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Washington, Friday, August 3, 1956

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10674

EXEMPTING CERTAIN OFFICERS AND EMPLOYEES IN THE EXECUTIVE BRANCH OF THE GOVERNMENT FROM AUTOMATIC SEPARATION FROM THE SERVICE

WHEREAS, in my judgment, the public interest requires that certain officers and employees of the executive branch of the Government be exempted from automatic separation from the service as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), it is hereby ordered as follows:

All officers and employees in the executive branch of the Government appointed by the President who are subject to the Civil Service Retirement Act, as amended, and who reach the retirement age prescribed for automatic separation from the service between July 1, 1956, and September 30, 1956, both dates inclusive, and are not now exempted therefrom, are hereby exempted from automatic separation from the service until October 31, 1956.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 31, 1956.

[F. R. Doc. 56-6284; Filed, Aug. 1, 1956; 2:30 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

PERIODIC STEP INCREASES; WAITING PERIOD

Subparagraph (e) of § 25.11 is amended as set out below.

§ 25.11 Definitions * * *

(e) "Waiting period" is the minimum time requirement of creditable service without an equivalent increase in compensation in order to be eligible for consideration for a periodic step increase. The waiting period for either full-time

or regular part-time employees is 52 calendar weeks for grades with step increases of less than \$200, and 78 calendar weeks for grades with step increases of \$200 or more. For intermittent part-time or w. a. e. employees, the waiting period shall be 2080 or 3120 hours in a pay status during the applicable time period of not less than 52 or 78 calendar weeks. (A calendar week is a total of any 7 calendar days before, beginning with, or after a specified day.) The waiting period shall not be interrupted where the employee's services are terminated on the last day of his regularly scheduled administrative workweek and his next appointment is made effective on the first day of the next regularly scheduled administrative workweek for his new position. Creditable service, in the computation of waiting periods, includes:

* * * * *

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-6236; Filed, Aug. 2, 1956; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter B—Loans, Purchases, and Other Operations

PART 430—DAIRY PRODUCTS

SUBPART—MILK AND BUTTERFAT PRICE SUPPORT PROGRAM

This amendment adds one type of container for rindless block cheese to those now acceptable under the milk and butterfat price support program.

§ 430.190 (d) (2) is amended by adding the following:

§ 430.190 Price support program for milk and butterfat * * * (d) * * * (2) * * * Also, on and after August 1, 1956, in type E boxes as described in Announcement LD-22.

(Continued on p. 5789)

CONTENTS

THE PRESIDENT

Executive Order	Page
Exempting certain officers and employees in the executive branch of the Government from automatic separation from the service	5787

EXECUTIVE AGENCIES

Agricultural Conservation Program Service	
Rules and regulations:	
Alaska; agricultural conservation, 1957	5789
Agricultural Marketing Service	
Proposed rule making:	
Blackberries and other similar berries such as boysenberries, dewberries, and loganberries, canned; U. S. standards for grades	5806
Milk, southwest Kansas marketing area; handling	5807
Rules and regulations:	
Milk, Nashville, Tenn., marketing area; handling	5789
Peaches grown in Mesa County, Colo.; order amending amended order; correction ..	5789

Agriculture Department

See Agricultural Conservation Program Service; Agricultural Marketing Service; Commodity Credit Corporation; Rural Electrification Administration.

Air Force Department

Rules and regulations:	
Enlisted reserve; men with prior service	5795

Alien Property Office

Notices:	
Driessen, A.; vesting order	5812

Army Department

Notices:	
Coates, Kenneth B.; statement of personal business interests ..	5808

Civil Aeronautics Administration

Rules and regulations:	
Standard instrument approach procedures; alterations	5796



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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 1-399 (\$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.

CONTENTS—Continued

Civil Aeronautics Board	Page
Proposed rule making:	
Flight time limitations for pilots not regularly assigned to one type of crew.....	5805
Civil Service Commission	
Rules and regulations:	
Federal employees' pay regulations; periodic step increases; waiting period.....	5787
Commerce Department	
See Civil Aeronautics Administration; Federal Maritime Board.	
Commodity Credit Corporation	
Rules and regulations:	
Milk and butterfat price support program; amendment to subpart.....	5787
Commodity Stabilization Service	
Rules and regulations:	
Sugarcane; Puerto Rico; 1954-55 and 1955-56 crops; correction.....	5789
Defense Department	
See Air Force Department; Army Department.	
Federal Maritime Board	
Notices:	
Marseilles/North Atlantic U. S. A. Freight Conference; agreement filed with Board for approval.....	5808
Federal Power Commission	
Notices:	
Hearings, etc.:	
Burnett & Cornelius and Navajo Natural Gas Co.....	5809
Gulf States Utilities Co.....	5809
Grubb and Hawkins et al.....	5809
Michigan Gas Storage Co.....	5810
Moon Lake Electric Association, Inc.....	5810
Scranton-Spring Brook Water Service Co.....	5810
Federal Trade Commission	
Proposed rule making:	
Paint and varnish brush manufacturing industry; trade practice rules.....	5807
Rules and regulations:	
Cease and desist orders:	
Durlacher and Company, Inc., et al.....	5799
Farm Journal, Inc.....	5799
Greenglass Distributing Corp. et al.....	5801
Nighbor Furs, Inc., et al.....	5800
Rogers-United Corp. et al.....	5798
Interior Department	
See Land Management Bureau.	
Interstate Commerce Commission	
Notices:	
Fourth section applications for relief.....	5811
Railroad passenger train deficit; pre-hearing conference.....	5811
Proposed rule making:	
Motor carriers, classification; extension of time for filing responses.....	5808

CONTENTS—Continued

Justice Department	Page
See Alien Property Office.	
Labor Department	
Rules and regulations:	
Wage rates, procedure for pre-determination.....	5801
Land Management Bureau	
Notices:	
Chiefs, Minerals Adjudication Section and Lands Adjudication Section; redelegation of authority to sign final actions.....	5808
Proposed rule making:	
Sulphur permits and leases.....	5802
Rural Electrification Administration	
Notices:	
Various officials; delegations of authority.....	5808

CODIFICATION GUIDE

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

Title 3	Page
Chapter II (Executive orders):	
10674.....	5787
Title 5	
Chapter I:	
Part 25.....	5787
Title 6	
Chapter IV:	
Part 430.....	5787
Title 7	
Chapter I:	
Part 52 (proposed).....	5806
Chapter VIII:	
Part 877.....	5789
Chapter IX:	
Part 919 (proposed).....	5807
Part 940.....	5789
Part 978.....	5789
Chapter XI:	
Part 1104.....	5789
Title 14	
Chapter I:	
Part 41 (proposed).....	5805
Chapter II:	
Part 609.....	5796
Title 16	
Chapter I:	
Part 13 (5 documents).....	5798-5801
Part 136 (proposed).....	5807
Title 29	
Chapter I:	
Part 1.....	5801
Title 32	
Chapter VII:	
Part 864.....	5795
Title 43	
Chapter I:	
Part 198 (proposed).....	5802
Title 49	
Chapter I:	
Part 182 (proposed).....	5808

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714c. Interprets or applies sec. 5, 62 Stat. 1072, sec. 201, 63 Stat. 1052; as amended; 15 U. S. C. 714c, 7 U. S. C. 1446)

Issued this 31st day of July 1956.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-6272; Filed, Aug. 1, 1956;
12:29 p. m.]

TITLE 7—AGRICULTURE

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

Subchapter I—Determination of Prices

[Sugar Determinations 877.7, Amdt. 1;
877.8, Amdt. 1]

PART 877—SUGARCANE; PUERTO RICO

1954-55 AND 1955-56 CROPS

Correction

In Federal Register Document 56-6103, appearing at page 5671 of the issue for Saturday, July 28, 1956, the amending language in the last three lines of the first paragraph should read: "are hereby amended by deleting the first sentence of § 877.7 (a) (2) and of § 877.8 (a) (2) and adding in lieu thereof the following:"

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

PART 940—HANDLING OF PEACHES GROWN IN MESA COUNTY, COLORADO

ORDER AMENDING AMENDED ORDER

Correction

In F. R. Doc. 56-6099, appearing at page 5673 of the issue for Saturday, July 28, 1956, the seventh and eighth lines of § 940.0 (b) should read: "of the current crop of peaches from Mesa County, Colorado, are expected to begin."

PART 978—MILK IN NASHVILLE, TENN., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR, Part 978), regulating the handling of milk in the Nashville, Tennessee, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) A public hearing was held in Nashville, Tennessee, July 24, 1956, pursuant to a notice issued July 13, 1956, and published in the FEDERAL REGISTER on July 18, 1956 (21 F. R. 5378). A proposal was made at the hearing that the Class I price differential, which is added to the basic formula price pursuant to

§ 978.51 (a) should be \$1.40 per hundred-weight for the month of August 1956.

(b) The provision "during the months of September through February, and plus \$1.10 during all other months" of § 978.51 (a) will not tend to effectuate the declared policy of the act for the month of August 1956. This provision, if effective, would result in a pattern of price changes which would be inappropriate, considering existing and prospective conditions in the market, as indicated in the record of said public hearing. If this provision were effective for the month of August 1956, the Class I price differential would be 26 cents less than the differential for the month of July, preceding. The normal seasonal variation of sales of Class I milk by Nashville handlers is characterized by an increase in sales in September and other fall months over August. Supplies of producer milk normally decline in the late summer period, and are at the lowest level in fall months. In recent years, producer deliveries in the month of August have been at about the same level as in September and October. At the same time, the relationship of the supply of producer milk to Class I sales in August has declined. It appears, on the basis of the record of the hearing, that August is properly part of the period in which the seasonally higher Class I price differential should regularly apply. Appropriate seasonally adjusted prices for months after August 1956, may be established through ordinary procedure for amending the order. For August 1956, the time is insufficient for such procedure, and the effectuation of the appropriate price by this suspension order is necessary.

(c) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest for reasons stated under (b) above and in that:

1. The information upon which this action is based did not become available in time sufficient for such compliance;

2. This suspension order has been requested by a producer association which represents more than two-thirds of the producers supplying the market; and

3. This action is necessary to facilitate and maintain the orderly marketing of milk in this market.

It is therefore ordered, That the provision "during the months of September through February, and plus \$1.10 during all other months" of § 978.51 (a) be and hereby is suspended during the month of August 1956.

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

Done at Washington, D. C., this 31st day of July 1956, to be effective as of August 1, 1956.

[SEAL]

EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-6252; Filed, Aug. 2, 1956;
8:50 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1957

Through the Agricultural Conservation Program, all people share in the cost of protecting the most vital of our natural resources—our farm and ranch lands. This program is one of the many forms of public assistance essential to this protection. Research, education, technical services, and cost-sharing all are designed to help preserve or restore the physical characteristics of our agricultural lands so that a stable agriculture will be assured. The need for achievements beyond those which come just from wise use of the land for crop production is very great. Full utilization of the 1957 Agricultural Conservation Program should be made in every county.

INTRODUCTION

Sec. 1104.600 Introduction.

GENERAL PROGRAM PRINCIPLES

1104.601 General program principles.

COUNTY AGRICULTURAL CONSERVATION PROGRAMS

1104.602 Developing the county program.

1104.603 Selection of practices.

1104.604 Adaptation of practices.

1104.605 County program approval.

1104.606 Responsibility for technical phases of practices.

SPECIAL PROVISIONS

1104.607 Pooling agreements.

1104.608 Purchase orders.

APPLICATIONS AND APPROVALS

1104.611 Eligibility.

1104.612 Application.

1104.613 Approvals.

1104.614 Limitations of the program.

PRACTICE COMPLETION REQUIREMENTS

1104.617 Completion of practices.

1104.618 Practices substantially completed during the program year.

1104.619 Practices requiring more than one program year for completion.

1104.620 Practices involving the establishment or improvement of vegetative cover.

PAYMENTS

1104.623 Availability of funds.

1104.624 Eligibility for payment.

1104.625 Death, incompetency, or disappearance.

1104.626 Division of payments.

1104.627 Filing applications for payment.

1104.628 Appeals.

1104.629 Increase in small Federal cost-shares.

1104.630 Practices carried out with State or Federal aid.

GENERAL PROVISIONS RELATING TO PAYMENTS

1104.631 Compliance with regulatory measures.

1104.632 Maintenance of practices.

1104.633 Forbidden actions on practices.

1104.634 Federal cost-shares not subject to claims.

1104.635 Assignments.

DEFINITIONS

1104.638 Definitions.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

Sec.

- 1104.641 Practice 1: Diversion ditches to divert excess water to protected outlets.
- 1104.642 Practice 2: Establishing permanent sod waterways to dispose of excess water without causing erosion.
- 1104.643 Practice 3: Constructing permanent open drainage systems to dispose of excess water.
- 1104.644 Practice 4: Initial establishment or improvement of permanent grass or grass-legume cover for soil or watershed protection.
- 1104.645 Practice 5: Clearing land to permit land-use adjustments needed in establishing soil conserving cropping systems.
- 1104.646 Practice 6: Installation of facilities for sprinkler irrigation to provide vegetative cover for soil protection on rolling land.
- 1104.647 Practice 7: Constructing or deepening wells for livestock water.
- 1104.648 Practice 8: Planting or interplanting forest trees or shrubs or improvement of a stand of forest trees for erosion control, shelterbelt, watershed protection, or forestry purposes.
- 1104.649 Practice 9: Developing springs or seeps for livestock water to encourage better grassland management.
- 1104.650 Practice 10: Constructing or sealing dams, pits, or ponds for livestock and/or grassland irrigation water.
- 1104.651 Practice 11: Streambank protection to prevent erosion of farmland.

AUTHORITY: §§ 1104.600 to 1104.651 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 70 Stat. 233; 16 U. S. C. 590g-590q.

INTRODUCTION

§ 1104.600 *Introduction.* (a) Through the 1957 Agricultural Conservation Program (referred to in this subpart as the "1957 program") administered by the Department of Agriculture, the Federal Government will share with Alaskan farmers the cost of carrying out approved conservation practices in accordance with the provisions of this subpart and such modifications as may be made.

(b) The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g-590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957.

(c) Information about the practices and the exact specifications and rates of cost-sharing may be obtained from the county committees.

(d) The State Committee will allocate the funds available for conservation practices among the counties within Alaska, taking into consideration, to the extent practicable, the conservation needs in the various counties. A total of \$42,000 will be available for program purposes, exclusive of the amount set aside for administrative expenses, and the amount required for increases in small Federal cost-shares in § 1104.629.

(e) A person may not receive more than \$1,500 in Federal cost-shares under the 1957 program for approved practices not under pooling agreements. He may not receive more than \$10,000 for all approved practices, including those under pooling agreements. This includes all farms, ranching units, and turpentine places owned or operated by him in Alaska, the continental United States, Hawaii, Puerto Rico, and the Virgin Islands.

GENERAL PROGRAM PRINCIPLES

§ 1104.601 *General program principles.* The 1957 Agricultural Conservation Program for Alaska has been developed and is to be carried out on the basis of the following general principles:

(a) The program contains broad authorities to help meet the varied soil and water conservation problems. County committees and participating agencies shall design a program for each county. Such programs should include any additional limitations and restrictions necessary for the maximum conservation accomplishment in the area. The programs should be confined to the soil and water conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the county.

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

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

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

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

(f) The purpose of the program is to help achieve additional conservation on the land. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

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

COUNTY AGRICULTURAL CONSERVATION PROGRAMS

§ 1104.602 *Developing the county program.* (a) County programs are to be developed in accordance with the provisions of the State program and such modifications thereof as may be made. The county program should include any additional limitations and restrictions necessary for the maximum conservation accomplishment in the area. It should be designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1957 on the lands where they are to be applied.

(b) The county committee (including the County Agricultural Extension Agent), together with the local Soil Conservation Service technician, the governing bodies of local Soil Conservation Subdistricts, the Federal Forest Service representative, and the local Farmers Home Administration Supervisor, shall develop recommendations for the county program in each county.

(c) The county committee, the local Soil Conservation Service technician, and the Forest Service representative will then draw up the county program, keeping in mind the overall conservation problems in the county and the work plans of the Soil Conservation Subdistricts and other agencies.

§ 1104.603 *Selection of practices.* Practices to be included in the county program shall be only those practices set forth in this subpart for which cost-sharing is essential to permit the desired volume of needed conservation work. Costs should be shared only on practices which it is believed farmers would not carry out to the needed extent without program assistance. Generally, practices that have become a part of regular farming operations in a particular county should not be eligible for cost-sharing.

§ 1104.604 *Adaptation of practices.* The practices in the county program must meet all conditions and requirements of the State program. Additional conditions and requirements may be included where necessary for effective use in meeting the conservation problems in the county. The rates of cost-sharing in a county are to be the minimum required to result in substantially increased performance of needed practices within the limits prescribed in the State program. The rates of cost-sharing for practices included in the county program may be lower than the rates of cost-sharing in this subpart.

§ 1104.605 *County program approval.* The county committee, the Soil Conservation Service technician, and the Forest Service representative will recommend their county program for approval to the State Committee, the Soil Conservation Service State Conservationist, and the Regional Forester of the United States Forest Service. When this program is approved, it becomes the 1957 program for the county.

§ 1104.606 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of practices 1, 2, 3, 5,

6, 9, 10, and 11 (§§ 1104.641 to 1104.643, 1104.645, 1104.646, and 1104.649 to 1104.651). This responsibility shall include (1) a finding that the practices are needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. In addition, upon agreement of the State Committee and the Soil Conservation Service State Conservationist, responsibility for all or part of the technical phases of other practices may be assigned to the Soil Conservation Service for any or all counties. The Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

(b) The Forest Service is responsible for the technical phases of practice 8 (§ 1104.648). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through State and county committees, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

SPECIAL PROVISIONS

§ 1104.607 *Pooling agreements.* Farmers in any local area may agree in writing, with the approval of the county committee, to work together to perform practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the persons who performed the practices. Additional information about pooling agreements is available in Instruction ACP-5 (Alaska).

§ 1104.608 *Purchase orders—(a) Availability.* Part or all of the Federal cost-share for an approved practice may be in the form of a purchase order for materials or services to be furnished through the program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government, as indicated by the register of indebtedness maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to setoff in order to permit the furnishing of materials or services. Title to any material furnished through the program shall vest in the Federal Government until the material is applied or planted, or all charges for the material are satisfied.

(b) *Cost to farmer.* The farmer will pay that part of the cost of the material or service which is in excess of the Federal cost-share attributable to the use of the material or service, except that for practice 5 (§ 1104.645) the county committee may advance to the farmer the total cost-shares he will earn at the time the heavy clearing is accomplished.

However, the farmer must complete the practice by breaking the land to earn the payment. If the farmer fails to complete the practice, the money advanced becomes a debt to the Government.

(c) *Discharge of responsibility for materials and services.* The person to whom a material or service is furnished by purchase order under the 1957 program will be relieved of responsibility for the material or service when the county committee determines that (1) the material or service was used for the purpose for which it was furnished, and (2) the practice is completed so that it is eligible for payment. If a person uses any material or service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program. Any person to whom materials are furnished shall be responsible for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the material, or be retained by the person for use in a subsequent program year.

APPLICATIONS AND APPROVALS

§ 1104.611 *Eligibility.* (a) The program is applicable to (1) privately owned lands; (2) lands owned by Alaska or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons. These persons must maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

(b) The program is not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to (i) grazing lands administered by the Forest Service of the United States Department of Agriculture, (ii) grazing lands administered by the Bureau of Land Management of the United States Department of the Interior, and (iii) lands administered by the Fish and Wildlife Service of the

United States Department of the Interior, except as indicated in paragraph (a) (6) of this section; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

§ 1104.612 *Application.* Each farm operator shall be given an opportunity to request Federal cost-sharing for those practices on which he considers he needs such assistance to perform them in adequate volume on his farm. Individual farmers should be encouraged to utilize cost-sharing for only those practices which have not become a part of regular farming operations on their farm. Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested before performance is started. A request for cost-sharing under the 1956 program may be regarded as meeting this requirement of the 1957 program if (a) approval was given under the 1956 program, (b) performance was started but not completed during the 1956 program year, and (c) the county committee believes the extension of the approval to the 1957 program is justified under the 1957 program regulations and provisions.

§ 1104.613 *Approvals.* Each request for cost-sharing will be considered by the county committee in the light of (a) the program principles in § 1104.601, (b) the conservation problems in the county, (c) the conservation work considered most needed in 1957 by the county committee, (d) the conservation problem of the individual farm, (e) any conservation plan developed by the farmer and any State or Federal agency, and (f) the county allocation of program funds. The county committee will issue notices of approval showing, for each practice, the units approved and the cost-share for performing those units. Notices of practices approved should be issued before the farmer begins the practice.

§ 1104.614 *Limitations of the program—(a) Initial establishment or installation of practices.* Cost-sharing may be authorized under the 1957 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1957 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing was allowed under a previous program, if all of the following conditions exist:

(1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(3) The county committee believes the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with similar practices for which cost-sharing for initial establishment is requested.

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

PRACTICE COMPLETION REQUIREMENTS

§ 1104.617 *Completion of practices.* The farmer must complete each practice in accordance with all applicable specifications and program provisions to earn payment. Purchase orders represent an advance to the farmer before he completes the practice, but he must complete the practice to earn the money advanced. Except as provided in §§ 1104.618, 1104.619, and 1104.620, the farmer must complete the practice during the program year in order to be eligible for a payment.

§ 1104.618 *Practices substantially completed during the program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1957 program year if the county committee determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions.

§ 1104.619 *Practices requiring more than one program year for completion.* (a) Cost-sharing may be approved under the 1957 program for a component of a practice completed during the program year in accordance with all applicable specifications and program provisions, provided:

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

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

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

§ 1104.620 *Practices involving the establishment or improvement of vegetative cover.* Costs for practice 2 (§ 1104.642) and practice 4 (§ 1104.644) may be shared even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State Committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other

conditions beyond the control of the farm operator. The county committee may require as a condition of cost-sharing in such cases that the area be reseeded or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

PAYMENTS

§ 1104.623 *Availability of funds.* (a) The provisions of the 1957 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact. Paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose. The amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

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

§ 1104.624 *Eligibility for payment.* Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1104.625 *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended (Part 1108 of this chapter).

§ 1104.626 *Division of payments.* Cost-shares attributable to the use of conservation materials and services shall be credited to the person to whom the materials or services are furnished. Cost-shares shall be credited to the person who carried out the practices by which they were earned. If more than one person contributed, the cost-share shall be divided among such persons in the proportion that the county committee determines they contributed to carrying out the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward carrying out the practice and shall assume that each contributed equally unless it is established to their satisfaction that the contributions were not in equal proportion. Furnishing land or the right to use water is not a contribution to carrying out any practice.

§ 1104.627 *Filing applications for payment.* (a) Each person participating in the program is responsible for submitting the forms and information needed to establish the extent of per-

formance of approved practices and compliance with applicable program provisions.

(b) The county committee will establish time limits for submission of performance reports and allied information for efficient administration of the program. The county committee will notify each farmer, in his notice of approval, of the time by which he must report performance. Exceptions to time limits may be made in cases where failure to submit the required forms and information within the applicable time limit is due to reasons beyond the control of the farmer.

(c) Payment of Federal cost-shares will be made only upon application submitted on Form ACP-245 by December 31, 1958, or such earlier date as may be prescribed. Any application may be rejected if any form or information required of the applicant is not submitted to the county office within the applicable time limit.

§ 1104.628 *Appeals.* Any person may request the county committee to reconsider its recommendation or determination in any matter affecting the right to or amount of his Federal cost-shares. This appeal must be in writing and must be made within 15 days after the notice of the action he wishes to appeal is forwarded to or made available to him. The county committee shall notify him of its decision in writing within 15 days after receipt of the written request for reconsideration. If the person is dissatisfied with the decision of the county committee, he may appeal to the State Committee. Again, the appeal must be in writing and within 15 days after the decision is forwarded to or made available to him. The State Committee shall notify him of its decision in writing within 30 days after the submission of the appeal. Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision. If he is dissatisfied with the decision of the State Committee, he may request the Administrator, ACPS, to review the decision of the State Committee. Again, he must make this request in writing within 15 days after the State Committee decision is forwarded to or made available to him.

§ 1104.629 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to \$0.71 or less shall be increased to \$1.00.

(b) Any Federal cost-share amounting to more than \$0.71, but less than \$1.00, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to \$1.00 or more shall be increased

in accordance with the following schedule:

Amount of cost-share computed	Increase in cost-share
\$1.00 to \$1.99	\$0.40
\$2.00 to \$2.99	.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20
\$9.00 to \$9.99	3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.20
\$22.00 to \$22.99	8.40
\$23.00 to \$23.99	8.60
\$24.00 to \$24.99	8.80
\$25.00 to \$25.99	9.00
\$26.00 to \$26.99	9.20
\$27.00 to \$27.99	9.40
\$28.00 to \$28.99	9.60
\$29.00 to \$29.99	9.80
\$30.00 to \$30.99	10.00
\$31.00 to \$31.99	10.20
\$32.00 to \$32.99	10.40
\$33.00 to \$33.99	10.60
\$34.00 to \$34.99	10.80
\$35.00 to \$35.99	11.00
\$36.00 to \$36.99	11.20
\$37.00 to \$37.99	11.40
\$38.00 to \$38.99	11.60
\$39.00 to \$39.99	11.80
\$40.00 to \$40.99	12.00
\$41.00 to \$41.99	12.10
\$42.00 to \$42.99	12.20
\$43.00 to \$43.99	12.30
\$44.00 to \$44.99	12.40
\$45.00 to \$45.99	12.50
\$46.00 to \$46.99	12.60
\$47.00 to \$47.99	12.70
\$48.00 to \$48.99	12.80
\$49.00 to \$49.99	12.90
\$50.00 to \$50.99	13.00
\$51.00 to \$51.99	13.10
\$52.00 to \$52.99	13.20
\$53.00 to \$53.99	13.30
\$54.00 to \$54.99	13.40
\$55.00 to \$55.99	13.50
\$56.00 to \$56.99	13.60
\$57.00 to \$57.99	13.70
\$58.00 to \$58.99	13.80
\$59.00 to \$59.99	13.90
\$60.00 to \$185.99	14.00
\$186.00 to \$199.99	(1)
\$200.00 and over	(2)

¹ Increase to \$200.00.

² No increase.

§ 1104.630 Practices carried out with State or Federal aid. The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the county committee determines was furnished by a State or Federal agency. Materials or services furnished through the program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

GENERAL PROVISIONS RELATING TO PAYMENTS

§ 1104.631 Compliance with regulatory measures. Persons who carry out conservation practices under the 1957 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

§ 1104.632 Maintenance of practices. The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1957 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1104.633 Forbidden actions on practices—(a) Practices defeating purposes of programs. If the county committee finds, with the concurrence of the State Committee, that any person has adopted or participated in any practice which tends to defeat the purposes of the 1957 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1957 program.

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

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

(d) Misuse of purchase orders. If the State Committee finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such

misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-share under the 1957 program and shall refund all amounts that may have been paid to him under the 1957 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

(e) Evasion of maximum cost-share limitation. All or any part of any Federal cost-share which otherwise would be due any person under the 1957 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of § 1104.600 (e).

§ 1104.634 Federal cost-shares not subject to claims. Any Federal cost-share, or portion thereof, due any person shall be determined and allowed (a) without regard to questions of title under State law; (b) without deduction of claims for advances (except as provided in § 1104.635, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 1109 of this chapter)); and (c) without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1104.635 Assignments. Any person who may be entitled to any Federal cost-share under the 1957 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1957, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1104.636 Definitions. For the purposes of the 1957 program:

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

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

(c) "State" means Alaska.

(d) "State Committee" means the persons designated by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(e) "County" refers to any of the three areas designated as "counties" by the State Committee. Fairbanks County is the Second and Fourth Judicial Districts. Homer County is the Kenai Peninsula and Kodiak Island. Palmer County is the First and Third Judicial Districts exclusive of Homer County.

(f) "County committee" means the persons elected within a county as the county committee pursuant to regula-

tions governing the selection and functions of Agricultural Stabilization and Conservation county committees.

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

(h) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Administrator, ACPS, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

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

(j) "Program year" means the period September 1, 1956, through December 31, 1957.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1104.641 *Practice 1: Diversion ditches to divert excess water to protected outlets*—(a) *Purpose*. These ditches are for the purpose of removing excess water from snow melting in the spring, or from seeps, springs, or other ground water, to protect cropland or potential cropland below.

(b) *Requirements*. In all cases the ditches must be staked by a qualified technician. Capacities will depend on the area draining to each ditch. Diversion ditches must be provided with a proper outlet such as a sodded waterway (see practice 2 (§ 1104.642)).

(c) *Additional recommendations*. They should be constructed on a grade ranging from 0 at the upper end to not in excess of 1 percent at the lower end. Grades should be either uniform or gradually increasing from the upper end. Side slopes normally should not be

steeper than 1 foot vertical to 3 feet horizontal.

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

§ 1104.642 *Practice 2: Establishing permanent sod waterways to dispose of excess water without causing erosion*—

(a) *Purpose*. Sod waterways are essential to adequate water disposal on steep land. The waterway may be either an excavated ditch or a natural drainage-way. In either case more than natural runoff is carried in the outlet channel; therefore, protection is needed to avoid the formation of gullies.

(b) *Requirements*. In all cases the outlet channels will be selected by a qualified technician. New channels must be staked and constructed according to lines and grades. Sod must be established. They must be seeded long enough in advance to develop a protective cover in the channel before water is diverted into them. Seedings in established permanent sod waterways shall be at a rate of at least 15 pounds per acre and will contain not less than 50 percent of adapted sod-forming perennial grasses with the balance in other grasses. The seeding must be properly fertilized. The minimum application of commercial fertilizer on which cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test or experiment station recommendations.

(c) *Additional recommendations*. A cereal nurse crop in conjunction with grass seeding should be used where desirable. Sod stripping may be used.

Maximum Federal cost-share. (1) 50 percent of the cost of earth moving; and (2) 50 percent of the cost of grass seed, or sodding, and the minimum required application of commercial fertilizer.

§ 1104.643 *Practice 3: Constructing permanent open drainage systems to dispose of excess water*—(a) *Purpose*. Drainage systems are one or more drainage ditches for the purpose of removing excess water from agricultural land.

(b) *Requirements*. In all cases the system must be staked by a qualified technician. Cost-sharing is limited to construction or enlargement of permanent ditches and the structural work necessary to the proper functioning of the ditches. No cost-sharing will be allowed for cleaning or maintaining a ditch or for structures installed for crossings or the convenience of the operator. Due consideration shall be given to the maintenance of wildlife habitat.

(c) *Additional recommendations*. Cost-sharing may be authorized for clearing the necessary minimum width right-of-way and, where necessary for the effective operation of the drainage system, for the spreading of spoil banks. Ditching with dynamite is a satisfactory method in very wet areas.

Maximum Federal cost-share. (1) 50 percent of the cost of necessary land clearing. (2) 50 percent of the cost of earth moving. (3) 50 percent of the cost of materials used in the permanent structure, excluding forms.

§ 1104.644 *Practice 4: Initial establishment or improvement of permanent*

grass or grass-legume cover for soil or watershed protection—(a) *Purpose*. Costs will be shared for the initial establishment or the initial improvement of a protective vegetative cover by seeding adapted varieties of perennial grasses and legumes on areas, including steep slopes, which will remain in such cover.

(b) *Requirements*. The seed must be adapted to local conditions and must be properly distributed over the area sown. A sufficient amount must be used to insure a good stand at maturity. Seeding on steep slopes must be at a rate of one and one-half times that for normal land conditions. Each county committee will establish seeding rates, mixtures, and varieties in line with experiment station recommendations for that area. Adequate fertilizer must be applied. The minimum application of commercial fertilizer on which cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test or experiment station recommendations.

(c) *Additional recommendations*. The county committee may approve this practice as a "package practice" in that they can approve seeding and fertilizing the first year and will later approve a spring application of fertilizer early in the second year to insure establishment of a good turf. The requirements of § 1104.619 must be met. Farmers are urged to control weeds to obtain successful seedings.

Maximum Federal cost-share. 50 percent of the cost of seed and the minimum required application of commercial fertilizer.

§ 1104.645 *Practice 5: Clearing land to permit land-use adjustments needed in establishing soil conserving cropping systems*—(a) *Purpose*. The conservation value of this practice is in getting sufficient cleared land on the farm so that good land management practices can be carried out on all parts of the farm. Preparing land for cultivation involves several distinctly different types of operations. "Clearing" includes those operations which require the use of special equipment not normally required in farming operations for crop and livestock production. "Breaking" includes burning, removing roots, and preparing land for tillage.

(b) *Requirements*. To be eligible for land clearing, the farmer must own or be buying the farm, lease or rent the farm, or be homesteading. If he is homesteading, he must have completed the homestead cultivation requirements except in Homer County. In all cases the land to be cleared must be approved by a qualified technician. Clearing areas which will result in increased erosion will not qualify for cost-sharing. Methods of clearing which result in destruction of needed organic material disqualify the clearing for cost-sharing. Removal of mineral soil will be considered evidence of excessive removal of organic material. Needed conservation practices must be applied to land cleared under previous programs in order to qualify an applicant for cost-sharing for additional land clearing under this program.

(c) *Additional recommendations.* A farmer may spread the clearing and breaking operations over a period of years to take advantage of methods of progressively clearing, grubbing, and burning, if he complies with the requirements of § 1104.619. If both clearing and breaking will be accomplished during one program year, the Government will advance the full 50 percent up to \$40.00 per acre at the time the bulldozing or other heavy clearing operation is completed. The farmer actually earns this payment when he also completes the breaking operation and the land is ready for tillage.

Maximum Federal cost-share. (1) 50 percent of the cost, but not in excess of \$40.00 per acre, when all operations—clearing and breaking—are accomplished during one program year; or

(2) 50 percent of the cost of each completed operation, but not in excess of \$40.00 per acre for all operations, when the clearing and breaking are not all accomplished within one program year but spread over a period of years.

§ 1104.646 *Practice 6: Installation of facilities for sprinkler irrigation to provide vegetative cover for soil protection on rolling land—(a) Purpose.* This practice is applicable where primary use is for permanent pasture on long slopes, steep slopes, or rolling land.

(b) *Requirements.* The installation must be in accordance with written plans approved by the Soil Conservation Service technician and the county committee. The power unit must be of capacity adequate to supply uniform distribution. Nozzle openings shall be of a size to hold application rate within intake capacity of soils to be irrigated.

(c) *Additional recommendations.* None.

Maximum Federal cost-share. (1) 50 percent of the average cost in the county of permanently installed pipe and fittings.

(2) 50 percent of the average cost in the county of portable pipe and fittings.

§ 1104.647 *Practice 7: Constructing or deepening wells for livestock water—(a) Purpose.* This practice is to help provide soil protection through the adoption or maintenance of livestock farming systems and increased acreages of permanent vegetative cover.

(b) *Requirements.* To be eligible for a livestock well, the farmer must own or be buying the farm, lease or rent the farm, or be homesteading. If he is homesteading, he must have completed the homestead cultivation requirements. The farmer must show that the well is necessary for establishing or maintaining livestock on the farm. Standards and requirements shall be established by the county committee. Even though the well may be constructed at the headquarters to prevent freezing during the winter months, it is not to be used primarily for household utility. The well and pumping equipment must be large enough to provide the minimum amount of water for the particular livestock enterprise. Adequate storage facilities must be provided and pumping equipment installed except for artesian wells.

(c) *Additional recommendations.* None.

Maximum Federal cost-share. 50 percent of the cost of drilling or deepening the well, and casing, including installation of the casing.

§ 1104.648 *Practice 8: Planting or interplanting forest trees or shrubs or improvement of a stand of forest trees for erosion control, shelterbelt, watershed protection, or forestry purposes—(a) Purpose.* This practice includes (1) thinning, (2) pruning crop trees, (3) removing or killing competing or undesirable vegetation, and (4) planting or interplanting desirable trees or shrubs.

(b) *Requirements.* Technical assistance shall be utilized as available. The area must be protected from fire. Seedlings must be protected from grazing and should be protected from browsing.

(c) *Additional recommendations.* None.

Maximum Federal cost-share. 50 percent of the cost, including land preparation.

§ 1104.649 *Practice 9: Developing springs or seeps for livestock water to encourage better grassland management—(a) Purpose.* This practice is to encourage better grassland management through providing water supplies for livestock.

(b) *Requirements.* Site selection must be approved by a qualified technician and plans must be approved by the Soil Conservation Service. The spring or developed seep must be protected from livestock. Cutoff walls must be of impervious material. Water developed must be piped to a suitable utilization or storage structure. Appreciable use of this water for other than livestock shall be considered as defeating the purpose of this practice.

(c) *Additional recommendations.* None.

Maximum Federal cost-share. (1) 50 percent of the cost of excavating earth, rock, and gravel.

(2) 50 percent of the cost of materials used in the permanent structure, excluding forms.

§ 1104.650 *Practice 10: Constructing or sealing dams, pits, or ponds for livestock and/or grassland irrigation water—(a) Purpose.* These dams, pits, or ponds are to store water to encourage better grassland management by (1) providing water for livestock, and/or (2) providing water for grassland irrigation (see practice 6 (§ 1104.646)).

(b) *Requirements.* Design and construction must conform to Soil Conservation Service specifications and be supervised by a qualified technician. Earth fills must be thoroughly compacted and core walls extend to semi-impervious material. Downstream slopes shall be not less than 3 feet horizontal to 1 foot vertical. Upstream slopes shall not be less than 4 feet horizontal to 1 foot vertical. Necessary fencing and seeding or sodding to protect the dam and pond must be accomplished. Dams shall have a spillway capacity adequate to carry off surplus water. The spillway must be designed by a qualified engineer. If

used for livestock water, a suitable water trough must be installed with pipe from pond to trough. Appreciable use of this water source for other than livestock or grassland irrigation shall be considered as defeating the purpose of this practice.

(c) *Additional recommendations.* None.

Maximum Federal cost-share. (1) 50 percent of the cost of earth moving.

(2) 50 percent of the cost of materials in the permanent structure, excluding forms.

§ 1104.651 *Practice 11: Streambank protection to prevent erosion of farmland—(a) Purpose.* This practice is to control streambank erosion to protect farmland.

(b) *Requirements.* Plans for each installation must be designed by a qualified technician and approved by the Soil Conservation Service and county committee. The Soil Conservation Service is responsible for laying out and supervising the installation. This practice shall not be approved in cases where there is a likelihood that it will create an erosion or flood hazard to other adjacent land.

(c) *Additional recommendations.* None.

Maximum Federal cost-share. 25 percent of the cost.

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

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[P. R. Doc. 56-6228; Filed, Aug. 2, 1956; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 864—ENLISTED RESERVE

ENLISTMENT AND REENLISTMENT IN AIR FORCE RESERVE

In § 864.3, paragraph (a) (1) (ii) is revised to read as follows:

§ 864.3 *Where accomplished—(a) Within Continental United States and United States Possessions and Territories (including Canal Zone)—(1) Men. * * **

(ii) *Men with prior service.* Men with prior service, who are not subject to induction under the provisions of the Universal Military Training and Service Act, may be enlisted by any Air Force organization having adequate facilities and personnel to accomplish the enlistment. Applicants will be enlisted either for a specific reserve unit or as "unassigned."

(R. S. 161; sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interprets or applies secs. 217-232, 66 Stat. 486-489; 50 U. S. C. 941-956)

[SEAL]

E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[P. D. Doc. 56-6237; Filed, Aug. 2, 1956; 8:48 a. m.]

TITLE 14—CIVIL AVIATION
Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amtd. 207]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility, class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility or final approach course (ft.)	Course and distance; facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished	
							Condition	2 engines or less	More than 2 engines (more than 65 knots)	More than 2 engines (more than 65 knots)		
1	2	3	4	5	6	7	8	9	10	11	12	
BELLINGHAM, WASH. Bellingham, 125' MH-BGH Procedure No. 1 Amendment, original. Effective date: September 1, 1956.	Bellingham LFR..... Bellingham VOR..... Abbotsford LFR..... Cultus Lake Intersection.....	023-2.8 138-5.0 149-9.3 223-23.6	2,000 1,500 1,500 6,500	W side of course: 330° outbound. 150° inbound. 2,000' within 10 miles. Not authorized beyond 10 miles.	1,500	145-3.9	T-dn C-dn S-dn Runway 16 A-dn	300-1 600-1 500-1 800-2	300-1 600-1 500-1 800-2	200-1½ 600-1½ 800-2	12	Within 3.9 miles, climb to 4,000' on outbound bearing of 160° within 30 miles of station.
LAFAYETTE, LA. Lafayette, 41' MH-LFT Procedure No. 1 Amendment No. 6. Effective date: September 1, 1956. Supersedes Amendment 5, dated February 5, 1955. Major changes: Remove night restrictions. Revise takeoff restriction runway 28. Add caution note.	Lafayette VOR.....	345-3.5	1,200	E side of course: 180° outbound. 360° inbound. 1,200' within 10 miles. Beyond 10 miles not authorized.	700	On airport	T-dn *C-dn A-dn	300-1 600-1 800-2	300-1 600-1 800-2	200-1½ 600-1½ 800-2		Within 0 mile, climb to 1,200' on course of 360° within 20 miles. *300-1 required for takeoffs on runway 28. CAUTION: 494' TV tower 3 miles WNW airport.

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radiis are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevation and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an enroute operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished		
							Condition	2 engines or less 55 knots or less	2 engines or less More than 65 knots		More than 2 engines; More than 65 knots	
1 LAFAYETTE, LA. Elevation: 41. VOR-LAN. Procedure No. 1. Amendment No. 2. Effective date: 1954. Supersedes Amendment 1, September 1, 1953. Major changes: Barriers night restriction; Barriers takeoff restriction; runway 28. Revisions missed approach course. A-G-A notation: none.	2 Lafayette MH.	3 168-3.6	4 1,300	5 E side of course. 165° inbound. 345° outbound. 1,200' within 10 miles. Beyond 10 miles not authorized.	6 700	7 345-2.7	8 T-dn *C-dn S-dn 1 A-dn	9 300-1 400-1 400-1 800-2	10 300-1 400-1 400-1 800-2	11 200-1/2 300-1/2 400-1 400-1 800-2	12 12	Within 2.1 miles, climb to 1,300' on radial 360° within 20 miles. *30-1 required for takeoffs on runway 28. CAUTION: 494' TV tower 3 miles WNW airport.
RUSSELL, KANS. Elevation: 1,897. VOR-RSL. Procedure No. 1. Amendment No. 1. Effective date: September 1, 1954. Supersedes Original, dated August 1, 1954. Major changes: (1) New courses for final approach and missed approach; (2) columns 3, 4, 7, and 12 revised.	-----	-----	-----	W side of course. 330° inbound. 170° outbound. 3,100' within 10 miles.	2,500	170-0.6	*T-dn *C-d *C-n *A-dn	300-1 600-1/2 600-2 800-2	NA NA NA NA NA	NA NA NA NA NA	NA	Within 0.6 mile, climb to 3,100' on 170R within 20 miles. *Night operations on N/S runway only. CAUTION: Sod field, except N/S runway paved.

participants immediately upon submission of all the puzzles and required fees; when in fact there was no "Cressine" watch in existence at the time they started their puzzle contest and they were not distributors of any watches; distribution of watches was part of the contest program and intended to secure additional entries; the watches which they contracted to purchase for distribution to participants were of a cheap type and possessed none of the desirable qualities as above claimed; and respondents had not awarded any of the watches to participants although a large number had submitted all of the puzzles and fees.

Following hearings in due course during which respondents' motions to dismiss were denied, the hearing examiner made his initial decision, including findings of fact,² conclusions,³ and order to cease and desist which, by order of July 18, became the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Rogers-United Corp., a corporation, and its officers, and respondent Richard M. Edelman, individually, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the operation of a puzzle contest and the offering of watches or other merchandise in connection therewith in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That either respondent is engaged in any business other than operating a puzzle contest unless such is the fact;
2. That the puzzle contest is part of a nation-wide program to advertise watches or other merchandise or that the purpose of the contest is to introduce "Cressine" watches or any other merchandise;
3. That the quality of the merchandise offered is superior to what it is in fact;
4. That Cressine watches are:
 - (a) Dependable,
 - (b) Distinctive,
 - (c) Precision made,
 - (d) Fine watches made to give years of service,
 - (e) Dust proof;
5. That merchandise will be distributed to the participants immediately after submission of all the puzzles and required fees unless such is the fact.

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

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and

form in which they have complied with the order to cease and desist.

Issued: July 18, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-6247; Filed, Aug. 2, 1956;
8:49 a. m.]

[Docket 6355]

PART 13—DIGEST OF CEASE AND DESIST
ORDERS

DURLACHER AND CO., INC., ET AL.

Subpart—Furnishing false guaranties: § 13.1053 Furnishing false guaranties: § 13.1053 Flammable Fabrics Act. Subpart—Importing, selling, or transporting flammable wear: § 13.1057 Importing, selling, or transporting flammable wear. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1982 Guarantee—statutory: Flammable Fabrics Act.¹

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111; 15 U. S. C. 45, 1191) [Cease and desist order, Durlacher and Company, Inc., et al., New York, N. Y., Docket 6355, July 24, 1956.]

In the Matter of Durlacher and Company, Inc., a Corporation, and Lester Toplitt and Israel Otnow, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with place of business in New York City, with violating the Flammable Fabrics Act through importing into the United States and selling or transporting in commerce silk scarves manufactured in Japan which were so highly inflammable as to be dangerous when worn; and with furnishing customers guaranties falsely representing that tests made under the procedures provided by the act showed that the scarves were not dangerously flammable—and an agreement between the parties providing for the entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of June 29, became, on July 24, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Durlacher and Company, Inc., a corporation, and its officers, and respondents Lester Toplitt and Israel Otnow, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any article of wearing apparel, which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. Furnishing to any person a guaranty with respect to any article of wearing apparel which respondents, or any of them, have reason to believe may be introduced, sold, or transported in commerce, which guaranty represents, contrary to fact, that reasonable and representative tests made under the procedures provided in section 4 of the Flammable Fabrics Act, as amended, and the rules and regulations promulgated thereunder, show or will show that the article of wearing apparel, or the fabrics used or contained therein, covered by the guaranty, is not, in the form delivered or to be delivered by the guarantor, so highly flammable under the provisions of the Flammable Fabrics Act as to be dangerous when worn by individuals: *Provided, however*, That this prohibition shall not be applicable to a guaranty furnished on the basis of, and in reliance upon, a guaranty to the same effect received by respondents in good faith signed by and containing the name and address of the person by whom the wearing apparel was manufactured or from whom it was received.

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

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

Issued: June 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-6244; Filed, Aug. 2, 1956;
8:49 a. m.]

[Docket 6388]

PART 13—DIGEST OF CEASE AND DESIST
ORDERS

FARM JOURNAL, INC.

Subpart—Acquiring stock, or assets, etc., of competitor: § 13.5 Acquiring stock, or assets, etc., of competitor.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 7, 38 Stat. 731; 15 U. S. C. 18) [Cease and desist order, Farm Journal, Inc., Philadelphia, Pa., Docket 6388, July 17, 1956]

² Filed as part of original document.

³ New.

[Docket 6516]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NIGBOR FURS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly*: § 13.155 *Prices*: Usual as reduced, special, etc. Subpart—*Concealing or obliterating law required and informative marking*: § 13.516 *Fur products tags or identification*.¹ Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1845 *Composition*: Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements*: Fur Products Labeling Act; § 13.1865 *Manufacture or preparation*; § 13.1900 *Source or origin*: Fur Products Labeling Act; *Place*.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 stat. 719 as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Nigbor Furs, Inc., et al., Stevens Point, Wis., Docket 6516, July 24, 1956]

In the Matter of Nigbor Furs, Inc., a Corporation; and Bernard E. Nigbor, Individually and as President of Said Corporation; and Chester P. Nigbor, Individually and as Vice President and Treasurer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, in Stevens Point, Wis., with violating the Fur Products Labeling Act by removing labels from fur products prior to their ultimate sale; by failing to label fur products with information, and set forth as, required by the act; and by advertisements in newspapers which failed to disclose the names of animals producing the furs and the country of origin or that certain products were artificially colored, or which represented regular prices as reduced without maintaining adequate records upon which such pricing claims were based—and an agreement between the parties containing a consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of June 28, became, on July 24, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Nigbor Furs, Inc., a corporation, and its officers, Bernard E. Nigbor and Chester P. Nigbor, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction, or the sale, advertisement, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Removing, or causing the removal of participating in the removal of, labels required to be affixed to fur products, prior to the time fur products are sold and delivered to the ultimate purchaser of such products.

B. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(A) The name or names of the animal or animals producing the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(B) The name of the country of origin of any imported furs used in the fur product;

(C) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

(D) The information required by Rule 36 of rules and regulations promulgated under the Fur Products Labeling Act, when the fur product is composed of two or more sections containing different animal furs.

2. Setting forth on labels attached to fur products non-required information mingled with required information.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice, which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

2. Fails to disclose that the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

3. Fails to disclose the name of the country of origin of the imported furs contained in the fur products;

4. Sets forth required information in abbreviated form;

5. Represents directly or by implication:

(A) That any of such products are manufactured by respondents when in truth and fact said fur products are not so manufactured;

(B) That the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of their business.

6. Makes comparative or percentage pricing claims, unless there are maintained by respondents full and adequate records disclosing facts upon which claims and representations are based, as required by Rule 44 (e) of the rules and regulations.

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

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing set-

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging the publisher of "Farm Journal," the country's largest agricultural magazine, with acquisition of the assets of its leading rival "Better Farming," until recently "Country Gentleman," the oldest and second largest magazine in the field, including the right to use of the names "Better Farming" and "Country Gentleman" and lists of subscribers and advertisers; with result that Farm Journal's net paid circulation would be approximately 51 percent of the total among the six largest competitors in the farm magazine field and approximately 24 percent of the total net paid national circulation; and that there was a substantial lessening of competition and tendency to create a monopoly in the relevant lines of commerce in violation of section 7 of the Clayton Act as amended.

Following respondent's answer, pre-trial conferences, hearings, submission by both counsel of proposed findings of fact and conclusions, the hearing examiner made his initial decision including extensive findings of fact,¹ conclusions of law,² and order to cease and desist, which, on July 17, was adopted as the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Farm Journal, Inc., a corporation, and its officers, directors, agents, representatives, and employees shall, within a time to be fixed by the Commission, divest itself of all of its right, title, and interest in and to:

(a) The names "Better Farming" and "Country Gentleman,"

(b) The list of all domestic subscriptions to the publication known as Country Gentleman or Better Farming as furnished to it by the Curtis Publishing Company, and

(c) The list of all advertisers who, on June 6, 1955, had placed orders for advertising space in issues of Country Gentleman after the August 1955 issue, furnished to respondent by the Curtis Publishing Company.

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

It is ordered, That the date by which respondent, Farm Journal, Inc., shall comply with the order contained in said initial decision be, and it hereby is, fixed as January 1, 1957.

It is further ordered, That the respondent shall, on or before January 1, 1957, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with said order.

Issued: July 17, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-6246; Filed, Aug. 2, 1956;
8:49 a. m.]

¹ Filed as part of original document.

² New.

ting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 28, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-6248; Filed, Aug. 2, 1956;
8:50 a. m.]

[Docket 6533]

PART 13—DIGEST OF CEASE AND DESIST
ORDERS

GREENGLASS DISTRIBUTING CORP. ET AL.

Subpart—*Advertising falsely or misleadingly*: § 13.155 *Prices*: Exaggerated as regular and customary; § 13.235 *Source or origin*: Place: *Domestic product as imported*. Subpart—*Misbranding or mislabeling*: § 13.1325 *Source or origin*: Place: *Domestic product as imported*. Subpart—*Using misleading name*—Goods: § 13.2345 *Source or origin*: Place: *Domestic product as imported*.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Greenglass Distributing Corporation et al., Jackson Heights, N. Y., Docket 6533, July 18, 1956]

In the Matter of Greenglass Distributing Corporation, a Corporation; and Hyman Greenglass, Individually and as an Officer of Said Corporation and Also Trading as Greenglass Sales Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation and its controlling officer, engaged in their place of business in Jackson Heights, N. Y., in the sale of perfumes, toilet waters, and colognes, with representing falsely in advertisements in newspapers and circulars that excessive and fictitious prices were their customary retail and nationally advertised prices; and that certain cosmetics were compounded in France, further enhancing such representations by use of French-appearing brand names and the word "Paris" in pictorial depictions.

Respondents, failing to file answers or to appear at the initial hearing, were declared in default; and the hearing examiner thereupon made his initial decision, including order to cease and desist, which became, on July 18, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Greenglass Distributing Corporation, a corporation; and Hyman Greenglass, individually and as an officer of said corporation and trading as Greenglass Sales Company, or trading under any other name; their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, colognes, toilet waters, and allied products, in commerce, as "commerce" is defined in the Federal Trade

Commission Act, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly, indirectly or by implication:

(a) That the prices at which said products are offered for sale or sold are in excess of the prices customarily and usually charged for said products.

(b) That the prices at which said products are offered for sale or sold are nationally advertised prices.

(c) That products offered for sale or sold are compounded or manufactured in France or in any other foreign country.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondents' cosmetic preparations or allied products in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 of this order.

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

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

Issued: July 18, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-6245; Filed, Aug. 2, 1956;
8:49 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary
of Labor

PART 1—PROCEDURE FOR THE PREDETERMINATION OF WAGE RATES

Pursuant to the requirements of section 3 of the Administrative Procedure Act (5 U. S. C. 1002) and under the authority contained in R. S. 161 (5 U. S. C. 22), Part 1 of Title 29, Code of Federal Regulations, is hereby amended to read as follows:

Sec.

- 1.1 Purpose and scope.
- 1.2 Definitions.
- 1.3 Obtaining and compiling wage rate information.
- 1.4 Determination of wage rates.
- 1.5 Scope of consideration.
- 1.6 Field survey.
- 1.7 Hearings.
- 1.8 Pre-hearing conferences.
- 1.9 Hearing Examiner's proposed decision.
- 1.10 Submission of Hearing Examiner's proposed decision to interested parties.
- 1.11 Comments of interested parties.
- 1.12 Final decision.

AUTHORITY: §§ 1.1 to 1.12 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 49 Stat. 1011, as amended; 40 U. S. C. 276a—276a-6.

§ 1.1 *Purpose and scope*. The regulations contained in this part set forth the procedure for the determination of wage rates pursuant to each of the following acts: Davis-Bacon Act, as amended, 46 Stat. 1494, 49 Stat. 1011, 54 Stat. 399, 55 Stat. 53; 40 U. S. C. 276a et seq.; National Housing Act, as amended, 53 Stat. 804; 12 U. S. C. 1703 et seq.; Hospital Survey and Construction Act, as amended, 60 Stat. 1040; 42 U. S. C. 291 et seq.; Federal Airport Act, as amended, 60 Stat. 170; 49 U. S. C. 1101 et seq.; Housing Act of 1949, as amended, 63 Stat. 413; 42 U. S. C. 1401 et seq.; School Survey and Construction Act of 1950, as amended, 64 Stat. 967 et seq.; 20 U. S. C. 251 et seq.; Defense Housing and Community Facilities and Services Act of 1951, 65 Stat. 293, as amended by 66 Stat. 602; 42 U. S. C. 1591 et seq.; Federal-Aid Highway Act of 1956, Public Law 627, 84th Cong. 2d sess., 70 Stat. 374.

§ 1.2 *Definitions*.¹ (a) The term "prevailing wage rate" for each classification of laborers and mechanics which the Solicitor shall regard as prevailing in an area shall mean:

(1) The rate of wages paid in the area in which the work is to be performed, to the majority of those employed in that classification in construction in the area similar to the proposed undertaking;

(2) In the event that there is not a majority paid at the same rate, then the rate paid to the greater number: *Provided*, Such greater number constitutes 30 percent of those employed; or

(3) In the event that less than 30 percent of those so employed receive the same rate, then the average rate.

(b) The term "area" in determining wage rates under the Davis-Bacon Act, as amended, and the labor standards provisions of the National Housing Act, as amended, the Hospital Survey and Construction Act, as amended, the Federal Airport Act, as amended, the Housing Act of 1949, as amended, the School Survey and Construction Act of 1950, as amended, and the Defense Housing and Community Facilities and Services Act of 1951, as amended, shall mean the city, town, village or other civil subdivision of the State in which the work is to be performed. In determining wage rates pursuant to section 115 of the Federal-Aid Highway Act of 1956, the term "area" shall mean immediate locality of the proposed project.

(c) The term "average rate" for each classification in an area shall mean the rate obtained by adding the hourly rates paid to all workers in the classification and dividing by the total number of such workers.

(d) The term "Solicitor" shall mean the Solicitor of Labor.

§ 1.3 *Obtaining and compiling wage rate information*. For the purpose of making wage rate determinations, the Solicitor shall conduct a continuing pro-

¹These definitions are not intended to restrict the meaning of any of the terms as used in the applicable statutes.

gram for the obtaining and compiling of wage rate information.

(a) The Solicitor shall encourage the voluntary submission of wage rate data by contractors, contractors' associations, labor organizations, public officials, and other interested parties, reflecting wage rates paid to laborers and mechanics on various types of construction in the area. Rates must be determined, among others, for such varying types of projects as buildings, bridges, dams, highways, tunnels, sewers, power lines, railways, airports (buildings and runways), apartment houses, wharves, levees, canals, dredging, land-clearing and excavating. Accordingly, the information submitted should reflect not only that the specified wage rate or rates are paid to a particular craft in an area, but also the type or types of construction on which such rate or rates are paid.

(b) The following types of information will be considered in making wage rate determinations:

(1) Statements showing wage rates paid on projects. (Such statements should indicate the names and addresses of contractors, including subcontractors, the locations, approximate costs, dates of construction and types of projects, the number of workers employed in each classification on each project, and the respective wage rates paid such workers.);

(2) Signed collective bargaining agreements. (The Solicitor may request the parties to an agreement to submit statements certifying to its scope and application.);

(3) Wage rates determined for public construction by state and local officials pursuant to prevailing wage legislation;

(4) Information furnished by State agencies. (In making wage rate determinations pursuant to section 115 of the Federal-Aid Highway Act of 1956, the Solicitor shall consult with the highway department of the State in which a project in the Interstate System is to be per-

formed. Before making a determination of wage rates for such a project he shall give due regard to the information thus obtained.);

(5) Any other information pertinent to the determination of prevailing wage rates.

(c) The Solicitor shall supplement such information obtained on a voluntary basis by such means and from whatever sources he deems necessary.

§ 1.4 *Determination of wage rates.* In the event that such data is sufficient to determine the prevailing wage rates the Solicitor shall make a determination as to the wage rates prevailing in the area.

§ 1.5 *Scope of consideration (exclusive of wage rate determinations made pursuant to the Federal-Aid Highway Act of 1956, which shall be made in accordance with § 1.3 (b) (4) of this part).* (a) In making a wage rate determination projects completed more than one year prior to the date of request for the determination may, but need not be considered.

(b) If there has been no similar construction within the area in the past year, wage rates paid on the nearest similar construction may be considered.

§ 1.6 *Field survey.* Whenever the Solicitor deems that the data at hand are insufficient to make a determination with respect to all the crafts necessary to perform the proposed construction work, he may have a field survey conducted in the area of the proposed project for the purpose of obtaining sufficient information upon which to make a determination of wage rates.

§ 1.7 *Hearings.* Whenever he deems it necessary the Solicitor may direct a hearing to be held. He shall designate a hearing examiner who shall, after notice to all interested parties, proceed to the project area and make such investigations and conduct such hearings as may be necessary to make a determination of wage rates for the project.

§ 1.8 *Pre-hearing conferences.* When it appears that a pre-hearing conference will expedite proceedings, the examiner prior to the hearing may request representatives of the parties to attend a conference to consider such matters as may expedite the hearing.

§ 1.9 *Hearing examiner's proposed decision.* The hearing examiner shall make a written proposed decision in which he shall:

(a) State the procedure that he has followed;

(b) Summarize briefly the evidence and information that he has received;

(c) Analyze the evidence and information;

(d) Draft a proposed decision for the Secretary of Labor's consideration.

§ 1.10 *Submission of hearing examiner's proposed decision to interested parties.* A copy of the hearing examiner's proposed decision shall be mailed to each party of record and to any other persons who have expressed an interest in the proceedings.

§ 1.11 *Comments of interested parties.* Any interested party may within 5 days after receipt of the hearing examiner's proposed decision file his comments thereon. Such comments shall be filed with the Chief Hearing Examiner, U. S. Department of Labor, Washington 25, D. C., for transmission to the Secretary of Labor.

§ 1.12 *Final decision.* The Secretary of Labor's decision shall be final.

This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 30th day of July, 1956.

JAMES P. MITCHEL,
Secretary of Labor.

[F. R. Doc. 56-6223; Filed, Aug. 2, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 198]

SULPHUR PERMITS AND LEASES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of April 17, 1926 (44 Stat. 301), as amended July 16, 1932 (47 Stat. 701, 30 U. S. C. 271-276), it is proposed to revise the sulphur regulations approved August 16, 1932. The proposed regulations and forms of permit and lease are set forth as appendices to this notice.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed regulations or forms to the Bu-

reau of Land Management, Washington 25, D. C., within 30 days from date of publication of this notice in the FEDERAL REGISTER.

Dated: July 27, 1956.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

Part 198, Title 43 of the Code of Federal Regulations is revised as follows:

GENERAL

Sec.	
198.1	Statutory authority.
198.2	Definitions.
198.3	Area and limitation on holdings.
198.4	Qualifications of applicant.
198.5	Permits and leases for lands disposed of with reservation of sulphur.
198.6	Requirements when lands are within a withdrawal.
198.7	Protection of pre-existing mining claims.

SULPHUR PROSPECTING PERMITS

Sec.	
198.8	Application for permit.
198.9	Rights conferred.
198.10	Permit bond.
198.11	Cancelled permits.
198.12	Reward for discovery.
198.13	Expiration of permit.

SULPHUR LEASES

198.14	Form of lease.
198.15	Lease bond.
198.16	Royalty.
198.17	Rental.
198.18	Minimum production.
198.19	Application for lease by competitive bidding.
198.20	Notice of lease offer.
198.21	Bid deposits.
198.22	Award of lease.
198.23	Renewal leases.
198.24	Relinquishment of lease.
198.25	Cancellation of lease.

TRANSFER OF PERMITS AND LEASES

Sec.

198.26 Transfers, including subleases.
198.27 Overriding royalties.

AUTHORITY: §§ 198.1 to 198.27, inclusive, issued under sec. 32, 41 Stat. 450; 30 U. S. C. 189. Interpret or apply sec. 1 to 7, 44 Stat. 301, as amended 47 Stat. 701; 30 U. S. C. 271-276.

GENERAL

§ 198.1 *Statutory authority.* (a) Sections 1 to 7 of the Act of April 17, 1932 (44 Stat. 301), as amended July 16, 1932 (47 Stat. 701, 30 U. S. C. 271-276), authorize the Secretary of the Interior to:

(a) Issue permits to prospect for sulphur in public lands or in public lands disposed of with a reservation of such deposits to the United States located in the States of Louisiana and New Mexico.

(b) Lease such lands containing valuable deposits of sulphur.

§ 198.2 *Definitions.* The following terms, as used in this part or in any lease or permit approved under the regulations in this part, shall have the meanings here given:

(a) *Land Office, or appropriate land office.* The Land Office, Bureau of Land Management, Santa Fe, New Mexico, for lands covered by a permit, lease, or application therefor, situated in the State of New Mexico, and the Eastern States Land Office, Bureau of Land Management, Washington 25, D. C., for lands covered by a permit, lease, or application therefor, situated in the State of Louisiana.

(b) *Manager.* The Manager of the appropriate land offices as defined in paragraph (a) of this section.

(c) *Appropriate State Supervisor.* State Supervisor, Bureau of Land Management, Santa Fe, New Mexico, when the lands covered by a permit, lease, or application therefor are situated in the State of New Mexico, and Eastern States Supervisor, Bureau of Land Management, Washington 25, D. C., when the lands covered by a permit, lease or application therefor are situated in the State of Louisiana.

§ 198.3 *Area and limitations on holdings.* Except where the rule of approximation applies, a sulphur permit or lease may not include over 640 acres in reasonably compact form entirely within a 6-mile square. No person, association or corporation may hold more than three sulphur permits or leases in any one State during the life of such permits or leases.

§ 198.4 *Qualifications of applicant.* (a) As used in this section, "applicant" means an applicant for a permit under § 198.8, for a lease under § 198.12, the successful bidder to whom a lease is awarded under § 198.22, or an assignee or transferee under § 198.26.

(b) Permits and leases may be issued to citizens of the United States, association of citizens, and corporations organized under the laws of the United States or of any State or Territory thereof.

(c) All applicants must file with the Manager statements and evidence as follows (unless previously filed, in which

event a reference by serial number to the record and the land office in which filed, together with a statement as to any amendment, will be accepted):

(1) As to citizenship, whether native born or naturalized.

(2) If applicant is an association (including a partnership), it must submit a certified copy of the articles of association and the same showing as to the citizenship and holdings of its members as required of an individual.

(3) A corporation must submit a statement showing:

(i) The State in which it is incorporated.

(ii) That it is authorized to hold permits and leases for sulphur deposits and that the person executing an instrument on behalf of the corporation is authorized to act in such matters.

(iii) The percentage of voting stock, of all the stock owned by aliens and of all the stock owned by those having addresses outside of the United States. When the stock owned by aliens is over 10 percent, additional information may be required.

(iv) The name, address, citizenship, and acreage holdings of any stockholder owning or controlling 20 percent or more of the stock of any class, of the corporation.

(4) That holdings of sulphur permits or leases do not exceed the number specified in § 198.3.

§ 198.5 *Permits and leases for lands disposed of with reservation of sulphur.* Where lands included in a permit or lease have been disposed of with reservation of sulphur deposits, a permittee or lessee must make full compliance with the law under which such reservation was made. See the Acts of March 4, 1933 (47 Stat. 1570; 30 U. S. C. 124); December 29, 1916 (39 Stat. 862; 43 U. S. C. 291-301); June 17, 1949 (63 Stat. 201); June 21, 1949 (63 Stat. 215; 30 U. S. C. 54) and August 13, 1954 (68 Stat. 708), and other laws authorizing such reservations.

§ 198.6 *Requirements when lands are within a withdrawal.* Where any part of the lands embraced in an application for sulphur permit or lease is within a withdrawal which does not preclude disposition of the sulphur deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of a sulphur permit or lease. Where he recommends that a special stipulation be required to protect the interests of the United States, an appropriate stipulation may be included in the lease or permit.

§ 198.7 *Protection of pre-existing mining claims.* Mining claims for sulphur deposits on lands such as specified in § 198.1 (a) situated in Louisiana which were valid on April 17, 1926, or on such lands in New Mexico, on July 16, 1932, if duly maintained, may be patented under the law under which they were initiated. Otherwise, such deposits may be secured only under the Act of April 17, 1926 (44 Stat. 301), as amended July 16, 1932 (47 Stat. 701, 30 U. S. C. 271-276).

SULPHUR PROSPECTING PERMITS

§ 198.8 *Application for permit.* An application for a permit must be filed in duplicate in the appropriate land office. A filing fee of \$10, which will be retained as a service charge in any event, must accompany the application. No specific form of application is required, but the application should include the information and evidence called for in §§ 198.4 and 198.19 (a) (1) and (2).

§ 198.9 *Rights conferred.* Two-year permits issued and Form 4-701¹ grant the permittee the exclusive right to prospect and explore the lands described therein to determine the existence of, or workability of, the sulphur deposits. Only such material may be removed from the land as is necessary to experimental work or the demonstration of the existence of such deposits in commercial quantities.

§ 198.10 *Permit bond.* Prior to the issuance of a permit for lands entered or patented with a reservation of the sulphur deposits to the United States, or lands within a reclamation project, the applicant must furnish an approved corporate surety bond of at least \$1,000 (Form 4-1130) or a personal bond in similar amount (Form 4-1131) secured by negotiable Federal securities in the amount of the bond. The right is reserved to require the applicant, in any case where deemed necessary, to furnish a permit bond.

§ 198.11 *Cancelled permits.* Upon cancellation of a sulphur permit for any reason, the land will not be open to sulphur permit applications until the cancellation is noted on the records of the land office.

§ 198.12 *Reward for discovery.* (a) Upon a satisfactory showing that valuable deposits of sulphur have been discovered by a permittee within the area covered by his permit before the permit expires, and that the land is chiefly valuable therefor, the permittee shall be entitled to a preference right lease for all or part of the land embraced in his permit in a reasonably compact form. An application for a preference right lease by a sulphur permittee must be filed not later than 30 days after his permit expires. The application must be filed in the appropriate land office and describe the land desired, show the date valuable sulphur deposits were discovered, specify fully the extent and mode of occurrence of the deposits as disclosed by prospecting work, and show any change in the information contained in the application for sulphur permit. The application must be accompanied by the first year's lease rental at the rate of 50 cents per acre or fraction thereof. The lease will be on Form 4-1313 and will be dated the first day of the month following the date of the decision notifying the appli-

¹ A copy of this, as well as of every other form mentioned in this part, may be obtained from the Land Office, Santa Fe, New Mexico, or from the Director, Bureau of Land Management, Washington 25, D. C. Copies of Forms 4-701 and 4-1313 were filed with the Federal Register Division as part of the original document.

cant that he is entitled to a preference right sulphur lease, unless otherwise specified therein. If the sulphur permit expires and the application for sulphur lease is finally rejected, royalty for the sulphur mined will be charged at the sulphur permit rate and such mining will not constitute a trespass.

(b) If the lands are unsurveyed, the sulphur permittee, prior to the issuance of a lease, will be required to deposit with the appropriate State Supervisor the estimated cost of making a survey of the lands as officially determined by the Bureau of Land Management. This survey will be an extension of the public land surveys over the lands applied for, and the lands to be included in the sulphur lease will be conformed to the subdivision of such survey.

(c) If the sulphur permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittee or lessee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 198.4 (c) (1) and (4).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittee or lessee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 198.4 (c) (1) and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 198.4 (c) (1) and (4).

§ 198.13 *Expiration of permit.* Unless a lease application is filed pursuant to § 198.12 the permit will expire at the end of its period without notice to the

permittee. No extension of the term will be granted.

SULPHUR LEASES

§ 198.14 *Form of lease.* Leases shall be issued on Form 4-1313.

§ 198.15 *Lease bond.* A compliance bond, in no event less than \$5,000, with approved corporate surety (Form 4-1113), or the lessee's personal bond in similar amount (Form 4-1114), will be required prior to the issuance of a lease. Personal bonds must be secured by negotiable Federal securities in the amount of the bond.

§ 198.16 *Royalty.* Leases based upon discovery of valuable sulphur deposits under a sulphur permit shall provide for a royalty of 5 percent of the quantity or gross value of the output of sulphur at the point of shipment to market. Leases for lands known to contain valuable deposits of sulphur and not covered by sulphur permits or leases shall provide for such royalty as will be determined prior to the issuance of the lease, but in no case shall the royalty be less than 5 percent of the quantity or gross value of the output of sulphur at the point of shipment to market.

§ 198.17 *Rental.* Leases shall provide for the payment, in advance, of an annual rental of 50 cents for each acre or part thereof covered by the lease, beginning with date of the lease, such rental for any year to be credited against the first royalties as they accrue under the lease during the year for which the rental was paid.

§ 198.18 *Minimum production.* Leases will require the payment of a royalty on a minimum annual production beginning with the sixth year of the lease, unless operations are interrupted by strikes, the elements, or casualties not attributable to the lessee, or unless, on application and showing made, lease operations are suspended by the Department of the Interior for the reasons specified in section 39 of the Mineral Leasing Act of February 25, 1920, as amended, (30 U. S. C. 209).^{*}

§ 198.19 *Application for lease by competitive bidding.* (a) An application for a lease must be filed in duplicate in the appropriate land office. A filing fee of \$10, which will be retained as a service charge in any event, must accompany the application. No specific form is required, but the application should include the following:

(1) The applicant's name and address.

(2) If the requested lands are surveyed, they should be described by legal subdivisions, showing meridian, State, township, range, and section; if not surveyed, by metes and bounds connected by courses and distance with some corner of the public land survey. When possible, the approximate legal subdivisions of unsurveyed lands should be stated.

(3) Evidence that the land is valuable for its sulfur content, with a statement as to the character, extent, and mode of occurrence of the sulfur deposits.

^{*}See showing required under § 191.26 of this title, as amended.

(b) The application must be signed by applicant, or by his attorney in fact, supported by the power of attorney.

(c) If it be found that the area applied for is not available for leasing, the applicant will be so informed.

§ 198.20 *Notice of lease offer.* Notice of offer of lands or deposits for lease will be by publication once a week for four consecutive weeks or for such other period as may be determined, in a newspaper of general circulation in the county or parish in which the lands or deposits are situated. The notice will state the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the lands and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and statements that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared. The right is reserved to reject any and all bids, and should a bid be rejected, the deposit made by the bidder will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding, is unlawful. (See 18 U. S. C. 1860).

§ 198.21 *Bid deposits.* The successful bidder at a sale by public auction must deposit with the Manager of the Land Office, or the officer conducting the sale, on the date of the sale, and each bidder at a sale by sealed bids, must submit with his bid, certified check, cashier's check, bank draft, money order, or cash for one-fifth of the amount of the bid, and evidence of qualifications as required by § 198.4.

§ 198.22 *Award of lease.* Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four lease forms will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 198.20 and file a bond as required by § 198.15. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder au-

thorized the attorney to execute the lease. If the bidder dies before the lease is issued, there must be furnished satisfactory evidence such as specified in § 198.12 (c), in order that the Manager of the appropriate land office may determine to whom the lease may be issued.

§ 198.23 *Renewal leases.* An application for a renewal lease must be filed in the appropriate land office within 90 days prior to the expiration of the lease term. Thereafter, the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee files written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the issuance of a renewal lease, the lessee will be required to submit a new bond as prescribed in § 198.15. Each application for renewal must be accompanied by a filing fee of \$10, which will not be returnable.

§ 198.24 *Relinquishment of lease.* Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvements on the leased lands in accordance with the regulations and terms of the lease.

§ 198.25 *Cancellation of lease.* If the lessee fails to comply with the general regulations in force at the date of the lease, or defaults with respect to any of the terms, covenants, or stipulations of the lease, and such failure or default continues for 30 days after service of written notice thereof by the lessor, then the lessor may bring appropriate court proceedings to forfeit and cancel the lease as provided in section 31 of the Mineral Leasing Act (30 U. S. C. 188). A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause, or for the same cause occurring at any other time.

TRANSFERS OF PERMITS AND LEASES

§ 198.26 *Transfers, including subleases.* (a) Permits and leases may be transferred in whole or in part. The approval of a transfer of part of the lands in a permit or lease will create a new permit or lease for the transferred portion. A discovery made before or after the partial assignment, either on the retained or the assigned portions will not inure to the benefit of the other, nor will approval of a transfer extend the life of the permit or the renewal periods of the lease. Transfers, whether by direct assignments, operating agreements, subleases, working or royalty interests, or otherwise, must be filed for approval in duplicate at the appropriate land office within 90 days after execution. Evidence of the qualifications of the as-

signee or transferee to hold the permit or lease, as required by § 198.4 must be submitted simultaneously. Before a transfer of a permit or lease will be approved, the consent of the surety to the substitution of the transferee as principal, or a new bond with the transferee as principal, must be submitted if the original permit or lease required the maintenance of a bond. If the transfer is for part of the land only, it must be for a legal subdivision and (1) the consent of the surety to the transfer and its agreement to remain bound as to the interest retained by the permittee or lessee must be submitted, as well as (2) a new bond with the transferee as principal covering the portion of the lands transferred. The account under the permit or lease must be in good standing before approval of transfer will be given. A transfer will take effect the first day of the month following its approval, or if the transferee requests, the first day of the month of the approval.

(b) An application for approval of any instrument transferring a lease or permit, or interest therein, must be accompanied by a service fee of \$10. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

(c) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or lessee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(d) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Department as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 198.12 (c).

(e) The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the permit or lease until the assignment or sublease is approved. If the assignment or transfer is not approved, their obligations to the United States shall continue as though no such assignment or transfer had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all permit or lease obligations notwithstanding any terms in the assignment or sublease to the contrary.

§ 198.27 *Overriding royalties.* (a) An overriding royalty interest may be created by assignment or otherwise: *Provided, however,* That if the total of the overriding royalty interests at any time exceeds one percent of the gross value of the output at the point of shipment to market, they shall be subject to reduction or suspension by the Secretary to a total of not less than one percent of such gross value, whenever, in the interest of conservation, it appears necessary to do so in order (1) to prevent premature abandonment, or (2) to make possible the economic mining of mar-

ginal or low grade deposits. Where there is more than one overriding royalty interest, any such suspension or reduction shall be applied to the respective interests in the manner agreed upon by the holders thereof or, in the absence of such agreement, in the inverse order of the dates of creation of such interests.

(b) Any assignment, sublease, or other transfer or agreement which creates an overriding royalty interest will not be approved unless the owner of that interest files his agreement in writing that such interest is subject to suspension or reduction as provided in paragraph (a) of this section. No overriding royalties shall be paid at a rate in excess of the rate to which they have been so reduced until otherwise authorized by the Secretary.

[F. R. Doc. 56-6221; Filed, Aug. 2, 1956; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 41]

[Draft Release No. 56-19]

FLIGHT TIME LIMITATIONS FOR PILOTS NOT REGULARLY ASSIGNED TO ONE TYPE OF CREW

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the issuance of a Special Civil Air Regulation to extend the authority contained in Special Civil Air Regulation No. SR-386C as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by September 10, 1956. Copies of such communications will be available after September 12, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Special Civil Air Regulation SR-386C which terminates September 30, 1956, provides authority whereby a pilot may serve in more than one type of flight crew without incurring any penalty in terms of maximum permissive flight duty. This authority has heretofore been provided for an experimental period with a view to the establishment of permanent rules for such crew assignments.

The Civil Aeronautics Administration has advised the Board that the regulation has not been abused and favors its continuation. The proposed revision of Part 41 of the Civil Air Regulations, recently released for discussion purposes, does not contain any provisions concerning flight time limitations because of the necessity for seeking the resolution of certain outstanding questions in a separate rule making action. It is expected

that this separate rule making will be completed in the near future and thereafter amendments to existing regulations will be made where appropriate. Pending the resolution of outstanding questions relating to flight time limitations, the Bureau considers that it is advisable to extend the authority granted by SR-386C for another year rather than to incorporate this authority in currently effective Part 41.

This regulation will not allow evasion of the stricter limitations applicable to smaller crew combinations, but will allow assignment of a pilot in any given month to another type of crew combination without additional flight time limitation if he flies not more than 20 hours in the type of crew to which the more restrictive flight time limitations apply and if such assignment is not interrupted more than once during such month.

In view of the foregoing, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to read as follows:

1. Contrary provisions of § 41.57 of the Civil Air Regulations notwithstanding, the following rules shall apply to the monthly and quarterly flight time limitations of pilots assigned in combinations of two-pilot crews, two-pilot and additional flight crew member crews, or three-pilot and additional flight crew member crews.

2. A pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of two or more pilots and an additional flight crew member, shall be governed by the provisions of § 41.54.

3. Except for a pilot coming within the provisions of paragraph 2, a pilot who is assigned to duty aloft for more than 20 hours in two-pilot and additional flight crew member crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of three pilots and an additional flight crew member, shall be governed by the provisions of § 41.55.

4. A pilot to whom the provisions of paragraphs 2 and 3 are not applicable, assigned to duty aloft for a total of 20 hours or less within a given month in two-pilot crews with or without additional flight crew members, shall be governed by the provisions of § 41.56.

5. A pilot assigned to each of two-pilot, two-pilot and additional flight crew member, and three-pilot and additional flight crew member crews in a given month, who is not governed by the provisions of paragraphs 2, 3, or 4, shall be governed by the provisions of § 41.55.

It is proposed that this regulation shall supersede Special Civil Air Regulation No. SR-386C and shall be effective for a period of one year.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., July 24, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 56-6243; Filed, Aug. 2, 1956; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN PROCESSED FOOD PRODUCTS

UNITED STATES STANDARDS FOR GRADES OF CANNED BLACKBERRIES AND OTHER SIMILAR BERRIES SUCH AS BOYSENBERRIES, DEWBERRIES, AND LOGANBERRIES¹

Notice is hereby given that the U. S. Department of Agriculture is considering amendments to the United States Standards (18 F. R. 7940) for Grades of Canned Blackberries and Other Similar Berries

such as Boysenberries, Dewberries, and Loganberries pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). The amendments as hereinafter set forth provide for changes in the recommended minimum drained weight requirements of canned berries, and to make other minor changes.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. In § 52.556 change Table No. 1, *Recommended Minimum Drained Weight, in Ounces, of Canned Berries*; to read:

TABLE NO. 1—RECOMMENDED MINIMUM DRAINED WEIGHT IN OUNCES OF CANNED BERRIES

Can size	Can dimensions (in inches)		Maximum capacity in water at 68° F. (in ounces)	Blackberries		Other Berries	
	Diameter	Height		Extra heavy and heavy sirup	Light sirup and water	Extra heavy and heavy sirup	Light sirup and water
8 ounce.....	2 1/4	3 1/4	8.65	4 1/2	4 1/2	4 1/4	4 1/4
No. 303.....	3 1/4	4 1/4	16.85	5 1/2	9 1/4	7 1/4	8 1/4
No. 2.....	3 1/4	4 1/4	20.50	11	12	9 1/2	10
No. 10.....	6 1/4	7	109.45	62	66	55	60
No. 10 (heavy pack) ¹	6 1/4	7	109.45	-----	74	-----	70

¹ Canned berries in No. 10 containers (in water) may be certified with the additional statement "heavy pack," provided they meet a minimum drained weight requirement specified.

2. Change § 52.557 to read:

§ 52.557 *Ascertaining the grade*—(a) *General*. In addition to considering other requirements outlined in the standards the following factors are evaluated:

(1) *Factors not rated by score points*.
(i) Varietal characteristics.
(ii) Flavor.

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

Factors:	Points
Color.....	20
Uniformity of size.....	20
Absence of defects.....	30
Character of fruit.....	30
Total score.....	100

(b) "Normal flavor and odor" means that the product is free from objectionable odors and objectionable flavors of any kind.

3. Change paragraph (d) of § 52.561, *Absence of defects*, to read:

(d) (C) *classification*. Canned berries that are fairly free from defects may be given a score of 21 to 23 points.

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

Canned berries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that harmless extraneous vegetable material may be present that does not seriously affect the appearance or edibility of the product; and that not more than 15 percent, by count, of the canned berries may be damaged.

4. Change § 52.563 to read:

§ 52.563 *Tolerances for certification of officially drawn samples*. (a) When certifying samples that have been officially drawn and which represent a specific lot of canned blackberries and other similar berries such as boysenberries, dewberries, and loganberries the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indi-

cated by the average of such total scores;

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

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

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

Dated: July 31, 1956.

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

[F. R. Doc. 56-6226; Filed, Aug. 2, 1956;
8:46 a. m.]

[7 CFR Part 919]

[Docket No. AO-249-A2]

MILK IN SOUTHWEST KANSAS MARKETING AREA

NOTICE OF HEARING ON PROPOSED EMERGENCY AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Jade Room, Lora Locke Hotel, Dodge City, Kansas, beginning at 10:00 a. m. local time, August 8, 1956.

Subjects and issues involved in the hearing. This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the handling of milk in the Southwest Kansas milk marketing area. More specifically consideration will be given to the pricing of Class I milk to determine (1) the extent to which drought conditions, shortage of hay and feeds, and increasing prices of available supplies of hay and feeds, constitute a threat to the adequacy of supplies of pure and wholesome milk, and (2) whether temporary emergency price relief is necessary to promote orderly marketing.

This request for emergency action has been received from the Southwest Kansas Milk Producers Association whose members constitute a majority of the producers supplying milk to the Southwest Kansas marketing area. This association proposes that the price of Class I milk be increased 40 cents per hundred-weight for the months of September, October, and November 1956. This proposal has not received the approval of the Secretary of Agriculture.

Copies of this notice of hearing may be procured from the Market Administrator, Room 228, 616-18 North Second Avenue, Dodge City, Kansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department

of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 31, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-6227; Filed, Aug. 2, 1956;
8:46 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 136]

[File 21-332]

PAINT AND VARNISH BRUSH MFG. INDUSTRY

ADDITION TO TRADE PRACTICE RULES

In the matter of proposed addition of industry committee provision to trade practice rules for the Paint and Varnish Brush Manufacturing Industry.

Trade practice rules for the paint and varnish brush manufacturing industry (CFR Part 136) were promulgated by the Federal Trade Commission on January 14, 1939. Subsequently, on September 15, 1955, the Commission approved a new standard industry committee provision (20 F. R. 7249, Sept. 29, 1955) which the American Brush Manufacturers' Association has requested be added to existing rules for this industry. The committee provision is hereinafter set forth, together with notice of scheduled hearing on the subject as follows:

Notice of hearing and of opportunity to present views, suggestions, or objections. Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, and organizations engaged in the manufacture, sale, offering for sale, or distribution in commerce of the products of the Paint and Varnish Brush Manufacturing Industry, and other parties who may be affected by or have an interest in the trade practice rules for the industry, to present to the Commission their views concerning the proposed addition of an industry committee provision, as hereinafter set forth, to the trade practice rules heretofore promulgated by the Commission for the industry. For this purpose industry members, and other interested or affected parties, may obtain copies of the proposed committee provision upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication to be filed with the Commission not later than August 22, 1956.

Opportunity for all concerned to be heard orally will be afforded at the hearing beginning at 11 a. m., d. s. t., August 22, 1956, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C.

Committee on Trade Practices

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

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

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

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

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

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

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

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

(1) Interpret the rules;

(2) Attempt to correct alleged rule violations;

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

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

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

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

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

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

Issued: July 31, 1956.

By direction of the Commission.

[SEAL] ROBERT M. FARRISH,
Secretary.

[F. R. Doc. 56-6224; Filed, Aug. 2, 1956;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 182]

CLASSIFICATION OF MOTOR CARRIERS

EXTENSION OF TIME FOR FILING RESPONSES

JULY 31, 1956.

On June 29, 1956, the Commission issued a notice of proposed rule making covering reclassification of motor carriers of property for accounting and reporting purposes. The notice was pub-

lished in the FEDERAL REGISTER issue of July 18, 1956 (21 F. R. 5378) and provided that views or arguments to be considered in that connection could be filed on or before August 1, 1956.

Notice is hereby given that the period within which such views or arguments may be filed for consideration has been extended to and including August 31, 1956.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-6249; Filed, Aug. 2, 1956;
8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Eastern States Office Order 4]

CHIEF, MINERALS ADJUDICATION SECTION,
AND CHIEF, LANDS ADJUDICATION SECTION
REDELEGATION OF AUTHORITY TO SIGN FINAL
ACTIONS

JULY 30, 1956.

Pursuant to the authority contained in Bureau Order No. 541, as amended, authority to sign all final actions affecting leaseable and nonleaseable mineral cases, now being handled by the Eastern States Land Office, is redelegated to the Chief, Minerals Adjudication Section of the Eastern States Land Office; also, authority to sign all final actions concerning lands cases, now being handled by the Eastern States Land Office, is redelegated to the Chief, Lands Adjudication Section of the Eastern States Land Office.

This authorization will not affect the exercise of authority already held by the designated Land Office Manager.

L. T. HOFFMAN,
Supervisor,
Eastern States Office.

Approved: July 30, 1956.

EDWARD WOOLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 56-6222; Filed, Aug. 2, 1956;
8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

VARIOUS OFFICIALS

DELEGATIONS OF AUTHORITY

1. Authority is hereby delegated to the Deputy Administrator to exercise, in the absence of the Administrator, as Acting Administrator, any of the powers of the Administrator.

2. In the absence of the Administrator and the Deputy Administrator, the powers of the Administrator shall be exercised, as Acting Administrator, by the Assistant Administrator for the Telephone Program.

3. In the absence of the Administrator, Deputy Administrator, and Assistant

Administrator for the Telephone Program, the powers of the Administrator shall be exercised, as Acting Administrator, by the Assistant Administrator for the Electric Program.

4. In the absence of the Administrator, Deputy Administrator, and Assistant Administrators, the powers of the Administrator shall be exercised, as Acting Administrator, by the Chief of the Administrative Division.

5. In the absence of the Administrator, Deputy Administrator, Assistant Administrators, and Chief of the Administrative Division, the powers of the Administrator shall be exercised, as Acting Administrator, by such person as shall be designated by the Administrator.

Issued this 30th day of July 1956.

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-6253; Filed, Aug. 2, 1956;
8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MARSEILLES/NORTH ATLANTIC U. S. A.
FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE
BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 5660-3, between the member lines of the Marseilles/North Atlantic U. S. A. Freight Conference, modifies the basic agreement of that conference (No. 5660, as amended) by changing the voting provision thereof and setting forth the conditions under which a member, whose service has been suspended for six consecutive months or more, may retain its membership without voting rights until service is resumed.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, to-

gether with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: July 30, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-6254; Filed, Aug. 2, 1956;
8:50 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of the Army

KENNETH B. COATES

REPORT OF APPOINTMENT AND STATEMENT OF
FINANCIAL INTERESTS

Employment without compensation under section 710 (b) of the Defense Production Act.

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Kenneth B. Coates on July 2, 1956, in the Department of the Army. Mr. Coates is serving as Chief of the Detroit Ordnance District, Detroit, Michigan.

Mr. Coates is presently retired.

Mr. Coates' statement of his personal business interests is attached.

Dated: August 1, 1956.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Financial Interests

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated November 28, 1955:

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to foregoing questions:

(1) Michigan Plating & Stamping Company, Grand Rapids, Mich.; director. Watson Industries, Inc., 7405 Lyndon Avenue, Detroit 38, Mich.; secretary and director. B/W Controller Corporation, East Maple Road, Birmingham, Mich.; director. Michigan Plating & Stamping Company, above; stockholder. Watson Industries, Inc., above; stockholder. B/W Controller Corporation, above; stockholder. National Steel Corporation, Grand Building, Pittsburgh, Pa.; stockholder.

(2) None.

(3) Real Estate, Livingston County, Brighton, Mich. Insurance, Northwestern Mutual, Equitable, Travelers.

Dated: June 13, 1956.

Re-dated: July 2, 1956.

KENNETH B. COATES.

[F. R. Doc. 56-6290; Filed, Aug. 1, 1956;
4:27 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6698]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

JULY 30, 1956.

Take notice that on July 25, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Company ("Applicant"), a corporation organized under the laws of the State of Texas, and doing business in the States of Texas and Louisiana, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance, by competitive bidding, of \$15,000,000 principal amount of First Mortgage Bonds, -- percent Series due 1986, and 100,000 additional shares of Common Stock. Said bonds will be dated as of September 1, 1956, will be issued on or about September 18, 1956, and will be due on September 1, 1986. Said Common Stock is proposed to be issued on or about September 18, 1956. The proceeds from the sale of said bonds and Common Stock will be used to reimburse Applicant's treasury in part for construction expenditures heretofore made and to pay certain outstanding short-term borrowings and to carry on its plans for future construction of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 16th day of August 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Rules of Practice and Procedure. The application is on file and available for public inspection.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.[F. R. Doc. 56-6230; Filed, Aug. 2, 1956;
8:47 a. m.]

[Docket No. 4441 etc.]

GRUBB AND HAWKINS ET AL.

NOTICE OF APPLICATIONS AND DATE OF
HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, con-

cerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

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

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

G-4441; Grubb and Hawkins, a partnership Estate of M. T. Grubb, Naomi S. Grubb, Jackie Grubb Ankenman, Henry Dreyfus, Harold T. White, Estate of Frances M. Weld, W. J. Hafenbrak; J. M. Pille, Mrs. Edward Wagner, C. L. Love, Mrs. J. B. Lester; Barton, Pille, Jones & Wermuth, George Cotros; 10-18-54; LaFourche Crossing, LaFourche Parish, La.; United Gas Pipe Line Company.

G-4526; V. R. Huffines, W. M. Day, W. J. and C. Sherrouse, Incorporated; Sherrouse Realty Company, Incorporated, Dallas, Tex.; 10-22-54; Carthage, Panola County, Tex.; United Gas Pipe Line Company.

G-4583; Fifteen Oil Company, formally Mikton Oil Company; 10-25-54; LaFourche Crossing, LaFourche Parish, La.; United Gas Pipe Line Company.

G-4592; H. L. Brown and W. R. Wheeler, Fort Worth, Tex.; 10-27-54; Hordes Creek, Goliad County, Tex.; United Gas Pipe Line Company.

G-4593; H. L. Brown and W. R. Wheeler, Fort Worth, Tex.; 10-27-54; Hordes Creek, Goliad County, Tex.; United Gas Pipe Line Company.

G-4595; H. L. Brown and W. R. Wheeler, Fort Worth, Tex.; 10-27-54; Hordes Creek, Goliad County, Tex.; United Gas Pipe Line Company.

G-4598; H. H. Weinert, Lelia A. Bauchman, John Allen Bauchman, E. A. Tapp, Roland K. Blumberg and Jane W. Blumberg, Guadalupe County, Tex.; 10-28-54; North Pettus, Goliad and Karnes County, Tex., United Gas Pipe Line Company.

G-4567; Bert Fields, Alyne Fields, Mary Alleen Carlisle, Hazel Deason, Dallas, Tex.; 10-25-54; Bethany, Panola County, Tex.; United Gas Pipe Line Company.

G-4615; Chas. A. Daubert, San Antonio, Tex.; 11-1-54; Sandia and Lou Ella, Jim Wells and San Patricio Counties, Tex.; United Gas Pipe Line Company.

G-4810; D. Thompson Production Company Inc., Luna T. Holcomb and E. D. Holcomb, Shreveport, La.; 11-12-54; Bethany and Carthage, Panola County, Tex.; United Gas Pipe Line Company.

G-4726; D. Thompson, Shreveport, La.; 11-8-54; Bethany, Panola County, Tex.; United Gas Pipe Line Company.

G-4805; Hunt Oil Company, Dallas, Tex.; 11-12-54; Lisbon, Claiborne Parish, La.; United Gas Pipe Line Company.

G-4845; Ace Oil Company, Carl Casey, Thomas O. Shelton, Jr., O. B. Siler, A. P. Merritt, C. C. Anderson, Bryant Penn, J. Robert McCollum and Morris Wolf, Tyler, Tex.;

11-15-54; Jaoquin, Shelby and Panola Counties, Tex.; United Gas Pipe Line Company.

G-4851; the Bering Oil Corporation, Tyler, Tex.; 11-15-54; South Caesar, Bee County, Tex.; United Gas Pipe Line Company.

G-5138; T. G. Markley, Baton Rouge, La.; 11-19-54; Iberia, Iberia Parish, La.; United Gas Pipe Line Company.

G-5206; Luna T. Holcomb, Shreveport, La.; 11-22-54; Tillery No. 1, Panola County, Tex.; United Gas Pipe Line Company.

G-5207; R. O. Ray & Company, Inc., Shreveport, La.; 11-22-54; Lake Bistineau, Bienville Parish, La.; United Gas Pipe Line Company.

A public hearing will be held on the 28th day of August, 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

JULY 30, 1956.

[F. R. Doc. 56-6233; Filed, Aug. 2, 1956;
8:47 a. m.]

[Docket No. G-6742 etc.]

BURNETT & CORNELIUS AND NAVAJO
NATURAL GAS CO.NOTICE OF APPLICATIONS AND DATE OF
HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure [18 CFR 1.8 or 1.10] not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

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

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

G-6742; Burnett & Cornelius, Amarillo, Tex.; 11-30-54; West Panhandle, Carson County, Tex.; Panhandle Eastern Pipe Line Company.

G-6746; Burnett & Cornelius, Amarillo, Tex.; 11-30-54; West Panhandle, Carson County, Tex.; Panhandle Eastern Pipe Line Company.

G-6747; Burnett & Cornelius, Amarillo, Tex.; 11-30-54; West Panhandle, Carson County, Tex.; Panhandle Eastern Pipe Line Company.

G-6748; Burnett & Cornelius, Amarillo, Tex.; 11-30-54; West Panhandle, Carson County, Tex.; Panhandle Eastern Pipe Line Company.

G-6901; Burnett & Cornelius, Amarillo, Tex.; 11-30-54; West Panhandle, Carson County, Tex.; Natural Gas Pipeline Company of America.

G-6743; Navajo Natural Gas Company, Amarillo, Tex.; 11-30-54; West Panhandle, Carson County, Tex.; Panhandle Eastern Pipe Line Company.

A public hearing will be held on the 27th day of August 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matter involved in and the issues presented by the above applications.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

JULY 30, 1956.

[F. R. Doc. 56-6234; Filed, Aug. 2, 1956; 8:48 a. m.]

[Docket No. G-10251]

SCRANTON-SPRING BROOK WATER SERVICE Co.

NOTICE OF APPLICATION

JULY 30, 1956.

Take notice that Scranton-Spring Brook Water Service Company (Applicant), a Pennsylvania Corporation, with its principal place of business in Wilkes-Barre, Pennsylvania, filed an application on April 12, 1956, as supplemented on June 13, 1956, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Tennessee Gas Transmission Company (Tennessee) to establish physical connection of its transportation facilities with the proposed facilities of Applicant and to sell and deliver natural gas to Applicant for resale and distribution in its Scranton and Wilkes-Barre gas divisions in Wyoming, Lackawanna and Luzerne Counties, Pennsylvania as hereinafter described, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant states that it is engaged in supplying and distributing water in Susquehanna, Wayne, Lackawanna and Luzerne Counties, manufactured gas in Lackawanna, Wyoming, and Luzerne Counties and natural gas in Columbia, Northumberland, Snyder, Montour and Lycoming Counties, all in Pennsylvania.

The natural gas is purchased from The Manufacturers Light & Heat Company.

Applicant proposes in its application to obtain a natural gas supply from Tennessee to convert the present manufactured gas service in Lackawanna, Wyoming and Luzerne Counties, Pennsylvania (referred to as the Scranton and the Wilkes-Barre Divisions of Applicant) to straight natural gas service.

	1	2	3	4	5
Peak day demand, Mcf:					
Scranton Division.....	5,531	7,459	7,872	8,286	8,709
Wilkes-Barre Division.....	1,360	1,811	2,011	2,211	2,411
Total.....	6,891	9,270	9,883	10,497	11,111
Annual demand, Mcf:					
Scranton Division.....	1,296,442	1,731,141	1,787,821	1,844,653	1,901,636
Wilkes-Barre Division.....	348,770	443,972	470,212	508,604	541,148
Total.....	1,645,212	2,175,113	*2,258,033	2,353,257	2,442,784

Applicant proposes to interconnect with the Hebron-Greenwich facilities of Tennessee and to install and operate approximately 13.45 miles of 12-inch pipeline to connect to Applicant's Scranton Division. Applicant also proposes to install and operate approximately 24 miles of 12-inch pipeline interconnecting the Scranton and Wilkes-Barre Divisions. Also 7 regulating and 2 metering stations are to be installed. The estimated capital cost of these facilities is \$1,603,000, to be financed by means of medium and long term bank loans.

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

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6235; Filed, Aug. 2, 1956; 8:48 a. m.]

[Project No. 1773]

MOON LAKE ELECTRIC ASSN., INC.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

JULY 30, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Moone Lake Electric Association, Inc., of Altamont, Utah, licensee, for amendment of its license for a hydroelectric development on the East Fork of Lake Fork of Duchesne River in Duchesne County, Utah. Licensee proposes to replace the 12.5 kilovolt transmission line with a 69 kilovolt transmission line crossing the Uintah and Ouray Indian Reservation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 5, 1956. The application is on file

Applicant avers that its manufactured gas capacity is insufficient to enable it to meet its expected future requirements and that it would be economically beneficial to both the company and its customers to convert to natural gas service.

Applicant's annual and peak day for the first five years with natural gas is estimated as follows:

	1	2	3	4	5
Peak day demand, Mcf:					
Scranton Division.....	5,531	7,459	7,872	8,286	8,709
Wilkes-Barre Division.....	1,360	1,811	2,011	2,211	2,411
Total.....	6,891	9,270	9,883	10,497	11,111
Annual demand, Mcf:					
Scranton Division.....	1,296,442	1,731,141	1,787,821	1,844,653	1,901,636
Wilkes-Barre Division.....	348,770	443,972	470,212	508,604	541,148
Total.....	1,645,212	2,175,113	*2,258,033	2,353,257	2,442,784

with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6231; Filed, Aug. 2, 1956; 8:47 a. m.]

[Docket No. G-10341]

MICHIGAN GAS STORAGE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 30, 1956.

Take notice that Michigan Gas Storage Company (Applicant), a Michigan corporation with principal place of business at 212 West Michigan Avenue, Jackson, Michigan, filed, on May 2, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to construct and operate certain natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The facilities proposed to be constructed and operated by Applicant consist of:

(1) Approximately 8,525 feet of 6-inch gathering line in Applicant's Cranberry Lake Storage Field, Clare County, Michigan, at an estimated cost of \$24,000, together with such branch lines as are necessary to connect this proposed line with Applicant's existing gathering system in this field.

The purpose of this line is to reduce an existing 25 to 30 pounds differential in pressure between the southeastern portion of this field and the remainder of the field during both injection and withdrawal cycles.

(2) Approximately 1,400 feet of 12-inch gathering line in Applicant's Winterfield Storage Field, Clare County, Michigan, at an estimated cost of \$8,700.

The purpose of this line is to provide facilities so that the shut-in field pressure at the spill point located north of Meter Station No. 53 can be controlled in the event the pressure at this spill

point should rise above the original field pressure (550 psig).

(3) Twenty-two 4-inch well lines in Winterfield and Cranberry Lake Storage Fields paralleling certain of Applicant's existing 2-inch well lines as either replacements therefor or supplements thereto at an estimated cost of \$30,000.

The purpose of the proposed well lines is to improve deliverability by reducing the pressure losses in the existing 2-inch well lines.

(4) Approximately 2,300 feet of 10-inch transmission line to replace, adjacent to rather than under a proposed road pavement, Applicant's existing 4-inch line which extends from an existing delivery point on Panhandle Eastern Pipe Line Company's "North Line" in Section 34, Burton Township, Genesee County, to Applicant's existing Flint No. 2 Meter Station. The estimated cost of the proposed 10-inch line is \$16,000.

The existing 4-inch line may or may not be removed and salvaged but, in either event, it will be severed from the system as a result of a change in the load characteristics of the Flint market and a proposed widening and paving of an existing road which will cover in part Applicant's existing 4-inch line.

The estimated total cost of the foregoing projects is \$78,700 which will be financed from cash on hand and funds from operations. Applicant states that the operating improvements to the storage fields, described above as (1), (2) and (3), will enable Applicant to operate the storage fields more efficiently and with greater flexibility; that it is estimated that peak day deliverability will be increased approximately 5,000,000 cubic feet as a result of the proposed well lines when operated in conjunction with existing facilities; and that the proposed facilities, described above as (4), will accommodate the needs of Applicant's sole customer, the Consumers Power Company.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, August 22, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August

17, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6232; Filed, Aug. 2, 1956;
8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 31954]

RAILROAD PASSENGER TRAIN DEFICIT PRE-HEARING CONFERENCE

JULY 31, 1956.

A pre-hearing conference in the above-entitled proceeding will be held at the offices of the Commission in Washington, D. C., on September 5, 1956, at 9 a. m., U. S. standard time (10 a. m. District of Columbia daylight saving time), before Examiner Vandiver.

The purpose of the conference is to consider the information and data that should be developed in this proceeding. The conference also will consider the procedure to be followed, whether by submission of verified statements and exhibits by persons interested and by representatives of committees of groups of parties or by oral hearings, or both; and if oral hearings are to be held, the times and places thereof, with such special rules of practice as may be appropriate.

As bases for discussion at such conference, a list of subjects for consideration, and suggested groups of parties to be represented by committees, if that method is adopted, are set forth in the Appendix to this notice. All interested parties are invited to give their views at the conference as to these suggested subjects and committees. It is desired that any additional proposals of matters for discussion at the conference be submitted in writing to the Commission at least two weeks prior to the date of the conference.

Notice of this conference is given to the respondent common carriers by railroad by service of this notice on such respondents. Notice to the general public is given by depositing a copy of this notice in the office of the Secretary of the Commission in Washington, D. C., and by filing a copy with the Director of the Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

HAROLD D. MCCOY,
Secretary.

APPENDIX

Suggested subjects for consideration at a prehearing conference in No. 31954, Railroad Passenger Train Deficit, to determine what information and data should be obtained and whether special studies of costs, operations and other matters should be made.

1. Historical development of the Commission's present rules governing separation of operating expenses between freight and passenger-train service; investigation of "direct charges" and allocation of common expenses required by such rules; whether, and

in what manner and extent, such rules should be changed.

2. A cost study to determine what part of the passenger deficit is attributable to the various kinds of passenger-train service, viz., parlor and sleeping-car operation, coach, commutation, headend service, such as mail, express, etc. (To be furnished by carriers.) The extent of the cost studies will be considered at the prehearing conference.

3. A survey of the number of trains operated and the number of passengers carried on each train during a representative period. (To be furnished by carriers.)

4. A review of the present and past rate structures to determine what has been the effect on gross and net passenger train revenue of any changed rate levels—either increased or decreased.

5. Determination of the factors which affect the rate structures of airlines and bus-lines which are advantageous to these carriers as contrasted with the rail passenger rate structure.

6. An overall determination of the factors, other than rate levels, which tend to make passenger train operations profitable or unprofitable, in relation to motor bus and air passenger operations.

7. The effect of suburban development and the private automobile on the passenger deficit.

8. Studies of the political and economic forces exerted upon the railroads to maintain commutation service and of the corresponding obligation of the public with respect to such service.

9. Study of the extent, amount and effect of federal, state, and local taxation on passenger-train service, equipment, and facilities, including excise taxes.

10. Cost of constructing, maintaining and operating railroad passenger terminal facilities and the influence thereof on the passenger-train service deficit.

11. The extent and competitive effect of:

(a) Direct and indirect federal, state, and local aid.

(b) Governmental policies with respect to passenger and headend traffic.

12. An analysis of the difficulties encountered by carriers in discontinuing trains and in the abandonment of lines, stations and agencies.

13. Railroad passenger train service and facilities in relation to the needs and requirements of the national defense.

14. A study of equipment depreciation schedules in relation to obsolescence and modernization of passenger train equipment.

15. Studies of what railroad management has done and plans to do in the way of improvement of equipment and service and the effect thereof on volume of passenger traffic.

COMMITTEES

Establishment of committees to represent the following groups are suggested.

1. Respondent railroads.
2. State regulatory agencies.
3. Railroad labor organizations.
4. Associations of users of passenger services.
5. Shippers and receivers of freight interested in the subject of the passenger train deficit.
6. Other parties.

[F. R. Doc. 56-6250; Filed, Aug. 2, 1956;
8:50 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 31, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days

from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32445: *Chlorine gas—Evans City, Ala., to Chattanooga and Calhoun, Tenn.* Filed by R. E. Boyle, Jr., Agent, for and on behalf of the Southern Railway Company. Rates on Liquefied chlorine gas, tank-car loads from Evans City, Ala., to Chattanooga, North Chattanooga, Boyce, and Calhoun, Tenn.

Grounds for relief: Barge competition. Tariff: Supplement 164 to Agent Spaninger's I. C. C. 1295.

FSA No. 32446: *Logs—Virginia to North Carolina.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on logs, native wood, carloads from Amoco, Oriana, Oyster Point, and Reservoir, Va., to Cleveland, High Point, Lenoir, Liberty, Statesville, and Thomasville, N. C.

Grounds for relief: Truck competition. Tariff: Supplement 126 to Agent Spaninger's I. C. C. 1297.

FSA No. 32447: *Substituted service—Motor-rail-motor—Pennsylvania Railroad.* Filed by Motor Carriers Tariff Bureau, Inc., for interested motor carriers and the Pennsylvania Railroad Company. Rates on freight loaded in or on highway trailers transported on railroad flat cars between Chicago, Ill., and Pittsburgh, Pa.

Ground for relief: Motor truck competition.

FSA No. 32448: *Roofing material—Arkansas and Louisiana to Oklahoma.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing material and sheathing, straight or mixed carloads from Camden, Ark., New Orleans and Shreveport, La., to Oklahoma City and Tulsa, Okla.

Grounds for relief: Truck competition and circuitous routes.

Tariffs: Supplement 153 to Agent Kratzmeir's tariff I. C. C. 4109. Supplement 13 to Agent Kratzmeir's tariff I. C. C. 4179.

FSA No. 32449: *Iron and steel articles—Illinois Territory to Louisiana.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Points in Illinois territory to Baton Rouge, North Baton Rouge and New Orleans, La.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 2 to Agent Raasch's I. C. C. 854. Supplement 11 to Agent Raasch's I. C. C. 847.

FSA No. 32450: *Tin and terne plate—Chicago, Ill., to Tampa, Fla.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on tin or terne plate, carloads from Chicago, Ill., to Tampa, Fla.

Grounds for relief: Water competition and circuitous routes.

Tariff: Supplement 2 to Agent Raasch's I. C. C. 854.

FSA No. 32451: *Paper and paper articles—South to Minneapolis, Minn.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on paper and paper articles, carloads from specified points in southern territory to Minneapolis, Minn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 36 to Agent Spaninger's I. C. C. 1378; Supplement 52 to Agent Spaninger's I. C. C. 1466.

FSA No. 32452: *Window glass—Arkansas, Louisiana, and Oklahoma to Florida.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on window glass (other than plate), carloads, from Fort Smith, Ark., Henryetta, Okmulgee, Okla., and Shreveport, La., to Fort Lauderdale, North Miami, North Miami Beach, Ojus and Port Everglades Junction, Fla.

Grounds for relief: Foreign market competition and circuitous routes.

Tariff: Supplement 26 to Agent Kratzmeir's I. C. C. 4100.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-6225; Filed, Aug. 2, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 17477, Amdt.]

A. DRIESSEN

In re bonds owned by A. Driessen, also known as Andre Simon Driessen; F-28-31281.

Vesting Order 17477, dated March 1, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That A. Driessen, also known as Andre Simon Driessen, whose last known address is 101 Adrian Stoopstrasse, Bad Wiessee, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by two (2) The Atchison,

Topeka and Santa Fe Railway Company 4 percent General Mortgage One Hundred Year Bonds, due 1995, of \$1,000 face value each, bearing the numbers 125364 and 16346 and evidenced by coupons attached to or detached from said bonds and due on or after April 1, 1951, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds and coupons,

b. Twenty-two (22) coupons, each of \$20.00 face value, detached from two (2) The Atchison, Topeka and Santa Fe Railway Company 4 percent General Mortgage One Hundred Year Bonds, due 1995, each of \$1,000 face value, bearing the numbers 125364 and 16346, said coupons presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, A. Driessen, also known as Andre Simon Driessen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 30, 1956.

For the Attorney General.

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

[F. R. Doc. 56-6206; Filed, Aug. 1, 1956; 8:48 a. m.]



