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having been advised that Scott W. Hockensmith, a promoter and director of Goldfield Uranium Inc. and a promoter, director and officer of Neva-Utex Uranium, Inc.; and Howard Hockensmith, a promoter, director and officer of both Goldfield Uranium Inc. and Neva-Utex Uranium, Inc., have been convicted of a crime and offense involving the sale of a security; in that said Scott W. Hockensmith and Howard Hockensmith were convicted on April 23, 1956, in the Superior Court of the State of California, in and for the County of Los Angeles, of violation of section 26104 (a) of the California Corporations Code, which prohibits the issuance or sale of any security in violation of the provisions of Division 1, Title 4 of said California Corporations Code; and

The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by Neva-Utex Uranium, Inc. in that said Neva-Utex Uranium, Inc. has been offering and selling its securities in a jurisdiction not stated in the Notification as a jurisdiction in which it is proposed to offer its securities.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A for the offering of securities of Goldfield Uranium Inc. and the offering of securities of Neva-Utex Uranium, Inc. be, and each of them is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 56-5449; Filed, July 12, 1956;  
8:50 a. m.]

UNION ELECTRIC COMPANY

[File No. 70-3485]

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING THE ISSUANCE AND SALE PURSUANT TO RULE U-50 OF \$40,000,000 OF NEW BONDS

JULY 9, 1956.

Union Electric Company ("Union"), a registered holding company and a public-utility company, has filed a declaration and amendments thereto with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, regarding the following proposed transactions:

Union proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$40,000,000 principal amount of its First Mortgage Bonds ("New Bonds"), -- percent Series due July 1, 1986. The New Bonds will be issued under and secured by a Mortgage and Deed of Trust dated June 15, 1937, as heretofore amended and supplemented and as to be amended and supplemented by a further supplemental indenture to be dated as of July 1, 1956. The interest rate on the New Bonds, which is to be a multiple of 1/8 of 1 percent, and the price thereof to Union, which price, exclusive of accrued interest, is to be not less than 100 percent and not more than 102.75 percent of the principal amount, will be determined by the competitive bidding.

The declaration as amended states that the net proceeds to be received from the issuance and sale of the New Bonds will be used by the company to provide funds, through reimbursement of its treasury for capital expenditures heretofore made, to retire short-term bank loans, to finance in part the cost of continuing additions and improvements to its utility plant, and for other corporate purposes.

Union has received permission from the Commission (Holding Company Act Release No. 13174 (May 10, 1956)) for a temporary increase in the amount of promissory notes it may issue to evidence short-term bank loans from 5 percent as specified in section 6 (b) of the act to 8 percent, such increase to remain in effect until September 14, 1956, or such earlier date upon which Union shall have completed the sale of the New Bonds, and it is expected that such short-term bank loans will aggregate approximately \$21,000,000 by the time the New Bonds are sold. The declaration as amended states that approximately \$41,950,000 of construction expenditures are budgeted for the year 1956, and for the two years 1956 and 1957 are expected to aggregate approximately \$90,850,000. It is estimated by Union that the proceeds from the sale of the New Bonds, together with cash to be derived from operations, will be sufficient to provide for the above purposes in 1956 and in part for construction in 1957, but that its cash requirements for construction and other purposes in 1957 will require short-term borrowings or some other form of

financing, the type and amount of which have not been determined.

The issue and sale of the New Bonds by Union, a Missouri corporation doing business in Missouri, Illinois, and Iowa have been expressly authorized by the Public Service Commission of Missouri and the Illinois Commerce Commission. No other State commission and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses in connection with the issuance and sale of the bonds are estimated by the declarant as follows:

|   |          |
|---|----------|
| Filing fee for registration statement.....  | \$4, 160 |
| Fee payable to Public Service Commission of Missouri.....                         | 13, 000  |
| Fee payable to Illinois Commerce Commission.....                                  | 13, 904  |
| Federal tax on original issue.....  | 44, 000  |
| Printing.....   | 47, 000  |
| Charges of trustee for authentication of new bonds.....                           | 13, 500  |
| Fees and expenses of counsel for the company:                                     |          |
| Keefe, Doerner, Schlafly & Griese-dieck.....                                      | 9, 000   |
| Pope & Driemeyer.....   | 1, 500   |
| Boyd, Walker, Hulskamp & Cannon.....  | 750      |
| Clifton J. O'Harra.....   | 750      |
| Fees and expenses of accountants:   |          |
| Price Waterhouse & Co.....  | 2, 000   |
| Advertising expenses.....   | 2, 000   |
| Out-of-pocket expenses of underwriters to be reimbursed by Company (maximum)..... | 1, 000   |
| Title expenses and recording of supplemental indenture.....                       | 11, 500  |
| Miscellaneous expenses.....   | 8, 000   |
| Total.....  | 172, 064 |

The fee of Cahill, Gordon, Reindel & Ohl, independent counsel for the underwriters, in the amount of \$12,000 is to be paid by the successful bidder or bidders.

Notice of said filing having been duly given in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that the declaration as amended should be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration as amended be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and Rule U-50.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 56-5546; Filed, July 12, 1956; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF  
JULY 10, 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. 32334: *Fine coal to points in Iowa, Missouri, and Nebraska.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on bituminous fine coal, carloads from mines in Kansas, Missouri and Oklahoma to specified points in Iowa, Missouri and Nebraska.

Grounds for relief: Circuitous routes. Tariffs: Supplement 32 to Agent W. J. Prueter's I. C. C. A-3969; Supplement 120 to Agent F. C. Kratzmeir's I. C. C. 3920.

FSA No. 32335: *Paper articles, from Granite Falls and Saw Mills, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cushions, liners or pads, packing or loading, made of paper, carloads, also paper bags, carloads from Granite Falls and Saw Mills, N. C., to points in southern territory.

Grounds for relief: Short-line distance formula, motor-truck competition and circuitry.

Tariff: Supplement 343 to Agent Spaninger's I. C. C. 715.

FSA No. 32336: *Iron and steel articles in Illinois Territory.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on iron and steel articles, carloads between points in Illinois territory.

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

Tariffs: Supplement 53 to Agent Raasch's tariff I. C. C. 749; Supplement 11 to Elgin, Joliet and Eastern Railroad tariff I. C. C. 2346.

FSA No. 32337: *Asphalt—New England points to Beaver Falls, N. Y.* Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product of petroleum, other than paint, stain or varnish and tar, paving or roofing, tank-car loads from specified points in Connecticut, Massachusetts, and Rhode Island to Beaver Falls, N. Y.

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

Tariffs: Supplement 57 to Boston and Maine Railroad I. C. C. A-3230 and two other schedules.

FSA No. 32338: *Coal and coal briquets from Clinchfield, Va.* Filed by The Norfolk and Western Railway Company for itself and interested rail carriers. Rates on coal and coal briquets, carloads from Clinchfield, Va., to specified points in New England and trunk-line territories.

Grounds for relief: Maintenance of origin and destination group relations and circuitous routes.

Tariff: Supplement 49 to Norfolk and Western Railway Company's tariff I. C. C. No. 3368-B.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F. R. Doc. 56-5545; Filed, July 12, 1956; 8:49 a. m.]

