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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 401.1]

PART 311—BASIC REGULATIONS

SUBPART A—GENERAL

PURCHASE OF NON-DELINQUENT INSURED MORTGAGES BY GOVERNMENT

Section 311.5 (e), Title 6, Code of Federal Regulations (16 F. R. 12415), is revised to refer to the period specified in the borrower-insurer-lender triple agreement or in the insurance endorsement on the note, as the case may be, as the redemption period for non-delinquent insured mortgages and to read as follows:

§ 311.5 Terms of loans. * * *

(e) *Sale of nondelinquent insured mortgages to the Government.* Any holder of an insured mortgage may, at his option, within a period of one year beginning after the expiration of the period specified in the borrower-insurer-lender triple agreement or in the insurance endorsement on the note secured by the mortgage, as the case may be, have the mortgage purchased by the Government even though the mortgage is not then in default. If the holder exercises such option, the Government will purchase the mortgage and pay the holder by United States Treasury check an amount equal to the value of the mortgage. For such purpose, the value of the mortgage will be determined by adding to then outstanding unpaid principal, the amount of any unpaid interest and the unpaid amount of any advances made by a holder for property insurance premiums, taxes, assessments, water charges, and other payments in discharge of liens which are prior to the mortgage. If the holder of the mortgage does not exercise the above-mentioned option, he may accept any new agreement which may be offered by the Government to purchase the mortgage, or the holder may retain the mortgage until it is paid in full, refinanced, or assigned to another lender.

(Sec. 41 (1), 50 Stat. 529, 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (b) (2), 50 Stat. 523, secs. 3 (a), (b), 12 (c) (4), (6), (7), (e) (1), 13 (a), (d), 44 (b), (c),

60 Stat. 1074, 1076, 1078, 1069, secs. 1, 2, 3, 5, 62 Stat. 534, 535; 7 U. S. C. 1003 (a), (b), 1005b (c) (4), (6), (7), (e) (1), (j), 1005c (a), (d), 1018 (b) (c))

Dated this 10th day of April 1956.

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

[F. R. Doc. 56-2911; Filed, Apr. 13, 1956; 8:50 a. m.]

Subchapter F—Security Servicing and Liquidations [FHA Instruction 465.9]

PART 375—ASSIGNMENT OF INSURED NOTES

PURCHASE OF NON-DELINQUENT INSURED NOTES BY GOVERNMENT

Section 375.4 (d) (3), Title 6, Code of Federal Regulations (20 F. R. 7958), is revised to refer to the period specified in the insurance endorsement on the note as the redemption period for non-delinquent insured notes and to read as follows:

§ 375.4 General policies. * * *

(d) Responsibilities of the Director, Finance Office. * * *

(3) Advise the holder of the options available to him at the expiration of the fixed period. Any holder of the note may, at his option, within a period of one year after the expiration of the period specified in the insurance endorsement on the note, have the note purchased by the Government even though the note is not then in default, and, if such option is exercised, the Government shall, upon assignment of the note to the Government, pay therefor by United States Treasury check the amount of unpaid principal and interest on the note. If the holder of the note does not exercise the above mentioned option, he may accept any new agreement which may be offered by the Government to purchase the note, or the holder may retain the note until it is paid in full, refinanced, or assigned to another lender.

(Sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735, sec. 41 (1), 60 Stat. 1066, sec. 4 (c), 64 Stat. 100; 16 U. S. C. 590w (3), 590x-3 (a) (7), 7 U. S. C. 1015 (1), 40 U. S. C. 422 (c). Interprets or applies sec. 16, 69 Stat. 553, sec. 10 (a) (1)-(3), 68 Stat. 735, sec. 12 (1), 13 (a), 13 (d), 60 Stat. 1077, 1078, sec. 12 (1),

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CFR SUPPLEMENTS
(As of January 1, 1956)

The following Supplement is now available:

Title 32: Parts 1-399 (\$0.60)

Previously announced: Title 3, 1955 Supp. (\$2.00); Title 8 (\$0.50); Title 9 (\$0.70); Titles 10-13 (\$0.70); Title 18 (\$0.50); Titles 22 and 23 (\$1.00); Title 24 (\$0.75); Title 25 (\$0.50); Title 26: Parts 1-79 (\$0.35), Parts 80-169 (\$0.50), Parts 170-182 (\$0.30), Parts 183-299 (\$0.35); Title 32: Parts 700-799 (\$0.35), Parts 800-1099 (\$0.40); Part 1100 to end (\$0.35); Titles 40-42 (\$0.65); Title 49: Parts 1-70 (\$0.60), Parts 71-90 (\$1.00), Parts 91-164 (\$0.50), Part 165 to end (\$0.65)

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Dated this 10th day of April 1956.

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

[F. R. Doc. 56-2910; Filed, Apr. 13, 1956;
8:50 a. m.]

TITLE 7—AGRICULTURE

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

[Navel Orange Reg. 83]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.383 *Navel Orange Regulation 83*—(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof

effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 12, 1956, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order*. (1) The quantity of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 15, 1956, and ending at 12:01 a. m., P. s. t., April 22, 1956, is hereby fixed as follows:

- (i) District 1: 231,000 cartons;
- (ii) District 2: 877,800 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

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

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4," have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

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

Dated: April 13, 1956.

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

[F. R. Doc. 56-2986; Filed, Apr. 13, 1956;
11:26 a. m.]

[Valencia Orange Reg. 63]

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

LIMITATION OF HANDLING

§ 922.363 *Valencia Orange Regulation 63*—(a) *Findings*. (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of Cali-

ornia, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 12, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order*. (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 15, 1956, and ending at 12:01 a. m., P. s. t., April 22, 1956, is hereby fixed as follows:

- (i) District 1: 44,029 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: Unlimited movement.

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

(3) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," have the same meaning as when used in said order; and "carton" means the standard one-half orange,

grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

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

Dated: April 13, 1956.

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

[F. R. Doc. 56-2987; Filed, Apr. 13, 1956; 11:26 a. m.]

[Grapefruit Reg. 241]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.784 *Grapefruit Regulation 241—*

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 16, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 16, 1956; the recommendation and supporting information for continued regulation subsequent to April 15, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 10, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions

and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 16, 1956, and ending at 12:01 a. m., e. s. t., April 30, 1956, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any white seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iii) Any white seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 2;

(iv) Any white seedless grapefruit, grown in Regulation Area II, which are mature and which grade U. S. No. 2 or U. S. No. 2 Bright unless such seedless grapefruit (a) are in the same container with seedless grapefruit which grade at least U. S. No. 1 Russet and are of a size not smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box and (b) are not in excess of 40 percent, by count, of the number of all seedless grapefruit in such container;

(v) Any pink grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2;

(vi) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any white seedless grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(ix) Any white seedless grapefruit, grown in Regulation Area II, which grade U. S. Fancy, U. S. No. 1 Bright, U. S. No. 1, U. S. No. 1 Golden, U. S. No. 1 Bronze or U. S. No. 1 Russet, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(x) Any white seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Bright or U. S. No. 2, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(xi) Any pink seedless grapefruit, grown in the State of Florida, which

grade U. S. Fancy, U. S. No. 1 Bright, U. S. No. 1, U. S. No. 1 Golden, U. S. No. 1 Bronze or U. S. No. 1 Russet, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(xii) Any pink seedless grapefruit, grown in the State of Florida, which grade U. S. No. 2 Bright or U. S. No. 2, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. Fancy," "U. S. No. 1 Bright," "U. S. No. 1," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Bright," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750-51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

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

Dated: April 11, 1956.

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

[F. R. Doc. 56-2908; Filed, Apr. 13, 1956; 8:50 a. m.]

[Orange Reg. 295]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.785 *Orange Regulation 295—*

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.); and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER

(60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 16, 1956. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 16, 1956; the recommendation and supporting information for continued regulation subsequent to April 15, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 10, 1956, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 16, 1956, and ending at 12:01 a. m., e. s. t., April 30, 1956, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard 1½ bushel nailed box; or

(iii) Any Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, which are of a size larger than 3⅞ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges larger than such maximum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186 of this title; 20 F. R. 7205); *Provided*, That in

determining the percentage of oranges in any lot which are larger than 3⅞ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and larger.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard 1½ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186 of this title, 20 F. R. 7205).

- Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 294 (§ 933.782, 21 F. R. 2039).

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

Dated: April 11, 1956.

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

[F. R. Doc. 56-2906; Filed, Apr. 13, 1956; 8:49 a. m.]

[Tangerine Reg. 173]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.786 *Tangerine Regulation 173—*

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions effective not later than April 16, 1956. Shipments of tangerines, grown in the State

of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until April 16, 1956; the recommendation and supporting information for continued regulation subsequent to April 15, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 10, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 16, 1956, and ending at 12:01 a. m., e. s. t., April 30, 1956, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2;

(ii) Any tangerines, grown in the State of Florida, which grade U. S. Fancy, U. S. No. 1, U. S. No. 1 Bronze or U. S. No. 1 Russet, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19½ inches; capacity 1,726 cubic inches); or

(iii) Any tangerines grown in the State of Florida, which grade U. S. No. 2, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19½ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2," and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

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

Dated: April 11, 1956.

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

[F. R. Doc. 56-2907; Filed, Apr. 13, 1956; 8:50 a. m.]

[Lemon Reg. 637]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.744 *Lemon Regulation 637*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 11, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 15, 1956, and ending at 12:01 a. m., P. s. t., April 22, 1956, is hereby fixed as follows:

- (i) District 1: 4,650 cartons;
 - (ii) District 2: 274,350 cartons;
 - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

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

Dated: April 12, 1956.

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

[F. R. Doc. 56-2954; Filed, Apr. 13, 1956; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 40—IDENTIFICATION AND CERTIFICATION SERVICE FOR MEAT AND OTHER PRODUCT

MISCELLANEOUS AMENDMENTS

On October 11, 1955, there was published in the FEDERAL REGISTER (20 F. R. 7576) a notice of proposed amendments of Part 40 of the meat inspection regulations of the United States Department of Agriculture (9 CFR, 1954 Supp., Part 40, as amended). After due consideration of all relevant matters presented and pursuant to the authority conferred by sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622, 1624), as amended, and section 520 of the Revised Statutes (5 U. S. C. 511), Part 40 of the meat inspection regulations (9 CFR, 1954 Supp., Part 40, as amended) is further amended as follows:

1. The heading of Part 40 is amended to read as set forth above.
2. Section 40.3 is amended by adding the following sentence at the end thereof: "In order to meet requirements of a purchaser, or of a supplier, or others, that are not imposed or are in addition to those imposed by the regulations in Parts 1 through 29 of this chapter and the laws under which such regulations were issued, with respect to such carcass, tank carload, or other basic unit, to be exported, service may be furnished, upon application, under the regulations in this part to certify such characteristics of or factors concerning the product as may be requested in the application for service."
3. Section 40.4 is amended to read as follows:

§ 40.4 *Availability of service.* Service under the regulations in this part will be available only with respect to meat or other product which is sound, healthful, wholesome, and fit for human food at the time the service would be furnished; which can be identified as a portion of a carcass, tank carload, or other basic unit

which was federally inspected and passed and so marked; and, in the case of identification service, which is on premises other than those of an official establishment.

The foregoing amendments of the regulations will provide for a certification service relating to requirements of purchasers, suppliers, and others that are not imposed or are in addition to those imposed by the Federal Meat Inspection Act and related laws and the regulations thereunder. The service will be available upon request of interested persons and use of such service will not be mandatory under the regulations in any respect. In order to be of maximum benefit to persons desiring the service, the amendments should be made effective less than 30 days after publication in the FEDERAL REGISTER. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the amendments effective less than 30 days after such publication.

(34 Stat. 1264, sec. 306, 46 Stat. 639, sec. 205, 60 Stat. 1090, sec. 101, 66 Stat. 348; 21 U. S. C. 89, 19 U. S. C. 1306, 7 U. S. C. 414, 1624)

The foregoing amendments shall become effective on April 14, 1956.

Done at Washington, D. C., this 7th day of April 1956.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-2909; Filed, Apr. 13, 1956; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6169]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

COMPENSATION FOR INJURIES OR SICKNESS

On March 24, 1955, notice of proposed rule making regarding the regulations under sections 104, 105, and 106 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (20 F. R. 1779). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby prescribed for taxable years beginning after December 31, 1953 and ending after August 16, 1954:

Sec.

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|---------|---|
| 1.104 | Statutory provisions; compensation for injuries or sickness. |
| 1.104-1 | Compensation for injuries or sickness. |
| 1-105 | Statutory provisions; amounts received under accident and health plans. |
| 1.105-1 | Amounts attributable to employer contributions. |
| 1.105-2 | Amounts expended for medical care. |
| 1.105-3 | Payments unrelated to absence from work. |
| 1.105-4 | Wage continuation plans. |
| 1.105-5 | Accident and health plans. |
| 1.106 | Statutory provisions; contributions by employer to accident and health plans. |

Sec. 1.106-1 Contributions by employer to accident and health plans.

AUTHORITY: §§ 1.104 to 1.106-1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply sec. 105, 68A Stat. 30; 26 U. S. C. 105.

§ 1.104 *Statutory provisions; compensation for injuries or sickness.*

SEC. 104. Compensation for injuries or sickness—(a) In general. Except in the case of amounts attributable to (and not in excess of) deductions allowed under section 213 (relating to medical, etc., expenses) for any prior taxable year, gross income does not include—

(1) Amounts received under workmen's compensation acts as compensation for personal injuries or sickness;

(2) The amount of any damages received (whether by suit or agreement) on account of personal injuries or sickness;

(3) Amounts received through accident or health insurance for personal injuries or sickness (other than amounts received by an employee, to the extent such amounts (A) are attributable to contributions by the employer which were not includible in the gross income of the employee, or (B) are paid by the employer); and

(4) Amounts received as a pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country or in the Coast and Geodetic Survey or the Public Health Service.

(b) *Gross references.* (1) For exclusion from employee's gross income of employer contributions to accident and health plans, see section 106.

(2) For exclusion of part of disability retirement pay from the application of subsection (a) (4) of this section, see section 402 (h) of the Career Compensation Act of 1949 (37 U. S. C. 272 (h)).

§ 1.104-1 *Compensation for injuries or sickness—(a) In general.* Section 104 (a) provides an exclusion from gross income with respect to certain amounts described in paragraphs (b), (c), (d) and (e) of this section, which are received for personal injuries or sickness, except to the extent that such amounts are attributable to (but not in excess of) deductions allowed under section 213 (relating to medical, etc., expenses) for any prior taxable year. See section 213 and the regulations thereunder.

(b) *Amounts received under workmen's compensation acts.* Section 104 (a) (1) excludes from gross income amounts which are received by an employee under a workmen's compensation act (such as the Longshoremen's and Harbor Workers' Compensation Act, 33 U. S. C., c. 18), or under a statute in the nature of a workmen's compensation act which provides compensation to employees for personal injuries or sickness incurred in the course of employment. Section 104 (a) (1) also applies to compensation which is paid under a workmen's compensation act to the survivor or survivors of a deceased employee. However, section 104 (a) (1) does not apply to a retirement pension or annuity to the extent that it is determined by reference to the employee's age or length of service, or the employee's prior contributions, even though the employee's retirement is occasioned by an occupational injury or sickness. Section 104 (a) (1) also does not apply to amounts

which are received as compensation for a nonoccupational injury or sickness nor to amounts received as compensation for an occupational injury or sickness to the extent that they are in excess of the amount provided in the applicable workmen's compensation act or acts. See, however, §§ 1.105-1 through 1.105-5 for rules relating to exclusion of such amounts from gross income.

(c) *Damages received on account of personal injuries or sickness.* Section 104 (a) (2) excludes from gross income the amount of any damages received (whether by suit or agreement) on account of personal injuries or sickness. The term "damages received (whether by suit or agreement)" means an amount received (other than workmen's compensation) through prosecution of a legal suit or action based upon tort or tort type rights, or through a settlement agreement entered into in lieu of such prosecution.

(d) *Accident or health insurance.* Section 104 (a) (3) excludes from gross income amounts received through accident or health insurance for personal injuries or sickness (other than amounts received by an employee, to the extent that such amounts (1) are attributable to contributions of the employer which were not includible in the gross income of the employee, or (2) are paid by the employer). Similar treatment is also accorded to amounts received under accident or health plans and amounts received from sickness or disability funds. See section 105 (e) and § 1.105-5. If, therefore, an individual purchases a policy of accident or health insurance out of his own funds, amounts received thereunder for personal injuries or sickness are excludable from his gross income under section 104 (a) (3). See, however, section 213 and the regulations thereunder, as to the inclusion in gross income of amounts attributable to deductions allowed under section 213 for any prior taxable year. Section 104 (a) (3) also applies to amounts received by an employee for personal injuries or sickness from a fund which is maintained exclusively by employee contributions. Conversely, if an employer is either the sole contributor to such a fund, or is the sole purchaser of a policy of accident or health insurance for his employees (on either a group or individual basis), the exclusion provided under section 104 (a) (3) does not apply to any amounts received by his employees through such fund or insurance. If the employer and his employees contribute to a fund or purchase insurance which pays accident or health benefits to employees, section 104 (a) (3) does not apply to amounts received thereunder by employees to the extent that such amounts are attributable to the employer's contributions. See § 1.105-1 for rules relating to the determination of the amount attributable to employer contributions. Although amounts paid by or on behalf of an employer to an employee for personal injuries or sickness are not excludable from the employee's gross income under section 104 (a) (3), they may be excludable therefrom under section 105. See §§ 1.105-1 through 1.105-5, inclusive.

(e) *Amounts received as pensions, etc., for certain personal injuries or sickness.* Section 104 (a) (4) excludes from gross income amounts which are received as a pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country, or in the Coast and Geodetic Survey, or the Public Health Service. Section 104 (a) (4) is applicable to a pension, annuity, or similar allowance received by the beneficiaries of an individual by reason of the death of such individual due to a personal injury or sickness resulting from service in the armed forces of any country, or the Coast and Geodetic Survey, or the Public Health Service. For purposes of this section, that part of the disability retirement pay computed on the basis of years of active service which is in excess of the disability retirement pay that would be received if such disability pay were computed on the basis of percentage of disability shall not be deemed to be a pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country, or in the Coast and Geodetic Survey, or the Public Health Service (see section 402 (h) of the Career Compensation Act of 1949, 37 U. S. C. 272 (h)).

§ 1.105 *Statutory provisions; amounts received under accident and health plans.*

SEC. 105. Amounts received under accident and health plans—(a) Amounts attributable to employer contributions. Except as otherwise provided in this section, amounts received by an employee through accident or health insurance for personal injuries or sickness shall be included in gross income to the extent such amounts (1) are attributable to contributions by the employer which were not includible in the gross income of the employee, or (2) are paid by the employer.

(b) *Amounts expended for medical care.* Except in the case of amounts attributable to (and not in excess of) deductions allowed under section 213 (relating to medical, etc., expenses) for any prior taxable year, gross income does not include amounts referred to in subsection (a) if such amounts are paid, directly or indirectly, to the taxpayer to reimburse the taxpayer for expenses incurred by him for the medical care (as defined in section 213 (e)) of the taxpayer, his spouse, and his dependents (as defined in section 152).

(c) *Payments unrelated to absence from work.* Gross income does not include amounts referred to in subsection (a) to the extent such amounts—

(1) Constitute payment for the permanent loss or loss of use of a member or function of the body, or the permanent disfigurement, of the taxpayer, his spouse, or a dependent (as defined in section 152), and

(2) Are computed with reference to the nature of the injury without regard to the period the employee is absent from work.

(d) *Wage continuation plans.* Gross income does not include amounts referred to in subsection (a) if such amounts constitute wages or payments in lieu of wages for a period during which the employee is absent from work on account of personal injuries or sickness; but this subsection shall not apply to the extent that such amounts exceed a weekly rate of \$100. In the case of a period during which the employee is absent from work on account of sickness, the preceding sentence shall not apply to amounts attributable to the first 7 calendar days in such period unless the employee is hospitalized on account of sickness for at least one

day during such period. If such amounts are not paid on the basis of a weekly pay period, the Secretary or his delegate shall by regulations prescribe the method of determining the weekly rate at which such amounts are paid.

(e) *Accident and health plans.* For purposes of this section and section 104—

(1) Amounts received under an accident or health plan for employees, and

(2) Amounts received from a sickness and disability fund for employees maintained under the law of a State, a Territory, or the District of Columbia,

shall be treated as amounts received through accident or health insurance.

(f) *Rules for application of section 213.* For purposes of section 213 (a) (relating to medical, dental, etc., expenses) amounts excluded from gross income under subsection (c) or (d) shall not be considered as compensation (by insurance or otherwise) for expenses paid for medical care.

§ 1.105-1 *Amounts attributable to employer contributions—(a) In general.* Under section 105 (a), amounts received by an employee through accident or health insurance for personal injuries or sickness must be included in his gross income to the extent that such amounts (1) are attributable to contributions of the employer which were not includible in the gross income of the employee, or (2) are paid by the employer, unless such amounts are excluded therefrom under section 105 (b), (c), or (d). For purposes of this section, the term "amounts received by an employee through an accident or health plan" refers to any amounts received through accident or health insurance, and also to any amounts which, under section 105 (e), are treated as being so received. See § 1.105-5. In determining the extent to which amounts received for personal injuries or sickness by an employee through an accident or health plan are subject to the provisions of section 105 (a), rather than section 104 (a) (3), the rules of paragraphs (b), (c), (d), and (e) of this section shall apply.

(b) *Noncontributory plans.* All amounts received by employees through an accident or health plan which is financed solely by their employer, either by payment of premiums on an accident or health insurance policy (whether on a group or individual basis), by contributions to a fund which pays accident or health benefits, or by direct payment of the benefits under the plan, are subject to the provisions of section 105 (a); except to the extent that they are excludable under section 105 (b), (c), or (d). This rule may be illustrated by the following examples:

Example (1). Employer A maintains a plan for his employees which provides that he will continue to pay regular wages to employees who are absent from work due to sickness or personal injuries. Employees make no contributions to the plan and all benefits are paid by the employer. Amounts received by employees under the plan are subject to section 105 (a), and must be included in gross income unless excluded therefrom under section 105 (b), (c), or (d).

Example (2). Pursuant to a State non-occupational disability benefits law, employer B maintains an accident and health plan for his employees. Although under the State law B is authorized to withhold from his employees' wages a specified amount for employee contributions to the State fund, in

actual practice B does not so withhold and makes all contributions out of his own funds. All amounts received by B's employees from the State fund are subject to section 105 (a), and must be included in gross income unless excluded therefrom under section 105 (b), (c), or (d).

(c) *Contributory plans.* (1) In the case of amounts received by an employee through an accident or health plan which is financed partially by his employer and partially by contributions of the employee, section 105 (a) applies to the extent that such amounts are attributable to contributions of the employer which were not includible in the employee's gross income. The portion of such amounts which is attributable to such contributions of the employer shall be determined in accordance with paragraph (d) of this section in the case of an insured plan, or paragraph (e) of this section in the case of a noninsured plan. As used in this section, the phrase "contributions of the employer" means employer contributions which were not includible in the gross income of the employee. See section 106 for the exclusion from an employee's gross income of employer contributions to accident or health plans.

(2) A separate determination of the portion of the amounts received under the accident or health plan which is attributable to the contributions of the employer shall be made with respect to each class of employees in any case where the plan provides that some classes of covered employees contribute but others do not, or that the employer will make different contributions for different classes of employees, or that different classes of employees will make different contributions, and where in any such case both the contributions of the employer on account of each such class of employees and the contributions of such class of employees can be ascertained. For example, if employees contribute during the first year of employment but not thereafter, there will have to be a separate determination for first year employees, provided that the amount of the contributions of the employer on account of first-year employees and the contributions of such first-year employees can be ascertained for the required periods to apply the rules of paragraph (d) or (e) of this section. If in such a case the contributions of the employer to the plan on account of first-year employees are not distinguishable from his other contributions to the plan, then the determination shall be made for all employees under the plan, and such determination shall be used by all employees under the plan.

(3) If the plan provides accident or health benefits as well as other benefits for the employees, and if the respective contributions made by the employer and the employees to provide the accident or health benefits cannot be ascertained, the determination of the portion of the accident or health benefits received under such plan which is attributable to the contributions of the employer shall be made in accordance with the rules of paragraph (d) or (e) of this section on the basis of the contributions of the em-

ployer and of the employees to the entire plan.

(4) A determination of the portion attributable to the contributions of the employer, once made in accordance with the rules of this section, shall as to such portion be used for all purposes. For example, if an employee receives amounts under a wage continuation plan during the month of January and terminates his services during February, the portion of such amounts which is attributable to the contributions of the employer may be determined in order to provide the employee with such information at the time he is provided his Form W-2. The determination made for such purpose will also be used by the employee to report his income for his taxable year in which such amounts are received, without regard to the experience under the plan for the rest of the year.

(d) *Insured plans—(1) Individual policies.* If an amount is received from an insurance company by an employee under an individual policy of accident or health insurance purchased by contributions of the employer and the employee, the portion of the amount received which is attributable to the employer's contributions shall be an amount which bears the same ratio to the amount received as the portion of the premiums paid by the employer for the current policy year bears to the total premiums paid by the employer and the employee for that year. This rule may be illustrated by the following example:

Example. Employer A maintains a plan whereby he pays two-thirds of the annual premium cost on individual policies of accident and health insurance for his employees. The remainder of each employee's premium is paid by a payroll deduction from the wages of the employee. The annual premium for Employee X is \$24, of which \$16 is paid by the employer. Thus, 16/24 or two-thirds of all amounts received by X under such insurance policy are attributable to the contributions of the employer and are subject to section 105 (a), and the remaining one-third of such amounts is excludable from X's gross income under section 104 (a) (3).

(2) *Group policies.* If the accident or health coverage is provided under or is a part of a group insurance policy purchased by contributions of the employer and of the employees, and the net premiums for such coverage for a period of at least three policy years are known at the beginning of the calendar year, the portion of any amount received by an employee which is attributable to the contributions of the employer for such coverage shall be an amount which bears the same ratio to the amount received, as the portion of the net premiums contributed by the employer for the last three policy years which are known at the beginning of the calendar year, bears to the total of the net premiums contributed by the employer and all employees for such policy years. If the net premiums for such coverage for a period of at least three policy years are not known at the beginning of the calendar year but are known for at least one policy year, such determination shall be made by using the net premiums for such coverage which are known at the beginning

of the calendar year. If the net premiums for such coverage are not known at the beginning of the calendar year for even one policy year, such determination shall be made by using either (i) a reasonable estimate of the net premiums for the first policy year, or (ii) if the net premiums for a policy year are ascertained during the calendar year, by using such net premiums. These rules may be illustrated by the following example:

Example. An employer maintains a plan under which a portion of the cost of a group policy of accident and health insurance for his employees is paid through payroll deductions from wages of the employees. The remainder of the cost is borne by the employer. The policy year begins on November 1 and ends on October 31. The net premium for the policy year ended October 31, 1954, is not known on January 1, 1955, because certain retroactive premium adjustments, such as dividends and credits, are not determinable until after January 1. Therefore, for purposes of this computation the last three policy years are the policy years ended October 31, 1951, 1952, and 1953. The net premium for the policy year ended October 31, 1953, was \$8,000, of which the employer contributed \$3,000; the net premium for the policy year ended October 31, 1952, was \$9,000, of which the employer contributed \$3,500; and the net premium for the policy year ended October 31, 1951, was \$7,000, of which the employer contributed \$1,500. The portion of any amount received under the policy by an employee at any time during 1955 which is attributable to the contributions of the employer is to be determined by using the ratio of \$8,000 (\$3,000 plus \$3,500 plus \$1,500) to \$24,000 (\$8,000 plus \$9,000 plus \$7,000). Thus, $\frac{\$8,000}{\$24,000}$ or one-third, of the amounts received by an employee at any time during 1955 is attributable to contributions of the employer.

(e) *Noninsured plans.* If the accident or health benefits are a part of a non-insured plan to which the employer and the employees contribute, and such plan has been in effect for at least three years before the beginning of the calendar year, the portion of the amount received which is attributable to the employer's contributions shall be an amount which bears the same ratio to the amount received as the contributions of the employer for the period of three calendar years next preceding the year of receipt bear to the total contributions of the employer and all the employees for such period. If, at the beginning of the calendar year of receipt, such plan has not been in effect for three years but has been in effect for at least one year, such determination shall be based upon the contributions made during the 1-year or 2-year period during which the plan has been in effect. If such plan has not been in effect for one full year at the beginning of the calendar year of receipt, such determination may be based upon the portion of the year of receipt preceding the time when the determination is made, or such determination may be made periodically (such as monthly or quarterly) and used throughout the succeeding period. For example, if an employee terminates his services on April 15, 1955, and 1955 is the first year the plan has been in effect, such determination may be based upon the contributions of the employer and the em-

ployees during the period beginning with January 1 and ending with April 15, or during the month of March, or during the quarter consisting of January, February, and March.

§ 1.105-2 *Amounts expended for medical care.* Section 105 (b) provides an exclusion from gross income with respect to the amounts referred to in section 105 (a) (see § 1.105-1) which are paid, directly or indirectly, to the taxpayer to reimburse him for expenses incurred for the medical care (as defined in section 213 (e)) of the taxpayer, his spouse, and his dependents (as defined in section 152). However, the exclusion does not apply to amounts which are attributable to (and not in excess of) deductions allowed under section 213 (relating to medical, etc., expenses) for any prior taxable year. See section 213 and the regulations thereunder. Section 105 (b) applies only to amounts which are paid specifically to reimburse the taxpayer for expenses incurred by him for the prescribed medical care. Thus, section 105 (b) does not apply to amounts which the taxpayer would be entitled to receive irrespective of whether or not he incurs expenses for medical care. For example, if under a wage continuation plan the taxpayer is entitled to regular wages during a period of absence from work due to sickness or injury, amounts received under such plan are not excludable from his gross income under section 105 (b) even though the taxpayer may have incurred medical expenses during the period of illness. Such amounts may, however, be excludable from his gross income under section 105 (d). See § 1.105-4. If the amounts are paid to the taxpayer solely to reimburse him for expenses which he incurred for the prescribed medical care, section 105 (b) is applicable even though such amounts are paid without proof of the amount of the actual expenses incurred by the taxpayer, but section 105 (b) is not applicable to the extent that such amounts exceed the amount of the actual expenses for such medical care. If the taxpayer incurs an obligation for medical care, payment to the obligee in discharge of such obligation shall constitute indirect payment to the taxpayer as reimbursement for medical care. Similarly, payment to or on behalf of the taxpayer's spouse or dependents shall constitute indirect payment to the taxpayer.

§ 1.105-3 *Payments unrelated to absence from work.* Section 105 (c) provides an exclusion from gross income with respect to the amounts referred to in section 105 (a) to the extent that such amounts (a) constitute payments for the permanent loss or permanent loss of use of a member or function of the body, or the permanent disfigurement, of the taxpayer, his spouse, or a dependent (as defined in section 152), and (b) are computed with reference to the nature of the injury without regard to the period the employee is absent from work. Loss of use or disfigurement shall be considered permanent when it may reasonably be expected to continue for the life of the individual. For purposes of section 105 (c), loss or loss of use of a member or function of the body includes the

loss or loss of use of an appendage of the body, the loss of an eye, the loss of substantially all of the vision of an eye, and the loss of substantially all of the hearing in one or both ears. The term "disfigurement" shall be given a reasonable interpretation in the light of all the particular facts and circumstances. Section 105 (c) does not apply if the amount of the benefits is determined by reference to the period the employee is absent from work. For example, if an employee is absent from work as a result of the loss of an arm, and under the accident and health plan established by his employer, he is to receive \$125 a week so long as he is absent from work for a period not in excess of 52 weeks, section 105 (c) is not applicable to such payments. See, however, section 105 (d) and § 1.105-4. However, for purposes of section 105 (c), it is immaterial whether an amount is paid in a lump sum or in installments. Section 105 (c) does not apply to amounts which are treated as workmen's compensation under § 1.104-1 (b), or to amounts paid by reason of the death of the employee (see section 101).

§ 1.105-4 *Wage continuation plans—*
(a) *In general.* (1) Subject to the limitations provided in this section, section 105 (d) provides an exclusion from gross income with respect to amounts referred to in section 105 (a) which are paid to an employee through a wage continuation plan and which constitute wages or payments in lieu of wages for a period during which the employee is absent from work on account of personal injuries or sickness.

(2) (i) Section 105 (d) is applicable only if the wages or payments in lieu of wages are paid pursuant to a wage continuation plan. The term "wage continuation plan" means an accident or health plan, as defined in § 1.105-5, under which wages, or payments in lieu of wages, are paid to an employee for a period during which he is absent from work on account of a personal injury or sickness. Such term includes plans under which payments are continued as long as the employee is absent from work on account of personal injury or sickness. It includes plans under which there is a limitation on the period for which benefits will be paid, such as 13 or 26 weeks, and also plans under which benefits are continued until the employee either is able to return to work or reaches retirement age. Such term also includes a plan under which wages or payments in lieu of wages are paid to an employee who is absent from work on account of personal injury or sickness, even though the plan also provides that wages or payments in lieu of wages may be paid to an employee who is absent from work for reasons other than a personal injury or sickness.

(ii) Section 105 (d) is applicable if, and only if, the employee is absent from work and such absence is due to a personal injury or sickness. Thus, if an employer has a plan for continuing the wages of employees when they are absent from work, regardless of the cause of the absence from work, section 105 (d) is applicable to any payments made under this plan to an employee whose absence

from work is in fact due to a personal injury or sickness. On the other hand, although the terms of a plan provide that benefits are to be continued only as long as the employee is absent from work on account of a personal injury or sickness, section 105 (d) does not apply to payments made to an employee for a period of absence from work where such absence is not in fact due to a personal injury or sickness.

(3) (i) Section 105 (d) applies only to amounts attributable to periods during which the employee would be at work were it not for a personal injury or sickness. Thus, an employee is not absent from work if he is not expected to work because, for example, he has reached retirement age. If a plan provides that an employee, who is absent from work on account of a personal injury or sickness, will receive a disability pension as long as he is disabled, section 105 (d) is applicable to any payments which such an employee receives under this plan before he reaches retirement age, but section 105 (d) does not apply to the payments which such an employee receives after he reaches retirement age.

(ii) Similarly, an employee who incurs a personal injury or sickness during his paid vacation is not allowed to exclude under section 105 (d) any of the vacation pay which he receives, since he is not absent from work on account of the personal injury or sickness. Likewise, a teacher who becomes sick during the summer or other vacation period when he is not expected to teach, is not entitled to any exclusion under section 105 (d) for the summer or vacation period. However, if an employee who would otherwise be at work during a particular period is absent from work and his absence is in fact due to a personal injury or sickness, a payment which he receives for such period under a wage continuation plan is subject to section 105 (d).

(4) A period of absence from work shall commence the moment the employee first becomes absent from work and shall end the moment the employee first returns to work. However, the exclusion provided under section 105 (d) is applicable only to payments attributable to a period of absence from work which is due to a personal injury or sickness, and to payments attributable to a period when the employee would have been at work but for such personal injury or sickness.

(5) For the purpose of section 105 (d), whether an employee is absent from work depends upon all the circumstances. For example, an employee, who is a farm hand and who lives upon the premises of his employer, is absent from work when he is unable to work even though he remains on the premises of his employer. A member of the Armed Forces, who on a particular day has no assigned duties but to stand ready for duty, is absent from work if he is unable to answer any duty call that may be made upon him. An employee is not absent from work when he performs any services for his employer at his usual place or places of employment, whether or not the services are the usual services performed by the employee. Further-

more, the employee is not absent from work when he performs substantial services for his employer, even though they are performed at a place other than his usual place of employment. Thus, if an employee returns to his usual place or places of employment and performs any services for his employer, he has returned to work, but if he merely holds occasional short conferences concerning his work with other employees or clients while hospitalized or at home recuperating, such conferences do not constitute a return to work.

(b) *Determination of amount attributable to period of absence.* The amount which is paid to an employee as wages or payments in lieu of wages for a period of absence from work due to a personal injury or sickness shall be determined by reference to the plan under which the amount is paid, and to the contract, statute, or regulation which provides the terms of the employment. However, unless the plan, contract, statute, or regulation provides otherwise, it will be presumed that no wages or plan benefits are attributable to days (or portions of days) which are not normal working days for the particular employee. Also, section 105 (d) does not apply to amounts earned prior to or subsequent to the period of absence from work, even though received during such period. These rules may be illustrated by the following examples:

Example (1). Employee A, who receives regular wages of \$70 per week, normally works five days (Monday through Friday) during each week. A is absent from work on a Friday and the succeeding Monday (two working days) on account of a personal injury, but receives his regular wages with respect to such period of absence under his employer's accident and health plan. Unless the plan of A's employer, or the contract, statute, or regulation under which A is employed, provides otherwise, it will be presumed that A is not paid with respect to non-working days (Saturday and Sunday). Therefore, the amount received by A with respect to his period of absence from work due to injury is \$28, which is two days regular wages. If the plan, or the employment contract, statute, or regulation had provided that wages were paid on a 7-day per week basis and that A must be available for call to work on Saturday and Sunday, A's daily wage would have been \$10, and the amount attributable to the period of absence would have been \$40 (\$10 per day for four days).

Example (2). Employee B is a salesman who is paid on a commission basis. The employer purchases for B an accident and health insurance policy which provides that B shall receive \$50 per week during any period (after a 7-day waiting period) that he is unable to work due to personal injuries or sickness. B incurs a personal injury and is incapacitated for two weeks. He receives \$50 under the insurance policy with respect to the second week of absence. In addition, during the 2-week period of absence he receives a check for \$40 from his employer as his commission on a sale which he made before becoming incapacitated. Section 105 (d) applies to the \$50 received through the insurance policy, but does not apply to the \$40 commission which B earned prior to the period of absence from work.

(c) *Limitation in the case of absence from work due to sickness.* (1) In the case of a period of absence from work on account of sickness, the exclusion pro-

vided by section 105 (d) does not apply to amounts attributable to the first seven calendar days of each such period, unless the employee is hospitalized on account of sickness for at least one day during the period of absence from work. This 7-day rule applies to each period of absence from work because of sickness, regardless of the frequency of such absences or the closeness in time to any prior period of absence from work because of sickness. For example, employee A becomes absent from work because of sickness on Tuesday, October 4, and returns to work on the morning of Thursday, October 13. He suffers a relapse and again becomes absent from work on the afternoon of Thursday, October 13. A's return to work on the morning of Thursday, October 13, terminates the first period of absence from work because of sickness, and a new period of absence from work because of sickness begins on the afternoon of Thursday, October 13. The 7-day limitation does not apply if the absence from work is due to personal injuries. These rules may be illustrated by the following examples:

Example (1). Employee C normally works five days (Monday through Friday) during each week. On Saturday, October 1 (a non-working day), C becomes sick and as a result, he does not return to work until Thursday, October 13. The period of absence from work due to sickness commences on Monday, October 3, and terminates when C returns to work on Thursday, October 13. If C is not hospitalized during such period of absence from work, section 105 (d) does not apply to amounts which C receives under his employer's wage continuation plan attributable to the 7-day period commencing Monday, October 3, and ending Sunday, October 9, inclusive.

Example (2). Employee D incurs a personal injury which causes him to be absent from work two days. His regular wages are continued during this period in accordance with the wage continuation plan of his employer. Since D's absence from work was due to a personal injury, rather than sickness, the 7-day waiting period does not apply, and, subject to the other requirements of section 105 (d), D is entitled to an exclusion with respect to the amounts received under the employer's plan attributable to the 2-day period of absence.

(2) The term "personal injury", as used in this section, means an externally caused sudden hurt or damage to the body brought about by an identifiable event. The term "sickness", as used in this section, means mental illnesses and all bodily infirmities and disorders other than "personal injuries". Diseases, whether resulting from the occupation or otherwise, are not considered personal injuries, but they are treated as a sickness.

(3) For the purpose of starting the 7-day waiting period, if the period of absence due to sickness commences after the start of a working day, the amount received with respect to the portion of such day that the employee is absent from work shall be considered the amount attributable to the first calendar day of the period of absence from work due to sickness. This rule may be illustrated by the following example:

Example. Employee E normally works from 9 a. m. until 5:30 p. m. on five days

(Monday through Friday) during each week. From noon on Friday, September 3, until noon on Monday, September 13, E is absent from work on account of sickness but is not hospitalized at any time during this period. Section 105 (d) does not apply to amounts received by E under his employer's wage continuation plan which are attributable to the calendar period beginning September 3 and ending September 9, inclusive. However, if the other requirements of section 105 (d) are met, E may exclude from gross income amounts attributable to the period beginning September 10 and ending at noon on September 13, inclusive.

(4) If the absence from work is due to sickness, the amount attributable to the first seven calendar days of such absence includes all amounts paid for such seven calendar days, regardless of the number of work days included in such seven calendar days. For example, if on one of such seven calendar days an employee would have worked two 8-hour shifts, the amount he is paid for the two shifts is considered to be an amount attributable to only one calendar day.

(5) An employee is considered to be hospitalized for one day only if he is admitted to and confined in a hospital as a bed patient for at least one hospital day. Entry into a hospital as an in-and-out patient does not constitute hospitalization for purposes of section 105 (d). The same applies to mere entry into the out-patient ward or the emergency ward of a hospital.

(d) *Exclusion not applicable to the extent that amounts exceed a weekly rate of \$100*—(1) *In general.* Amounts received under a wage continuation plan which are not excludable from gross income as being attributable to contributions of the employee (see § 1.105-1) must be included in gross income under section 105 (d) to the extent that the weekly rate of such amounts exceeds \$100. Thus, an employee, who receives \$50 under his employer's wage continuation plan on account of his being absent from work for two days due to a personal injury, cannot exclude the entire \$50 under section 105 (d) if the weekly rate of such benefits exceeds \$100. If an employee receives payments under a wage continuation plan for less than a full pay period, the excludability of such payments shall be determined under subparagraph (2) of this paragraph. In all other cases, the weekly rate and excludability of such payments under a wage continuation plan shall be determined under subparagraph (3) of this paragraph. If, with respect to any pay period or portion thereof, the employee receives amounts under two or more wage continuation plans (whether such plans are maintained by or for the same employer or by different employers), the weekly rate and excludability of amounts received under each plan shall be determined under subparagraph (3) of this paragraph and the weekly rate for purposes of section 105 (d) shall be the sum of all such weekly rates. This rule may be illustrated by the following example:

Example (1). An employee whose weekly salary is \$120 is covered by two wage continuation plans maintained by his employer.

Plan A is a contributory insured plan to which the employee contributes 60 percent of the premiums and which provides a weekly payment of \$30. Plan B is a salary continuation plan completely financed by the employer. Since 60 percent of the cost of plan A is contributed by the employee, 60 percent of the weekly payment of \$30 (\$18) is excluded from gross income under section 104 (a) (3). The remainder of each weekly payment (\$12) is the weekly rate of plan A. Since the employer pays the entire cost of plan B, the weekly rate of this plan is the total amount paid per week. In the case of an employee whose weekly wages of \$120 are continued under plan B, the weekly rate for the employee for purposes of section 105 (d) is \$132 (\$120 from plan B, plus \$12 from plan A).

Example (2). Assume in Example (1) that plan A provides a waiting period of four calendar days while plan B is effective immediately. For the first four days of absence the weekly rate for purposes of section 105 (d) is \$120, and for periods after the first four days the weekly rate for purposes of section 105 (d) is \$132.

(2) *Daily exclusion.* If an employee receives payments under a wage continuation plan for less than a full pay period, the extent to which such benefits are excludable under section 105 (d) shall be determined by computing the daily rate of the benefits which can be excluded under section 105 (d). Such daily rate is determined by dividing the weekly rate at which wage continuation payments are excludable (\$100) by the number of work days in a normal work week. This rule may be illustrated by the following example:

Example. Employee E is covered by a wage continuation plan maintained by his employer providing that E's regular salary of \$220 semimonthly will be continued in case he is absent from work on account of a personal injury or sickness. E is absent from work on account of a personal injury for three days and under the plan he received \$66 as wage continuation payments. The extent to which the \$66 is excludable under section 105 (d) shall be determined by dividing \$100 by 5, the number of work days in a normal work week for E, resulting in a daily exclusion of \$20 and a total exclusion of \$60.

(3) *Determination of weekly rate at which amounts are paid under a wage continuation plan.* (i) For purposes of this subparagraph the pay period of a particular wage continuation plan shall be determined by reference to such plan. If, in the usual operation of the plan, benefits are paid for the same periods as regular wages, then the pay period of such benefits shall be the period for which a payment of wages is ordinarily made to the employee by the employer. If plan benefits are ordinarily paid for different periods than regular wages then the pay period of such benefits shall be the period for which payment of such benefits is ordinarily made.

(ii) The weekly rate shall be determined in accordance with the following rules:

(a) *Weekly pay period.* If benefits are paid on the basis of a weekly pay period, the weekly rate at which such benefits are paid shall be the weekly amount of such benefits.

(b) *Biweekly pay period.* If benefits are paid on the basis of a biweekly pay period, the weekly rate at which such

benefits are paid shall be one-half of the biweekly rate.

(c) *Semimonthly pay period.* If benefits are paid on the basis of a semimonthly pay period, the weekly rate at which such benefits are paid shall be the semimonthly rate multiplied by 24 and divided by 52.

(d) *Monthly pay period.* If benefits are paid on the basis of a monthly pay period, the weekly rate at which such benefits are paid shall be the monthly rate multiplied by 12 and divided by 52.

(e) *Other pay periods.* If benefits are paid on the basis of a period other than a period described in (a) through (d), of this subdivision the weekly rate at which such benefits are paid shall be determined by ascertaining the annual rate at which such benefits are paid and dividing such annual rate by 52.

(f) *Examples.* The operation of these rules may be illustrated by the following examples:

Example (1). A's employer maintains a noncontributory plan which provides for the continuation of regular salary during periods of absence from work due to personal injury or sickness. A, an office employee, receives regular salary of \$520 per month, and he is paid on the basis of a monthly pay period. Since benefits under the salary continuation plan are paid for the same periods as regular salary, the pay period of the plan is monthly. For purposes of section 105 (d), the weekly rate at which benefits are paid to A under the plan is \$120, determined as follows:

\$520 (monthly rate) × 12	\$6,240 (annual rate)
52	\$120 (weekly rate)

Example (2). B, a factory employee of the same employer, is paid regular wages on the basis of a 10-day pay period. B's regular wages are \$200 per pay period. If B is absent from work for 15 days, the weekly rate of the amount he receives under his employer's plan will be determined as follows:

365 × \$200	\$7,300 (annual rate)
10	
\$7,300	\$140.04 (weekly rate)
52	

(iii) If the weekly rate for purposes of section 105 (d) (as determined in subdivision (ii)) does not exceed \$100, the amount received which is not attributable to the 7-day waiting period described in § 1.105-4 (c) is fully excludable from gross income. If the weekly rate for purposes of section 105 (d) (as determined in subdivision (ii) of this subparagraph) exceeds \$100, the amount received which is not attributable to the 7-day waiting period provided in § 1.105-4 (c) is only partially excludable. The excludable portion of such amount shall bear the same ratio to such amount as \$100 bears to the weekly rate for purposes of section 105 (d). This rule may be illustrated by the following example:

Example. The weekly rate of benefits in the case of employee A in example (1) of subdivision (ii) was \$120. If A does not receive amounts under any other plan, this is the weekly rate for purposes of section 105 (d). Assume that A is absent from work on account of a personal injury for one full month and receives full pay of \$520 for such period of absence. Since there is no waiting

period requirement, the exclusion is \$433.33, computed as follows:

$$\frac{\$100}{\$120} \times \$520 \text{ or } \$433.33.$$

§ 1.105-5. *Accident and health plans.* Sections 104 (a) (3) and 105 (b), (c), and (d) exclude from gross income certain amounts received through accident or health insurance. Section 105 (e) provides that for the purposes of sections 104 and 105 amounts received through an accident or health plan for employees, and amounts received from a sickness and disability fund for employees maintained under the law of a State, a Territory, or the District of Columbia, shall be treated as amounts received through accident or health insurance. In general, an accident or health plan is an arrangement for the payment of amounts to employees in the event of personal injuries or sickness. A plan may cover one or more employees, and there may be different plans for different employees or classes of employees. An accident or health plan may be either insured or noninsured, and it is not necessary that the plan be in writing or that the employee's rights to benefits under the plan be enforceable. However, if the employee's rights are not-enforceable, an amount will be deemed to be received under a plan only if, on the date the employee became sick or injured, the employee was covered by a plan (or a program, policy, or custom having the effect of a plan) providing for the payment of amounts to the employee in the event of personal injuries or sickness, and notice or knowledge of such plan was reasonably available to the employee. It is immaterial who makes payment of the benefits provided by the plan. For example, payment may be made by the employer, a welfare fund, a State sickness or disability benefits fund, an association of employers or employees, or by an insurance company.

§ 1.106 *Statutory provisions; contributions by employer to accident and health plans.*

Sec. 106. *Contributions by employer to accident and health plans.* Gross income does not include contributions by the employer to accident or health plans for compensation (through insurance or otherwise) to his employees for personal injuries or sickness.

§ 1.106-1 *Contributions by employer to accident and health plans.* The gross income of an employee does not include contributions which his employer makes to an accident or health plan for compensation (through insurance or otherwise) to the employee for personal injuries or sickness incurred by him, his spouse, or his dependents, as defined in section 152. The employer may contribute to an accident or health plan either by paying the premium (or a portion of the premium) on a policy of accident or health insurance covering one or more of his employees, or by contributing to a separate trust or fund (including a fund referred to in section 105 (e)) which provides accident or health benefits directly or through insurance to one or more of his employees. However, if such insurance policy, trust, or

fund provides other benefits in addition to accident or health benefits, section 106 applies only to the portion of the employer's contribution which is allocable to accident or health benefits. See § 1.104-1 (d) and §§ 1.105-1 through 1.105-5, inclusive, for rules relating to exclusion from an employee's gross income of amounts received through accident or health insurance and through accident or health plans.

[SEAL] O. GORDON DELK,
Acting Commissioner
of Internal Revenue.

Approved: April 11, 1956.

DAN THROOP SMITH,
Special Assistant to the Secretary
in Charge of Tax Policy.

[F. R. Doc. 56-2898; Filed, Apr. 13, 1956;
8:48 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 703—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 704—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

WAGE ORDER GIVING EFFECT TO INDUSTRY COMMITTEE RECOMMENDATIONS

On January 19, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 455 (21 F. R. 405) directed Industry Committee No. 20-A to recommend the minimum rate or rates of wages to be paid under section 6 of the act to employees engaged in commerce or in the production of goods for commerce in the men's and boys' clothing and related products industry in Puerto Rico. As Administrative Order No. 455 includes the manufacture of men's and boys' belts in the definition of this industry, this wage order will automatically exclude such manufacture from the leather, leather goods, and related products industry in Puerto Rico (29 CFR 704.3 (a)). However, since leather belts are expressly mentioned in the definition of the general division of the leather, leather goods, and related products industry (29 CFR 704.3 (b) (4)), it is necessary to delete reference to belts in that definition in order to avoid possible confusion.

Subsequent to an investigation and hearing, conducted pursuant to notice published in the January 19, 1956, issue of the FEDERAL REGISTER (21 F. R. 405), the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act and General Order No. 45-A of the Secretary (15 F. R. 3290), these recommendations are hereby published in the following amendments to the Code of Federal Regula-

1. Section 704.3 (b) (4) of Part 704, Title 29, Code of Federal Regulations is amended to read as follows:

(4) *General Division.* This division consists of the manufacture of athletic gloves, ring binders, portfolios, brief cases, luggage and all products and activities included in the leather, leather goods and related products industry, as defined in this section, except those included in the hide curing division, the leather tanning and processing division, and the small leather goods, baseball and softball division, as defined in this section.

2. Part 703 of Title 29, Code of Federal Regulations is amended to read as follows:

Sec.
703.1 Definition of the industry.
703.2 Wage rates.
703.3 Application and notice.

AUTHORITY: §§ 703.1 to 703.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 703.1 *Definition of the industry.* The men's and boys' clothing and related products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacture from any material of men's and boys' clothing and related products, including, but without limitation, suits, coats, overcoats, trousers, shirts, underwear, nightwear, work clothing, sportswear (including bathing suits, riding habits, and athletic uniforms), heavy outerwear, neckties, caps, hats (except hand-made straw hats), belts, robes, dressing gowns, raincoats, suspenders, garters, academic caps and gowns, vestments, costumes, and other items of apparel and accessories (except gloves, handkerchiefs, sweaters, scarves, mufflers, hosiery, and shoes).

§ 703.2 *Wage rates—(a) Suits, coats, and jackets classification.* Wages at a rate of not less than 60 cents an hour shall be paid in the suits, coats, and jackets classification of the men's and boys' clothing and related products industry, and this classification shall be defined as the manufacture of men's, youths' and boys' suits, coats, and jackets (except denim work coats and jackets), overcoats, topcoats, fabric raincoats, and similar outerwear.

(b) *Necktie classification.* Wages at a rate of not less than 60 cents an hour shall be paid in the necktie classification of the men's and boys' clothing and related products industry, and this classification shall be defined as the manufacture of men's, youths' and boys' neckties and bow ties.

(c) *Hat and cap classification.* Wages at a rate of not less than 60 cents an hour shall be paid in the hat and cap classification of the men's and boys' clothing and related products industry, and this classification shall be defined as the manufacture of men's, youths' and boys' hats and caps.

(d) *General classification.* Wages at a rate of not less than 55 cents an hour shall be paid in the general classification of the men's and boys' clothing and related products industry, and this classifica-

cation shall be defined as the manufacture of all products included in the men's and boys' clothing and related products industry in Puerto Rico, as defined in this part, except those included in the suits, coats, and jackets classification, the necktie classification and the hat and cap classification, as defined in this part.

§ 703.3 *Application and notice.* Wages of not less than the hourly wage rates specified in § 703.2 shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the men's and boys' clothing and related products industry in Puerto Rico. Every employer employing any such employees shall post in a conspicuous place in each department of his establishment where any such employees are working such notices of this order as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

The above amendments are effective April 30, 1956.

Signed at Washington, D. C., this 10th day of April 1956.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 56-2893; Filed, Apr. 13, 1956;
8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 68]

PART 1690—DETERMINATION OF AVAILABILITY OF MEMBERS OF THE STANDBY RESERVE OF THE ARMED FORCES FOR ORDER TO ACTIVE DUTY

I hereby prescribe the following regulations which shall be a portion of the Selective Service Regulations and which shall constitute Part 1690 of Title 32, Chapter XVI, Code of Federal Regulations:

Sec.	
1690.1	Authority of local boards.
1690.2	Local board which has jurisdiction.
1690.3	Quorum, meetings, and disqualification of local board and its members.
1690.4	Minutes of meetings of local board.
1690.5	Jurisdiction, quorum, meetings, and disqualification of appeal board and its members.
1690.6	Standby reserve folder.
1690.7	Mailing and return of questionnaire.
1690.8	Assignment of standby reserve number.
1690.9	Presumption of availability for order to active duty.
1690.10	Duty of reservist to furnish information of his current status.
1690.11	Determination of availability and category.
1690.12	Category I-R: Reservist available for order to active duty.
1690.13	Category II-R: Reservist not available for order to active duty because of civilian occupation.

Sec.	
1690.14	Category III-R: Reservist not available for order to active duty by reason of extreme hardship and privation to dependents.
1690.15	Reconsideration and redetermination by local board of reservist's availability and category.
1690.16	Appeal to appeal board.
1690.17	Appeal to Director of Selective Service.
1690.18	Determination of availability and category by Director of Selective Service.
1690.19	Notification and recording of availability and category.
1690.20	Notifying armed force of availability of reservist.
1690.21	Records which are confidential.
1690.22	Availability and use of confidential records and information.
1690.23	Identification of records of reservists.

AUTHORITY: §§ 1690.1 to 1690.23 Issued under sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460. Interpret or apply sec. 233, 66 Stat. 489, as amended; 50 U. S. C. 961; E. O. 9979, 13 F. R. 4177; 3 CFR, 1948 Supp.

§ 1690.1 *Authority of local boards.*

(a) Local boards are authorized to determine the availability of members of the Standby Reserve of the Armed Forces for order to active duty under section 233 (a) of the Armed Forces Reserve Act of 1952, as amended, in time of war or national emergency declared by the Congress or whenever otherwise authorized by law. The authority conferred by this paragraph shall be subject to the rights of appeal to appeal boards and the Director of Selective Service provided by this part.

(b) Hereafter in this part a member of the Standby Reserve is referred to as a "reservist" which term shall include both male and female members of the Standby Reserve.

§ 1690.2 *Local board which has jurisdiction.* (a) If a reservist has registered under any provision of the Universal Military Training and Service Act, as amended, the local board with which the reservist is registered shall have jurisdiction to determine his availability for order to active duty. If a reservist is neither a registrant nor a special registrant, the local board in whose area is located the place of the address given by the reservist in Series I of the Standby Reserve Questionnaire (SSS Form No. 80) shall have such jurisdiction. Whenever the place of the address so given by a reservist is not within the area of any local board, District of Columbia Local Board No. 100 (Foreign) shall have such jurisdiction.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Director of Selective Service may, at any time, designate the local board which shall have jurisdiction to determine the availability for order to active duty of any reservist. After such designation no other local board shall have or retain any jurisdiction with respect to the reservist under this part.

§ 1690.3 *Quorum, meetings, and disqualification of local board and its members.* The provisions of §§ 1604.52a, 1604.55, and 1604.56 of this chapter and the provisions of paragraphs (b) and (c) of § 1623.9 of this chapter concerning

the quorum, meetings, and disqualification of a local board and the disqualification of members of a local board with respect to the classification of a registrant shall be applicable to a local board and its members when determining the availability of a reservist for order to active duty under this part.

§ 1690.4 *Minutes of meetings of local board.* A record of each meeting of the local board held for the purpose of determining the availability of a reservist for order to active duty shall be kept by the board on Standby Reserve Actions and Minutes (SSS Form No. 82) which shall be completed in duplicate. The original shall be filed in the local board office as minutes of such meetings and the copy shall be forwarded to the State Director of Selective Service.

§ 1690.5 *Jurisdiction, quorum, meetings, and disqualification of appeal board and its members.* (a) The provisions of §§ 1604.24, 1604.25, and 1604.26 of this chapter concerning the jurisdiction, quorum, meetings, and disqualification of an appeal board and the disqualification of members of an appeal board with respect to the classification of a registrant shall be applicable to an appeal board and its members when acting on the cases of reservists which are appealed to it under this part.

(b) Each appeal board or panel thereof shall keep minutes of each meeting it holds for the purpose of deciding appeals taken under this part.

§ 1690.6 *Standby reserve folder.* The local board shall open an individual file for each reservist by using a Cover Sheet (SSS Form No. 101) on the outside of which shall be placed the designation "Standby Reserve." This file shall be known as, and hereafter in this part is referred to as, the "standby reserve folder." Every paper and document pertaining to the determination of the availability of the reservist for order to active duty, except such papers and documents as may be designated by the Director of Selective Service, shall be filed in his standby reserve folder.

§ 1690.7 *Mailing and return of questionnaire.* The local board shall mail a Standby Reserve Questionnaire (SSS Form No. 80) to each reservist in accordance with instructions to be issued by the Director of Selective Service. Unless the local board grants an extension of time, the reservist shall complete and return his Standby Reserve Questionnaire (SSS Form No. 80) within the time specified on the questionnaire by the local board which shall not be less than 10 days after the date on which it is mailed to the reservist.

§ 1690.8 *Assignment of standby reserve number.* (a) After the local board of jurisdiction has received the completed Standby Reserve Questionnaire (SSS Form No. 80) of a reservist who is not required to be registered under the Universal Military Training and Service Act, as amended, the local board shall assign the reservist a standby reserve number. The first element of the standby reserve number, reading from left to right, shall be the number of the

State in which the local board is located as shown on the list of States, Territories, and possessions in paragraph (b) of § 1621.2 of this chapter. The second element of the number shall be the number of the reservist's local board within the State. The third element of the number shall be assigned in numerical sequence, beginning with the numeral 1, according to the sequence in which the local board assigns standby reserve numbers to nonregistrant reservists. The fourth element of the number shall be the one of the following symbols which identifies the Ready Reserve of which the reservist is a member: "A" for Army Reserve, "AF" for Air Force Reserve, "N" for Naval Reserve, "MC" for Marine Corps Reserve, or "CG" for Coast Guard Reserve.

(b) As soon as a standby reserve number has been assigned to a reservist, the local board shall notify the reservist of his number and that he is under the jurisdiction of that local board.

(c) The local board shall keep a record of all standby reserve numbers it assigns to reservists on the Standby Reserve Register (SSS Form No. 81). Once a standby reserve number has been assigned to a reservist, the same number shall never be used again.

§ 1690.9 *Presumption of availability for order to active duty.* (a) Each reservist shall be considered available for order to active duty under section 233 (a) of the Armed Forces Reserve Act of 1952, as amended, until it is established to the satisfaction of the local board that he should not be available for order to active duty.

(b) The mailing by the local board of a Standby Reserve Questionnaire (SSS Form No. 80) to a reservist at the latest address furnished by him shall be notice to the reservist that unless information is presented to the local board, within the time specified for the return of the questionnaire, he will be found available for order to active duty.

§ 1690.10 *Duty of reservist to furnish information of his current status.* (a) It shall be the duty of every reservist to keep his local board currently informed of his occupational, marital, family, and dependency status, of every other circumstance which might affect a determination as to his availability for order to active duty, and of his mailing address. Every reservist shall, within 10 days after it occurs, report to his local board in writing every change in such status and circumstance and in his mailing address.

(b) A reservist shall submit to his local board in writing all information which the local board may at any time request from him concerning his occupational, marital, family, or dependency status or other circumstance which might affect a determination as to his availability for order to active duty. The reservist shall submit such information to his local board within 10 days after the date on which the local board mails him a request therefor, or within such longer period as may be fixed by the local board.

§ 1690.11 *Determination of availability and category.* (a) The availability

of a reservist for order to active duty and his category shall be determined on the basis of (1) the information contained in his Standby Reserve Questionnaire (SSS Form No. 80), (2) such other written information as may be contained in his standby reserve folder and, if he is a registrant, in his Cover Sheet (SSS Form No. 101), and (3) current instructions issued by the Director of Selective Service. The local board shall proceed with the consideration of the reservist's case and determine whether he is available or not available for order to active duty whenever he fails to return his Standby Reserve Questionnaire (SSS Form No. 80) within the time allowed by the local board, or he fails to provide the local board with any other information concerning his status which he is requested or required to furnish.

(b) Every reservist shall be placed in Category I-R under the provisions of § 1690.12 except that when grounds are established to place a reservist in either Category II-R or Category III-R under the provisions of § 1690.13 or § 1690.14, the reservist shall be placed in whichever of such categories is applicable.

(c) Subject to the provisions of §§ 1690.15 and 1690.18 and the rights of appeal provided by this part, the determination of the local board as to the availability of a reservist for order to active duty and as to his category shall be final.

§ 1690.12 *Category I-R: Reservist available for order to active duty.* In Category I-R shall be placed every reservist who has failed to establish to the satisfaction of the local board, subject to appeal as provided by this part, that he should not be available for order to active duty.

§ 1690.13 *Category II-R: Reservist not available for order to active duty because of civilian occupation.* In Category II-R shall be placed any reservist whose continuance in his civilian employment, occupation, activity, or other endeavors in time of war or national emergency declared by the Congress is found to be more essential to the maintenance of the national health, safety, or interest than the performance by him of active duty in the Armed Forces.

§ 1690.14 *Category III-R: Reservist not available for order to active duty by reason of extreme hardship and privation to dependents.* (a) In Category III-R shall be placed any reservist who is found to be not available for order to active duty solely because his performance of active duty in the Armed Forces in time of war or national emergency declared by the Congress would result in extreme hardship and privation (1) to the reservist's husband, wife, divorced wife, child, parent, grandparent, brother, or sister who is dependent upon the reservist for support, or (2) to a person under 18 years of age or a person of any age who is physically or mentally handicapped whose support the reservist has assumed in good faith; provided, that a person shall be considered to be a dependent of a reservist under this paragraph only when such person is either a citizen of the United States or lives

in the United States, its Territories, or possessions.

(b) The term "child" as used in this section shall include a legitimate or an illegitimate child from the date of its conception, a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by the reservist in a relationship similar to that of parent and child but shall not include any person 18 years of age or over unless he is physically or mentally handicapped.

§ 1690.15 *Reconsideration and redetermination by local board of reservist's availability and category.* (a) Except as otherwise provided in § 1690.18, the local board may at any time before it has notified the armed force concerned that such reservist is available for order to active duty reconsider and redetermine the reservist's availability for order to active duty and his category if such action is based upon facts not considered when such availability and category were previously determined under the provisions of this part which facts, if true, would justify changing the previous determination of the reservist's availability and category.

(b) The local board shall reconsider and redetermine a reservist's availability for order to active duty and his category upon the written request of the Director of Selective Service or the State Director of Selective Service.

§ 1690.16 *Appeal to appeal board.* (a) Except as otherwise provided in this section, an appeal to the appeal board from the determination by the local board of a reservist's availability for order to active duty and his category may be taken, processed, and determined in the same manner, under the same conditions, and in accordance with the same procedures as are prescribed in Part 1626 of this chapter with respect to an appeal from a classification of a registrant by the local board.

(b) An appeal authorized under paragraph (a) of this section may be taken only by the following persons:

(1) The Director of Selective Service.
(2) The State Director of Selective Service (as to a determination of a local board in his State).

(3) The reservist.
(4) Any person who claims to be a dependent of the reservist.

(5) Any person who, prior to the determination appealed from, filed a written request that the reservist be found not available for order to active duty because of his current civilian occupation.

(c) Such appeal may be taken at any time by the Director of Selective Service or by the State Director of Selective Service as to a determination of a local board in his State.

(d) Such appeal may be taken by any person described in subparagraphs (3), (4), and (5) of paragraph (b) of this section at any time within the following periods:

(1) Within 10 days after the date the local board mails to the reservist a Standby Reserve Notice of Availability (SSS Form No. 86).

(2) Within 30 days after the date the local board mails to the reservist a Standby Reserve Notice of Availability (SSS Form No. 86) if, on that date, it appears that the reservist is located in one and the local board which classified the reservist is located in another of the following: The continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone.

(3) Within 30 days after the date the local board mails to the reservist a Standby Reserve Notice of Availability (SSS Form No. 86) if, on that date, it appears that the reservist is located in Canada, Cuba, or Mexico.

(4) Within 60 days after the date the local board mails to the reservist a Standby Reserve Notice of Availability (SSS Form No. 86) if, on that date, it appears that the reservist is located outside the continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the Virgin Islands, Guam, the Canal Zone, Canada, Cuba, and Mexico.

(e) At any time before the local board has notified the armed force concerned that the reservist is available for order to active duty, the local board may permit any person described in subparagraphs (3), (4), and (5) of paragraph (b) of this section to appeal even though the period for taking an appeal has elapsed, if it is satisfied that the failure of such person to appeal within such period was due to a lack of understanding of the right to appeal or to some cause beyond the control of such person. Unless the local board thereafter permits an appeal, the right of such persons to appeal shall expire at the end of the period provided for in paragraph (d) of this section. If an extension of time to appeal is granted by the local board, a record thereof shall be entered on the Standby Reserve Questionnaire (SSS Form No. 80).

(f) The local board shall enter on the Standby Reserve Questionnaire (SSS Form No. 80) the date on which an appeal is filed, and, in lieu of preparing the Individual Appeal Record (SSS Form No. 120), shall prepare the Standby Reserve Individual Appeal Record (SSS Form No. 88) attaching the original to the inside of the cover of the reservist's standby reserve folder, which folder shall be forwarded to the appeal board. If the reservist is a registrant or special registrant, the local board shall also forward his Cover Sheet (SSS Form No. 101) to the appeal board. The local board shall enter on the Standby Reserve Availability Record (SSS Form No. 83) the date it transmits the reservist's file(s) to the appeal board.

(g) The appeal board shall use the Standby Reserve Docket Book of Appeal Board (SSS Form No. 89) in lieu of the Docket Book of Appeal Board (SSS Form No. 121).

(h) The appeal board shall determine the availability of the reservist for active duty and his category in accordance with the provisions of § 1690.11. Such determination shall be final, except when an appeal to the Director of Selective Service is taken: *Provided*, That this shall not be construed as prohibiting

a local board from reconsidering and re-determining a reservist's availability and category in a proper case under the provisions of § 1690.15.

(1) The provisions of §§ 1626.25, 1626.26, 1626.31, 1626.41, and 1626.51 of this chapter and the provisions of paragraph (b) of § 1626.61 of this chapter shall not apply to appeals taken under this section.

§ 1690.17 *Appeal to Director of Selective Service.* (a) The State Director of Selective Service may at any time take an appeal to the Director of Selective Service from any determination of an appeal board under this part (1) by mailing to the local board a written notice of appeal and directing the local board to forward to him the reservist's standby reserve folder and, if the reservist is a registrant or special registrant, his Cover Sheet (SSS Form No. 101) or (2) by placing in the reservist's standby reserve folder a written notice of appeal and advising the local board thereof. Before he forwards to the Director of Selective Service the reservist's standby reserve folder, and Cover Sheet (SSS Form No. 101) if the reservist is a registrant or special registrant, the State Director of Selective Service shall place in the standby reserve folder a written statement of his reasons for taking the appeal.

(b) When a reservist's case has been reviewed by an appeal board of a State other than the State in which the reservist's local board is located, either the State Director of Selective Service of the State in which the reservist's local board is located or the State Director of Selective Service of the State in which the appeal board is located may appeal to the Director of Selective Service from the determination of the appeal board.

(c) The reservist, any person who claims to be a dependent of the reservist, or any person who, prior to the determination appealed from, filed a written request that the reservist be found not available for order to active duty because of his current civilian occupation, at any time within 10 days after the mailing by the local board of a Standby Reserve Notice of Availability (SSS Form No. 86) notifying the reservist of the determination of the appeal board, may appeal to the Director of Selective Service from such determination if the appeal board determined that the reservist was available for order to active duty and was in Category I-R and one or more members of the appeal board dissented from such determination. The local board may permit any person entitled to appeal to the Director of Selective Service under this paragraph to do so, even though the 10-day period provided for taking such an appeal has elapsed, if it is satisfied that the failure of such person to appeal within such 10-day period was due to a lack of understanding of the right to appeal or to some other cause beyond the control of such person.

(d) An appeal to the Director of Selective Service under the provisions of paragraph (c) of this section shall be taken by filing with the local board a written notice of appeal. Such notice need not be in any particular form but must state the name of the reservist and the name

and identity of the person appealing so as to show the right of appeal, and the fact that such person wishes the Director of Selective Service to review the determination of the appeal board.

(e) When an appeal to the Director of Selective Service has been taken, the local board shall (1) notify the reservist that the appeal has been taken; (2) if the reservist's standby reserve folder or Cover Sheet (SSS Form No. 101), if any, is in its possession, forward such file(s) to the State Director of Selective Service; and (3) enter on the Standby Reserve Availability Record (SSS Form No. 83) under "Remarks" the date it forwards the file(s) or the date it receives notice that an appeal to the Director of Selective Service has been taken.

(f) When an appeal to the Director of Selective Service is taken, the State Director of Selective Service shall check the file(s) in his possession or forwarded to him to be sure that all procedural requirements have been properly complied with, including notice to the reservist that such an appeal has been taken, and, if he discovers any procedural defects, return the file(s) for correction. If any information has been placed in the file(s) which was not considered by the local board in making the determination from which the appeal to the Director of Selective Service is taken, the State Director of Selective Service shall review such information and, if he is of the opinion that such information, if true, would justify a different determination in the reservist's case, return the file(s) to the local board with instructions to reconsider and redetermine the reservist's availability and category.

(g) When the State Director of Selective Service has complied with the provisions of paragraph (f) of this section and has not returned the file(s) to the local board, he shall forward the file(s) to the Director of Selective Service.

(h) When the appeal to the Director of Selective Service has been decided, the file(s) shall be returned to the local board through the appropriate State Director of Selective Service.

§ 1690.18 *Determination of availability and category by Director of Selective Service.* Notwithstanding any other provisions of this part, the Director of Selective Service may at any time determine whether any reservist is available or not available for order to active duty and place the reservist in any category he may deem appropriate. Such action under this section by the Director of Selective Service shall be final unless he thereafter requests the local board to reconsider and redetermine the reservist's category.

§ 1690.19 *Notification and recording of availability and category.* As soon as practicable after the local board has determined or redetermined the reservist's eligibility and category and also after the local board receives notice of the determination of a reservist's case by the appeal board or the Director of Selective Service, the local board shall:

(a) Mail a notice thereof on a Standby Reserve Notice of Availability (SSS Form No. 86) to the reservist and on a Standby Reserve Availability Advice (SSS Form

No. 87) to every other person who has on file a current written request that the reservist be found not available for order to active duty, and enter upon each of such forms mailed concerning a determination of the appeal board, the record of the vote of the appeal board as follows: "Vote of appeal board—Yes ____ No ____."

(b) Enter a notation of the determination of the reservist's availability and category on the Standby Reserve Questionnaire (SSS Form No. 80) and also enter on the Standby Reserve Availability Record (SSS Form No. 83) the category in which the reservist is placed.

(c) Enter on the Standby Reserve Availability Record (SSS Form No. 83) and on the Standby Reserve Questionnaire (SSS Form No. 80) the date of mailing of the Standby Reserve Notice of Availability (SSS Form No. 86) and also enter on the Standby Reserve Questionnaire (SSS Form No. 80) the date of mailing of each Standby Reserve Availability Advice (SSS Form No. 87) and the name of the person to whom it is mailed.

§ 1690.20 *Notifying armed force of availability of reservist.* The local board shall notify the armed force of which a reservist is a member of his availability for order to active duty at such time as is fixed by the Director of Selective Service.

§ 1690.21 *Records which are confidential.* The records in a reservist's standby reserve folder and the information contained in such records shall be confidential.

§ 1690.22 *Availability and use of confidential records and information.* (a) Information contained in records in a reservist's standby reserve folder may be disclosed or furnished to, or examined by, the following persons:

(1) The reservist, or any person having written authority signed by the reservist.

(2) All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System or the functions conferred by this part.

(3) Any person having specific written authority from the Director of Selective Service.

(b) In the prosecution of a reservist for a violation of the Universal Military Training and Service Act, as amended, the regulations in this chapter, any orders or directions made pursuant to such act or regulations, or for perjury, any records in the reservist's standby reserve folder shall be produced in response to the subpoena of the court in which such prosecution is pending.

(c) Except as provided in paragraph (b) of this section, no officer or employee of the Selective Service System shall produce a reservist's standby reserve folder, or any part thereof, or testify regarding any confidential information contained therein, in response to the subpoena of any court without the consent, in writing, of the reservist concerned, or of the Director of Selective Service.

(d) Whenever, under the provisions of this section, a reservist's standby reserve

folder, or any part thereof, is produced as evidence in the proceedings of any court, such folder shall remain in the personal custody of an official of the Selective Service System, and permission of the court be asked, after tender of the original folder, to substitute a copy of the folder with the court.

§ 1690.23 *Identification of records of reservists.* All forms in the titles of which the words "Standby Reserve" do not appear and all other records used by the Selective Service System in carrying out the functions conferred by this part shall be identified by stamping or otherwise placing thereon the words "Standby Reserve."

The foregoing regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

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

APRIL 11, 1956.

[F. R. Doc. 56-2899; Filed, Apr. 13, 1956; 8:48 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS YELLOWSTONE NATIONAL PARK

Section 20.13 *Yellowstone National Park* is amended by changing paragraph (f) to read as follows:

(f) *Commercial automobiles and busses.* The prohibition against the admission of commercial automobiles and

busses to Yellowstone National Park, contained in § 1.36 of this chapter, shall be subject to the following exceptions: Motor vehicles operated on a general, infrequent, and nonscheduled tour on which the visit to the park is an incident to such tour, carrying only round-trip passengers traveling from the point of origin of the tour, will, subject to the conditions set forth in this paragraph, be accorded admission to the park for the purpose of delivering passengers to a point of stay while in the park. After passengers have completed their stay, such motor vehicles shall leave the park by the most convenient exit station, considering their destination. Motor vehicles admitted to the park under this paragraph shall not, while in the park, engage in general sightseeing operations. Admission will be accorded such vehicles upon establishing to the satisfaction of the Superintendent that the tour originated from such place and in such a manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside of the park, pursuant to contract authorization from the Secretary. The Superintendent shall have the authority to specify the route to be followed by such vehicles within the park. Admission to the park will be accorded such motor vehicles upon payment of a special tour permit fee of \$2.00 per passenger-carrying seat in the vehicle.

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

Issued this 2d day of April 1956.

[SEAL] E. T. SCOYEN,
Acting Director,
National Park Service.

[F. R. Doc. 56-2881; Filed, Apr. 13, 1956; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

17 CFR Parts 930, 932, 960, 963, 965, 971, 972, 974, 975, 995, 1002, 1009 I

[Docket Nos. AO-179-75-A14, AO-72-30-A20; AO-197-95-A3, AO-176-74-A12, AO-175-71-A13, AO-166-65-A21, AO-177-72-A16, AO-233-63-A5, AO-253-60-A1, AO-268-102-A2, AO-268-109-A2, AO-33-A23]

HANDLING OF MILK IN CLEVELAND, TOLEDO, LIMA, COLUMBUS, DAYTON-SPRINGFIELD, CINCINNATI, TRI-STATE, STARK COUNTY, AKRON, OHIO; GREATER WHEELING, WEST VIRGINIA, CLARKSBURG, WEST VIRGINIA; AND FORT WAYNE, INDIANA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO THE ORDERS, AS AMENDED

Notice is hereby given of a joint public hearing to be held at Southern Hotel, Main Ball Room, South High Street, Columbus, Ohio, beginning at 10:00 a. m., e. s. t., April 20, 1956, for the purpose of

receiving evidence with respect to economic and emergency conditions which relate to the marketing of milk in each of the marketing areas hereinafter specified and to appropriate amendments of the Class I price provisions of the respective tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders, now in effect, regulating the handling of milk in such marketing areas. More specifically, consideration will be given to (1) the nature, scope and similarity of price problems affecting producers, (2) determine whether or not such problems tend to disrupt the orderly marketing of milk, or constitute a threat to the adequacy of supplies of pure and wholesome milk, and (3) consider whether or not temporary, emergency price relief is necessary to promote orderly marketing. The hearing is called pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

A substantial number of communications and requests for price action received by the Department from milk producer groups and recent conferences held with representative leaders of co-operative organizations of producers who supply the Ohio and adjacent fluid milk markets hereinafter set forth have represented the seriousness of conditions facing fluid milk producers at the present time which it is alleged are tending to disrupt the orderly marketing of fluid milk and threaten milk supplies.

The following market areas and order provisions are covered by this hearing notice:

Market Area; Part (Order) No. Order Provisions; and Docket No.

Cleveland, Ohio; 975; § 975.61; AO-179-75-A14.

Toledo, Ohio; 930; § 930.50 (a); AO-72-30-A20.

Lima, Ohio; 995; § 995.51; AO-197-95-A3.

Columbus, Ohio; 974; § 974.51 (a); AO-176-74-A12.

Dayton-Springfield, Ohio; 971; § 971.51; AO-175-71-A13.

Cincinnati, Ohio; 965; § 965.51 (a); AO-166-65-A21.

Tri-State (Ohio, West Virginia, Kentucky); 972; § 972.41; AO-177-72-A16.

Stark County, Ohio; 963; § 963.51; AO-233-63-A5.

Akron, Ohio; 960; § 960.50; AO-253-60-A1. Greater Wheeling, W. Va.; 1002; § 1002.51 (a); AO-268-102-A2.

Clarksburg, W. Va.; 1009; § 1009.51 (a); AO-268-109-A2.

Fort Wayne, Ind.; 932; § 932.51; AO-33-A23.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or from the Dairy Division, Agricultural Marketing Service, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: April 13, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-2991; Filed, Apr. 13, 1956; 12:17 p. m.]

17 CFR Parts 1002, 1009 I

[Docket No. AO-268]

MILK IN GREATER WHEELING, WEST VA., AND CLARKSBURG, WEST VA., MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS, AND TO ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed marketing agreements and

No. 73—3

proposed orders amending the orders regulating the handling of milk in the Greater Wheeling, West Virginia, and Clarksburg, West Virginia, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 3rd day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreements and orders were formulated was conducted at Wheeling, West Virginia, on March 2, 1956, pursuant to notice thereof which was issued on February 23, 1956 (21 F. R. 1274).

The material issues of record related to:

1. Class I price (Proposal 1).
2. Class II price (Proposals 2 and 4).
3. Lower price for milk, the skim of which is dumped, and lower Class II butterfat differential (Proposals 3 and 7).
4. Classification of milk disposed of as feed (Proposal 5).
5. Accounting for nonfat solids added to Class I products (Proposal 6).
6. Producer-handler definition (Proposal 8).

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence in the record.

1. Class I prices. Class I prices in the Greater Wheeling and Clarksburg areas should be changed in accordance with changes being made in the Stark County Class I price. Greater Wheeling and Clarksburg Class I prices were established, on the same seasonal pattern as that of Stark County, at higher levels of 15 cents and 40 cents, respectively. The addition of these amounts to the revised differentials of the Stark County area would make Class I price differentials, in the Wheeling area, \$1.50 during February-July and \$1.95 during other months; in the Clarksburg area, \$1.75 during February-July and \$2.20 in other months.

Such alignment seems essential to stability in these marketing areas. After the amending of Cleveland prices, effective May 1, 1955, Stark County prices needed to be adjusted with reference to prices in Akron and Cleveland. The Cleveland amendments reduced the number of seasonal differentials from 3 to 2, and slightly raised their annual level in order to compensate for the effects of changes in the automatic supply-demand adjustment. When the Wheeling and Clarksburg orders were issued it was found that, because of extensive inter-area competitive relations, the Class I prices should be in a constant relationship to the Class I price in the Stark County order. In the few months of their operation there is no evidence that the established relationships are faulty. The recommended Class I price differentials for Wheeling and Clarksburg would preserve the original relationship. Reduction of seasonal changes in differentials, from 3 to 2, is suitable to these markets, with their base-excess method of producer payment. Changes

in the Stark County Class I price differentials would raise their annual level only enough to offset changes made in the new supply-demand adjustment. Parallel changes in Class I price differentials should be made for the Greater Wheeling and Clarksburg areas.

Handlers objected to changes in Class I price differentials proposed by producers on two counts. First, they contended that the proposed increase in the annual level—amounting to 1½ cents—was excessive. Producers had proposed differentials for Wheeling and Clarksburg that were above the Class I price differentials for Stark County, in the recommended decision issued February 29, 1956, by 20 cents and 45 cents respectively. Such differentials would raise Class I prices in Wheeling and Clarksburg 5 cents more than the recommended increase in the Class I price in Stark County. Handlers are supported by the record in the position that Wheeling and Clarksburg differentials should not be increased more than Stark County differentials.

Secondly, handlers contended that any increase in Class I price differentials in Wheeling and Clarksburg would throw prices in these areas seriously out of line with prevailing prices in the Tri-State area. A little Tri-State milk is distributed in Clarksburg; but the inter-area trade with Tri-State is minor in comparison with relations with Stark County. Alignment of Wheeling and Clarksburg prices with Stark County prices, as here recommended, involves no material changes in relation to Tri-State prices, except with respect to seasonal variations. Patterns of seasonal price change are likely to vary among trade areas, that are no more closely associated than Clarksburg and Tri-State. In this case, it does not appear that the effects upon inter-area trade would be disturbing; there would be no material change in the annual level of Clarksburg prices. Any change in this respect would come from the new supply-demand price adjustment, adopted in Stark County, and thereby effective in Greater Wheeling and Clarksburg.

The Tri-State area operates under a different supply-demand adjustment provision. In recent months it has increased Class I prices from 3 to 2½ cents. Over the same period the adjustment provision, that is employed in the Greater Wheeling and Clarksburg areas, has reduced prices by equally substantial amounts. Recommended changes in the price mechanism of these marketing areas are not likely to change annual price relations with the Tri-State area more than they have varied from the effects of their respective supply-demand adjustment provisions. Such fluctuations in relationship must be considered to be well within normal price relations between areas, where, as here, inter-area marketing is not extensive.

2. Class II prices. For May and June 1956, 20 cents per hundredweight reduction from the basic price for Class II milk should apply, without regard to the supply-demand adjustment feature provided in the Class II price formula.

It seems certain at this time that supplies of producer milk, in excess of Class I

requirements of bottling and distributing plants, during April, May and June this year, will exceed quantities that can be received and handled at basic prices. Current data from the market administrator and testimony of handlers indicate that receipts at pool plants are increasing seasonally at a rate that most likely will increase Class II utilization, in these months of heaviest production, to about 35 percent of receipts. Handlers testified that this much milk, in excess of fluid requirements, would swamp pool plant facilities for Class II utilization. An unestimated percentage of such excess could be received by handlers only for sale and transfer to manufacturing plants. Some of this milk may be moved directly from farms to manufacturing plant; but most of it must be delivered by producers to handlers' plants, where it must be recanned and reloaded for movement to manufacturers. Prices for milk delivered to these manufacturing plants may be 30 cents less than basic prices.

Under these circumstances the 20-cent reduction from basic prices, in the Class II price provision of these orders, should be effective. The supply-demand adjustment, as provided, has brought this price reduction into effect on April milk, and most likely would do so on May and June milk. But local market circumstances this Spring, as shown by this record, justify removing, for this season, any uncertainty regarding this adjustment to Class II prices.

Two other questions in regard to this adjustment were considered. Handlers requested that the reduction be 30 cents, instead of 20 cents, and that the period be extended to include July. They argued that they should be able to recover at least their costs of milk moved to manufacturing plants, where prices during flush months may be 30 cents below basic prices. In regard to this argument it may be observed that prices at these plants may not be as low as this. Even so, such transferred milk is only part of handlers' Class II disposition, and undoubtedly, the least profitable. The reduced Class II price for the flush months applies to all Class II disposition. On some portion of Class II utilization, perhaps in some cases most of it, handlers may be able to realize product values equivalent to basic prices. Such prices are paid for supplies in excess of fluid requirements, in many milk markets. Most pertinent, perhaps, is the fact that in Stark County, with its close trade relations with Wheeling and Clarksburg, the Spring reduction in Class II prices is less than 20 cents.

It is also concluded that July should not be included in the period of reduced Class II prices. Argument for it was mainly based on the fact that July is included in the period when the base-excess payment plan operates. But this fact, in itself, has little relevancy. July was not originally included because it seemed from the record, that, in July, supplies tended to be less burdensome, and the markets for the chief Class II products more favorable, than in the three preceding months. This record sheds no more light on what Class II market conditions in July may be.

3. *Lower price for milk, the skim of which is dumped, and lower Class II butterfat differentials.* The price for milk, the fat of which is used for butter, should not be below the Class II price. Nor should the Class II butterfat differential be lowered.

One proposal would price milk, the skim of which is dumped, and the fat used for butter, solely on the basis of the prevailing price or the "support" price for butterfat. This proposal would not afford a reasonable basis of pricing any producer milk. Producer milk must be priced on the basis of skim and fat values in the market. Obviously, butterfat in producer milk has a higher market value than in farm cream. The fat value in top grade cream is much above the support price for butterfat. In the price for Class II milk, the fat value is determined from butter prices, as is also the butterfat differential. These factors in the Class II price would not seem to overprice the fat in Class II milk, even when utilized for butter. The fat value in the Class II price formula is no higher than in surrounding markets. The butterfat differential is about the same as that in prices paid for milk at manufacturing plants. It was not shown on the record that the fat in Class II milk is overpriced. Rather, this proposal to price the milk on a lower fat value was supported chiefly on the grounds that the skim was dumped. The fact that dumped skim is a loss does not justify a Class price lower than that at which such producer milk is generally utilized in the market.

For much the same reason the proposal to lower the Class II butterfat differential must be rejected. There was no showing that the present differential is too high. It is no higher than in surrounding markets. Apparently, it is little if any higher than fat differential rates at manufacturing plants to which some of the milk is moved. Handlers' use or dispose of butterfat in top quality cream, that usually has higher fat value than cream of only manufacturing quality. It was argued that if the cost of Class II butterfat were lowered, handlers could afford to use more skim in Class I products. But this would "Rob Peter to pay Paul". Class prices should price skim and butterfat in accordance with their relative market values.

4. *Classification of milk disposed of as feed.* The Class II definition should not be amended to include any milk or milk product with butterfat disposed of as feed.

This proposal would open Class II to include any milk or milk product disposed of as livestock feed. Such disposal in Class II is now limited to skim milk. Proponents urged the need for such amendment to permit Class II accounting for route returns from which the butterfat cannot be separated. They argued that such accounting would be as appropriate for milk products, with skim and fat, as it is for skim milk.

But the cases are not analogous, the feed and dumping provision is designed to permit a handler to account in Class II for skim milk, that is in effect only a plant by-product, for which, under certain circumstances, he has no prod-

uct disposition. The more valuable part of producer milk has been used presumably in marketable Class II products. Without such provision, the rules for classification and accounting would place such by-product, in the utilization of Class II milk, into the Class I category, in the form of excess shrinkage, plant loss, or unaccounted for milk. It seems evident from the context of the classification scheme that the skim milk disposition as feed or by dumping has a validity that would be lacking in the case of route returns. For the route returns, in this case, consist of producer milk that is useless for the production of Class II products because of its processing for Class I usage. This would appear to place such returns in the same category as spoilage or stolen goods, that fall into Class I as plant loss or "unaccounted" for milk when in excess of the shrinkage allowance in Class II.

5. *Accounting for nonfat solids added to Class I products.* Nonfat solids added to Class I products should continue to be accounted for in terms of the skim milk equivalent used to produce them. The proposal to change to an accounting on the basis of actual pounds added should not be adopted.

In the decision of September 6, 1955, that issued these orders, the manner of accounting for milk products, that are added to Class I products, was fully considered. Various methods were studied, including the one here proposed. On the evidence, as shown by findings, it seemed that the method that was adopted was the most appropriate, equitable, and feasible. It is the one commonly employed in other orders. The testimony in this record adds little to the evidence in regard to this provision, certainly too little for a satisfactory re-examination. There was some speculation about an alleged deleterious effect upon the marketing of producer milk, but there was no substantial evidence of this. On the contrary, the testimony failed to dispel the appearance of discrimination, seemingly inherent in the proposed accounting method, against producer milk in Class I usage, or to reconcile the proposed accounting for Class I usage in "fortified" products with proper accounting for Class I usage in "concentrated" products.

6. *Producer-handler definition.* This definition should be clarified. Its meaning has been questioned. Revision as proposed would make explicit the intended conditions for producer-handler status. The conditions, as explained on the record, were not questioned.

General findings. (a) The proposed marketing agreements and the orders as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices

as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

Rulings on proposed findings and conclusions. Briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreements and amendments to the orders. The following orders, amending the orders, regulating the handling of milk in the Greater Wheeling, West Virginia, and Clarksburg, West Virginia, marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provision thereof would be identical with those contained in the orders, and the orders as hereby proposed to be further amended.

Order Amending the Order Regulating the Handling of Milk in the Greater Wheeling, West Virginia, Marketing Area.

1. Delete § 1002.13 and substitute the following:

§ 1002.13 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

2. In § 1002.51 (a) delete the table of prices and substitute:

Month:	<i>Amount</i>
February, March, April, May, June, and July.....	\$1.50
All others.....	1.95

3. In § 1002.51 (b) delete the period at at the end of the sentence and add the following: "Provided, further, That the Class II milk price for the months of May and June, 1956, shall be the basic formula price less 20 cents."

Order Amending the Order Regulating the Handling of Milk in Clarksburg, West Virginia, Marketing Area

1. Delete § 1009.13 and substitute the following:

§ 1009.13 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

2. In § 1009.51 (a) delete the table of prices and substitute:

Month:	<i>Amount</i>
February, March, April, May, June, and July.....	\$1.75
All others.....	2.20

3. In § 1009.51 (b) delete the period at the end of the sentence and add the following: "Provided, further, That the Class II milk price for the months of May and June, 1956 shall be the basic formula price less 20 cents."

Issued at Washington, D. C., this 12th day of April 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-2940; Filed, Apr. 13, 1956; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

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

GENERAL REGULATIONS FOR SETTING TOLERANCES AND GRANTING EXEMPTIONS FROM TOLERANCES; NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408, 701 (a), 52 Stat. 1055, 68 Stat. 511; 21 U. S. C. 348, 371), and in accordance with authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996), proposes to amend the regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural

commodities (21 CFR Part 120; 21 F. R. 768, 1172) in the following respects:

1. Amend § 120.1 *Definitions and interpretations* by adding the following new paragraph:

(g) For the purpose of computing fees as required by § 120.33, each group of crops listed in § 120.34 (e) is counted as a single raw agricultural commodity in a petition or request for tolerances or exemption from the requirement of a tolerance for a nonsystemic pesticide. As a general rule, when considering a petition or request with respect to a systemic pesticide (see § 120.34 (c)) crops shall not be grouped.

2. In § 120.2 *Pesticide chemicals considered safe*, amend paragraph (a) to read as follows:

(a) As a general rule, pesticide chemicals other than sulfur, lime, lime-sulfur, sodium carbonate, and sodium polysulfide are not, for the purposes of section 408 (a) of the act, generally recognized as safe for use.

3. Amend § 120.3 *Tolerances for related pesticide chemicals* by adding the following new paragraph:

(e) Except as noted in subparagraphs (1) and (2) of this paragraph, where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity the tolerance for the total of such residues shall be the same as that for the chemical having the lowest numerical tolerance in this class.

(1) Where residues from two or more chemicals in the same class are present in a raw agricultural commodity and there are available methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each residue present.

(ii) Divide the quantity of each residue by the tolerance that would apply if it occurred alone, and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iii) Add the percentages so obtained for all residues present.

(iv) The sum of the percentages shall not exceed 100 percent.

(2) Where residues from two or more chemicals in the same class are present on a raw agricultural commodity and there are available methods that permit quantitative determinations of one or more, but not all, of the residues, the amounts of such residues as may be determinable shall be deducted from the total amount of residues present, and the remainder shall have the same tolerance as that for the chemical having the lowest numerical tolerance in that class. The quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each determinable residue present.

(ii) Deduct the amounts of such residues from the total amount of residues present and consider the remainder to have the same tolerance as that for the chemical having the lowest numerical tolerance in that class.

(iii) Divide the quantity of each determinable residue by the tolerance that would apply if it occurred alone and the quantity of the remaining residue by the tolerance for the chemical having the lowest numerical tolerance in that class and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iv) Add the percentages so obtained for all residues present.

(v) The sum of the percentages shall not exceed 100 percent.

(3) The following compounds are members of the class of dithiocarbamates.

Ferbam.
Maneb.
Thiram.
Ziram.
Zineb.

(4) The following compounds are members of the class of chlorinated hydrocarbons:

Aldrin.
Benzene hexachloride.
Chlordane.
Chlorinated camphene (toxaphene).
Chlorobenzilate (ethyl 4,4'-dichlorobenzilate).
p-Chlorophenyl-p-chlorobenzenesulfonate.
DDD (TDE).
DDT.
2,4-Dichlorophenoxy acetic acid.
Dieldrin.
Heptachlor.
Lindane.
Methoxychlor.
SES (sodium 2,4-dichlorophenoxyethyl sulfite).
Sulphenone (p-chlorophenyl phenyl sulfone).

(5) The following compounds are members of the class of organic phosphates:

EPN.
Malathion.
Methyl parathion.
Parathion.
Systox (O,O-diethyl-(2-ethylmercaptoethyl) thiophosphate, a mixture of the thiono and thiol isomers).

(6) The following compounds are members of the class of dinitro compounds:

Dinitro-O-cyclohexylphenol.
Dicyclohexylamine salt of dinitro-O-cyclohexylphenol.

4. In § 120.7 *Petitions proposing tolerances* * * * amend paragraph (b) Item D so that it reads as follows:

D. The results of tests on the amount of residue remaining, including a description of the analytical method used. (See § 120.34 for further information about residue tests.)

5. In § 120.7, amend paragraph (b) by deleting from the end thereof the two undesignated paragraphs beginning "The petitioner will be notified * * *" and All Petitions Should Be Submitted * * *" and substituting therefor the following:

The petition shall be submitted in duplicate. The petitioner shall show that he has registered or has submitted an application

for the registration of the pesticide chemical (economic poison) under the Federal Insecticide, Fungicide, and Rodenticide Act.

6. Amend Part 120 by adding a new section reading as follows:

§ 120.34 *Tests on the amount of residue remaining.* (a) Data in a petition on the amount of residue remaining in or on a raw agricultural commodity should establish the residue that may remain when the pesticide chemical is applied according to directions registered under the Federal Insecticide, Fungicide, and Rodenticide Act, or according to directions contained in an application for registration. These data should establish the residues that may remain under conditions most likely to result in high residues on the commodity:

(b) The petition should establish the reliability of the residue data reported on each raw agricultural commodity on which a tolerance or exemption is requested. Sufficient information should be submitted about the analytical method to permit competent analysts to apply it successfully.

(c) If the pesticide chemical is absorbed into a living plant or animal when applied (is systemic) residue data may be needed on each plant or animal on which a tolerance or exemption is requested.

(d) If the pesticide chemical is not absorbed into the living plant or animal when applied (is not systemic), it may be possible to make a reliable estimate of the residues to be expected on each commodity in a group of related commodities on the basis of less data than would be required for each commodity in the group, considered separately.

(e) Each of the following groups of crops lists raw agricultural commodities that are considered to be related for the purpose of paragraph (d) of this section. Commodities not listed in this paragraph are not considered as related for the purpose of paragraph (d) of this section. This grouping of crops does not affect the certification of usefulness by the Secretary of Agriculture as contemplated by section 408 (l) of the act.

(1) Apples, crabapples, pears, quinces.
(2) Avocados, papayas.
(3) Blackberries, boysenberries, dewberries, loganberries, raspberries.
(4) Blueberries, currants, gooseberries, huckleberries.
(5) Cherries, plums, prunes.
(6) Oranges, citrus citron, grapefruit, kumquats, lemons, limes, tangelos, tangerines.
(7) Mangoes, persimmons.
(8) Peaches, apricots, nectarines.
(9) Beans, peas, soybeans (each in dry form)

(10) Beans, peas, soybeans (each in succulent form)

(11) Broccoli, brussels sprouts, cauliflower, kohlrabi.

(12) Cantaloups, honeydew melons, muskmelons, pumpkins, watermelons, winter squash.

(13) Carrots, garden beets, sugar beets, horseradish, parsnips, radishes, rutabagas, salsify roots, turnips.

(14) Celery, fennel.

(15) Cucumbers, summer squash.

(16) Lettuce, endive (escarole), Chinese cabbage, romaine, salsify tops.

(17) Onions, garlic, leeks, shallots (green, or in dry bulb form)

(18) Potatoes, Jerusalem artichokes, sweetpotatoes, yams.

(19) Spinach, beet tops, collards, dandelion, kale, mustard greens, parsley, Swiss chard, turnip tops, watercress.

(20) Tomatoes, eggplants, peppers, pimentos.

(21) Pecans, almonds, Brazil nuts, bush nuts, butternuts, chestnuts, filberts, hazelnuts, hickory nuts, walnuts.

(22) Field corn, popcorn, sweet corn (each in grain form)

(23) Milo, sorghum (each in grain form)

(24) Wheat, barley, oats, rice, rye (each in grain form)

(25) Clovers, alfalfa, cowpea hay, lespedeza, lupines, peanut hay, pea-vine hay, soybean hay, vetch.

(26) Corn forage, sorghum forage.

(27) Sugarcane, cane sorghum.

7. In § 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables*, amend paragraph (a) to read as follows:

(a) The tolerances established for poisonous or deleterious substances in this section apply only to residues resulting from their application prior to harvest. A tolerance in terms of parts by weight for the poisonous or deleterious substance, or poisonous or deleterious residue resulting from its addition, to 1 million parts by weight of the fruit or vegetable is set forth after the name of each of the substances.

8. In § 120.101, amend paragraph (b) by deleting subparagraphs (4) and (5)

These proposed amendments are for the purpose of clarifying the regulations now in effect. They are not intended to change the Food and Drug Administration's present interpretation or administration of those sections of the Federal Food, Drug, and Cosmetic Act interpreted or applied.

All interested persons are invited to submit written comments, in quintuplicate, with respect to the above-proposed amendments to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, Fourth Street and Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: April 9, 1956.

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

[F. R. Doc. 56-2889; Filed, Apr. 13, 1956; 8:47 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2813]

DIRECTOR, OFFICE OF TERRITORIES

DELEGATION OF AUTHORITY

APRIL 9, 1956.

SECTION 1. Delegation. The Director, Office of Territories, is authorized, except as provided in section 2 of this order, to exercise the authority vested in the Secretary of the Interior pursuant to the act of June 30, 1932 (47 Stat. 446, 48 U. S. C., 321a et seq.), or any other act, with respect to the construction and maintenance of roads, tramways, ferries, bridges and trails, and other similar works in the Territory of Alaska.

SEC. 2. Limitations. Excepted from section 1 of this order is authority to:

(a) Take action on any matter covered by a delegation from the Secretary of the Interior to the head of each bureau, such as authority to authorize the publication of advertisements, notices, or proposals; authority with respect to personnel management; and authority with respect to contracts for construction, supplies, or services;

(b) Distribute in a manner or to an extent other than as provided by section 3 of this order, the duties and authority conferred by the act of June 30, 1932, supra;

(c) Make rules and regulations governing the use of roads, trails, and other works, including the fixing and collection of tolls as provided by section 3 of the act of June 30, 1932, supra; and

(d) Acquire any interest in property by condemnation.

SEC. 3. Relegation. The Director, Office of Territories, may in writing redelegate the authority granted in this order to the Deputy Director and the Assistant Director, Alaskan Affairs, both in the Office of Territories; and to any officer or employee of the Alaska Road Commission. The Director, Office of Territories, may authorize written re-delegation of such authority as he may redelegate.

SEC. 4. Revocations. The following orders are revoked:

- No. 2448.
- No. 2565 (15 F. R. 3798).

(Executive Order 10250, 3 CFR, 1951 Supp., 437; sec. 2, Reorganization Plan No. 3 of 1950, 5 U. S. C., 1952 ed., sec. 1332-15, note)

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 56-2882; Filed, Apr. 13, 1956; 8:46 a. m.]

CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY
NOTICE OF PUBLICATION OF THE FINAL MEMBERSHIP ROLL

APRIL 6, 1956.

Pursuant to section 3 of the act of August 13, 1954 (68 Stat. 725), there is listed below the final membership roll of the Confederated Tribes of the Grand Ronde Community.

Disposition has been made of all appeals to the Secretary contesting the inclusion or omission of the name of any person on or from the proposed roll as published in the FEDERAL REGISTER on May 24, 1955 (Vol. 20, No. 101, pages 3636-3642).

DOUGLAS MCKAY,
Secretary of the Interior.

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 433

New roll No.	Old roll No.	Name	Allotment No.	Sex	Date of birth	Degree of blood
1	6	Allen, Cheryl Ann		F	Apr. 3, 1943	11/16
2	1	Allen, Cordella Tom		F	July 9, 1924	7/8
3		Allen, Deborah Lee		F	July 1, 1931	11/16
4	3	Allen, John M., Jr.		M	Sept. 19, 1944	11/16
5	7	Allen, LeRoy Dale		M	June 29, 1949	11/16
6	5	Allen, Patricia G.		F	Jan. 19, 1947	11/16
7	2	Allen, Pauline E.		F	Aug. 26, 1943	11/16
8	9	Ash, Matilda Lafferty		F	Dec. 31, 1908	Full
9	10	Baker, Dollie Pichette	109	F	May 20, 1883	5/8
10	11	Banke, Ethel M.		F	Jan. 25, 1900	Full
11	12	Banke, Hazel M.		F	Oct. 24, 1924	Full
12	15	Bean, Donna Marie		F	Sept. 14, 1933	1/4
13	17	Bean, Ellen Dianne		F	Sept. 9, 1943	1/4
14	16	Bean, Francis Earl		M	Apr. 2, 1940	1/4
15	14	Bean, Fremond F.		M	Dec. 14, 1914	1/2
16		Bean, Joyce Ann		F	Nov. 1, 1949	1/4
17	10	Bean, Linda Margaret		F	July 23, 1947	1/4
18	21	Bean, Margaret		F	Jan. 25, 1931	Full
19	18	Bean, Thomas Joseph		M	Sept. 14, 1945	1/4
20		Becker, Terry Lee		F	Nov. 17, 1945	1/2
21		Beebe, Abraham J.		M	June 16, 1923	1/2
22		Beebe, Douglas R.		M	Jan. 10, 1931	3/8
23		Beebe, Robert J.		M	Dec. 7, 1930	3/8
24		Beebe, Sharon M.		F	Jan. 23, 1932	3/8
25	571	Bellinger, Maude		F	Nov. 20, 1896	Full
26	65	Bennett, Donald B. (Day)		M	May 3, 1947	3/8
27		Bennett, Everett L.		M	July 13, 1931	1/8
28		Bennett, Lonnie D.		M	Aug. 13, 1930	1/8
29		Bennett, Ramona		F	Apr. 1, 1938	3/4
30	382	Bennett, Ross M. Peters		F	May 30, 1922	1/4
31		Blair, Harold W.		M	June 20, 1920	3/8
32		Blair, Jessie R.		F	Apr. 6, 1923	5/16
33	22	Bloom, Agatha Howe		F	Aug. 16, 1904	Full
34	24	Bloom, Bernice (Howe)		F	June 2, 1923	1/2
35		Bobb, Della F. (Gardner)		F	Feb. 26, 1934	1/2
36	29	Bobb, Donica J. (Gardner)		F	June 9, 1936	1/2
37	28	Bobb, Lena Norwest		F	Sept. 23, 1892	Full
38		Bobb, Steven Lee		M	Apr. 7, 1949	Full
39		Bowman, Patricia		F	Dec. 4, 1944	1/4
40		Brandon, Jerry Wayne		M	Mar. 14, 1954	3/8
41		Brandon, Johnny Lee		M	Feb. 16, 1933	3/8
42		Brandon, Linda		F	Nov. 17, 1949	3/8
43		Brandon, Loralne		F	Aug. 30, 1931	3/8
44	202	Brandon, Myrna L.		F	June 6, 1932	3/8
45		Brooks, Dwight Victor		M	June 4, 1930	1/4
46		Brooks, Gregory		M	Nov. 26, 1945	1/4
47		Brooks, Jeffrey		M	Nov. 5, 1943	1/4
48		Brooks, Mary Gayle		F	June 7, 1933	1/4
49	302	Brooks, Nadina Mercier		F	May 15, 1920	1/2
50	45	Brown, John Mercier		M	Sept. 22, 1919	1/8
51		Brown, John, Jr.		M	Sept. 20, 1947	1/16
52		Brown, Robert		M	Nov. 11, 1930	1/16
53	44	Brown, Thomas Francis		M	Aug. 1, 1917	1/8
54	30	Bueno, Lavina V. (Bobb)		F	Sept. 1, 1917	5/8
55	31	Bueno, Rudolph		M	June 29, 1941	5/8
56	333	Burr, May H. (Pettie)		F	May 21, 1913	13/32
57		Burr, Patricia		F	Aug. 17, 1940	13/32
58	295	Butler, Lois (Leno)		F	Apr. 18, 1934	3/4
59		Carlton, Gene		M	Mar. 13, 1916	1/8
60		Carlton, Nellie Shinville		F	June 14, 1897	1/4
61		Carlton, Raymond		M		1/8
62	39	Cataffa, Josephino Tito		F	July 11, 1911	3/4
63	37	Chandler, Dennis Carl		M	July 24, 1942	1/2
64	34	Chandler, Geneva Haller		F	Dec. 20, 1921	5/8
65	35	Chandler, Grace Ellen		F	Feb. 24, 1939	1/2
66	38	Chandler, Joyce Ann		F	Jan. 19, 1943	1/2
67	36	Chandler, LeRoy Mack		M	Oct. 25, 1940	1/2
68	40	Chavez, Lizzie		F	1893	3/4
69	42	Conrad, Esther		F	June 28, 1902	1/4
70	43	Cook, Elise Mercier		F	Sept. 20, 1895	1/4
71	198	Cook, Ivanetta		F	Dec. 4, 1920	9/32
72		Cook, Lynn C.		M	Dec. 4, 1946	9/64
73		Cook, Marcus K.		M	Dec. 27, 1949	9/64
74		Cook, Michael K.		M	Dec. 27, 1949	9/64
75		Cook, Pamela Jane		F	Sept. 25, 1952	9/64
76		Cook, Patrick G.		M	Apr. 6, 1948	9/64
77	46	Copeland, Alvina		F	Mar. 10, 1902	1/16
78	48	Copeland, Josephine		F	Mar. 1, 1923	1/32
79	49	Copeland, Teresa		F	Jan. 12, 1927	1/32
80	47	Copeland, Veronica		F	Apr. 27, 1924	1/32
81	51	Countryman, Herman		M	Oct. 9, 1903	1/4
82	53	Countryman, Iva M.		F	Feb. 23, 1913	1/4
83	52	Countryman, John		M	Nov. 22, 1909	1/4
84	50	Countryman, Mary Susie		F	Aug. 9, 1876	1/2
85		Countryman, Rita M.		F	Feb. 22, 1943	1/8

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 538—Continued

Table with columns: New roll No., Old roll No., Name, Allotment No., Sex, Date of birth, Degree of blood. Rows include Foster, Dorothea Mercier; Foster, Eunice Louise; Foster, Marie Adelle; Foster, Marion Mercier; Foster, Sharon D.; Gaston, Elaine D.; Gaston, Mabel Pichetto; Gaston, Richard E.; George, Alberta E.; George, Anthony A.; George, Carmen D.; George, Lloyd A., Jr.; George, Diana Lee; George, Monte; Giffin, Ronald V.; Giffin, Arlene Houck; Giffin, Dianne Linton; Giffin, Deborah D.; Giffin, Jack M.; Giffin, Michael D.; Gilmann, Archie E. T.; Gilmann, Charles O. F.; Gilmann, Glenda I.; Gilmann, Lizzie Dowd; Gleason, Arline; Gleason, Cleo Sukkoy; Gleason, Harold; Gleason, James; Graham, Andrew Jack; Graham, Carolyn Riggs; Graham, Charlene G.; Graham, Gale Louise; Graham, Leslie Lee; Graham, Robert Duane; Greene, Dorothy LaBonte; Gregg, Bobby M.; Gregg, Carl Robert; Gregg, Clarence; Gregg, Clifford; Gregg, Earl, Jr.; Gregg, Estel A.; Gregg, Eva F.; Gregg, Grace LaChance; Gregg, John K.; Gregg, Karen Lee; Gregg, Narel Ann; Gregg, Ruby; Haller, A. L. E. Menard; Haller, Carol Ann; Haller, Charles Gordon; Haller, Daniel LeRoy; Haller, Daniel Norman; Haller, David Lee; Haller, Donald Edwin; Haller, Edward Jr.; Haller, Edward Ronald; Haller, Harvey David; Haller, Hazel Lorraine; Haller, Kenneth Lee; Haller, Linda Diane; Haller, Robert Delano; Hamilton, Frank A.; Hamilton, George M.C.; Hamilton, Josephine; Hamilton, Thomas; Hamm, Allen; Hamm, Daniel Raymond; Hamm, Joyce Doyd; Harrison, Frank E.; Harrison, Jeannette M.; Harrison, Kathryn Jones; Harrison, Patricia Jean; Harrison, Thomas E.; Harson, Susan Michelle; Hibbs, Thelma Warren.

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 538—Continued

Table with columns: New roll No., Old roll No., Name, Allotment No., Sex, Date of birth, Degree of blood. Rows include Countryman, Samuel O.; Craig, Joyce; Craig, Robert; Craig, Theodore; Craig, Thomas I.; Craig, William; Crowe, Charles Honnes; Crowe, Joyce Lynn; Crowley, James; Crowley, Jean; Crowl, Corrado Leno; Coy, Delmar E.; Coy, Madeline Lola; Cunningham, Kate; Curston, Gordon Leo; Curston, Laura Lee; Curston, Phyllis Haller; Curston, Victor A.; Curston, Vonnio G.; Curl, Irene Hoeller; Curl, Juanita Norwest; Darling, Gwendolyn Leno; Davidson, Larry; Davidson, April; Davidson, Gene; Davidson, Harry; Davidson, Opal Mercier; Davidson, Terrico; Davis, Dorothy Laderty (now Webb); Davis, Howard; Davis, Marvin; Day, Alexander; Day, Clifford; Day, Floyd Joseph; Day, Barbara Jean; Dowd, Daniel Rex; Dowd, Dorothy; Dowd, Drew Rex; Dowd, Elizabeth Ann; Dowd, George B.; Dowd, George William; Dowd, Ila Hudson; Dowd, Jo Ann; Dowd, Joseph; Dowd, Judy Dawn; Dowd, Kathryn M.; Dowd, Mary Louise; Dowd, Mary Patricia; Dowd, Michael V.; Dowd, Patrick Vincent; Dowd, Susan Beth; Dowd, Theodore J.; Dowd, Thomas Vincent; Drake, Vitas G.; Drake, Becht Menard; Draks, Oleda Riggs; Ducharme, Hatlie Riggs; Ducharme, Harvey Dennis; Ducharme, Violet; Ducharme, Yvonne R.; Dusan, Clark; Dusan, Frances Snyder; Durschmidt, Bill Jr.; Durschmidt, Catherine; Durschmidt, Florence; Emery, Zeldia Dick; Engelhardt, Grace A.; Erickson, Delores J.; Erickson, Florence R.; Erickson, Richard L.; Erickson, Sharon M.; Foster, Darlene I.; Foster, Deborah M.; Foster, Esther R.; Fester, Lauretta H.

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 8 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 583-Continued

Table with columns: New roll No., Old roll No., Name, Allotment No., Sex, Date of birth, Degree of blood. Rows include Johnson, Louise Charles; Johnson, Mary Sneider; Johnson, Pauline Corb...

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 8 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 583-Continued

Table with columns: New roll No., Old roll No., Name, Allotment No., Sex, Date of birth, Degree of blood. Rows include Hoffer, Ernest; Hoffer, Henry; Holmes, Abraham; Holmes, Arnold P...

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1854, PUBLIC LAW 638—Continued

Table with columns: New roll No., Old roll No., Name, Allotment No., Sex, Date of birth, Degree of blood. Contains names like Logsdon, Maximo Bolgard, Lopsdon, Rachel, Long, Cedric, etc.

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1854, PUBLIC LAW 638—Continued

Table with columns: New roll No., Old roll No., Name, Allotment No., Sex, Date of birth, Degree of blood. Contains names like Langley, Leonard LeRoy, Langley, Marvin John, Langley, Michael, etc.

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 8 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 88-388-Continued

Table with columns: New roll No., Old roll No., Name, Allotment No., Sex, Date of birth, Degree of blood. Rows include names like Pichetto, Barbara; Pichetto, Carol J.; Pichetto, David L.; etc.

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 8 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 88-388-Continued

Table with columns: New roll No., Old roll No., Name, Allotment No., Sex, Date of birth, Degree of blood. Rows include names like Mercier, Pearl Hudson; Mercier, Robert J.; Mercier, Volney Hudson; etc.

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 488-Continued

Table with columns: New roll No., Old roll No., Name, Allotment No., Sex, Date of birth, Degree of blood. Lists members such as Surber, Dorothy; Surber, Gerald; Surber, Marie; Surber, Nancy; Tanner, Charlotte Quenelle; etc.

[F. R. Doc. 56-2816; Filed, Apr. 13, 1956; 8:45 a. m.]

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 488-Continued

Table with columns: New roll No., Old roll No., Name, Allotment No., Sex, Date of birth, Degree of blood. Lists members such as Rowland, Susan C.; Russle, Eugene Bernard; Russle, Gena G.; Russle, Harold James Jr.; etc.

SHIVWITS, KANOSH, KOOSHAREM AND INDIAN PEAKS BANDS OF PAIUTE INDIAN TRIBE
NOTICE OF PUBLICATION OF FINAL MEMBERSHIP ROLLS

APRIL 6, 1956.

Pursuant to section 3 of the act of September 1, 1954 (68 Stat. 1099), there are listed below the final membership rolls of the Shivwits, Kanosh, Koosharem and Indian Peaks Bands of the Paiute Indian Tribe who were living on September 1, 1954. Since no valid appeals contesting the inclusion or omission of the name of any person on or from such rolls were filed; these rolls are the same as the proposed rolls published in the FEDERAL REGISTER on April 15, 1955 (Vol. 20, No. 74, page 2499-2503).

DOUGLAS MCKAY,
Secretary of the Interior.

FINAL ROLL, SHIVWITS BAND OF PAIUTE INDIANS OF THE STATE OF UTAH

Roll No.		Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
Present	Last									
1	1	Asket, Rex	M	72	1884	F	Head	Santa Clara, Utah	None	None
2	2	Asket, Nora	F	60	1896	F	Wife	Santa Clara, Utah	None	Wife of 1.
3	3	Asket, Lester	M	21	Aug. 2, 1934	F	Son	Santa Clara, Utah	None	Son of 1 and 2.
4	4	Bow (Nappy Loyd), Callie	F	42	July 15, 1913	F	Head	Logandale, Nev.	None	None
5	5	Bushhead, Seth	M	60	1896	F	Head	Santa Clara, Utah	None	None
6	6	Bushhead, Edrick	M	42	1914	F	Son	Santa Clara, Utah	None	Son of 5.
7	7	Bushhead, Warren	M	32	Nov. 7, 1923	F	Son	Santa Clara, Utah	None	Son of 5.
8	8	Bushhead, Phillip Joe	M	16	Jan. 18, 1940	F	Son	Santa Clara, Utah	None	Son of 5.
9	9	Bushhead, Smith	M	26	Nov. 18, 1929	F	Son	Santa Clara, Utah	None	Son of 5.
10	10	Bushhead, Halvina	F	11	Apr. 6, 1944	F	Daughter	Santa Clara, Utah	None	Daughter of 6.
11	11	Bushhead, Willard	M	32	1924	F	Head	Santa Clara, Utah	None	None
12	12	Bushhead, Gilbert	M	30	Nov. 5, 1925	F	Head	Santa Clara, Utah	None	None
13	13	Ben (Tillahash), Wetona	F	27	Feb. 20, 1929	F	Head	Santa Clara, Utah	None	None
14	14	Ben, Tony M.	M	7	Apr. 24, 1948	15/16	Son	Santa Clara, Utah	None	None
15	15	Ben, Claudia Marie	F	6	June 18, 1949	15/16	Daughter	Santa Clara, Utah	None	Daughter of 13.
16	16	Blancard (Meyers), Adeline	E.	29	Mar. 13, 1926	F	Head	Santa Clara, Utah	None	None
17	17	Blancard, Bert	M	4	Nov. 1951	1/2	Son	Santa Clara, Utah	None	Son of 16.
18	18	Charles, Peterson	M	34	July 4, 1921	F	Head	Santa Clara, Utah	None	None
19	19	Charles, Kenneth	M	38	Oct. 21, 1917	F	Head	Richfield, Utah	None	None
20	20	Charles, Ardene	M	12	May 20, 1943	F	Son	Richfield, Utah	None	Son of 19.
21	21	Charles, Cheryl Ann	F	7	Sept. 24, 1948	F	Daughter	Richfield, Utah	None	Daughter of 19.
22	22	Charles, Melvera	F	5	June 16, 1950	F	Daughter	Richfield, Utah	None	Daughter of 19.
23	23	Charles, Patrick F.	M	1	Mar. 17, 1954	F	Son	Richfield, Utah	None	Son of 19.
24	24	Fisher (Snow), Louise	F	45	1911	F	Head	Mocapa, Nevada	None	None
25	25	Flatcherhat (Snow), Larree	F	21	Oct. 16, 1934	F	Head	Santa Clara, Utah	None	None
26	26	Flatcherhat, Gaylean	F	3	Nov. 3, 1952	F	Daughter	Santa Clara, Utah	None	Daughter of 25.
27	27	Rogers, Will	M	30	May 4, 1925	F	Head	Santa Clara, Utah	None	None
28	28	Rogers, Dwella	F	22	Aug. 7, 1933	F	Wife	Santa Clara, Utah	None	Wife of 27.
29	29	Rogers, Glan	M	2	Oct. 2, 1953	F	Son	Santa Clara, Utah	None	Son of 27 and 28.
30	30	Rogers, Ranford	M	4	Feb. 5, 1952	F	Son	Santa Clara, Utah	None	Son of 27 and 28.
31	31	Rogers, Archie	M	4	1915	F	Head	Lund, Nev.	None	None
32	32	Rogers, Temella	F	16	Mar. 11, 1939	F	Daughter	Lund, Nev.	None	Daughter of 31.
33	33	Rogers, Milton	M	18	Sept. 4, 1940	F	Son	Lund, Nev.	None	Son of 31.
34	34	Rogers, Lamina	F	13	Apr. 6, 1942	F	Daughter	Lund, Nev.	None	Daughter of 31.
35	35	Rogers, Wynne	M	12	Apr. 18, 1944	F	Son	Lund, Nev.	None	Son of 31.
36	36	Rogers, Tommy	M	84	1872	F	Head	Santa Clara, Utah	None	None
37	37	Rogers (Mokeac), Sue	F	64	1892	F	Wife	Santa Clara, Utah	None	Wife of 36.
38	38	Bullets (Crissy), Ramona	F	33	1923	F	Head	Santa Clara, Utah	None	None
39	39	Bullets (Crissy), Danny	M	2	Oct. 2, 1953	F	Son	Santa Clara, Utah	None	Son of 38.
40	40	Pikwit (George), Mildred	F	21	Sept. 10, 1934	F	Head	Meadow, Utah	None	None
41	41	Grayman, Charley	M	50	1906	F	Head	Santa Clara, Utah	None	None
42	42	Grayman (Bushhead), Esther	F	38	Sept. 15, 1917	F	Wife	Santa Clara, Utah	None	Wife of 41.
43	43	Grayman, Waleah	F	15	Apr. 26, 1940	F	Daughter	Santa Clara, Utah	None	Daughter of 41 and 42.
44	44	Grayman, Helena	F	14	Sept. 8, 1941	F	Daughter	Santa Clara, Utah	None	Daughter of 41 and 42.
45	45	Grayman, Patsy	F	8	Aug. 16, 1947	F	Daughter	Santa Clara, Utah	None	Daughter of 41 and 42.
46	46	Grayman, Norman	M	6	June 10, 1949	F	Son	Santa Clara, Utah	None	Son of 41 and 42.
47	47	Grayman, Judith	F	12	July 23, 1943	F	Daughter	Santa Clara, Utah	None	Daughter of 41 and 42.
48	48	Grayman, Farman	M	10	May 1945	F	Son	Santa Clara, Utah	None	Son of 41 and 42.
49	49	Grejeda (Pinkle), Rose	F	66	1890	F	Head	Callente, Nev.	None	None
50	50	Benn, Edith	F	30	Sept. 29, 1925	F	Daughter	Callente, Nev.	None	Daughter of 49.
51	51	Grejeda, Lola	F	25	Dec. 25, 1930	F	Daughter	Callente, Nev.	None	Daughter of 49.
52	52	Grejeda, Albert	M	22	Apr. 20, 1933	F	Son	Callente, Nev.	None	Son of 49.
53	53	John (Snow), Ada	F	47	1909	F	Head	Santa Clara, Utah	None	None
54	54	John, Wendel	M	28	Dec. 22, 1927	F	Son	Santa Clara, Utah	None	Son of 53.
55	55	John, Cecelia	F	16	May 22, 1939	F	Daughter	Santa Clara, Utah	None	Daughter of 53.
56	56	John, Clemont	M	11	Oct. 24, 1944	F	Son	Santa Clara, Utah	None	Son of 53.
57	57	John, Clarence	M	8	Apr. 30, 1947	F	Son	Santa Clara, Utah	None	Son of 53.
58	58	John, Delwin	M	21	Feb. 26, 1935	F	Son	Santa Clara, Utah	None	Son of 53.
59	59	John, Lucius	F	19	Jan. 30, 1937	F	Daughter	Santa Clara, Utah	None	Daughter of 53.
60	60	John, Melvin	M	29	July 8, 1926	F	Head	Santa Clara, Utah	None	None
61	61	John, Leona	F	8	July 7, 1947	F	Daughter	Santa Clara, Utah	None	Daughter of 60.
62	62	John, Cliff	M	3	Dec. 10, 1952	F	Son	Santa Clara, Utah	None	Son of 60.
63	63	Levi (Tillahash), Flora	F	36	Jan. 10, 1920	F	Head	Santa Clara, Utah	None	None
64	64	McFee, George	M	52	1904	F	Head	Santa Clara, Utah	None	None
65	65	McFee (Snow), Marie	F	43	1913	F	Wife	Santa Clara, Utah	None	Wife of 64.
66	66	McFee, Wesley	M	21	Sept. 18, 1934	F	Son	Santa Clara, Utah	None	Son of 64 and 65.
67	67	McFee, Laurene	F	17	July 19, 1938	F	Daughter	Santa Clara, Utah	None	Daughter of 64 and 65.
68	68	McFee, Betty	F	7	Jan. 7, 1940	F	Daughter	Santa Clara, Utah	None	Daughter of 64 and 65.
69	69	McFee, Betty	F	15	July 14, 1940	F	Son	Santa Clara, Utah	None	Son of 64 and 65.
70	70	McFee, Clinton	M	12	Jan. 27, 1944	F	Daughter	Santa Clara, Utah	None	Daughter of 64 and 65.
71	71	McFee, Jenny	F	8	July 25, 1947	F	Daughter	Santa Clara, Utah	None	Daughter of 64 and 65.
72	72	McFee, Evelina	F	8	1900	F	Head	Santa Clara, Utah	None	None
73	73	Marble, Bertha	F	56	1900	F	Head	Santa Clara, Utah	None	None
74	74	Marble, Dorothy	F	28	Sept. 21, 1927	F	Daughter	Santa Clara, Utah	None	Daughter of 72.
75	75	Marble, Alvin	M	8	May 5, 1947	F	Son	Santa Clara, Utah	None	Son of 73.
76	76	Wall (Marble), Evelyn	F	24	Apr. 29, 1931	F	Head	Santa Clara, Utah	None	None
77	77	Wall, Gwendolyn	F	8	July 20, 1947	F	Daughter	Santa Clara, Utah	None	Daughter of 75.
78	78	Wall, Marie	F	3	Aug. 20, 1952	F	Daughter	Santa Clara, Utah	None	Daughter of 75.
79	79	Tom (Myers), Arlene	F	30	Mar. 11, 1925	F	Head	Mocasin, Ariz.	None	None
80	80	Timlican (Myers), Clara	F	28	July 19, 1927	F	Head	Grantsville, Utah	None	None
81	81	Mose (Jake), Serena	F	49	1907	F	Head	Santa Clara, Utah	None	None
82	82	Mokeac, Marvin	M	17	Mar. 24, 1938	F	Son	Santa Clara, Utah	None	Son of 80.
83	83	Myers (Nappy), Flora	F	44	1912	F	Head	Santa Clara, Utah	None	None
84	84	Myers, Effie	F	23	June 24, 1932	F	Daughter	Santa Clara, Utah	None	Daughter of 82.
85	85	Myers, Ferrell	M	22	Feb. 17, 1934	F	Son	Santa Clara, Utah	None	Son of 82.
86	86	Myers, Buddy	M	20	June 13, 1935	F	Son	Santa Clara, Utah	None	Son of 82.
87	87	Myers, Dora	F	19	Oct. 15, 1936	F	Daughter	Santa Clara, Utah	None	Daughter of 82.
88	88	Key, Amy (Pinkle, Agnes M.)	F	35	Mar. 15, 1920	F	Head	Santa Clara, Utah	None	None
89	89	Rice, Edward	M	47	1909	F	Head	Santa Clara, Utah	None	None
90	90	Rice, Sterling	M	15	Nov. 26, 1940	F	Son	Santa Clara, Utah	None	Son of 88.
91	91	Smoke, Lyman	M	32	Feb. 23, 1924	F	Head	Santa Clara, Utah	None	None
92	92	Smoke, Sam	M	69	1887	F	Head	Santa Clara, Utah	None	None
93	93	John (Smoke), Nevada	F	29	Sept. 23, 1926	F	Head	Santa Clara, Utah	None	None
94	94	John, Sandra	F	3	Jan. 14, 1953	F	Daughter	Santa Clara, Utah	None	Daughter of 92.
95	95	Snoy, Ida	F	77	1879	F	Head	Santa Clara, Utah	None	None

FINAL ROLL, SHIWITS BAND OF PAIUTE INDIANS OF THE STATE OF UTAH—Continued

Roll No.		Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
Present	Last									
95	98	Jake (Snow, McFee), Yetta	F	39	Mar. 7, 1916	F	Head	Cedar City, Utah	None	None.
96		Jake (Rice), Marilyn	F	18	June 22, 1937	F	Head	Cedar City, Utah	None	None.
97	100	Snow, Lee	M	44	1912	F	Head	Santa Clara, Utah	None	None.
98	102	Snow, Leon Mitchell	M	19	Mar. 4, 1936	F	Son	Santa Clara, Utah	None	Son of 97.
99	103	Snow, Arnold	M	18	Feb. 26, 1938	F	Son	Santa Clara, Utah	None	Son of 97.
100	104	Snow, Alvira	F	11	Dec. 19, 1942	F	Daughter	Santa Clara, Utah	None	Daughter of 97.
101	105	McFee, Roland	M	36	Mar. 22, 1919	F	Head	Santa Clara, Utah	None	None.
102	106	Snow, Stewart	M	51	1905	F	Head	Santa Clara, Utah	None	None.
103	107	Snow (Bushhead), Mary	F	41	1915	F	Wife	Santa Clara, Utah	None	Wife of 102.
104	108	Snow, Crawford	M	12	Aug. 10, 1943	F	Son	Santa Clara, Utah	None	Son of 102 and 103.
105	109	Snow, Domitta	F	9	May 4, 1946	F	Daughter	Santa Clara, Utah	None	Daughter of 102 and 103.
106	110	Snow, Beverley	F	17	Oct. 8, 1938	F	Daughter	Santa Clara, Utah	None	Daughter of 102 and 103.
107	111	Snow, Aldean	F	13	May 26, 1942	F	Daughter	Santa Clara, Utah	None	Daughter of 102 and 103.
108	112	Snow, Frank Mart	M	4	Feb. 10, 1952	F	Son	Santa Clara, Utah	None	Son of 102 and 103.
109	112	Snow, Kim	M	1	Apr. 19, 1954	F	Son	Santa Clara, Utah	None	Son of 102 and 103.
110	113	Tillahash, Tony	M	70	1880	F	Head	Santa Clara, Utah	None	None.
111	114	Tillahash (Simon), Bessie	F	66	Oct. 15, 1889	F	Wife	Santa Clara, Utah	None	Wife of 110.
112	115	Tillahash, Clyde	M	28	June 24, 1927	F	Son	Santa Clara, Utah	None	Son of 110 and 111.
113	116	Tillahash, Arna	F	18	Sept. 23, 1937	F	Daughter	Santa Clara, Utah	None	Daughter of 110 and 111.
114	117	John (Tillahash), Lilly	F	30	Apr. 20, 1925	F	Head	Santa Clara, Utah	None	None.
115	118	Tillahash, Arthur	M	24	Apr. 18, 1931	F	Head	Santa Clara, Utah	None	None.
116		Tillahash, Darroll	M	2	Feb. 18, 1954	F	Son	Santa Clara, Utah	None	Son of 116.
117	121	Wall (Tillahash), Eunice	F	21	Feb. 23, 1935	F	Head	Santa Clara, Utah	None	None.
118		Wall, Karby	M	4	July 23, 1951	F	Son	Santa Clara, Utah	None	Son of 117.
119		Wall, Marrall	M	3	July 31, 1952	F	Son	Santa Clara, Utah	None	Son of 117.
120		Wall, Mitzie	F	2	Dec. 15, 1953	F	Daughter	Santa Clara, Utah	None	Daughter of 117.
121		Yellow Jacket, James	M	58	1893	F	Head	Santa Clara, Utah	None	None.
122		George, Walter	M	54	1902	F	Head	Santa Clara, Utah	None	None.
123		Moheac, Rex	M	72	1884	F	Head	Santa Clara, Utah	None	None.
124		Parashant, Katherine	F	74	1882	F	Head	Cedar City, Utah	None	None.
125		Parashant, May	F	28	Oct. 10, 1927	F	Daughter	Cedar City, Utah	None	Daughter of 121.
126	89	Rice, Albert	M	42	1914	F	Head	Moapa, Nev.	None	None.
127		Charles, Ida Mae	F	5	Aug. 28, 1950	F	Daughter	Santa Clara, Utah	None	Daughter of 18.
128		John, Joseph Wendel	M	1	Aug. 15, 1954	F	Son	Santa Clara, Utah	None	Son of 54.
129		Pete, Josephine	F	55	Aug. 11, 1900	F	Head	Cedar City, Utah	None	None.
130		Benson, Ruth	F	31	Feb. 13, 1925	F	Head	Cedar City, Utah	None	None.

CERTIFICATES

I hereby certify that the foregoing roll consisting of 9 pages and containing a total of 130 names constitutes the final roll of the Shiwits Band of the Paiute Indians and is submitted in accordance with Section 3 of Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099), and further, that since no appeals were filed within sixty days of the publishing of the proposed rolls as provided in Public Law 762, the final roll is the same as the proposed roll.

FEBRUARY 17, 1956.

JOHN O. CROW,
Superintendent.

I hereby certify that the foregoing roll consisting of 9 pages and containing 130 names submitted and certified to by Mr. John O. Crow, Superintendent of the Uintah and Ouray Agency, Fort Duchesne, Utah, is the final roll of the Shiwits Band of the Paiute Indians pursuant to Public Law 762.

FEBRUARY 24, 1956.

F. M. HAVERLAND,
Area Director.

FINAL ROLL, KANOSH BAND OF PAIUTE INDIANS OF THE STATE OF UTAH

Roll No.		Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
Present	Last									
1	5	Brooks (Sobrequin), Joan	F	30	1926	F	Head	Tuba City, Ariz.	None	None.
2	6	Prvo (Sobrequin), Margene	F	27	Mar. 5, 1923	F	Head	Kanosh, Utah	None	None.
3	7	Huncup, Isaac	M	108	1848	F	Head	Kanosh, Utah	None	None.
4	9	Levi, Wesley	M	68	1888	F	Head	Kanosh, Utah	PD A1.783591	None.
5	10	Kominsky (Levi), Rena	F	58	1898	F	Head	Kanosh, Utah	None	None.
6	11	Levi, Johnson	M	47	1909	F	Head	Kanosh, Utah	783588	None.
7	12	Levi, Cecil Glenn	M	13	Jan. 29, 1943	F	Son	Kanosh, Utah	None	Son of 6.
8	13	Levi, Wayne	M	11	Dec. 13, 1944	F	Son	Kanosh, Utah	None	Son of 6.
9	14	Levi, Blanche	F	9	Oct. 9, 1946	F	Daughter	Kanosh, Utah	None	Daughter of 6.
10	15	Levi, Patricia A.	F	7	July 19, 1948	F	Daughter	Kanosh, Utah	None	Daughter of 6.
11	16	Levi, Amy Thelma	F	5	Aug. 19, 1950	F	Daughter	Kanosh, Utah	None	Daughter of 6.
12	17	Levi, Andy Arron	M	4	Dec. 31, 1951	F	Son	Kanosh, Utah	None	Son of 6.
13	18	Levi, Fred	M	51	1905	F	Head	Santa Clara, Utah	PD A1.783590	None.
14	19	Levi, Leonard	M	18	Oct. 9, 1937	F	Son	Santa Clara, Utah	None	Son of 13.
15	20	Levi, Sherman	M	14	Sept. 21, 1941	F	Son	Santa Clara, Utah	None	Son of 13.
16	21	Kouchomp, Lonnie	M	64	1892	F	Head	Kanosh, Utah	None	None.
17	23	Pikyavit, McKay	M	25	Aug. 12, 1930	F	Head	Meadow, Utah	None	None.
18	24	Pikyavit, Duane	M	4	Oct. 16, 1951	F	Son	Meadow, Utah	None	Son of 17.
19	25	Chelester, Orvilla	F	33	Oct. 10, 1922	F	Head	Richfield, Utah	None	None.
20	26	Timicum, Shirley	F	19	Oct. 14, 1936	F	Daughter	Richfield, Utah	None	Daughter of 10.
21	27	Woodie (Levi), Ida	F	70		F	Head	Koosharem, Utah	None	None.
22	28	Pikyavit, Joseph	M	64	1892	F	Head	Meadow, Utah	None	None.
23	29	Pikyavit, Emily	F	43	1913	F	Wife	Meadow, Utah	None	Wife of 22.
24	30	Pikyavit, Earl	M	22	Mar. 17, 1933	F	Son	Meadow, Utah	None	Son of 22 and 23.
25	31	Pikyavit, Louise	F	19	Feb. 11, 1937	F	Daughter	Meadow, Utah	None	Daughter of 22 and 23.
26	32	Pikyavit, Ralph	M	16	May 1, 1939	F	Son	Meadow, Utah	None	Son of 22 and 23.
27	33	Pikyavit, Phil	M	13	Oct. 13, 1942	F	Son	Meadow, Utah	None	Son of 22 and 23.
28	34	Pikyavit, Madeline	F	12	Dec. 31, 1943	F	Daughter	Meadow, Utah	None	Daughter of 22 and 23.
29	35	Pikyavit, Frank	M	8	Aug. 23, 1947	F	Son	Meadow, Utah	None	Son of 22 and 23.
30	36	Pikyavit, Vida Jane	F	5	July 27, 1950	F	Daughter	Meadow, Utah	None	Daughter of 22 and 23.
31	37	Pikyavit, Florine	F	4	Jan. 19, 1951	F	Daughter	Meadow, Utah	None	Daughter of 22 and 23.
32	39	Pikyavit, Francis	M	16	Dec. 1, 1939	F	Son	Kanosh, Utah	None	Lilly Pikyavit, Goshute, mother of 32, 33, 31, 36 and 38.
33	40	Pikyavit, Elden	M	12	Nov. 16, 1943	F	Son	Kanosh, Utah	None	See above.
34	41	Pikyavit, Ted, Jr.	M	3	Dec. 2, 1952	F	Son	Kanosh, Utah	None	See above.
35	43	Pikyavit, Geraldine	F	11	Aug. 25, 1944	F	Daughter	Kanosh, Utah	None	See above.
36	44	Pikyavit, Darlene	F	9	May 23, 1946	F	Daughter	Kanosh, Utah	None	See above.
37		Anniky, Annie	F	85	1871	F	Head	Kanosh, Utah	None	None.
38		Levi, Lena	F	3	Apr. 12, 1952	F	Daughter	Kanosh, Utah	None	Daughter of 6.
39		Wicketts, Mary Ann	F	68	1888	F	Head	Kanosh, Utah	78359	None.
40		Chelester, Steve	M	6	Dec. 29, 1949	F	Son	Richfield, Utah	None	Son of 10.
41		Kouchomp, Dorothy Dick	F	64	Oct. 8, 1891	F	Wife	Kanosh, Utah	None	Wife of 10.
42		Pikyavit, Divina	F	2	Nov. 28, 1953	F	Daughter	Kanosh, Utah	None	Daughter of 17.

CERTIFICATES

I hereby certify that the foregoing roll consisting of 3 pages and containing a total of 42 names constitutes the final roll of the Kanosh Band of the Paiute Indians and is submitted in accordance with Section 3 of Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099), and further, that since no appeals were filed within sixty days of the publishing of the proposed rolls as provided in Public Law 762, the final roll is the same as the proposed roll.

FEBRUARY 17, 1956.

JOHN O. CROW,
Superintendent.

I hereby certify that the foregoing roll consisting of 3 pages and containing 42 names submitted and certified to by Mr. John O. Crow, Superintendent of the Uintah and Ouray Agency, Fort Duchesne, Utah, is the final roll of the Kanosh Band of Paiute Indians pursuant to Public Law 762.

FEBRUARY 24, 1956.

F. M. HAVERLAND,
Area Director.

FINAL ROLL, KOOSHAREM BAND OF PAIUTE INDIANS OF THE STATE OF UTAH

Roll No.		Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
Present	Last									
1		Amnisky (Mix), Tommy	M	62	1894	F	Head	Richfield, Utah	None	None
2		Arrowgarp, Dell	M	37	1919	F	Head	Richfield, Utah	None	None
3		Timican, Emma	F	70	1886	F	Head	Richfield, Utah	None	None
4		Charles (Timican), Vera	F	28	Mar. 25, 1927	F	Head	Richfield, Utah	None	None
5		Kanosh, Deere	M	44	Oct. 20, 1911	F	Head	Richfield, Utah	None	None
6		Kanosh, Doris D.	F	18	Dec. 23, 1937	F	Daughter	Richfield, Utah	None	Daughter of 5.
7		Kanosh, Jennie	F	12	Mar. 27, 1943	F	Daughter	Richfield, Utah	None	Daughter of 5.
8		Kanosh, Clarice G.	F	10	Aug. 3, 1945	F	Daughter	Richfield, Utah	None	Daughter of 5.
9		Kanosh, Collene	F	6	Mar. 2, 1949	F	Daughter	Richfield, Utah	None	Daughter of 5.
10		Kanosh, Florence	F	67	1889	F	Head	Richfield, Utah	None	None
11		Kanosh, Edward	M	37	July 7, 1918	F	Son	Richfield, Utah	None	Son of 10.
12		Kanosh, Lyman	M	43	Sept. 20, 1912	F	Head	Richfield, Utah	None	None
13		Kanosh, Linda	F	6	June 29, 1949	F	Daughter	Richfield, Utah	None	Daughter of 12.
14		Kanosh, Larry B.	M	3	Oct. 7, 1952	F	Son	Richfield, Utah	None	Son of 12.
15		Kanosh, Lorraine	F	1	May 29, 1954	F	Daughter	Richfield, Utah	None	Daughter of 12.
16		Timican, Minnie	F	72	1894	F	Head	Richfield, Utah	None	None
17		Timican, Roy	M	36	Aug. 15, 1919	F	Son	Richfield, Utah	None	Son of 16.
18		Timican, Rhoda Lee	F	34	Oct. 10, 1921	F	Daughter	Richfield, Utah	None	Daughter of 16.
19		Timican, Henry	M	27	June 8, 1928	F	Son	Richfield, Utah	None	Son of 16.
20		Timican, Genevieve	F	24	July 4, 1931	F	Daughter	Richfield, Utah	None	Daughter of 16.
21		Timican, Douglas	M	32	Sept. 8, 1923	F	Head	Richfield, Utah	None	None
22		Timican, Jane	F	7	Oct. 17, 1948	F	Daughter	Richfield, Utah	None	Daughter of 21.
23		Timican, Jim	M	61	1895	F	Head	Richfield, Utah	None	None
24		Timican, Annie	F	54	1902	F	Head	Richfield, Utah	None	None
25		Timican, Young	M	45	Sept. 9, 1910	F	Head	Richfield, Utah	None	None
26		Woodie, Frank	M	53	Sept. 4, 1902	F	Head	Richfield, Utah	None	None
27		Yazzie (Timican), Julia	F	23	Apr. 25, 1927	F	Head	Richfield, Utah	None	None
28		Yazzie, Betty	F	9	Oct. 20, 1946	F	Daughter	Richfield, Utah	None	Daughter of 27.
29		Yazzie, Joelle	F	7	Mar. 27, 1948	F	Daughter	Richfield, Utah	None	Daughter of 27.
30		Yazzie, Bobby	M	3	Apr. 16, 1952	F	Son	Richfield, Utah	None	Son of 27.
31		Yazzie, Fredens	F	2	Nov. 23, 1953	F	Daughter	Richfield, Utah	None	Daughter of 27.
32		Lehi (Timican), Helen	F	35	Oct. 12, 1920	F	Head	Richfield, Utah	None	None
33		Lehi, Joyce	F	3	June 24, 1952	F	Daughter	Richfield, Utah	None	Daughter of 32.
34		Lehi, Joy	F	3	June 24, 1952	F	Daughter	Richfield, Utah	None	Daughter of 32.

CERTIFICATES

I hereby certify that the foregoing roll consisting of 3 pages and containing a total of 34 names constitutes the final roll of the Koosharem Band of the Paiute Indians and is submitted in accordance with Section 3 of Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099), and further, that since no appeals were filed within sixty days of the publishing of the proposed rolls as provided in Public Law 762, the final roll is the same as the proposed roll.

FEBRUARY 17, 1956.

JOHN O. CROW,
Superintendent.

I hereby certify that the foregoing roll consisting of 3 pages and containing 34 names submitted and certified to by Mr. John O. Crow, Superintendent of the Uintah and Ouray Agency, Fort Duchesne, Utah, is the final roll of the Koosharem Band of Paiute Indians pursuant to Public Law 762.

FEBRUARY 24, 1956.

F. M. HAVERLAND,
Area Director.

FINAL ROLL INDIAN PEAKS BAND OF PAIUTE INDIANS OF THE STATE OF UTAH

Roll No.		Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
Present	Last									
1	1	Anderson (Jake), Geneva	F	30	Aug. 7, 1925	F	Head	Cedar City, Utah	None	None
2	2	Anderson, Curtis	M	7	May 1, 1948	F	Son	Cedar City, Utah	None	Son of 1.
3	3	Anderson, General	F	3	Jan. 7, 1951	F	Daughter	Cedar City, Utah	None	Daughter of 1.
4	4	Anderson, Jeanette	F	2	June 1, 1953	F	Daughter	Cedar City, Utah	None	Daughter of 1.
5	4	Jake, Carl	M	61	1895	F	Head	Cedar City, Utah	None	None
6	5	Jake, Minnie	F	58	1898	F	Wife	Cedar City, Utah	None	Wife of 5.
7	6	Jake, Manell	F	8	Jan. 28, 1948	F	Son	Cedar City, Utah	None	Son of 5 and 6.
8	7	Jake, Ernestine	F	12	Feb. 25, 1944	F	Daughter	Cedar City, Utah	None	Daughter of 5 and 6.
9	8	Jake, Wilford	M	14	June 3, 1941	F	Son	Cedar City, Utah	None	Son of 5 and 6.
10		Jake, Shirley	F	19	1937	F	Daughter	Cedar City, Utah	None	Daughter of 5 and 6.
11	9	Jake, Clifford	M	37	1919	F	Head	Cedar City, Utah	None	None
12	10	Jake, Darlena	F	11	June 22, 1944	F	Daughter	Cedar City, Utah	None	Daughter of 11.
13	11	Jake, Bryant	M	9	Apr. 7, 1946	F	Son	Cedar City, Utah	None	Son of 11.
14	12	Jake, Althea B.	F	6	Mar. 15, 1949	F	Daughter	Cedar City, Utah	None	Daughter of 11.
15	13	Jake, John	M	23	July 7, 1932	F	Head	Cedar City, Utah	None	None
16		Jake, John, Jr.	M	1	May 7, 1954	F	Son	Cedar City, Utah	None	Son of 15.
17	19	Kanosh (Jake), Edwina	F	35	1921	F	Head	Richfield, Utah	None	None
18		Kanosh, Wilbert	M	8	Jan. 11, 1948	F	Son	Richfield, Utah	None	Son of 17.
19		Kanosh, Milo Dee	M	5	Jan. 11, 1951	F	Son	Richfield, Utah	None	Son of 17.
20		Kanosh, Don Boyden	M	3	Apr. 17, 1952	F	Son	Richfield, Utah	None	Son of 17.
21		Kanosh, Kern Anna	F	2	Sept. 23, 1953	F	Daughter	Richfield, Utah	None	Daughter of 17.
22		Kanosh, Kennard K.	M	16	Feb. 23, 1940	F	Son	Richfield, Utah	None	Son of 17.
23	14	Solis, Marie Ramona	F	25	Sept. 26, 1930	1/2 T	Head	Cedar City, Utah	None	None
24	15	Swallow, George M.	M	76	1850	T	Head	Owyhee, Nev.	None	None
25	16	Tom, Roy	M	68	1893	T	Head	Moccasini, Ariz.	None	None
26	17	Wichetts, Eddie	M	64	1892	F	Head	Kanosh, Utah	None	None

CERTIFICATES

I hereby certify that the foregoing roll consisting of 2 pages and containing a total of 26 names constitutes the final roll of the Indian Peaks Band of the Palute Indians and is submitted in accordance with section 3 of Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099), and further, that since no appeals were filed within 60 days of the publishing of the proposed rolls as provided in Public Law 762, the final roll is the same as the proposed roll.

JOHN O. CROW,
Superintendent.

FEBRUARY 17, 1956.

I hereby certify that the foregoing roll consisting of 2 pages and containing 26 names submitted and certified to by Mr. John O. Crow, Superintendent of the Uintah and Ouray Agency, Fort Duchesne, Utah, is the final roll of the Indian Peaks Band of Palute Indians pursuant to Public Law 762.

F. M. HAVERLAND,
Area Director.

FEBRUARY 24, 1956.

[F. R. Doc. 56-2851; Filed, Apr. 13, 1956;
8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

SEAS SHIPPING CO., INC. AND ROBIN LINE,
INC.

NOTICE OF APPLICATION FOR OPERATING-
DIFFERENTIAL SUBSIDY

Notice is hereby given of the application of Robin Line, Inc., a subsidiary of Seas Shipping Company, Inc., for operating-differential subsidy for the operation of a minimum of 26 and a maximum of 36 subsidized sailings annually (the same number of sailings and with same vessels as are now incorporated in Seas' contract) on Trade Route No. 15A, beginning on termination of the operating-differential subsidy contract of Seas Shipping Company, Inc., on December 31, 1956, or on expiration of said contract on December 31, 1957.

Any citizen of the United States claiming that the effect of granting such application would be to give undue advantage or be unduly prejudicial as between citizens of the United States in the operation of vessels in competitive services, routes or lines should present evidence in support of such claim in writing to the Secretary, Federal Maritime Board, Washington 25, D. C., within fifteen (15) days after publication of this notice in the FEDERAL REGISTER.

By order of the Federal Maritime Board.

Dated: April 3, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-2892; Filed, Apr. 13, 1956;
8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

WYOMING

DISASTER ASSISTANCE; DESIGNATION OF AREA
FOR SPECIAL EMERGENCY LOANS

For the purpose of making emergency loans pursuant to Public Law 727, 83d

Congress, as amended, it is determined that in all of the counties in the State of Wyoming, except Laramie, Platte, and Goshen, there is a need for agricultural credit which cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular programs, or under Public Law 38, 81st Congress (12 U. S. C. 1148a-2), as amended, or other responsible sources.

Pursuant to the authority set forth above, special emergency loans may be made to new applicants in the counties in the State of Wyoming designated herein, through June 30, 1956. Thereafter, special emergency loans may be made in said counties only to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 11th day of April 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-2912; Filed, Apr. 13, 1956;
8:50 a. m.]

Rural Electrification Administration

SPECIAL ASSISTANT FOR POWER SUPPLY

DELEGATION OF AUTHORITY

Authority has been delegated to the Special Assistant for Power Supply to approve or execute wholesale power contracts during the month of April 1956.

This delegation is in addition to prior delegations with reference to this subject matter.

Issued this 10th day of April 1956.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 56-2890; Filed, Apr. 13, 1956;
8:47 a. m.]

FEDERAL COMMUNICATIONS
COMMISSION

[Docket No. 11124 etc.; FCC 56M-346]

HAROLD M. GADE ET AL.

ORDER AFTER THIRD PREHEARING CONFERENCE

In re applications of Harold M. Gade, Eatontown, New Jersey, Docket No. 11124, File No. BP-9096; Monmouth County Broadcasters, Long Branch, New Jersey, Docket No. 11125, File No. BP-9231; Herbert Scott and Ralph E. P. Mellon d/b as Long Branch Broadcasting Company, Long Branch, New Jersey, Docket No. 11587, File No. BP-9771; for construction permits.

Appearances. Mr. Philip M. Baker on behalf of Harold M. Gade, Mr. Stanley B. Cohen on behalf of Long Branch Broadcasting Company, and Mr. David I. Kraushaar on behalf of the Chief, Broadcast Bureau, Federal Communications Commission. The applicant Monmouth County Broadcasters and the respondents General-Times Television Corporation (WGTH) and Rollins Broadcasting, Inc. (WNJR) were not present or represented.

1. A prehearing conference was held on April 3, 1956, pursuant to Hearing Examiner's order dated March 22, 1956, at which three parties were represented by attorneys and three parties named in the Commission's order heretofore entered were not represented, all as indicated in the statement of appearances above. The procedures and schedules hereinafter set out were established as stated in the transcript, volume 3, pages 98-133, which is made a part of the record in this proceeding.

2. The evidence at the hearing will consist largely of engineering exhibits and testimony; accordingly, a conference or conferences of an informal nature will be engaged in by the engineers for the respective parties prior to the preparation of the affirmative case exhibits and testimony which are to be submitted in conformity with § 1.841 of the Commission's rules. It is expected that possible disagreements and minor conflicts of opinion among the engineers will have been eliminated through the informal conference procedure so that the necessity for cross-examination of engineering witnesses will be substantially if not entirely eliminated.

3. The applicants at or before 5:00 p. m. on Friday, June 1, 1956, shall exchange all of the direct affirmative case exhibits and testimony which are to be offered at the hearing, and copies thereof shall be provided to Bureau counsel and to the Hearing Examiner.

4. A further prehearing conference will be convened at 10:00 a. m. on Friday, June 8, 1956 for the purpose of considering the matters specified in §§ 1.813 and 1.841 of the Commission's rules.

5. The hearing will be commenced at 10:00 a. m. on Wednesday, June 27, 1956. Proposed findings of fact and conclusions of law will be required and a time for the filing of such pleadings will be fixed at the conclusion of the hearing.

It is ordered, This 10th day of April 1956, that unless modified for good cause the provisions of this order shall govern the course of the proceedings herein, and the prehearing conference shall be convened at 10:00 a. m. on Friday, June 8, 1956.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-2901; Filed, Apr. 13, 1956;
8:49 a. m.]

[Docket No. 11560; FCC 56M-341]

OLE MISS BROADCASTING Co. (WSUH)

ORDER SCHEDULING HEARING

In re applications of E. O. Roden, W. I. Dove and G. A. Pribbenow, d/b as Ole Miss Broadcasting Company (WSUH), Oxford, Mississippi, Docket No. 11560, File No. BP-9847; East Arkansas Broadcasters, Inc., Wynne, Arkansas, Docket No. 11561, File No. BP-9872; Warren L. Moxley, Blytheville, Arkansas, Docket No. 11562, File No. BP-9922; Sam C. Phillips, Clarence A. Camp and James E. Connolly, d/b as Tri-State Broadcasting Service (WHER), Memphis, Tennessee,

Docket No. 11563, File No. BMP-6837; for construction permits and modification of construction permit.

The Hearing Examiner having under consideration a petition filed April 4, 1956, requesting further modification of the order controlling the conduct of hearing in the above-entitled proceeding; and

It appearing that each of the applicants herein requests modification of the order so as to specify later dates for various steps to be taken in the conduct of the hearing; and

It appearing that the reason for the requested amendment arises out of the fact that negotiations have been resumed looking toward the possible resolution of this matter without the need of a hearing, that there are no objections to the granting of the requested changes, and that good cause has been shown;

It is ordered, This the 10th day of April 1956 that the prior order for the conduct of hearing, as amended, is further amended so as to provide the following time schedule:

a. All exhibits and written testimony to be offered in evidence in response to Issues 1, 2 and 3 are to be exchanged on or before April 18, 1956.

b. Formal hearing for the introduction of the exhibits will begin on April 30, 1956, and that date shall be the controlling date for the other matters specified in subparagraphs c, d and e of paragraph 3 of the original order controlling the conduct of hearing.

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

[F. R. Doc. 56-2902; Filed, Apr. 13, 1956;
8:49 a. m.]

[Docket No. 11655]

BREWSTER-PATEROS TV ASSN., INC.
NOTICE OF PLACE OF HEARING

In the matter of cease and desist order to be directed against Brewster-Pateros TV Association, Inc., Brewster, Washington; Docket No. 11655.

The hearing on the above-entitled matter presently scheduled for Monday, May 7, 1956, will be held at 10:00 a. m. in the North Court Room at the Chelan County Courthouse, Wenatchee, Washington.

Dated: April 10, 1956.

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

[F. R. Doc. 56-2903; Filed, Apr. 13, 1956;
8:49 a. m.]

[Docket No. 11656]

EAO-TV Co., Inc.

NOTICE OF PLACE OF HEARING

In the matter of cease and desist order to be directed against EAO-TV Company,

Inc., Entiat, Washington; Docket No. 11656.

The hearing on the above-entitled matter presently scheduled for Thursday, May 3, 1956, will be held at 10:00 a. m. in the North Court Room at the Chelan County Courthouse, Wenatchee, Washington.

Dated: April 10, 1956.

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

[F. R. Doc. 56-2904; Filed, Apr. 13, 1956;
8:49 a. m.]

APPLE VALLEY TV ASSN., INC.

NOTICE OF PLACE OF HEARING

In the matter of cease and desist order to be directed against Apple Valley TV Association, Inc., Wenatchee, Washington; Docket No. 11657.

The hearing on the above-entitled matter presently scheduled for Tuesday, May 8, 1956, will be held at 2:00 p. m. in the North Court Room at the Chelan County Courthouse, Wenatchee, Washington.

Dated: April 10, 1956.

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

[F. R. Doc. 56-2905; Filed, Apr. 13, 1956;
8:49 a. m.]

[Docket No. 11667; FCC 56-301]

SARASOTA BROADCASTING Co. (WKXY)

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Antonio G. Fernandez, Charles J. Fernandez and Gonzalo Fernandez d/b as Sarasota Broadcasting Company (WKXY) Sarasota, Florida, Docket No. 11667, File No. BMP-7046; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of April, 1956;

The Commission having under consideration the above-entitled application of Antonio G. Fernandez, Charles J. Fernandez and Gonzalo Fernandez d/b as Sarasota Broadcasting Company for modification of a construction permit to increase the hours of operation of Station WKXY, Sarasota, Florida, from day-time only to unlimited time and to operate on 930 kilocycles with a power of 500 watts, nighttime, one kilowatt, day-time; and a request by WKXY for a waiver of § 3.28 (c) of the Commission's rules;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate WKXY as proposed, but that

interference to the proposed operation from Station WJAX, Jacksonville, Florida (930 kc, 5 kw, DA-N, Unl.) would affect more than 10 percent of the population within its normally protected primary service area; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated February 13, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that in a letter dated February 17, 1956, the applicant requested a grant of the application without hearing and stated that if called upon to appear in a hearing that it would do so; and

It further appearing that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information relative to the above-entitled application and the grounds advanced in support of the request for waiver of § 3.28 (c) of the rules to enable the Commission to determine whether the public interest would be served by a grant thereof;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WKXY as proposed, and the availability of other primary service to such areas and populations.

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

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-entitled application of WKXY should be granted.

Released: April 6, 1956.

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

[F. R. Doc. 56-2878; Filed, Apr. 13, 1956;
8:45 a. m.]

[Docket No. 11671]

WARNER AND TAMBLE RADIO SERVICE, INC.

ORDER TO SHOW CAUSE WHY LICENSE
SHOULD NOT BE REVOKED

In the matter of Warner & Tamble Radio Service, Inc., Memphis, Tennessee, Docket No. 11671; order to show cause why the license for radiotelephone station WB-9369 should not be revoked or

an order to cease and desist should not issue.

The Commission having under consideration the matter of certain alleged violations in connection with the operation of the vessel Advance, WB-9369, licensed to Warner and Tamble Radio Service, Inc., Memphis, Tennessee;

It appearing that on December 14, 1955, an Order to Show Cause was issued in the above matter directing the licensee to appear at a hearing on February 13, 1956. A hearing was held on March 12, 1956 and the licensee was given two weeks to file a written supplementary statement of fact, with the Commission being allowed two weeks from that date to reply. On April 3, 1956, the hearing was reopened, a stipulation was introduced and the records were closed;

It further appearing that on March 16, 1956 the licensee again violated § 8.353 of the Commission's rules by transmitting general communications on 2182 kc, a frequency not assigned for that purpose by the Commission;

It is ordered, This 6th day of April 1956 pursuant to the provisions of § 312 (c) of the Communications Act of 1934, as amended, that the said Warner and Tamble Radio Service, Inc., P. O. Box 166, Memphis 1, Tennessee, show cause why the aforementioned license should not be revoked or why an order to cease and desist should not issue and appear and give evidence in respect thereto at a hearing¹ to be held before this Commission at Washington, D. C., at a time and place to be specified in a subsequent order;

It is further ordered, That the Secretary send a copy of the Order to the licensee by Registered Mail—Return Receipt Requested.

Released: April 6, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-2879; Filed, Apr. 13, 1956;
8:46 a. m.]

¹Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

FEDERAL POWER COMMISSION

[Docket No. E-6660]

KENTUCKY UTILITIES Co.

NOTICE OF ORDER AUTHORIZING MERGER

APRIL 10, 1956.

Notice is hereby given that on March 30, 1956, the Federal Power Commission issued its order, authorizing merger or consolidation of facilities in the above-entitled matter.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-2883; Filed, Apr. 13, 1956;
8:46 a. m.]

[Docket No. E-6662]

BLACK HILLS POWER AND LIGHT Co.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF
PROMISSORY NOTES

APRIL 10, 1956.

Notice is hereby given that on March 28, 1956, the Federal Power Commission issued its order, authorizing issuance of promissory notes in the above-entitled matter.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-2884; Filed, Apr. 13, 1956;
8:46 a. m.]

[Docket No. G-9558]

EAST TENNESSEE NATURAL GAS Co.

NOTICE OF FINDINGS AND ORDER

APRIL 10, 1956.

Notice is hereby given that on March 29, 1956, the Federal Power Commission issued its findings and order, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-2885; Filed, Apr. 13, 1956;
8:46 a. m.]

[Docket No. IT-5743]

SAN DIEGO GAS & ELECTRIC Co.

NOTICE OF ORDER SUPERSEDING
PREVIOUS AUTHORIZATION

APRIL 10, 1956.

Notice is hereby given that on April 2, 1956, the Federal Power Commission issued its order, authorizing transmission of electric energy from the United States to Mexico and superseding previous authorization in the above-entitled matter.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-2886; Filed, Apr. 13, 1956;
8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 13]

SYNTHETIC STAR SAPPHIRES AND
SYNTHETIC STAR RUBIES

INVESTIGATION DISCONTINUED AND
DISMISSED

The Tariff Commission on April 10, 1956, ordered that Investigation No. 13, instituted September 16, 1953, upon complaint of the Linde Air Products Company, New York, N. Y., under section 337, Tariff Act of 1930, with respect to synthetic star sapphires and synthetic star rubies be discontinued and dismissed.

On March 5, 1956, the Tariff Commission submitted to the President the official record of this investigation, which included a recommendation that the President direct the Secretary of the Treasury to exclude from entry into the United States synthetic star sapphires and synthetic star rubies covered by claims of a patent owned by complainant.

After submission of the record to the President, the Commission received information with respect to an agreement between the complainant and the foreign manufacturer of the products involved in the Commission's findings. Inasmuch as the Commission was of the opinion that the aforementioned agreement had rendered the issue in this case moot and that no basis existed for the issuance of the exclusion order previously recommended, the Commission in view of the particular circumstances in this case in a letter of April 4 withdrew its recommendation to the President and suggested that the case be returned to it for final disposition. Pursuant to this suggestion, on April 10, 1956, the case was returned to the Commission.

Issued: April 11, 1956.

By order of the Commission.

[SEAL]

DONN N. BENT,
Secretary.

[F. R. Doc. 56-2013; Filed, Apr. 13, 1956;
8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

INGE EDINGER

NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

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

Claimant, Claim No., Property, and Location

Inge Edinger, \$1,246.40 in the Treasury of the United States; Inge Edinger, as Natural Guardian of the minor, Zevy Edinger, Jorusa-

lem, Israel, \$2,908.25 in the Treasury of the United States; Claim No. 42037; Vesting Order No. 4395.

Executed at Washington, D. C., on April 9, 1956.

For the Attorney General.

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

[F. R. Doc. 56-2894; Filed, Apr. 13, 1956; 8:48 a. m.]

LILLIAN SACHIKO CREESON ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Lillian Sachiko Creeson; Columbia, South Carolina, \$42.29 in the Treasury of the United States; Miyochi Arita, Hilo, Hawaii, \$42.29 in the Treasury of the United States; Stanley Ikuo Arita, APO 500, % Postmaster, San Francisco, California, \$42.29 in the Treasury of the United States; Elko Arita, Hilo, Hawaii, \$42.29 in the Treasury of the United States; Claim No. 62740; Vesting Order No. 14986.

Executed at Washington, D. C., on April 9, 1956.

For the Attorney General.

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

[F. R. Doc. 56-2895; Filed, Apr. 13, 1956; 8:48 a. m.]

ROSA KLARNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Rosa Klarner, nee Amoré, Vienna 12, Austria, \$225.10 in the Treasury of the United States; Vesting Order No. 4739; Claim No. 40293.

Executed at Washington, D. C., on April 9, 1956.

For the Attorney General.

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

[F. R. Doc. 56-2896; Filed, Apr. 13, 1956; 8:48 a. m.]

No. 73—5

STATE OF NETHERLANDS FOR BENEFIT OF EDMOND ELSBACH ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: all right title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Edmond Elsbach, L. S. Claim No. 1, Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 1805, in the principal amount of \$1,000; and Atchison, Topeka & Santa Fe Railway Company 4/55 Bond No. 23167, in the principal amount of \$1,000.

Willy Antoinette Josephine van der Velde, nee Wolff, L. S. Claim No. 5, Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 20306, in the principal amount of \$1,000.

Henri Polak, L. S. Claim No. 9, Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 62065, in the principal amount of \$1,000; and Norfolk & Western Railway Company 4/96 Bond No. 6992, in the principal amount of \$1,000.

Dorus Eduard Stibbe, L. S. Claim No. 15, Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 1325, in the principal amount of \$500.

J. S. Hirsch, L. S. Claim No. 19, Central Pacific Railway Company 4/49 Bond No. 12511, in the principal amount of \$1,000; Kansas City Southern Railway Company 3/50 Bond No. 11244, in the principal amount of \$1,000; and Missouri-Kansas-Texas Railway Company 4/90 Bond No. 11597, in the principal amount of \$1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on April 9, 1956.

For the Attorney General.

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

[F. R. Doc. 56-2897; Filed, Apr. 13, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 11, 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. 31950: *Sodium phosphates—Delaware, New Jersey, and Pennsylvania.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sodium phosphate, di-sodium phosphate; and tri-sodium phosphate, carloads from speci-

fied points in Delaware, New Jersey, and Pennsylvania to Brunswick, Ga.

Grounds for relief: Short-line distance formulas and circuitry.

Tariff: Supplement 11 to Agent Boin's I. C. C. A-1079.

FSA No. 31951: *Window glass—Pennsylvania and West Virginia to Durham, N. C.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on window glass, carloads from Jeannette and New Kensington, Pa., and Clarksburg, W. Va., to Durham, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 11 to Agent Boin's I. C. C. A-1079.

FSA No. 31952: *Cement—Cowan, Tenn., to Madisonville and Oak Ridge, Tenn.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cement and related articles, carloads from Cowan, Tenn., to Madisonville and Oak Ridge, Tenn.

Grounds for relief: Circuitous route through Georgia.

Tariff: Supplement 54 to Agent Spaninger's I. C. C. 1447.

FSA No. 31953: *Sulphuric acid—Illinois to Nebraska.* Filed by W. J. Pruetter, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Chicago and Joliet, Ill., to Omaha and South Omaha, Nebr.

Grounds for relief: Circuitous routes.

Tariff: Supplement 61 to Agent Pruetter's I. C. C. A-4038.

FSA No. 31954: *Fertilizer and materials between Official and W. T. L. Territories.* Filed by R. H. Hirsch, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, dry, carloads between points in official territory, as described in the application, on the one hand, and points in western trunk line territory, as described in the application, on the other.

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

Tariff: Agent Hirsch's tariff I. C. C. 4720.

FSA No. 31955: *Slate between the South and Ohio and Mississippi River crossings.* Filed by St. Louis-San Francisco Railway Company, for itself and interested rail carriers. Rates on slate, paving or flagging, and stone, bridge, curbing, flagging, paving or rubble, carloads between points in southern territory, on the one hand, and Ohio and Mississippi River crossings included in Agent C. A. Spaninger's tariff I. C. C. 1483, on the other.

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

FSA No. 31956: *Commodities from and to points in official territory.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on aluminum articles, carloads and other commodities, in carloads as described in the application from points in official territory to points in official and southern territories.

Grounds for relief: Carrier competition and circuitry.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-2887; Filed, Apr. 13, 1956; 8:47 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 68]

**NEW YORK, ONTARIO AND WESTERN
RAILWAY CO.**

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the New York, Ontario and Western Railway Company, Ferdinand J. Sieghardt, Trustee, because of flood conditions is unable to transport traffic routed over its lines via Pittsburgh and Lehigh Junction or Genesee and Wyoming Junction.

It is ordered, That:

(a) Rerouting traffic: The New York, Ontario and Western Railway Company, Ferdinand J. Sieghardt, Trustee, and its direct connections, who are unable to deliver to the New York, Ontario and Western Railway Company, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to

divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by

and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3:00 p. m., April 5, 1956.

(g) Expiration date: This order shall expire at 11:59 p. m., April 13, 1956, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 5, 1956.

**INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.**

[SEAL]

[F. R. Doc. 56-2888; Filed, Apr. 13, 1956; 8:47 a. m.]