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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; INDIANA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

INDIANA County:	Average value
Adams	$36,000
Allen	40,000
Bartholomew	40,000
Benton	40,000
Blackford	38,000
Boone	40,000
Brown	25,000
Carroll	40,000
Cass	40,000
Clark	25,000
Clay	35,000
Clinton	40,000
Crawford	25,000
Daviess	40,000
Dearborn	25,000
Decatur	36,000
De Kalb	40,000
Delaware	40,000
Dubois	30,000
Elkhart	36,000
Fayette	32,000
Floyd	25,000
Fountain	40,000
Franklin	27,000
Fulton	36,000
Gibson	35,000
Grant	40,000
Greene	35,000
Hamilton	40,000
Hancock	38,000
Harrison	25,000
Hendricks	35,000
Henry	38,000
Howard	40,000
Huntington	40,000
Jackson	35,000
Jasper	40,000
Jay	35,000
Jefferson	$25,000
Jennings	25,000
Johnson	40,000
Knox	40,000
Kosciusko	36,000
Lagrange	36,000
Lake	40,000
La Porte	40,000
Lawrence	35,000
Madison	40,000
Marion	40,000
Marshall	40,000
Martin	25,000
Miami	40,000
Monroe	25,000
Montgomery	40,000
Morgan	32,000
Newton	40,000
Noble	35,000
Ohio	25,000
Orange	30,000
Owen	30,000
Parke	35,000
Perry	25,000
Pike	30,000
Porter	40,000
Posey	40,000
Pulaski	40,000
Putnam	35,000
Randolph	40,000
Ripley	25,000
Rush	40,000
St. Joseph	35,000
Scott	25,000
Shelby	40,000
Spencer	30,000
Starke	38,000
Steuben	35,000
Sullivan	35,000
Switzerland	25,000
Tippecanoe	40,000
Tipton	40,000
Union	35,000
Vanderburgh	30,000
Vermillion	40,000
Vigo	30,000
Wabash	40,000
Warren	40,000
Warrick	30,000
Washington	25,000
Wayne	38,000
Wells	36,000
White	40,000
Whitley	40,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: January 23, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56-652; Filed, Jan. 26, 1956; 8:45 a. m.]

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FEDERAL REGISTER

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CODIFICATION GUIDE—Con.

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; PENNSYLVANIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

PENNSYLVANIA County:	*Average value*
Adams	$18,000
Allegheny	18,000
Armstrong	15,000
Beaver	15,000
Bedford	14,500
Berks	20,000
Blair	18,000
Bradford	15,000
Bucks	20,000
Butler	18,000
Carbon	16,000
Centre	18,000
Chester	20,000
Clarion	15,000
Clearfield	15,000
Clinton	18,000
Crawford	15,000
Cumberland	22,000
Dauphin	20,000
Erie	15,000
Fayette	15,000
Franklin	18,000
Fulton	16,000
Greene	15,000
Huntingdon	17,000
Jefferson	15,000
Juniata	18,000
Lackawanna	18,000
Lancaster	30,000
Lawrence	18,000
Lebanon	25,000
Lehigh	20,000
Luzerne	16,000
Lycoming	18,000
McKean	15,000
Mercer	15,000
Mifflin	18,000
Monroe	18,000
Montgomery	20,000
Northampton	20,000
Northumberland	15,000
Perry	20,000
Potter	15,000
Schuylkill	15,000
Snyder	15,000

PENNSYLVANIA—Con. County:	Average value
Somerset	$15,000
Sullivan	15,000
Susquehanna	15,000
Tioga	15,000
Venango	15,000
Warren	14,000
Washington	18,000
Wayne	15,000
Westmoreland	18,000
Wyoming	15,000
York	18,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: January 24, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56-684; Filed, Jan. 26, 1956; 8:51 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

[Amdt. 1]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—CITRUS FRUIT EXPORT PROGRAM WMX 135a

MISCELLANEOUS AMENDMENTS

Sections 517.462, 517.463 (f) (2), and 517.464 (a) (1), (2), (3), and (4), and 517.464 (b) are hereby respectively amended as follows:

1. Section 517.462 is amended to add a new unit under "Fresh" and a new eligible product under "Processed" as follows:

Eligible products	Unit	Rate
Fresh:		
Oranges or grapefruit	Half-size wirebound citrus crate (approximately 4/5 bushels capacity).	$0.25
Processed:		
Dehydrated orange juice	Net pound	.09

2. Section 517.463 (f) (2) is amended to add a new container size as follows:

Name or kind of container	*Description*
Wirebound citrus crate	Half-size crate (approximately 4/5 bushel capacity).

3. Section 517.464 (a) (1), (2), (3), and (4) is amended to read as follows:

(a) *Fresh fruit.* (1) Fresh oranges produced in California or Arizona shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality: *Provided,* That not more than a total tolerance of 5 percent shall be allowed for defects causing very serious damage. In addition, such oranges shall meet the requirements of Standards for Export, shall be individually wrapped, or packed in containers treated with biphenyl or packed with biphenyl-treated pads or liners and shall be packed in accordance with the requirements of Standard Pack: *Provided,* That oranges jumble packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be well filled: *And provided further,* That oranges place packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack and fill of container but such containers shall be at least fairly well filled and shall contain at least the count of fruit stamped on the container. Notwithstanding any other provision of this subparagraph, in the event any lot of fruit is exported from a U. S. North Atlantic or Canadian Atlantic port and is initially inspected or reinspected at such port, such lot shall be deemed to meet the requirements of this subparagraph with respect to decay if, at the time of such inspection or reinspection, not more than 1 percent of the fruit in such lot and not more than 4 percent of the fruit in any container in such lot is affected by decay. As used in this paragraph, "U. S. No. 1," "U. S. No. 2," "Standard Pack," and "Standards for Export" shall have the same meanings as defined in "U. S. Standards for Oranges (Calif. & Ariz.)."

(2) Fresh oranges produced in Florida or Texas, except for discoloration, shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality. In addition, such oranges shall at least meet the requirements of U. S. No. 1 Bronze grade for discoloration, shall be individually wrapped, or packed in containers treated with biphenyl or packed with biphenyl-treated pads or lines, and shall be packed in accordance with the requirements of Standard Pack: *Provided,* That oranges packed in 1⅗ bushel boxes, half-size wirebound citrus crates, or fibreboard containers, shall be regarded as "fairly uniform in size" when not more than 10 percent, by count, of the oranges in any container are not more than one standard size larger or smaller than the standard size orange for the count packed: *And provided, further,* That oranges place packed or jumble packed in half-size wirebound citrus crates or fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be at least fairly well filled. Such oranges shall also meet the following standards for export: Not more than a total of 10 percent, by count, of the fruit in any container shall be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, growth cracks, damage by creasing, or serious damage by dryness or mushy condition, except that for any lot—

Not more than 5 percent of the fruit shall be soft;

Not more than ½ of 1 percent of the fruit shall be affected by decay;

Not more than 5 percent of the fruit shall be damaged by skin breakdown;

Not more than 3 percent of the fruit shall have broken skins which are not healed;

Not more than 3 percent of the fruit shall have growth cracks;

Not more than 5 percent of the fruit shall be damaged by creasing; and

Not more than 5 percent of the fruit shall be seriously damaged by dryness or mushy condition.

Any lot of oranges shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided,* That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the fruit in any container has any of the defects enumerated in the standards for export. Notwithstanding any other provision of this subparagraph, in the event any lot of fruit is exported from a U. S. North Atlantic or Canadian Atlantic port and is initially inspected or reinspected at such port, such lot shall be deemed to meet the requirements of this subparagraph with respect to decay if, at the time of such inspection or reinspection, not more than 1 percent of the fruit in such lot and not more than 4 percent of the fruit in any container in such lot is affected by decay. As used in this paragraph, "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 2," and "Standard Pack" shall have the same meanings as defined in "United States Standards for Florida Oranges and Tangelos," and "United States Standards for Oranges (Texas and States other than Florida, California and Arizona)."

(3) Fresh grapefruit produced in California or Arizona shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality: *Provided,* That not more than a total tolerance of 5 percent shall be allowed for defects causing very serious damage. In addition, such grapefruit shall meet the requirements of Standards for Export, shall be individually wrapped, or packed in containers treated with biphenyl or packed with biphenyl-treated pads or liners, and shall be packed in accordance with the requirements of Standard Pack: *Provided,* That grapefruit jumble packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be well filled; *And provided, further,* That grapefruit place packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack and fill of container but such containers shall be at least fairly well filled and shall contain at least the count of fruit stamped on the container. Notwithstanding any other provision of this subparagraph, in the event any lot of fruit is exported from a U. S. North Atlantic or Canadian Atlantic port and is initially inspected or reinspected at such port, such lot shall be deemed to meet the requirements of this subparagraph with respect to decay if, at the time of such inspection or reinspection, not more than 1 percent of the fruit in such lot and not more than 4 percent of the fruit in any container in such lot is affected by decay. As used in this paragraph "U. S. No. 1," "U. S. No. 2," "Standard Pack," and "Standards for Export" shall have the same meanings as defined in "U. S. Standards for Grapefruit (California and Arizona)."

(4) Fresh grapefruit produced in Florida or Texas, except for discoloration, shall at least meet the requirements of U. S. No. 2 grade with not less than 85

percent U. S. No. 1 quality. In addition, such grapefruit shall at least meet the requirements of U. S. No. 1 Bronze Grade for discoloration, shall be individually wrapped, or packed in containers treated with biphenyl or packed with biphenyl-treated pads or liners, and shall be packed in accordance with the requirements of Standard Pack: *Provided*, That grapefruit packed in half-size wirebound citrus crates or fibreboard containers shall be regarded as "fairly uniform in size" when not more than 5 percent, by count, of the grapefruit in any container are not more than one standard size larger or smaller than the standard size grapefruit for the count packed: *And provided, further*, That grapefruit place packed or jumble packed in half-size wirebound citrus crates or fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be at least fairly well filled. Such grapefruit shall also meet the following standards for export: Not more than a total of 10 percent, by count, of the fruit in any container shall be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, growth cracks, or serious damage by dryness or mushy condition, except that for any lot—

Not more than 5 percent of the fruit shall be soft;

Not more than ½ of one percent of the fruit shall be affected by decay;

Not more than 5 percent of the fruit shall be damaged by skin breakdown;

Not more than 3 percent of the fruit shall have broken skins which are not healed;

Not more than 3 percent of the fruit shall have growth cracks; and

Not more than 5 percent of the fruit shall be seriously damaged by dryness or mushy condition.

Any lot of grapefruit shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the fruit in any container has any of the defects enumerated in the standards for export. Notwithstanding any other provision of this subparagraph, in the event any lot of fruit is exported from a U. S. North Atlantic or Canadian Atlantic port and is initially inspected or reinspected at such port, such lot shall be deemed to meet the requirements of this subparagraph with respect to decay if, at the time of such inspection or reinspection, not more than 1 percent of the fruit in such lot and not more than 4 percent of the fruit in any container in such lot is affected by decay. As used in this paragraph, "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 2," and "Standard Pack" shall have the same meanings as defined in "U. S. Standards for Florida Grapefruit," and in "United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona)."

4. Section 517.464 (b) is hereby amended to change subparagraph (15) to read (16) and to add a new subparagraph (15) to read as follows:

(15) Dehydrated orange juice shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Dehydrated Orange Juice."

Effective date. This amendment shall be effective January 27, 1956.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Dated this 17th day of January 1956.

[SEAL] FLOYD F. HEDLUND,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 56-650; Filed, Jan. 26, 1956; 8:45 a. m.]

TITLE 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DEHYDRATED ORANGE JUICE [1]

On November 26, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 8698) regarding a proposed issuance of United States Standards for Grades of Dehydrated Orange Juice.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Dehydrated Orange Juice are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

PRODUCT DESCRIPTION

AUTHORITY: §§ 52.2981 to 52.2991 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.2981 *Product description.* Dehydrated orange juice is the product obtained from the juice of clean, sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines, which juice has been concentrated in accordance with good commercial practice. The concentrate is dehydrated to a moisture content of not more than 3 percent by weight. Cold-pressed orange oil, or terpeneless or partially deterpened cold-pressed orange oil, incorporated in a suitable edible carrier(s) such as sorbitol, glucose, or gum acacia, may be added to the product only in such amounts as to provide a proper orange flavor to the reconstituted product. The product thus prepared is packaged in hermetically sealed containers with a proper desiccant to reduce the moisture content to approximately 1 percent, by weight, so as to assure preservation of the product. The dehydrated orange juice reconstitutes to the approximate total solids of a single-strength orange juice. The sulfur dioxide content of the dehydrated orange juice is not more than 250 p. p. m.

§ 52.2982 *Grades of dehydrated orange juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of dehydrated orange juice that has a porous open structure free from lumps or other signs of caking and which dissolves readily in water to produce an orange juice that is reasonably characteristic in appearance to fresh orange juice. The reconstituted juice possesses a very good color; is practically free from defects; possesses a good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of dehydrated orange juice that has a reasonably porous open structure free from lumps and which dissolves reasonably readily in water to produce an orange juice that is fairly characteristic in appearance to fresh orange juice. The reconstituted juice possesses a good color; is reasonably free from defects; possesses a reasonably good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of dehydrated orange juice that fails to meet the requirement of U. S. Grade B or U. S. Choice.

FACTORS OF QUALITY

§ 52.2983 *Ascertaining the grade.* (a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(1) *Factors not rated by score points.*

(i) Physical condition.

(ii) Faculty of dissolving in water.

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

Factors:	Points
Color	40
Defects	20
Flavor	40
Total score	100

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

§ 52.2984 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example: "17 to 20 points" means 17, 18, 19, or 20 points.) The rating is ascertained immediately after the product has been reconstituted.

§ 52.2985 *Color*—(a) *(A) classification.* Dehydrated orange juice of which the reconstituted juice possesses a very good color may be given a score of 34 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of fresh orange juice.

(b) *(B) classification.* If the reconstituted juice possesses a good color a score of 28 to 33 points may be given. Dehydrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product, (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice, which may be slightly dull but is not off-color.

(c) *(SStd.) classification.* If the reconstituted juice fails to meet the requirements of paragraph (b) of this section a score of 0 to 27 points may be given and the product shall not be graded above Substandard regardless of the total score for the product, (this is a limiting rule).

§ 52.2986 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from seeds or portions thereof, pulp, dark specks, improperly reconstituted material, or other defects that affect the appearance or drinking quality of the reconstituted juice.

(b) *(A) classification.* Dehydrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that the appearance and drinking quality of the juice is not affected by defects.

(c) *(B) classification.* If the reconstituted juice is only reasonably free from defects a score of 14 to 16 points may be given. Dehydrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product, (this is a limiting rule). "Reasonably free from defects" means that the appearance and drinking quality of the juice is not materially affected by defects.

(d) *(SStd.) classification.* Dehydrated orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.2987 *Flavor*—(a) *(A) classification.* Dehydrated orange juice of which the reconstituted juice possesses a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the flavor is a fine, distinct orange juice flavor typical of properly processed canned orange juice which is definitely free from terpenic, caramelized, oxidized, rancid or off-flavors. To score in this classification the ratio of the Brix to acid shall be not less than 12 to 1 nor more than 18 to 1 and the recoverable oil content not less than 0.006 nor more than 0.012 milliliters per 100 milliliters of the reconstituted juice.

(b) *(B) classification.* If the reconstituted juice possesses a reasonably good flavor a score of 28 to 33 points may be given. Dehydrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means that the flavor is reasonably typical of properly processed canned orange juice which is free from abnormal and off-flavors of any kind. To score in this classification the ratio of the Brix to acid shall be not less than 10.5 to 1 nor more than 19 to 1 and the recoverable oil content not less than 0.004 nor more than 0.020 milliliters per 100 ml. of the reconstituted juice.

(c) *(SStd.) classification.* Dehydrated orange juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2988 *Definition of terms.* (a) "Reconstituted juice" means the product obtained by dissolving an entire package of dehydrated orange juice in water to make the volume of orange juice specified in directions for preparation. Such reconstituted orange juice contains not less than 16 ounces (avoirdupois) of the product per one gallon.

(b) "Dissolves readily" means that (1) the product dissolves readily in the prescribed amount of cold water with only a reasonable amount of stirring, (2) the fruit particles rehydrate readily, and (3) there is no material separation of colloidal or suspended matter.

(c) "Dissolves reasonably readily" means that (1) the product may require considerable stirring to dissolve the solids, (2) fruit particles may rehydrate only reasonably readily, and (3) there is no material separation of colloidal or suspended matter.

(d) "Acid" means the percent, by weight, of acid (calculated as anhydrous citric acid) in the reconstituted orange juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(e) The "Brix" of the reconstituted juice means the degree Brix as determined by the Brix hydrometer calibrated at 20 degrees centigrade (68 degrees Fahrenheit) and to which any applicable temperature correction has been applied.

§ 52.2989 *Methods of analyses.* (a) "Recoverable oil" is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 [1] and Figure 2.[1]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
Three-liter narrow-neck flask.

(2) *Procedure.* Place exactly 2 liters of the reconstituted juice in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the mixture to a boil. Continue boiling for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask; allow it to cool, and record the amount of oil recovered. The number of milliliters of oil recovered divided by 20 is equivalent to the number of milliliters of oil per 100 milliliters of the reconstituted juice.

(b) The "moisture content" of the dehydrated orange juice is determined as follows:

(1) A 3- to 5-gram sample is weighed into an aluminum weighing dish 1½ to 2 inches in diameter, having a tight-fitting cover. The samples are dried in a vacuum oven for 30 hours at a temperature of 60 degrees centigrade (140 degrees Fahrenheit) and a pressure not exceeding 100 mm of mercury. During the drying period air is passed through M_2SO_4 and admitted through the release cock at the rate of approximately 2 bubbles per second. At the end of the drying period the dishes are removed from the oven, the covers are placed on immediately and the dishes allowed to cool in a desiccator prior to final weighing. Sampling and weighing is carried out as rapidly as possible under low humidity conditions. The moisture content of the dehydrated orange juice may be determined by any other method which gives equivalent results.

(c) The "sulfur dioxide" content of the dehydrated orange juice is determined by the Monier-Williams method for total sulfurous acid in foods in accordance with the Official Methods of Analysis of the Association of Official Agricultural Chemists, using a 50-gram sample of the dehydrated orange juice.

LOT CERTIFICATION TOLERANCES

§ 52.2990 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of dehydrated orange juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored;

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

[1] Filed as part of original document.

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

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

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

SCORE SHEET

§ 52.2991 *Score sheet for dehydrated orange juice.*

Size and kind of container		----
Container mark or identification		----
Label (including dilution factor)		----
Net weight		----
Moisture content		----
Brix of the reconstituted juice		----
Anhydrous citric acid		----
SO_2 concentration		----
Brix-acid ratio		----
Recoverable oil (ml./100 ml. of the reconstituted juice)		----
Reconstitutes properly: (Yes) (No)		
Factors	**Score points**	
Color	40	(A) 34-40 (B) [1] 28-33 (SStd.) [1] 0-27
Defects	20	(A) 17-20 (B) [1] 14-16 (SStd.) [1] 0-13
Flavor	40	(A) 34-40 (B) [1] 28-33 (SStd.) [1] 0-27
Total score	100	
Grade		----

[1] Indicates limiting rule.

Effective time. The United States Standards for Grades of Dehydrated Orange Juice (which is the first issue) contained in this subpart shall become effective on date of publication hereof in the FEDERAL REGISTER.

It is hereby found and determined that it is unnecessary, impracticable, and contrary to the public interest to postpone the effective date of this document later than the date of its publication in the FEDERAL REGISTER because:

(1) The packing of orange juice products is now in progress;

(2) The orange juice industry has long been aware of the nature of these standards in that notice of proposed rule making in this regard was published in the FEDERAL REGISTER issue of November 26, 1955 (20 F. R. 8698);

(3) Numerous and detailed discussions have been held with industry representatives relative to provisions included in the grade standards;

(4) The industry generally has expressed agreement with the provisions of the standards;

(5) There is an immediate need for these standards for marketing purposes; and

(6) No special preparation by the persons affected for the putting of these standards in effect will be necessary.

Dated: January 24, 1956.

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

[F. R. Doc. 56-651; Filed, Jan. 26, 1956; 8:45 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 81—STANDARD SPECIFICATIONS FOR THE GRANTING OF PATENT LICENSES

After notice and hearing, the proposed rules published in the FEDERAL REGISTER, 20 F. R. 2283, dated April 8, 1955, entitled "Standard Specifications for the Granting of Patent Licenses", are hereby adopted as follows: The rules are to become effective thirty days after the date of publication.

GENERAL PROVISIONS

Sec.
81.1 Purpose.
81.2 Definitions.
81.3 Communications.

COMMISSION-OWNED PATENTS

81.10 Contents of application.
81.11 Basis for issuance.
81.12 Conditions and limitations of the license.

PATENTS DECLARED TO BE AFFECTED WITH THE PUBLIC INTEREST

81.20 Contents of application.
81.21 Basis for issuance.
81.22 Conditions of the license.

OTHER PATENTS USEFUL IN THE PRODUCTION OR UTILIZATION OF SPECIAL NUCLEAR MATERIAL OR ATOMIC ENERGY

81.30 Scope.
81.31 Contents of application.
81.32 Basis for issuance.
81.33 Conditions of the license.

AUTHORITY: §§ 81.1 to 81.33 issued under sec. 161, 68 Stat. 948; 42 U. S. C. 2201. Interpret or apply secs. 153, 156, 68 Stat. 945, 947; 42 U. S. C. 2183, 2186.

GENERAL PROVISIONS

§ 81.1 *Purpose.* The regulations in this part establish the standard specifications for the issuance of licenses on patents owned by the Commission, patents declared to be affected with the public interest pursuant to section 153a of the act, and other patents useful in the production or utilization of special nuclear material or atomic energy licensed pursuant to section 153e of the act.

§ 81.2 *Definitions.* As used in this part:

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

(b) "Commission" means the Atomic Energy Commission or its duly authorized representatives.

§ 81.3 *Communications.* All communications concerning the regulations in this part, including applications for licenses, should be addressed to the United States Atomic Energy Commission, 1901 Constitution Avenue NW., Washington 25, D. C., Attention: Chief, Patent Branch.

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

COMMISSION-OWNED PATENTS

§ 81.10 *Contents of application.* Each application shall contain the name and address of the applicant and the State of incorporation if applicant is a corporation.

§ 81.11 *Basis for issuances.* The Commission will issue the license upon receipt of an application containing the required contents.

§ 81.12 *Conditions and limitations of the license.* Each license shall contain and be subject to the following conditions and limitations;

(a) The license shall be non-exclusive, revocable, and royalty-free;

(b) Neither the license nor any right under the license shall be assigned or otherwise transferred;

(c) The license shall not constitute a license or authorization under any provision of the act other than section 156 of the act.

(d) The Commission makes no representation or warranty that the exercise of the license will not result in infringement of any other patent, nor does the Commission assume any liability resulting from the exercise of the license.

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

PATENTS DECLARED TO BE AFFECTED WITH THE PUBLIC INTEREST

§ 81.20 *Contents of application.* Each application shall contain the following information:

(a) The name and address of the applicant;

(b) The State of incorporation, if the applicant is a corporation;

(c) The activities in the production or utilization of special nuclear material or atomic energy to which applicant proposes to apply the license.

(d) The relationship of the invention or discovery to the activities to which it is to be applied, including an estimate of the effect on such activities stemming from the grant or denial of the license.

(e) The nature and purpose of the use which the applicant intends to make of the patent license.

(f) Efforts made by applicant to obtain a patent license from the owner of the patent;

(g) Terms, if any, on which the owner of the patent proposed to grant applicant a patent license.

§ 81.21 *Basis for issuance.* The Commission will issue a patent license for patents declared by the Commission to be affected with the public interest pursuant to section 153 of the act upon a finding that:

(a) The activities to which the patent license is proposed to be applied by the applicant are of primary importance to the conduct of an activity by such applicant authorized under the act.

(b) The applicant cannot otherwise obtain a patent license from the owner of the patent on terms which are reasonable for the intended use to be made of the patent by the applicant.

§ 81.22 *Conditions of the license.* Each license shall contain and be subject to the following conditions:

(a) The license shall be non-exclusive and revocable;

(b) Neither the license nor any right under the license shall be assigned or otherwise transferred;

(c) The licensee shall pay a reasonable royalty fee. Such royalty fee may be agreed upon between the owner and such patent licensee, or in the absence of such agreement shall be determined for each patent license by the Commission pursuant to section 157 of the act;

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

OTHER PATENTS USEFUL IN THE PRODUCTION OR UTILIZATION OF SPECIAL NUCLEAR MATERIAL OR ATOMIC ENERGY

§ 81.30 *Scope.* Any person:

(a) Who has made application to the Commission for a license under sections 53, 62, 63, 81, 103, or 104, or a permit or lease under section 67;

(b) To whom such license, permit, or lease has been issued by the Commission;

(c) Who is authorized to conduct such activities as such applicant is conducting or proposes to conduct under a general license issued by the Commission under section 62 or 81; or

(d) Whose activities or proposed activities are authorized under section 31,

may at any time make application to the Commission for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent.

§ 81.31 *Contents of application.* Each application shall contain the following information:

(a) The name and address of the applicant;

(b) The State of incorporation, if the applicant is a corporation;

(c) The activities in the production or utilization of special nuclear material or atomic energy to which applicant proposes to apply the license.

(d) The relationship of the invention or discovery to the activities to which it is to be applied, including an estimate of the effect on such activities stemming from the grant or denial of the license.

(e) The nature and purpose of the use which the applicant intends to make of the patent license.

(f) Efforts made by applicant to obtain a patent license from the owner of the patent;

(g) Terms, if any, on which the owner of the patent proposed to grant applicant a patent license.

§ 81.32 *Basis for issuance.* The Commission will issue the patent license upon a finding that:

(a) The invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy;

(b) The licensing of such invention or discovery is of primary importance to the conduct of the activities of the applicant;

(c) The activities to which the patent license is proposed to be applied by such applicant are of primary importance to the furtherance of policies and purposes of the act; and

(d) Such applicant cannot otherwise obtain a patent license from the owner of the patent on terms which the Commission deems to be reasonable for the intended use of the patent to be made by such applicant.

§ 81.33 *Conditions of the license.* Each license shall obtain and be subject to the following conditions:

(a) The license shall be non-exclusive and revocable;

(b) Neither the license nor any right under the license shall be assigned or otherwise transferred;

(c) The license shall be limited to the purposes for which it is issued;

(d) The licensee shall pay a reasonable royalty fee. Such royalty fee may be agreed upon between the owner and such patent licensee, or in the absence of such agreement shall be determined for each patent license by the Commission pursuant to section 157 of the act;

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

Dated at Washington, D. C., this 12th day of January 1956.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56-647; Filed, Jan. 26, 1956; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6, Supp. 3, Amdt. 1]

DMO VII-6, SUPP. 3—EXPANSION GOALS FOR TAX AMORTIZATION

CLOSED AND SUSPENDED GOALS

By virtue of the authority vested in me by Executive Order 10480 of August 14, 1953, as amended, the following is hereby ordered in connection with expansion goals and the issuance of necessity certificates pursuant to Section 168 of the Internal Revenue Code of 1954:

1. DMO VII-6, Supplement 3 of September 29, 1955 is hereby amended by striking paragraph 1 and substituting therefor the following:

1. *Closed and suspended goals.* The issuance of necessity certificates shall be discontinued immediately in connection with the expansion goals included in List I attached to DMO VII-6, Supplement 3, and all other goals previously closed on August 11, 1955 by Supplement 1 to DMO VII-6, except that any application filed with the Government prior to August 12, 1955, shall be considered for certification under the terms and conditions of the expansion goal involved. This means that all applications pending as of August 11, 1955, will be eligible for certification on the basis of priority of filing and other factors to the extent of the unfilled portion of the goal as of that date.

Applications in the foregoing categories which may have been denied prior to this date are now eligible for reconsideration upon receipt of a letter by ODM requesting such action.

2. This amendment shall take effect immediately.

OFFICE OF DEFENSE MOBILIZATION,
VICTOR E. COOLEY,
Acting Director.

[F. R. Doc. 56-674; Filed, Jan. 26, 1956; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

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

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

BENZATHINE PENICILLIN V; BENZATHINE PENICILLIN V ORAL SUSPENSION

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141a, 146a) are amended as indicated below:

1. Part 141a is amended by adding the following new sections:

§ 141a.83 *Benzathine penicillin V (benzathine penicillin V salt).*—(a) *Potency.* Proceed as directed in § 141a.47 (a), except use the penicillin V working standard as the standard of comparison.

(b) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent and inject 0.25 milliliter of a suspension containing 4,000 units per milliliter.

(c) *Moisture.* Proceed as directed in § 141a.26 (e).

(d) *pH.* Proceed as directed in § 141a.5 (b), using a saturated aqueous solution prepared by adding 5 milligrams per milliliter.

(e) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c).

(f) *Penicillin V content.* Using the spectrophotometric method, proceed as directed in § 141a.81 (f), except that the calculations are as follows:

$$\text{Percent penicillin V} = \frac{\text{Absorbance} \times 100{,}000}{\text{Milligrams of sample per 100 milliliters} \times 24}$$

where 24 is the $E^{1\%}_{1\text{ cm.}}$ (specific absorbance) of pure benzathine penicillin V.

§ 141a.87 *Benzathine penicillin V oral suspension, benzathine penicillin V for oral suspension*—(a) *Potency.* Proceed as directed in § 141a.47 (a), except use the penicillin V working standard as the standard of comparison. Its potency is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *pH.* Proceed as directed in § 141a.5 (b), using the undiluted aqueous suspension or the suspension prepared as directed in the labeling of the drug.

(c) *Moisture (if it is the dry mixture of the drug).* Proceed as directed in § 141a.26 (e).

2. Part 146a is amended by adding the following new sections:

§ 146a.105 *Benzathine penicillin V (benzathine penicillin V salt)*—(a) *Standards of identity, strength, quality, and purity.* Benzathine penicillin V is the crystalline benzathine salt of penicillin V. It contains not less than 90 percent by weight of the benzathine salt of penicillin V. It is so purified and dried that:

(1) Its potency is not less than 1,050 units per milligram.

(2) It is nontoxic.

(3) Its moisture content is not more than 8.0 percent.

(4) Its pH in a saturated aqueous solution is not less than 4.0 and not more than 6.5.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The number of units per milligram and the number of grams in the immediate container.

(3) The statement "Expiration date ----------," the blank being filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For use in the manufacture of nonparenteral drugs only."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, crystallinity, and penicillin V content.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of 10 packages, each containing approximately 300 milligrams taken from a different part of such batch, packaged in accordance with the requirements of paragraph (b) of this section.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.109 *Benzathine penicillin V oral suspension, benzathine penicillin V for oral suspension.* Benzathine penicillin V oral suspension and benzathine penicillin V for oral suspension conform to all requirements and are subject to all procedures prescribed by § 146a.69 for benzathine penicillin G oral suspension and benzathine penicillin G for oral suspension, except that:

(a) Benzathine penicillin V is used in lieu of benzathine penicillin G. The benzathine penicillin V used conforms to the requirements of § 146a.105 (a).

(b) In lieu of the directions for labeling prescribed by § 146a.69 (c) (1), (v), the expiration date shall be the date that is 12 months after the month during which the batch was certified.

(c) In lieu of the directions prescribed by § 146a.69 (d) (2) (ii), a person who requests certification of a batch shall submit in connection with his request results of the tests and assays made by him on an accurately representative sample of the benzathine penicillin V used in making the batch for potency, toxicity, pH, moisture, crystallinity, and the penicillin V content.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: January 20, 1956.

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

[F. R. Doc. 56-657; Filed, Jan. 26, 1956; 8:47 a. m.]

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

FEED GRADE BACITRACIN POWDER ORAL VETERINARY

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of bacitracin and bacitracin-containing drugs (21 C. F. R. Parts 141e, 146e) are amended as set forth below:

1. Part 141e is amended by adding the following new section:

§ 141e.427 *Feed grade bacitracin powder oral veterinary (crude bacitracin powder oral veterinary, unrefined bacitracin powder oral veterinary)*—(a) *Potency.* Proceed as directed in § 141e.425 (a). Its potency is satisfactory if it contains not less than 85 percent of the number of grams of bacitracin per pound that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(c) *Bacitracin used in making the batch*—(1) *Potency.* Proceed as directed in § 141e.401 (a).

(2) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

2. Part 146e is amended by adding the following new section:

§ 146e.427 *Feed grade bacitracin powder oral veterinary (crude bacitracin*

powder oral veterinary, unrefined bacitracin powder oral veterinary)—(a) *Standards of identity, strength, quality, and purity.* Feed grade bacitracin powder oral veterinary is bacitracin with or without one or more essential vitamins and mineral substances for nutritive purposes and with or without one or more suitable and harmless diluents. It contains the equivalent of not less than 33 grams of the bacitracin master standard per pound and its moisture content is not more than 5 percent. The bacitracin used in making the batch has a potency of not less than 5 units per milligram and its moisture content is not more than 5 percent. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging; labeling; request for certification; samples; fees; exemption of feed grade bacitracin powder oral veterinary from certification.* Feed grade bacitracin powder oral veterinary conforms to all requirements and procedures prescribed for bacitracin powder by § 146c.425 (b), (c), (d), (e), and (f), except that its expiration date is not more than 9 months after the month during which the batch was last assayed and released by the manufacturer.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it conditionally relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that feed grade bacitracin powder oral veterinary need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure its safety and efficacy, provided it complies with the provisions specified in amendment 2 above.

This order shall become effective on the date of publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: January 23, 1956.

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

[F. R. Doc. 56-656; Filed, Jan. 26, 1956; 8:47 a. m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146, 146c; 21 F. R. 131) are amended as indicated below:

1. Section 146.26 (b) is amended in the following respects:

a. In subparagraph (6) the words "infectious swine enteritis and/or calf scours" are changed to read "bacterial swine enteritis, and/or bacterial calf diarrhea".

b. In subparagraph (7) the first sentence is changed to read as follows: "It is intended for use solely as a treatment for chronic respiratory disease (air-sac infection), infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever), and hexamitiasis in poultry, and/or bacterial swine enteritis; its labeling bears adequate directions and warnings for such use; and it contains, per ton of feed, not less than 100 grams of chlortetracycline or oxytetracycline or a combination of such drugs, or not less than 75 grams of streptomycin and 15 grams of penicillin."

c. In subparagraph (11) the word "infectious" is changed to read "bacterial".

d. In subparagraph (13) the word "sinusitis" is changed to read "infectious sinusitis."

e. In subparagraph (17) the words "sinusitis, nonspecific infectious enteritis, blue comb, mud fever," are changed to read "infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever),".

f. Paragraph (b) is further amended by adding the following new subparagraph:

(26) It is intended for use solely for accelerating weight gains in beef cattle, and it contains a quantity of diethylstilbestrol adequate to provide not more than 10 milligrams per head per day when fed in accordance with the directions for use that accompany the feed, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

2. In § 146c.204 *Chlortetracycline capsules* * * *, paragraph (a) *Standards of identity* * * * is amended by changing the third sentence to read as follows: "Its moisture content is not more than 2 percent if it contains chlortetracycline, not more than 3 percent if it contains tetracycline, and not more than 4 percent if it contains tetracycline hydrochloride, except that in no case shall it be more than 3 percent if it contains vitamins."

3. In § 146c.222 *Tetracycline hydrochloride oral suspension* * * *, paragraph (c) (1) (v) is amended to read as follows:

(c) *Labeling.* * * *

(1) * * *

(v) The statement "Expiration date _____," the blank being filled in with the date that is 18 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section, except that if it contains one or more vitamin substances the blank is filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it conditionally relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feed containing antibiotic drugs need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they are used in the amounts and for the purposes specified in amendment 1.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: January 20, 1956.

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

[F. R. Doc. 56-658; Filed, Jan. 26, 1956; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 29—MIXED CLASSES

Part 29, Mixed Classes, is amended to read as follows:

Sec.
29.1 Mail of a higher class enclosed with mail of a lower class.
29.2 Combination mailings of two classes.
29.3 Mailing enclosures of different classes.
29.4 Treatment.
29.5 Special services.

AUTHORITY: §§ 29.1 to 29.5 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 1, 62 Stat. 784; 5 U. S. C. 22, 369, 18 U. S. C. 1723.

§ 29.1 *Mail of a higher class enclosed with mail of a lower class.* When mail of a higher class is enclosed with mail of a lower class, the rate of postage on the entire piece or package is that of the higher class, except as provided in § 29.3. See § 29.2 for attachment of letters to parcels of second-, third-, and fourth-class mail.

§ 29.2 *Combination mailings of two classes*—(a) *Letters attached to other mail.* A letter or other mail of the first class may be placed in an envelope carrying postage at the first-class rate, or airmail rate in case of air parcels, and tied or otherwise securely attached to the address side of a parcel or package. The envelope must be addressed the same as the parcel. Combination envelopes or containers having separate portions for a letter and mail of another class may be used for mailing together two classes of mail.

(b) *Postage.* Postage on a parcel of second-, third-, or fourth-class mail must be prepaid at the appropriate rate for the class involved and placed in the upper right corner of the address space. Postage for the letter must be attached to the envelope or portion of container in which the letter is enclosed. If mailed by air, postage at the airmail rate must be paid for the letter.

(c) *Markings required.* If a letter is a printed circular prepaid at the third-class rate the envelope must be left unsealed and endorsed "Third Class". Envelopes containing first-class mail attached to parcels of other classes may be marked "First Class" or "Letter Enclosed". In every case the address and return card should appear on the envelope and the parcel, except in the case of combination envelopes or containers having separate portions for a letter and mail of another class. The address of the letter may be considered as the address of the whole piece.

§ 29.3 *Mailing enclosures of different classes*—(a) *Enclosures mailed with second-class and controlled circulation publications*—(1) *First- and third-class enclosures.* Letters or other pieces of first- or third-class mail may be mailed with second-class and controlled circulation publications. They may be:

(i) Placed in the outside envelope or wrapper with a single copy.

(ii) Secured inside an unwrapped copy, or

(iii) Enclosed in a bundle of copies.

(2) *Payment of postage.* Postage at the appropriate first- or single-piece third-class rate must be paid for each separate enclosure. Pieces of related matter placed in a publication as a unit may be regarded as a single enclosure for purpose of computing postage. The postage may be placed on the outside envelope, wrapper, or cover of a publication, or the postage may be placed on the enclosure by using precanceled or meter stamps. Postage at the second-class pound or per copy rates or postage at the controlled circulation rates must be paid on the publication in the manner prescribed by Part 16 of this chapter. When postage at the transient second-class rate is paid on the publication, follow the procedure in paragraph (b) of this section.

(3) *Marking required.* When postage for the enclosure is placed on the outside envelope, wrapper, or cover of a publication, the mailer must mark each piece as required by paragraph (b) (5) of this section. Markings are not required when postage is placed on the enclosure.

(b) *Enclosures mailed with third- and fourth-class parcels*—(1) *First-class enclosures.* Letters may be enclosed in a third- or fourth-class parcel. Postage at the first-class rate must be paid for each letter.

(2) *Third-class enclosures.* Third-class mail may be enclosed in a fourth-class parcel mailed at the special rates in § 25.1 (b), (c), and (d) of this chapter, and § 28.1 of this chapter. Postage at the single-piece third-class rate must be paid for each enclosure except the items listed in § 25.6 of this chapter.

(3) *Placement of enclosure.* The enclosure should be placed on top of other items in the parcel when practical.

(4) *Payment of postage.* Postage for the enclosure must be placed on the outside of the parcel. It may be added to the postage for the parcel and the total amount paid together, or the postage for the enclosure may be affixed separately from the postage for the parcel.

(5) *Marking required.* The mailer must place the endorsement "First-Class Mail Enclosed" or "Third-Class Mail Enclosed" on each parcel below the postage and above the address. The endorsement may be handstamped, handwritten, typewritten, printed, or put on by any other method.

(c) *Penalty*—(1) *Failure to pay.* If postage is not paid at the appropriate rate in the manner provided for by paragraphs (a) and (b) of this section for letters or other pieces of first- or third-class mail, the second-class publications or the third- or fourth-class parcels in which they are enclosed will be subject to the higher rate applicable to the enclosure.

(2) *Concealment.* Mailers are subject to a fine of not more than $100 if they knowingly conceal letters or other pieces of first- or third-class mail in second-class publications or in third- or fourth-class parcels without paying the appropriate rate of postage on the enclosures in the manner provided for by paragraphs (a) and (b) of this section.

§ 29.4 *Treatment.* Combination mailing pieces are treated as second-, third-, or fourth-class mail as the case may be and are subject to the same conditions for forwarding or return as other second-, third-, or fourth-class mail. (See Parts 47 and 48 of this chapter.)

§ 29.5 *Special services.* Combination mailing pieces may be sent as special delivery or in the case of fourth-class parcels as special handling, and only one fee applicable to the parcel is required. Combination pieces may not be registered. They may be sent insured or c. o. d., the insurance to cover only the value of the parcel.

The foregoing amendments are effective February 1, 1956.

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 56-590; Filed, Jan. 26, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket Nos. 11181, 11532; FCC 56-68]

TELEVISION BROADCAST STATIONS; UHF INDUSTRY COORDINATING COMMITTEE

DENIAL OF PETITION

In the matter of amendment of § 3.614 (b) of the rules governing Television Broadcast Stations, Docket No. 11181; amendment of Part 3 of the Commission's rules and regulations governing Television Broadcast Stations, Docket No. 11532.

1. On December 13, 1955, the UHF Industry Coordinating Committee filed a petition requesting:

(a) Reconsideration of so much of the Further Report and Order adopted on November 30, 1955, in the rule making proceeding under Docket No. 11181 as amended § 3.614 (b) (1) of the rules;

(b) Rescission of the foregoing amendment; and

(c) Stay of the effectiveness of that amendment pending action on the foregoing requests.

On December 20, 1955, WBEN, Inc., filed an opposition to the petition.

2. In support of its request, the petitioner states that the amendment, although set out in general terms, applies only to one television station; that this station has therefore received discriminatory preference over all other stations thereby serving to aggrandize its private interests; and that this action of the Commission, which petitioner characterizes as "discriminatory, arbitrary and capricious", is "a complete negation and repudiation of the statement of the Commission that it would not consider '* * *

the fortuitous circumstances of whether a VHF station has commenced operation in any particular community * * *' Commission's Report and Order (FCC 55-1125)".

3. In attempting to establish relevancy between the above-quoted language and the subject amendment, petitioner has lifted that language out of the context of the circumstances to which it related, and asserts an unexplained contradiction between the amendment and the excerpted language. The true import of petitioner's brief excerpt requires no more explanation than its reading in the context of the paragraph in which it occurs.

The Commission there pointed out that the usefulness of a proposed measure for the relief of a nationwide allocation problem should not be considered for application exclusively in a limited number of communities where it fortuitously happens that implementation of the measure would not require modification of outstanding broadcast authorizations. The Commission has the power to adopt amendments of the rules which require modification of outstanding broadcast licenses and construction permits, and is empowered, under appropriate procedures, to order their modification to conform with such amendments. Accordingly, the Commission announced its intention not to consider deintermixture, as a proposed solution for a nationwide problem, in the limited context in which it was proposed in the petitions then before it. This is altogether different from the modification of an established rule to prevent avoidable inequities which would result from its application in exceptional, defined circumstances. The amendment which the petitioner requests the Commission to rescind accomplished such a result. It merely avoids the needless imposition of hardship which would be caused by applying an established rule in certain clearly delimited, exceptional circumstances.

4. Petitioner's argument that the amendment to § 3.614 (b) (1) has limited application, and in practice affects only one television station, does not, in the Commission's opinion, render it arbitrary and capricious. The validity of an amendment which, like the one in question, was adopted in full compliance with all procedural requirements, depends not on the number of stations affected, but on whether the action meets the criterion of public interest. The Commission has concluded, for the reasons stated in its Further Report and Order of November 30, 1955, that the public interest would be served by the amendment to which petitioner objects. It adheres to this conclusion, which it considers no less justified because of the absence of a larger number of stations to which the amendment applies in practice.

5. Petitioner also states that an authorization within the scope of the subject amendment was issued under the express condition that the authorization was subject to rules subsequently adopted. Petitioner argues that the express condition should preclude the recipient of such authorization from the relief provided in the amendment. This argument is, in the opinion of the Commission, without merit. The existence of such a condition does not preclude the Commission's exercise of its power to amend the rules, as in this case, to correct inequities and avoid hardships which are not necessitated by the public interest.

6. The Commission, having carefully reviewed its decision to adopt the subject amendment, and having carefully considered all of the arguments advanced by the petitioner, does not believe, for the foregoing reasons, that the public interest would be served by rescinding the amendment.

7. *Accordingly, it is ordered*, That the above-mentioned petition of the UHF Industry Coordinating Committee is denied.

Adopted: January 19, 1956.

Released: January 23, 1956.

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

[F. R. Doc. 56-660; Filed, Jan. 26, 1956; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 2]

RULES OF PRACTICE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Civilian Application, within 30 days after publication of this notice in the FEDERAL REGISTER.

Subpart C—Procedures on Declaring Patents Affected With the Public Interest and Licensing of Patents

GENERAL

Sec.
2.300 Applicability of subpart.
2.301 Definition.

PROCEDURE FOR DECLARING A PATENT AFFECTED WITH THE PUBLIC INTEREST

2.302 Notice.
2.303 Request for hearing.

PROCEDURE FOR GRANTING A LICENSE PURSUANT TO SECTION 153b (2)

2.304 Administrative examination of applications, notice to others, informal conferences.
2.305 Action on applications.
2.306 Request for hearing.

PROCEDURE FOR GRANTING A LICENSE PURSUANT TO SECTION 153e

2.307 Administrative examination of applications and informal conferences.
2.308 Notice of application.
2.309 Notice of hearing.

ROYALTIES

2.310 Royalties.

AUTHORITY: §§ 2.300 to 2.310 issued under sec. 161, 68 Stat. 948; 42 U. S. C. 2201. Interpret or apply secs. 153, 156, 68 Stat. 945, 947; 42 U. S. C. 2183, 2186.

SUBPART C—PROCEDURES ON DECLARING PATENTS AFFECTED WITH THE PUBLIC INTEREST AND LICENSING OF PATENTS

GENERAL

§ 2.300 *Applicability of subpart.* The provisions of this subpart prescribe the procedures for declaring a patent to be affected with the public interest pursuant to section 153a of the act, and for the granting of a license pursuant to section 153b (2) and 153e of the act. Reference should also be made to Subpart G of this part, which sets forth the rules applicable to all types of proceedings.

§ 2.301 *Definition.* As used in this subpart, "patent owner" means the owner of record in the United States Patent Office of such patent.

PROCEDURE FOR DECLARING A PATENT AFFECTED WITH THE PUBLIC INTEREST

§ 2.302 *Notice.* Prior to a declaration pursuant to section 153a that a patent is affected with the public interest, the AEC shall serve the patent owner with a written notice of intent to declare the patent to be affected with the public interest.

§ 2.303 *Request for hearing.* (a) Upon request by the patent owner for a hearing within 30 days after the issuance of the notice, or such other time as the AEC may provide, the AEC will direct the holding of a formal hearing.

(b) Failure to request a hearing within the time specified may result in a declaration that the patent is affected with the public interest. Such declaration will be served on the patent owner.

PROCEDURE FOR GRANTING A LICENSE PURSUANT TO SECTION 153b (2)

§ 2.304 *Administrative examination of applications, notice to others, informal conferences.* Applications for a license pursuant to section 153b (2) to a patent declared to be affected with the public interest will be given a docket or other identifying number and routed to the appropriate AEC office for administrative examination. AEC will give to others such notice of the filing of the application as is required under the applicable regulations of this Chapter and such additional notices as it deems appropriate. The applicant may be required to submit additional information and may be requested to confer informally regarding the application.

§ 2.305 *Action on application.* (a) Prior to denial of the application, the AEC shall serve on the applicant a notice of denial, which shall include an opportunity to request a hearing.

(b) Prior to approval of the application and issuance of a license, the AEC shall serve on the applicant and the patent owner a notice of intent to issue a license which shall include the scope of the proposed license and an opportunity to request a hearing.

§ 2.306 *Request for hearing.* (a) If the applicant requests a hearing within 30 days after the issuance of the notice of denial or such other period of time as the AEC may specify, the AEC will direct the holding of a formal hearing

and issue notice of hearing. Failure to request a hearing within the time specified may result in a denial of the request for a license.

(b) If the patent owner or the applicant requests a hearing within 30 days after the issuance of the notice of intent to issue a license or such other time as the AEC may specify, the AEC will direct the holding of a formal hearing and issue notice of hearing. Failure to request a hearing within the time specified may result in the issuance of the license.

PROCEDURE FOR GRANTING A LICENSE PURSUANT TO SECTION 153e

§ 2.307 *Administrative examination of applications and informal conferences.* Applications for a license pursuant to section 153e for a patent useful in the production or utilization of special nuclear material or atomic energy will be given a docket or other identifying number and routed to the appropriate AEC Office for administrative examination. AEC will give to others such notice of the filing of the application as is required under the applicable regulations of this chapter and such additional notices as it deems appropriate. The applicant may be required to submit additional information and may be requested to confer informally regarding the application.

§ 2.308 *Notice of application.* Within 30 days after the filing of such application, the AEC will make available to the patent owner all of the information contained in such application.

§ 2.309 *Notice of hearing.* Notwithstanding any other provision of the regulation in this Part:

(a) Within 30 days after the filing of the application, the AEC will issue notice of a formal hearing to the applicant and patent owner.

(b) Within 60 days after the filing of the application, a formal hearing will be held.

ROYALTIES

§ 2.310 *Royalties.* The owner of the patent affected by a declaration and a finding made by the Commission pursuant to subsection 153b or 153e of the Atomic Energy Act of 1954 shall be entitled to a reasonable royalty fee from the licensee for any use of an invention or discovery licensed by section 153. Such royalty fee may be agreed upon by such owner and the patent licensee, or in the absence of such agreement shall be determined for each patent license by the Commission pursuant to subsection 157c, as provided in Part 80 of this chapter.

Dated at Washington, D. C., this 12th day of January 1956.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56-648; Filed, Jan. 26, 1956; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 178]

[File No. 21-335]

POULTRY HATCHING AND BREEDING INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the Poultry Hatching and Breeding Industry (to supersede the rules for the Baby Chick Industry as promulgated September 15, 1948), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than February 29, 1956.

Opportunity to be heard orally in the matter will be afforded at the following times and places to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard:

Hearing commencing at 10 a. m., c. s. t., February 13, 1956, in the Continental Hotel, Baltimore Avenue at 11th Street, Kansas City, Missouri; and

The second session of such hearing beginning at 10 a. m., e. s. t., February 29, 1956, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street, NW., Washington, D. C.

After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

Members of the industry to which the rules have application are persons, firms, corporations, or organizations engaged in the marketing of any kind or kinds of live poultry for growing, breeding, or egg or meat production, and of poultry eggs for hatching use. The live poultry mentioned includes, but is not limited to, chicks, poults, goslings, and ducklings. These proceedings to revise and extend the existing trade practice rules for the Baby Chick Industry were instituted by the Commission on an industry application.

Issued: January 24, 1956.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-655; Filed, Jan. 26, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEY OF INVENTORIES, SALES, AND ACCOUNTS RECEIVABLE OF RETAIL ESTABLISHMENTS

NOTICE OF DETERMINATION

In conformity with the act of Congress approved August 31, 1954, 13 U. S. C. 181, 224 and 225, and due notice of consideration having been published (20 F. R. 9163, December 9, 1955) pursuant to said act, I have determined that certain annual data including those relating to annual sales figures, merchandise inventories, sales-inventory ratios, and charge and installment accounts receivable as of the end of the year of retail trade establishments are needed to aid the efficient performance of essential governmental functions, and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources.

Retail trade, as the outlet for the products of industry, mining, and agriculture, is of strategic importance in the economy of the nation and information such as the amount of merchandise inventories on hand in retail stores and retail multiunit warehouses, sales-inventory ratios by kinds of retail stores, and the amount of charge accounts and installment plan receivables due retail stores at the end of the year, are basic to an analysis of the functioning of the economy. Such agencies as the Office of Business Economics and the Board of Governors of the Federal Reserve System require inventory data and the amount of outstanding credit for retail stores in appraising the business outlook and in connection with the review of credit policies. Data on the amount and trend of retail inventories, together with figures on other major elements of business investment, are needed for the measurement of the gross national product.

Business and industry also are interested in the inventory measures as indicators of the outlook for business activity and as tools for the promotion of business efficiency and stability. Retailers can make use of the sales-inventory ratios, derived from the survey, as benchmarks to which their own operation can be related.

The annual survey will involve collection of information from (1) stores of firms operating 1–10 units located in Census Sample Areas whose sales meet certain minimum size criteria, (2) individual establishments located within small land segments, regardless of sales size, (3) large department stores (1948 sales volume in excess of five million

dollars), and (4) large multiunit organizations (11 or more retail stores in 1948) regardless of their location. Information will be collected annually covering the preceding calendar year and commencing with the year of 1956 covering the year of 1955. Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director of the Census, Washington 25, D. C.

I have therefore directed that an annual survey be conducted for the purpose of collecting these data.

Dated: January 23, 1956.

[SEAL] A. ROSS ECKLER,
Acting Director,
Bureau of the Census.

Approved:

SINCLAIR WEEKS,
Secretary.

[F. R. Doc. 56-682; Filed, Jan. 26, 1956; 8:51 a. m.]

Federal Maritime Board

GULF FORWARDING CO. ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

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

(1) Agreement No. 8053 between Gulf Forwarding Company (New Orleans) and Paul A. Boulo (Mobile) is a cooperative working arrangement between the two registered freight forwarders under which Paul A. Boulo will handle the forwarding of Gulf Forwarding Company grain shipments moving through the Port of Mobile. Forwarding service charges and ocean freight brokerage will be split 50/50 between the parties, regardless of which one arranges for ocean space. The agreement may be terminated by a 60-day written notice of either party to the other.

(2) Agreement No. 8310, between Aktiebolaget Svenska Amerika Linien (Swedish American Line), Manchester Liners Limited, United States Lines Company (South Atlantic Line) and the carriers comprising the Wilhelmsen Line joint service, is a new agreement of the South Atlantic Steamship Conference providing for the establishment and maintenance of just and reasonable rates, charges and practices for or in connection with the transportation of all cargo in vessels owned, controlled and chartered, and/or operated by the parties in the trade from United States South Atlantic ports (Cape Hatteras to Key West inclusive) to the United Kingdom and Eire, Continental Europe (North of French Spanish Border other than Mediterranean ports), Scandinavia and Baltic ports. Upon approval this agreement will supersede and cancel the present agreement of the conference (No. 4620).

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 24, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-686; Filed, Jan. 26, 1956; 8:52 a. m.]

POST OFFICE DEPARTMENT

DELEGATIONS OF AUTHORITY RESPECTING DENIAL, SUSPENSION OR ANNULMENT OF SECOND-CLASS MAILING PRIVILEGES

The following are the texts of orders of the Postmaster General with regard to the above subject:

[Order 56048]

HEARING EXAMINERS; DELEGATION OF AUTHORITY

JANUARY 23, 1956.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), authority is hereby delegated to the Hearing Examiners of the Post Office Department, who have been appointed and qualified pursuant to the Administrative Procedure Act, 5 U. S. C. 1010, to serve as hearing officers in proceedings relative to the proposed denial, suspension or annulment of second-class mailing privileges under the provisions of 39 U. S. C., secs. 224, 225, 226, 227, 229, 230, 232, 233, unless otherwise ordered in any case.

[Order 56049]

THE SOLICITOR; DELEGATION OF AUTHORITY

JANUARY 23, 1956.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), authority is hereby delegated to the Solicitor for the Post Office Department to receive, consider and rule upon exceptions to the reports and recommendations of hearing officers in cases relating to the proposed denial, suspension or annulment of second-class mailing privileges (39 U. S. C., secs. 224, 225, 226, 227, 229, 230, 232, 233); and to decide for and in behalf of the Postmaster General whether the prayers of the petition with respect to the entry, denial, suspension or annulment of the second-class mailing privilege of the publication involved in each case should be granted or denied. The Solicitor shall transmit his decision to the Director, Division of Mail Classification.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 56-724; Filed, Jan. 26, 1956; 8:56 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 03945]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 19, 1956.

The Regional Director, United States Fish and Wildlife Service, Department of the Interior has filed an application, Serial No. Oregon 03945, for the withdrawal of the lands described below, from all forms of appropriation, subject to valid existing rights, under the public land laws and location under the general mining laws, but not including leasing under the mineral leasing laws or leasing under section 15 of the Taylor Grazing Act. The applicant desires the land for the purpose of providing access to the public for fishing in the Deschutes River.

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

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

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

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 1 N., R. 15 E.,
Sec. 14: SE¼NW¼.
Sherman and Wasco Counties, 8,336.88 acres.
T. 3 S., R. 14 E.,
Sec. 13: N½SE¼, S½NE¼, S½NW¼, N½SW¼;
Sec. 14: SE¼, SE¼NE¼;
Sec. 23: NE¼, W½SE¼, E½SW¼;
Sec. 35: E½NE¼, SW¼NE¼.
T. 2 S., R. 15 E., W. M.,
Sec. 13: W½SE¼, E½SW¼;
Sec. 23: SE¼NE¼, SE¼;
Sec. 24: NW¼, W½NE¼, SE¼NE¼, NW¼SW¼;
Sec. 26: E½W½, SW¼SW¼, NW¼NE¼;
Sec. 27: W½SE¼, SE¼SW¼;
Sec. 33: SE¼;
Sec. 34: SW¼, W½SE¼, E½NW¼, W½NE¼, SE¼NE¼;
Sec. 35: NW¼.
T. 3 S., R. 15 E., W. M.,
Sec. 3: W½SW¼, SW¼NW¼;
Sec. 4: SW¼, S½NW¼, SE¼, NE¼;
Sec. 5: SE¼NE¼, E½SE¼;
Sec. 7: Lot 3 (NW¼SW¼), Lot 4 (SW¼SW¼), E½SW¼, S½NE¼, N½SE¼, SE¼SE¼, SE¼NW¼;
Sec. 8: E½SE¼, W½SW¼;
Sec. 9: E½NW¼, SW¼NW¼, SW¼, E½;
Sec. 10: W½NE¼;
Sec. 17: E½NE¼, SW¼NE¼, N½SE¼, N½SW¼, SW¼NW¼;
Sec. 18: Lot 1 (NW¼NW¼), Lot 2 (SW¼NW¼), Lot 3 (NW¼SW¼), E½NW¼, NE¼SE¼, E½NE¼.
T. 1 S., R. 16 E., W. M.,
Sec. 4: E½NW¼, NE¼SW¼;
Sec. 5: W½SE¼;
Sec. 8: E½NE¼, SW¼SE¼;
Sec. 20: N½NE¼, SE¼NE¼, N½SE¼;

Sec. 30: W½NE¼, NE¼NE¼, W½SE¼, E½SW¼, SW¼SW¼;
Sec. 31: W½NW¼, SE¼NW¼, S½SE¼, NE¼SE¼, E½SW¼;
Sec. 32: SW¼SW¼.
T. 2 S., R. 16 E.,
Sec. 5: Lot 4 (NW¼NW¼), SW¼NW¼;
Sec. 6: Lot 1 (NE¼NE¼), Lot 2 (NW¼NE¼), S½NE¼, E½W½, W½SE¼;
Sec. 7: Lot 1 (NW¼NW¼), Lot 2 (SW¼NW¼);
Sec. 7: Lot 3 (NW¼SW¼), Lot 4 (SW¼SW¼), E½W½;
Sec. 18: Lot 1 (NW¼NW¼), Lot 2 (SW¼SW¼), E½W½;
Sec. 19: Lot 1 (NW¼NW¼), Lot 2 (SW¼NW¼), E½NW¼.

[SEAL] VIRGIL T. HEATH,
State Supervisor.

JANUARY 19, 1956.

[F. R. Doc. 56-649; Filed, Jan. 26, 1956; 8:45 a. m.]

Geological Survey

COLUMBIA RIVER, WASHINGTON

POWER SITE CLASSIFICATION

Modification No. 423 affecting Power Site Classifications Nos. 349 and 405.

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 349, approved June 22, 1944, and Power Site Classification No. 405, approved April 4, 1950, are hereby modified to the extent necessary to permit the Department of Highways, Washington State Highway Commission to obtain a grant of a right-of-way for the improvement and relocation of a highway, as shown on three maps entitled "Secondary State Highway No. 7-c Vantage to Beverly Flats" under United States Revised Statutes, Section 2477, dated July 26, 1866 (43 U. S. C. 932), over the affected portion of the following described lands:

WILLAMETTE MERIDIAN, WASHINGTON

T. 17 N., R. 23 E.,
Sec. 28, lots 1, 2, 3, 4, E½SW¼ and SW¼SE¼.

Dated: January 20, 1956.

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 56-659; Filed, Jan. 26, 1956; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH DAKOTA

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY AND SPECIAL EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it is determined that in the South Dakota counties listed below, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies or other responsible sources.

Also, for the purpose of making special emergency loans pursuant to Public Law 727, 83d Congress, as amended, it is determined that in the South Dakota counties listed below 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.

SOUTH DAKOTA

Beadle.	Hyde.
Bon Homme.	Jerauld.
Brookings.	Jones.
Brown.	Kingsbury.
Campbell.	Lincoln.
Charles Mix.	Lyman.
Clark.	McCook.
Clay.	McPherson.
Codington.	Marshall.
Corson.	Miner.
Davison.	Perkins.
Day.	Potter.
Dewey.	Roberts.
Douglas.	Sanborn.
Edmunds.	Spink.
Faulk.	Stanley.
Grant.	Sully.
Haakon.	Turner.
Hamlin.	Union.
Hand.	Walworth.
Hanson.	Yankton.
Hutchinson.	Ziebach.
Hughes.	

Accordingly, the above-named counties are hereby designated for making production emergency loans and special emergency loans to new applicants through June 30, 1956. Thereafter, production emergency loans may be made only to applicants who previously received such loans and special emergency loans only to applicants who previously received such loans, and who can qualify for loans of the particular type under established policies and procedures.

Done at Washington, D. C., this 24th day of January 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-685; Filed, Jan. 26, 1956; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11528; FCC 56M-51]

WBUF-TV, INC., AND NATIONAL BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of WBUF-TV, Inc. (assignor) and National Broadcasting Company, Inc. (assignee), Docket No. 11528, File No. B-PCT-150; for assignment of the construction permit for Station WBUF-TV, Buffalo, New York.

It is ordered, This 13th day of January 1956, that, pursuant to an informal conference between counsel of all parties herein, the hearing now scheduled for January 16, 1956, be, and the same is hereby, continued to a date to be hereinafter determined.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 56-661; Filed, Jan. 26, 1956; 8:48 a. m.]

[Docket Nos. 11551, 11552; FCC 56M-63]

RADIO KYNO, VOICE OF FRESNO (KYNO) AND WRATHER-ALVAREZ BROADCASTING, INC. (KFMB)

STATEMENT AND ORDER CONTINUING HEARING

In re applications of Amelia Schuler, Lester Eugene Chenault and Bert Williamson, d/b as Radio KYNO, The Voice of Fresno (KYNO), Fresno, California, Docket No. 11551, File No. BP-9511; Wrather-Alvarez Broadcasting, Inc. (KFMB), San Diego, California, Docket No. 11552, File No. BP-9794; for construction permits.

Appearances: Norman E. Jorgensen, on behalf of Radio KYNO, The Voice of Fresno (KYNO), applicant, and Bakersfield Broadcasting Company (KAFY), respondent; Vincent B. Welch and Fred J. Eden, Jr., on behalf of Wrather-Alvarez Broadcasting, Inc. (KFMB), applicant; and Richard E. Ely, on behalf of the Broadcast Bureau of the Commission.

Pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules and in accordance with notice duly given, a pre-hearing conference in the above-entitled matter was held on January 16, 1956. Agreements among the parties, as set forth in the transcript of the pre-hearing conference, are formally approved by the Hearing Examiner; and the course of the hearing shall be governed by the procedure so agreed upon.

It is ordered, This 16th day of January 1956, that the exhibits will be exchanged on February 8, 1956; and, pursuant to oral motion and agreement thereto made during the course of the pre-hearing conference, the hearing be and it is hereby continued from February 8 to February 15, 1956, at 10 o'clock a. m., in Washington, D. C.

Released: January 20, 1956.

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

[F. R. Doc. 56-662; Filed, Jan. 26, 1956; 8:48 a. m.]

[Docket No. 11601; FCC 56M-64]

EUCHEE VALLEY BROADCASTING CO. (WDSP)

ORDER SCHEDULING CONFERENCE

In re application of W. D. Douglass, tr/as Euchee Valley Broadcasting Co. (WDSP), De Funiak Springs, Florida, Docket No. 11601, File No. BP-10045; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 19th day of January 1956, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., January 27, 1956.

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

[F. R. Doc. 56-663; Filed, Jan. 26, 1956; 8:48 a. m.]

[Docket No. 11613; FCC 56-58]

AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of American Broadcasting-Paramount Theatres, Inc., for a permit to locate, use or maintain a broadcast studio or other place or apparatus in the United States for the production of programs to be transmitted or delivered to Television Station XETV, Tijuana, Mexico.

1. The Commission has under consideration (a) a "Protest" filed on December 23, 1955, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Wrather-Alvarez Broadcasting, Inc., licensee of television Station KFMB-TV and standard broadcast Station KFMB, both in San Diego, California, and directed against the Commission's action of November 23, 1955, granting without hearing the above-entitled application; (b) a similar "Protest" filed on December 23, 1955, by KFSD, Inc., permittee of television Station KFSD-TV, San Diego, California; (c) a "Reply to Protests" filed on January 6, 1956, by American Broadcasting-Paramount Theatres, Inc.; and (d) an "Answer to Reply" filed on January 13, 1956, by Wrather-Alvarez Broadcasting, Inc.

2. In its Sixth Report and Order, issued on April 14, 1952, the Commission assigned Channels 8, 10, 15*, 21, 27, 33 and 39 to San Diego. Channels 6 and 12 are assigned to Tijuana under an Agreement between the United States and Mexico. In San Diego, Wrather-Alvarez Broadcasting, Inc. (KFMB-TV) is operating on Channel 8 and KFSD, Inc. (KFSD-TV), is operating on Channel 10. No stations are operating on, nor are any applications pending for the UHF channels. In Tijuana, Mexico, Station XETV is operating on Channel 6 under an authorization issued by the Government of Meixco and a permit has been issued to Station XETC on Channel 12. The 1950 Census population of San Diego is 334,387 while that of Tijuana is 59,952. The cities are 15 miles apart, center to center, and the signals of XETV are received consistently in the United States. The Grade A and Grade B contours of protestants' television stations fall, respectively, within the Grade A and Grade B contours of Station XETV. KFMB-TV is affiliated with CBS and ABC while KFSD-TV is affiliated with NBC.

3. In its protest, KFMB-TV sets forth certain facts concerning the population in the San Diego-Tijuana area and alleges, in substance, that its right to file said protest under section 309 (c) of the Communications Act is based upon sections 325 (b) and (c) of the act;[1] that the affiliation of XETV with the above-named applicant (ABC) will cause protestant direct and severe economic injury through the loss to it of the revenue from the considerable number of ABC programs (specified in the protest) which protestant has been carrying; that protestant will suffer immediate and direct economic injury when prize-winning ABC programs (specified in the protest) cease being identified by the public and by advertisers with protestant's station; that it will also suffer severe economic injury from loss of spot announcements and programs purchased by national and local advertisers adjacent to ABC programs carried by protestant; that the grant being protested will make available to XETV "a materially different type of program fare, giving XETV a powerful lever with which to capture a larger segment of the San Diego audience and a greater share of advertising revenue from the San Diego market"; that the "radical alteration in the competitive situation heretofore existing between XETV and Protestant will result in severe economic injury to Protestant"; that because XETV is able to undersell American competitors by substantial amounts since it pays lower taxes, pays no social security or unemployment compensation, pays lower wages, and has no obligation to maintain a high quality program service, the resulting economic injury to protestant will be disastrous and "will seriously endanger its ability to continue with the high standards of programming which it has observed in serving Southern California"; and that by authorizing affiliation of ABC with XETV, the Commission is, in effect, destroying protestant's affiliation with ABC and transferring that affiliation to XETV.

[1] Sections 325 (b) and (c) read as follows:

"(b) No person shall be permitted to locate, use or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be reached consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.

"(c) Such application shall contain such information as the Commission may by regulation prescribe, and the granting or refusal thereof shall be subject to the requirements of section 309 hereof with respect to applications for station licenses or renewal or modification thereof, and the license or permission so granted shall be revocable for false statements in the application so required or when the Commission, after hearings, shall find its continuation no longer in the public interest."

4. KFMB-TV further alleges, in substance, that XETV has engaged "in flagrant disregard of the cultural and entertainment needs of the Mexican population whom it was licensed to serve"; that since XETV first went on the air it has operated almost wholly to serve the English-speaking population of southern California and has almost entirely ignored the Mexican population within its service area; that of the 3,709 minutes XETV was on the air between March 27 and April 2, 1955, only 8.77 percent of the time was devoted to Spanish-language programming; that ABC, in filing its application, has demonstrated its intention to induce XETV to ignore the needs and interests of persons whom XETV was licensed to serve and to depart from the purposes for which Channel 6 was assigned to Mexico; that the Commission's grant is of doubtful legality in that it subverts the Treaty assigning Channel 6 to Mexico and is inconsistent with § 3.606 of the rules in that Channel 6 was not assigned to San Diego; that "although the Commission is encouraging XETV to disregard its Mexican audience and become an American station, the owners of XETV are aliens and consequently do not meet the requirements of section 310 (a) of the Communications Act which, in substance, prohibits the granting of broadcast licenses to aliens"; that responsible voices in Baja California resent the manner in which XETV has abused and neglected its responsibility to serve its Spanish-speaking public; and that the Commission's action "aids, abets, and encourages" XETV in its practice of engaging in flagrant and continuing violations of Mexican law, particularly the statutory requirements "that the programming be predominantly in Spanish, that there be at least one musical number or any other matter that is not advertising between two advertisements, and that only 50 percent of commercial advertisement be in a foreign language."

5. KFMB-TV further alleges, in substance, that on July 2, 1955, the Mexican General Bureau of Telecommunications released certain interpretations designed to limit the amount of rebroadcasting in which a Mexican station may engage and the Commission has no assurance whatever that XETV will comply with these requirements; that if the principals of ABC are aware of the illegality of the proposed practices, then the Commission is presented with a serious matter reflecting adversely on the character of ABC's principals; that there is no basis for the belief that the above grant would tend to encourage American stations to use Mexican programs and, consequently, the "interchange of programs" mentioned in the Commission's letter to protestant appears to be nonexistent; that XETV continually engages in the deception of publicizing itself as a San Diego station, particularly on its rate card, in advertising material and in connection with the radio-television sections of the newspapers; that Jorge Rivera, part owner of XETV, is also owner of standard broadcast Station XEAC in Tijuana, which station "has presented astrologers, fortune tellers, lotteries, horse race information, liquor advertising and stock

speculative schemes"; that there is a real danger, based on Mr. Rivera's past practices, that he will place such program material adjacent to the ABC programs, contrary to the public interest; that the activity of border stations has been a serious problem for many years; that five UHF channels are assigned to San Diego and that the above grant "would substantially prejudice the possibility of a UHF station gaining a foothold in the San Diego market"; that protestant and KSFD–TV have carried ABC programs and that the XETV affiliation with ABC will result in ABC having no control over their programs and adjacent programs and announcements; that the public interest will not be served by any action which might cause loss or deterioration of the commendable program service which protestant has been providing. Finally, protestant requests that the grant of the above-entitled application be set aside; that the application be designated for hearing on specified issues; and that protestant be named as a party to said hearing.

6. In its protest, KFSD, Inc., alleges, in substance, that it is the permittee of a television station KFSD–TV in San Diego; that it purchased said station and its associated radio broadcasting properties for approximately $3,250,000; that it is currently operating at a loss; that it broadcasts approximately 2½ hours of ABC programs per week; that a grant of the above-entitled application will cause immediate and direct economic injury to protestant because said ABC programs will "switch" to XETV, requiring KFSD–TV to buy film for the vacated time segments and placing XETV in a stronger position to sell national spot and local advertising in competition with KFSD–TV; that the "switch" of the 16¼ hours of ABC programs from KFMB–TV to XETV will induce KFMB to buy excellent film programs as replacements and thus strengthen KFMB's competitive position; that this will substantially increase the bidding and price for high type film programming in the San Diego market, thus increasing KFSD's operating cost; that the acquisition by XETV of the ABC programs of both protestants herein will enable XETV to sell local and national spot advertising on programs other than ABC network programs; and that KFSD–TV is a "party in interest" under section 309 (c) of the Communications Act.

7. KFSD–TV further alleges, in substance, that the above grant is against the public interest because it will cause impairment of the quality of programming from United States stations licensed by the Commission in San Diego and reduce the amount of religious, educational, charitable and public interest broadcasting which they will be able to provide, without the likelihood of compensating increases by XETV; that since November 15, 1954, KFSD–TV has made substantial capital expenditures to provide the finest possible television service to viewers in the San Diego area; that the above grant will create unfair competition since XETV's operating costs are substantially lower because that station is not subject to United States laws and regulations relating to broadcasting, taxes, labor and employee benefits; that XETV is not obligated, either morally or legally, to furnish the non-revenue producing public service programs which are broadcast by KFSD–TV; that if the above grant is permitted to stand, KFSD–TV will have to concern itself in the early stages of its development with devising ways and means to protect itself against the "undercutting" of a competitor operating at the unfair advantage that XETV will have; that ABC has followed restrictive practices which have impaired the circulation of its programs in the San Diego market such as, for example, "by improvidently making a contract with KFMB–TV giving that station a right of first refusal to run ABC programs in San Diego" and depriving itself of opportunities to place programs on KFSD–TV; that ABC has not made a reasonably diligent effort to clear time on KFSD–TV; that any benefits accruing from the above grant will be slight since reception is available in substantial parts of San Diego County from Station KABC–TV, Los Angeles; and that a hearing will show that the impairment to public interest programming by stations licensed by the Commission that must result from the above grant will vastly outweigh any benefits thereof.

8. KFSD–TV further alleges, in substance, that the above grant is against the public interest because it defeats the purpose of the United States-Mexico Treaty of September 26, 1951; that under the above grant, XETV will be in practical effect a United States television station; that its programs will be beamed at United States citizens in the English language; that the present "infinitesimal" number of Spanish language programs will probably disappear; that the above grant creates a situation that is against the public interest because it is an unwarranted interference with sound diplomacy and impairs the foreign relations of the United States; that the above grant defeats the purposes of section 310 of the Communications Act because XETV will be a United States station operated by aliens; and that a "Commission finding of public interest, convenience and necessity cannot be supported where it promotes results prohibited by an Act of Congress binding upon the Commission". Finally, KFSD–TV requests that the Commission postpone the effective date of the above grant, designate the application for hearing on specified issues, and make protestant a party to said hearing.

9. In its "Reply to Protests" ABC alleges, in substance, that it concedes that XETV competes directly with protestants' stations; that their allegations do not establish that they could be seriously affected by ABC's decision to affiliate with XETV; that under the ruling in Baker v. United States, 92 F. 2d 332, the Commission's authority under section 325 (b) extends only to one method of delivery of ABC programs to XETV and that ABC is free, without Commission authority, to deliver to XETV any and all filmed or kinescoped programs;[1] that the bulk of the ABC programs carried by protestants have been filmed or kinescoped; that since the above grant has significance only with respect to the relatively few programs which could not be satisfactorily delivered to XETV except by wire or radio, and since protestants have erroneously assumed that injury stemming from their loss of and transference to XETV of any and all ABC programs is relevant, their allegations fall short of a convincing showing that they are "parties in interest"; that, in summary, protestants state that the delivery of a better quality of American programming to XETV is in derogation of the United States-Mexico agreement of September 26, 1951, is contrary to section 310 (a) of the Communications Act and § 3.606 of the Commission's rules, will aid and abet violation of Mexican law, will deteriorate XETV's program service, will impair protestants' ability to operate in the public interest, will result in deterioration of relationships between citizens of Mexico and the San Diego area, and will prejudice the future of UHF television in San Diego; that these arguments demonstrate that protestants' concern is with their own private rather than the public's interests; and that making ABC programs available to XETV will in no way alter XETV's operations except that the quality of its programming will be improved.

10. ABC further alleges, in substance, that the above grant in no way contravenes the United States-Mexico agreement; that so far as is known, the government of Mexico has expressed no disapproval of XETV's operation as an English language station; that ABC is advised that XETV's operation is in accord with Mexican law and that this question is irrelevant; that the above grant furthers the purposes of section 310 of the act by maintaining, insofar as possible, Commission control over the programs broadcast by XETV to the United States; that the charge that the above grant is contrary to § 3.606 of the rules is wholly without foundation; that the alleged likelihood of objectionable programming and advertising by XETV has no foundation other than idle speculation as to what XETV might do in the future; that protestants "seek protection of their monopoly of outlets for network programs in the San Diego area which has permitted them to pick and choose among ABC programs accepting only the most popular and only under conditions especially favorable to them"; that certain issues specified by the protestants were not shown to be relevent; that the protestants should not be permitted to use any hearing which may be ordered as a vehicle for time-consuming fishing expeditions; and that if the protests must be granted, the hearing order should include issues providing for a consideration of the contractual arrangements be-

[1] A discussion of these allegations is not pertinent to our consideration of the instant protests and the absence of such discussion should not be interpreted as agreement with said allegations.

tween protestants and the television networks, the extent and circumstances under which protestants' facilities are available to ABC and whether ABC has equal access to competitive facilities for the broadcasting of its programs in San Diego and elsewhere, and if not, the effect thereof upon competition between national television networks.

11. The Commission's authority to issue the permit requested by the applicant herein is based upon the provisions of section 325 (b) of the Communications Act. Subsection (c) of section 325 provides that a grant of such a permit is subject to the requirements of section 309 of the Act. Accordingly, the protest provisions of section 309 are applicable to the Commission's action granting the above-entitled application. In view of the fact that protestants are permittees of television stations in San Diego; that XETV serves the areas served by protestants' stations; that the three stations compete for programs, audience and advertising revenues in the San Diego market; and that protestants have alleged that they will suffer economic injury as a result of the grant complained of, we find each of the protestants to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 407.

12. We find further that protestants have specified facts, matters and things relied upon with sufficient particularity to warrant designating the above-entitled application for hearing on issues specified by protestants. These issues have been merged and duplicate issues have been eliminated. In making the above finding, we do not determine or imply that any or all of these issues, even if the facts with respect thereto are as alleged by protestants, are such that they could result in a determination that the grant to the applicant herein was improper, contrary to the public interest, or should be set aside. Accordingly, said issues are not being adopted by the Commission and the burden of proof thereon, both in proving the facts alleged and in demonstrating their materiality and relevancy will be on the protestants. Finally, we have not included the issues specified by the applicant since the testimony sought thereunder may be received under issues framed by protestants and included in the order adopted below.

13. In view of the foreging, *It is ordered*, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission in the hearing ordered below with respect to the protests herein; and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues, which issues, as we have indicated above, are not being adopted by the Commission and are specified below only because of the mandatory requirements of the existing provisions of section 309 (c) of the Communications Act:

(a) To determine whether XETV in fact holds itself out to be a San Diego television station, serving the San Diego market, receiving the bulk of its revenues from United States sources, and whether in fact the station is operated in all major respects to serve the San Diego public and advertisers rather than the citizens of Mexico.

(b) To determine whether XETV has engaged in deceptive practices to convince the public that it is a San Diego station rather than a Mexican station.

(c) To determine whether the grant of the application would be in derogation of the Treaty assigning Channel 6 to Mexico by encouraging XETV to direct itself to almost wholly an American audience rather than a Mexican national audience, and, if so, whether an official agency of the United States is legally authorized to, or as a matter of policy should, take such action.

(d) To determine whether a grant of the application would be inconsistent with the Table of Assignments (§ 3.606 of the Commission's rules and regulations) by encouraging the operation of XETV as a San Diego station.

(e) To determine whether a grant of the application would be inconsistent with the spirit and intent of section 310 (a) of the Communications Act of 1934, as amended, by permitting and encouraging the operation by aliens of a television station designed to serve the American public.

(f) To determine whether or not XETV is operating in violation of Mexican law, statutes, and regulations, and if so, whether such practices reflect adversely on the character of the principals of XETV and their qualifications to furnish television broadcast service received in the San Diego area.

(g) To determine the nature of the proposed arrangements between XETV and ABC and whether they are part of a concerted plan to circumvent the Treaty assigning Channel 6 to Mexico, § 3.606 of the Commission's rules and regulations (Table of Assignments), and the requirements of Mexican law as to programming in a foreign language, and whether such arrangements reflect adversely on the character of the principals of ABC.

(h) To determine the nature and extent of the program service which ABC proposes to make available to XETV; and whether the arrangements effected aid and abet the violation of Mexican law.

(i) To determine whether in fact there exists a free interchange of programs between United States and Mexican stations, and, if any, the effect of a grant of the ABC application on such interchange.

(j) To determine whether XEAC, the station owned by Jorge Rivera, a part owner of XETV, has engaged in objectionable broadcast practices, including, among other things, the broadcast of material relating to lotteries, horse race information, liquor advertising, stock speculative schemes; whether the principals of ABC are aware of such practices; and whether there is a danger that the audience attracted to XETV by virtue of the ABC programs will be subjected to such practices.

(k) To determine the commercial, advertising, and programming practices of XETV; whether they are objectionable by American standards; and if objectionable, whether the Commission should aid and abet their transmission to a United States audience by a grant of the ABC application.

(l) To determine, in view of the character of the principals of XETV and the practices of the stations with which they have been connected, whether or not XETV may be expected to delete, tamper with, and alter the ABC programs transmitted to it for rebroadcasting, and whether or not ABC can provide any assurances that these practices will not occur.

(m) To determine the extent to which KFMB–TV, KFSD–TV, XETV and television stations in Los Angeles provide an outlet for ABC programs in the San Diego market.

(n) To determine the extent to which ABC network programs can be made available to the public in the San Diego area without the grant of the application herein.

(o) To determine XETV's selling practices with respect to local, regional, and national advertisers, including, among other things, practices with respect to observance of rates set forth in the station's rate card and "bonuses" to advertisers; the extent to which XETV is able to undersell American competitors by virtue of, among other things, lower taxes, lower wages, and the absence of any need to maintain a high standard of program service; and in the light of the foregoing factors whether a grant of the ABC application would create an unfair and onerous competitive situation between XETV and Protestant which might adversely affect the ability of Protestant to maintain high standards of programming.

(p) To determine whether a grant of the application would prejudice the future of UHF television broadcasting in San Diego.

(q) To determine whether the grant might result in (1) subjecting the San Diego audience to objectionable programming and advertising material and excessive commercialism, based on the past practices of XETV and other stations with which principals of XETV have been associated; (2) the possible deterioration of the program service of existing American stations legitimately and legally rendering service to the San Diego area; and (3) a deterioration of relationships between citizens of Mexico and of the San Diego area by encouraging violation of Mexican law and neglect of the needs and interests of the people whom XETV was licensed to serve.

(r) To determine in the light of all of the foregoing issues whether the public interest, convenience, and necessity would be served by grant of the application.

The burden of proof as to each of the above issues shall be on the protestants.

14. *It is further ordered*, That the protestants and the Chief, Broadcast Bu-

reau, are hereby made parties to the above-described proceedings, and that:

(a) The hearing on the above issues shall commence at 10:00 a. m., on March 19, 1956, before an Examiner of the Commission; and

(b) The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The parties intending to participate in the hearing herein shall file their appearances not later than March 12, 1956.

Adopted: January 18, 1956.

Released: January 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-664; Filed, Jan. 26, 1956; 8:48 a. m.]

[Docket Nos. 11614, 11615; FCC 56-59]

ELSON TELEVISION CO. AND AROOSTOOK BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Thomas B. and Evelyn F. Friedman, d/b/a Elson Television Company, Caribou, Maine, Docket No. 11614, File No. BPCT-2011; Aroostook Broadcasting Corporation, Presque Isle, Maine, Docket No. 11615, File No. BPCT-2032; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of January 1956;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 8 at Caribou, Maine, and at Presque Isle, Maine, respectively; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing, and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act a hearing is mandatory; that Aroostook Broadcasting Corporation is legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast station; and that Thomas B. and Evelyn F. Friedman, d/b/a Elson Television Company, are legally, technically, financially and otherwise qualified except with respect to the matters specified in issue (1) below:

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

(1) To determine whether there is a reasonable possibility that the antenna system and site proposed by Thomas B. & Evelyn F. Friedman d/b as Elson Television Company may constitute a menace to air navigation.

(2) To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 23, 1956.

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

[F. R. Doc. 56-665; Filed, Jan. 26, 1956; 8:48 a. m.]

[Docket No. 11616; FCC 56-60]

MIDLAND EMPIRE BROADCASTING CO.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Midland Empire Broadcasting Company, Billings, Montana, Docket No. 11616, File No. BPCT-2023; for a construction permit for a new television broadcast station.

1. The Commission has before it for consideration (a) a "Protest and Petition For Reconsideration" filed on December 22, 1955, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by The Montana Network, permittee of television station KOOK-TV, Channel 2, and licensee of standard broadcast station KOOK, both at Billings, Montana, and directed against the Commission's action of November 23, 1955, granting without hearing the above-entitled application of Midland Empire Broadcasting Company (Midland Empire) for a construction permit for a new television broadcast station to operate on Channel 8 at Billings, Montana (KGHL-TV); (b) an "Opposition to Protest and Petition for Reconsideration" filed on January 6, 1956, by Midland Empire; and (c) the "Reply" by The Montana Network filed on January 13, 1956. The protestant is currently operating under Special Temporary Authority with visual effective radiated power of 13.5 kw and an antenna height of 520 feet above average terrain.

2. Protestant claims standing as a "party in interest" and a "person aggrieved" under sections 309 (c) and 405 of the Communications Act of 1934, as amended, by virtue of its status as the permittee of television station KOOK-TV and licensee of standard broadcast station KOOK, both located in Billings. KOOK-TV alleges, in substance, that the proposed operation of KGHL-TV would substantially duplicate the operation of KOOK-TV; that KGHL-TV would compete with KOOK-TV for viewing audience and for local, regional and national advertising revenue, with resultant economic injury to KOOK-TV. KOOK-TV further alleges that Midland Empire will obtain a National Broadcasting Company affiliation and that KOOK-TV will, as a result and to its financial detriment, lose its NBC affiliation and a portion of its viewing audience. The protestant also alleges that the inauguration of an additional broadcast service in Billings will reduce the revenues of its standard broadcast station KOOK. In view of the foregoing, protestant alleges that it has standing to protest the above-entitled application.

3. In support of its protest and petition, KOOK-TV alleges, in substance, that Midland Empire's application contains inconsistencies and inadequacies in its showing of financial ability to construct its proposed station; that it is impossible to determine definitely from the application who the stock subscribers are; that it cannot be determined from where the $135,000 shown in the application as existing capital will come; that there is no information in the application as to business relationships in the past five years of Mrs. Bessie Hancock, who is to loan $180,000 to the applicant; that the staff proposals of the applicant are inadequately set forth in the application; and that there is "considerable doubt" as to whether the staff proposed will be adequate. It is also alleged that the Billings market cannot properly support two television stations; that the fact that the Commission has assigned two channels to Billings does not mean that two television stations can operate profitably there or even cover operating costs; that competition under the circumstances is unhealthy and might result in both stations being compelled to render an inadequate service; that the public interest would therefore be adversely affected by the operation of the

[2] Commissioners Webster and Doerfer dissented in opinion.

Midland Empire television station; and that a full and complete hearing on the subject application is necessary before the Commission can properly determine the ultimate effect of a grant upon the public interest. Finally, KOOK–TV urges that the burden of proceeding with the introduction of evidence and the burden of proof should be on the applicant because the applicant has allegedly not made full disclosures in its application and has thus failed to meet its "statutory burden of proof" under section 319 (a) of the act. KOOK–TV requests that, pursuant to the provisions of sections 309 (c) and 405 of the Communications Act, the Commission designate the above-entitled application for hearing on the issues specified in the pleading and such other issues as the Commission may prescribe; adopt the issues specified by KOOK–TV; make KOOK–TV a party to the proceeding; and postpone the effective date of the Commission's action to the effective date of the Commission's decision after hearing.

4. The protestant has specified the following issues:

1. To determine whether the applicant on the basis of information submitted in the application is financially qualified to construct, own, and operate the proposed television station.

2. To determine the adequacy of Midland Empire Broadcasting Company's proposed staff to carry out its proposed programming, and the extent, if any, to which the staff of Station KGHL will be available to assist the applicant in its proposed television operation.

3. To determine whether inconsistencies and omissions contained in the application of Midland Empire Broadcasting Company preclude the grant of this application by the Commission.

4. To determine whether the television advertising potential of the Billings, Montana market is sufficient to support both Station KOOK–TV and the proposed station, and

(a) if not, whether a grant of the Midland Empire Broadcasting Company application will jeopardize the continued existence of local television service in the Billings, Montana area with the result that the listening public will be left without adequate local television service.

(b) if both stations can survive, whether the television service to be received from these two stations may reasonably be expected, as a result of neither station receiving adequate revenue, to be inferior in quality to that presently provided to the Billings, Montana area by Station KOOK–TV to the extent that each station would render inadequate service.

5. To determine whether, in the light of evidence adduced on the foregoing issues, the public interest, convenience, or necessity would be served by a grant of the application of Midland Empire Broadcasting Company for a television station construction permit.

5. In its "Opposition", Midland Empire alleges, in substance, that KOOK–TV has no standing under sections 309 (c) and 405 of the Communications Act to protest the instant application on grounds of competitive injury; that the assignment of Channel 8 to Billings by the Commission precludes KOOK–TV from now protesting an operation on that channel; and that the Sanders case [1] has no application to the television field. Midland Empire alleges further that the recital of "facts, matters and things" by the protestant fails to meet the statutory test of particularity; that the matters raised by the protestant with respect to the proposed financing are frivolous and present no substantial questions; that there are no inconsistencies in the application; that adequate information has been furnished with respect to Midland's staffing proposals; and that no specific facts have been alleged with respect to the claimed inadequacy of the proposed staff. With respect to the matters alleged relating to the ability of Billings to support two television stations, Midland Empire urges that such allegations are purely speculative and without merit; that KOOK–TV is merely seeking to perpetuate its television monopoly in Billings; and that the natural laws of competition must govern to determine the degree of success of stations operating in a given market. Midland Empire contends that section 309 (c) places the burden of proceeding with the evidence and the burden of proof on the protestant, and that the protestant has advanced no reasons which would justify the shifting of those burdens. Finally, Midland Empire urges that if the Commission concludes that there should be only one station in Billings, it must determine, after hearing, whether KOOK–TV or KGHL–TV should be allowed to operate. Midland Empire asks, therefore, that the protest and petition be denied, but that if the Commission determines a hearing is required, it should also designate for hearing KOOK–TV's next request for an authorization to continue its service, and consolidate such hearing with any hearing designated on the instant protest in order to determine on a comparative basis which of the two parties is better able to provide television service to Billings.

6. In view of the fact that the protestant is the permittee of a television station and the licensee of a standard broadcast station, both in Billings, Montana; that such stations and the station proposed by Midland Empire will compete for advertising revenues as well as listening and viewing audience; and that the protestant has alleged that it will suffer economic injury as a result of the grant complained of, we find the protestant to be a "party in interest" and a "person aggrieved or whose interests are adversely affected thereby" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended. Federal Communications Commission v. Sanders Brothers Radio Station, supra.

7. We further find that the protestant has specified with sufficient particularity the facts, matters and things relied upon to warrant designating the above-entitled application for hearing. The protestant's issue "3" appears to be a generally phrased repetition of the first two issues. In view of the fact that section 309 (c) of the Communications Act provides that a protest "shall not include issues or allegations phrased generally" and because the matters sought to be raised by such issue are included in the first two issues and issue "5", issue "3" as specified by the protestant will not be included in the hearing order hereinafter adopted. With respect to issue "4" above, it should be pointed out that the retention of this issue in hearing does not constitute a determination at this time that the competitive effect of Midland Empire's proposed station on the protestant's television station is a relevant consideration. This question will be determined at the hearing. Finally, we are persuaded on the basis of the pleadings that the burden of proceeding with the introduction of evidence and the burden of proof should not be shifted to the applicant. Accordingly, we are not adopting the issues set forth in the protest, and such burdens will remain on the protestant.

8. As noted above, the applicant, in its reply to the protest, requested that in the event the Commission granted the protest, it should also designate for hearing the next request filed by protestant for an authorization to continue its television service, and consolidate such hearing with the hearing herein to determine on a comparative basis which of the two parties is better able to provide television service to Billings. Without passing on the question as to whether, under appropriate circumstances, the Commission may not consider comparatively the service rendered by a protestant as against the service proposed in a protested application, we are of the view that in the instant case, such a determination cannot be made on the basis of the existing facts and within the issues created by the pleadings before us. Further, there is not pending before the Commission any application by the protestant with respect to its facilities which could be designated for hearing, and an indeterminate delay in designating the protest for hearing would be contrary to the provisions of section 309 (c) which require that such hearings be expedited. Accordingly, we are not following the procedure suggested by the applicant.

9. In view of the foregoing, *It is ordered*, That, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission with respect to the protest of The Montana Network; that the petition for reconsideration herein is granted to the extent provided for below and is denied in all other respects; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

(a) To determine whether the applicant on the basis of information submitted in the application is financially qualified to construct, own, and operate the proposed television station.

[1] Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 407.

(b) To determine the adequacy of Midland Empire Broadcasting Company's proposed staff to carry out its proposed programming, and the extent, if any, to which the staff of Station KGHL will be available to assist the applicant in its proposed television operation.

(c) To determine whether the television advertising potential of the Billings, Montana, market is sufficient to support both Station KOOK-TV and the proposed station, and

(1) if not, whether a grant of the Midland Empire Broadcasting Company application will jeopardize the continued existence of local television service in the Billings, Montana, area with the result that the listening public will be left without adequate local television service.

(2) if both stations can survive, whether the television service to be received from these two stations may reasonably be expected, as a result of neither station receiving adequate revenue, to be inferior in quality to that presently provided to the Billings, Montana, area by Station KOOK-TV to the extent that each station would render inadequate service.

(d) To determine whether, in the light of evidence adduced on the foregoing issues, the public interest, convenience, or necessity would be served by a grant of the application of Midland Empire Broadcasting Company for a television station construction permit.

The burden of proof as to each of the above issues shall be on the protestant.

It is further ordered, That the protestant and the Chief, Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on March 19, 1956, before an Examiner to be specified by the Commission;

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than March 12, 1956.

Adoption: January 18, 1956.

Released: January 23, 1956.

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

[F. R. Doc. 56-666; Filed, Jan. 26, 1956; 8:49 a. m.]

[Docket Nos. 11542, 11543; FCC 56M-69]

COURIER-TIMES, INC., AND DON H. MARTIN (WSLM)

ORDER CONTINUING HEARING

In re applications of Courier-Times, Inc., New Castle, Indiana, Docket No. 11542, File No. BP-8886; Don H. Martin (WSLM), Salem, Indiana, Docket No. 11543, File No. BP-9392; for construction permits.

The Hearing Examiner having under consideration a motion for additional time and for continuance filed by Courier-Times, Inc., on January 16, 1956, requesting an extension of time from January 24, 1956, to February 7, 1956, in which to exchange exhibits and written testimony and requesting a continuance of the hearing in the above-entitled proceeding from February 6, 1956, to February 20, 1956;

It appearing that the additional two weeks' extension of time is required for the taking and analyzing of field intensity measurements (steps not contemplated until after the pre-hearing conference of January 3, 1956); and

It further appearing that all participants in this proceeding have consented to a grant of the motion;

It is ordered, This 20th day of January 1956, that the above motion of Courier-Times, Inc., is granted; that the date for the exchange of exhibits and written testimony is extended from January 24, 1956, to February 7, 1956; and that the hearing in the above-entitled proceeding is continued from February 6, 1956, to February 20, 1956.

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

[F. R. Doc. 56-667; Filed, Jan. 26, 1956; 8:49 a. m.]

[Docket No. 11600; FCC 56M-73]

TWIN-CITY BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re application of Twin-City Broadcasting Company, Inc., Shreveport, Louisiana, Docket No. 11600, File No. BP-10032; for construction permit.

It is ordered, This 20th day of January 1956, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 28, 1956, in Washington, D. C.

Released: January 23, 1956.

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

[F. R. Doc. 56-668; Filed, Jan. 26, 1956; 8:49 a. m.]

[Docket No. 11604; FCC 56M-72]

HILLTOP BROADCASTING CO. (WTVH)

ORDER SCHEDULING HEARING

In re application of Hilltop Broadcasting Company (WTVH), Peoria, Illinois, Docket No. 11604, File No. BMPCT-3492; for modification of construction permit.

It is ordered, This 20th day of January 1956, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 30, 1956, in Washington, D. C.

Released: January 23, 1956.

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

[F. R. Doc. 56-669; Filed, Jan. 26, 1956; 8:49 a. m.]

[Docket Nos. 11605, 11606; FCC 56M-70]

HOYT C. MURPHY ET AL.

ORDER SCHEDULING HEARING

In re applications of Hoyt C. Murphy, Salisbury, Maryland, Docket No. 11605, File No. BP-9735; Elizabeth Evans and W. Courtney Evans, Salisbury, Maryland, Docket No. 11606, File No. BP-9950; for construction permits.

It is ordered, This 20th day of January 1956, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 20, 1956, in Washington, D. C.

Released: January 23, 1956.

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

[F. R. Doc. 56-670; Filed, Jan. 26, 1956; 8:49 a. m.]

[Docket Nos. 11607, 11608; FCC 56M-71]

NORTH CENTRAL BROADCASTING CO. AND MUNISING-ALGER BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of North Central Broadcasting Company, Munising, Michigan, Docket No. 11607, File No. BP-10004; Charles A. Symon, Stanley L. Sadak and Richard E. Hunt d/b as Munising-Alger Broadcasting Company, Munising, Michigan, Docket No. 11608, File No. BP-10142; for construction permits.

It is ordered, This 20th day of January 1956, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 30, 1956, in Washington, D. C.

Released: January 23, 1956.

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

[F. R. Doc. 56-671; Filed, Jan. 26, 1956; 8:49 a. m.]

[Docket No. 11609; FCC 56M-74]

ANNA BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Pierce E. Lackey and F. E. Lackey d/b as Anna Broadcasting Company, Anna, Illinois, Docket

No. 11609, File No. BP-10033; for construction permit.

It is ordered, This 20th day of January 1956, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 30, 1956, in Washington, D. C.

Released: January 23, 1956.

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

[F. R. Doc. 56-672; Filed, Jan. 26, 1956; 8:49 a. m.]

[Docket Nos. 11614, 11615; FCC 56M-80]

ELSON TELEVISION CO. AND AROOSTOOK BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re applications of Thomas B. & Evelyn F. Friedman d/b as Elson Television Company, Caribou, Maine, Docket No. 11614, File No. BPCT-2011; Aroostook Broadcasting Corporation, Presque Isle, Maine, Docket No. 11615, File No. BPCT-2032; for construction permits for new television broadcast stations.

It is ordered, This 20th day of January 1956, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 19, 1956, in Washington, D. C.

Released: January 23, 1956.

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

[F. R. Doc. 56-673; Filed, Jan. 26, 1956; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION II AND PROJECT REPRESENTATIVES, REGION II, (PHILADELPHIA, PA.)

REDELEGATION OF AUTHORITY TO APPROVE CERTAIN CONTRACTS WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM

The Regional Director of Urban Renewal, Region II, (Philadelphia, Pa.) is hereby authorized, and each Project Representative in such Region is hereby authorized, to take the following action within such Region with respect to the program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U. S. C. 1450-1460) and under section 312 of the Housing Act of 1954 (68 Stat. 629):

Approve contracts between local public agencies and third parties.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c; Delegation of Authority effective December 23, 1954 (20 F. R. 428-9, January 19, 1955, as amended effective June 17, 1955 (20 F. R. 4275, June 17, 1955).)

Effective as of the 13th day of January 1956.

DAVID M. WALKER,
Regional Administrator, Region II.

[F. R. Doc. 56-653; Filed, Jan. 26, 1956; 8:46 a. m.]

PUBLIC HOUSING COMMISSIONER

DELEGATION OF AUTHORITY TO EXERCISE POWERS WITH RESPECT TO DISPOSITION OF CERTAIN LANHAM ACT HOUSING

1. The Public Housing Commissioner is hereby authorized, subject to the supervision of the Housing and Home Finance Administrator:

a. To execute all the powers and functions vested in the Administrator under the provisions of Public Law 284, 84th Congress (69 Stat. 561), including the power to make findings and determinations thereunder;

b. To redelegate the authority delegated to the Commissioner hereunder to such officers and employees of the Public Housing Administration as he may select.

2. Any instrument executed by the Public Housing Commissioner, or by any officer or employee to whom the authority has been redelegated, purporting to convey any rights, title, or interest in or to real or personal property under the authority of this delegation, shall be conclusive evidence of the authority of such Commissioner, officer, or employee to act for the Housing and Home Finance Administrator in executing such instrument.

3. This delegation of authority shall terminate at the close of February 9, 1956.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 27th day of January 1956.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 56-702; Filed, Jan. 26, 1956; 8:53 a. m.]

OFFICE OF DEFENSE MOBILIZATION

JOHN R. TOWNSEND

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. John R. Townsend, Director of Materials and Standards Engineering, Sandia Corporation, Sandia Base, Albuquerque, New Mexico, as an Advisor (Nickel), with the Assistant Director for Materials area in the Office of Defense Mobilization.

Mr. Townsend's statement of his business interests in set forth below.

Dated: January 13, 1956.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

American Telephone and Telegraph.
General Motors Corporation.
Standard Oil Company.
Consolidated Edison Company.
Director of Materials and Standards Engineering, of the Sandia Corporation.

Dated: January 3, 1956.

J. R. TOWNSEND.

[F. R. Doc. 56-646; Filed, Jan. 26, 1956; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 24, 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. 31573: *Aluminum billets—Central Territory Points to Southern Points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs or slabs, carloads from Cleveland and Heath, Ohio, Detroit, Mich., and La Fayette, Ind., to specified points in Florida, Georgia and North Carolina.

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

Tariff: Supplement 14 to Agent Hinsch's I. C. C. 4664.

FSA No. 31574: *Gypsum rock—Eagle Rock and Grand Rapids, Mich., to South.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on gypsum rock, crude or crushed (not ground), carload, from Eagle Mills and Grand Rapids, Mich., to specified points in Alabama, Georgia, Louisiana and Tennessee.

Grounds for relief: Modified short-line distance formula, and circuity.

Tariffs: Supplement 14 to Agent Hinsch's I. C. C. 4664; Supplement 95 to Agent Hinsch's I. C. C. 4367.

FSA No. 31575: *Grain and grain products to Louisiana points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain and grain products and related articles, also seeds, carloads from specified points in Arkansas, Colorado, Illinois, Kansas, Louisiana, Missouri, Nebraska, and Oklahoma to Baton Rouge, La., and other named stations in Louisiana on the Texas and New Orleans Railroad, New Orleans to De Ridder, Inclusive.

Grounds for relief: Grouping and circuitous routes.

Tariff: Supplement 60 to Agent Kratzmeir's I. C. C. 3940.

FSA No. 31576: *Sodium phosphate—Central Territory to Eastern Points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sodium

phosphate, carloads from Chicago, Chicago Heights, and Joliet, Ill., Jeffersonville, Ind., Trenton, Mich., and Fernald, Ohio to Jersey City, N. J., and Port Ivory, S. I., N. Y.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 158 to Agent Hinsch's I. C. C. 4542.

FSA No. 31577: *Building material—Southwest to Virginia and North Carolina.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on wooden building material carloads from specified points in Arkansas, Louisiana, Oklahoma, and Texas to Bristol, Tenn., High Point, North Wilkesboro, and Statesville, N. C.

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

Tariff: Supplement 118 to Agent Kratzmeir's I. C. C. 4109 and three other tariffs.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-654; Filed, Jan. 26, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ADAM DORFEL

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

Adam Dorfel, Linz A. D. Donau, Austria, Claim No. 59879, Vesting Order No. 8258; $755.04 in the Treasury of the United States.

Executed at Washington, D. C., on January 23, 1956.

For the Attorney General.

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

[F. R. Doc. 56-675; Filed, Jan. 26, 1956; 8:50 a. m.]

TRYGVE GULBRANSSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., and Property

Trygve Gulbranssen, Eidsberg, Norway, Claim No. 40298; $4,389.91 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the works entitled "Beyond Sing the Woods" and "Wind From the Mountains," as listed in Exhibit A to Vesting Order No. 4034 (9 F. R., 13781, November 17, 1944), to the extent owned by Trygve Gulbranssen, immediately prior to the vesting thereof by Vesting Order No. 4034.

Executed at Washington, D. C., on January 23, 1956.

For the Attorney General.

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

[F. R. Doc. 56-676; Filed, Jan. 26, 1956; 8:50 a. m.]

RECHA OPPENHEIMER

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

Recha Oppenheimer, Nahariya, Israel, Claim No. 36841, Vesting Order No. 7022; $618.39 in the Treasury of the United States.

Executed at Washington, D. C., on January 23, 1956.

For the Attorney General.

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

[F. R. Doc. 56-677; Filed, Jan. 26, 1956; 8:50 a. m.]

MAX ROBINSOHN

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

Max Robinsohn, Malmo, Sweden, Claim No. 44078, Vesting Order No. 8567; 10—German External Loan of 1924, 7% Gold Bonds, 7% series, due Oct. 15, 1949, dated Oct. 15, 1924, numbers CO12775 and CO12765-73, 6 1 M ea., validation ctfs. att., currently in the custody of the Federal Reserve Bank, New York, New York.

Executed at Washington, D. C., on January 23, 1956.

For the Attorney General.

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

[F. R. Doc. 56-678; Filed, Jan. 26, 1956; 8:50 a. m.]

LOTTE GOLDSCHMIDT SCHULHOF

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

Mrs. Lotte Goldschmidt Schulhof, Tyrrells, Effingham Common, Surrey, England, Claim No. 40246, Vesting Order No. 10833; $4082.80 in the Treasury of the United States.

Executed at Washington, D. C., on January 23, 1956.

For the Attorney General.

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

[F. R. Doc. 56-679; Filed, Jan. 26, 1956; 8:50 a. m.]

ALBERT AND GERTRUDE STALLFORTH

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

Mr. Albert Stallforth, Apartado No. 3, Parral, State of Chihuahua, Mexico; $375.33 in the Treasury of the United States.

Mrs. Gertrude Stallforth, Apartado No. 3, Parral, State of Chihuahua, Mexico; $375.34 in the Treasury of the United States.

Claim No. 42929, Vesting Order No. 7403.

Executed at Washington, D. C., on January 23, 1956.

For the Attorney General.

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

[F. R. Doc. 56-680; Filed, Jan. 26, 1956; 8:51 a. m.]

PAULA STOEHR

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

Paula Stoehr, Graz, Austria, Claim No. 42606, Vesting Order No. 2489, as amended; $12,072.91 in the Treasury of the United States.

Executed at Washington, D. C., on January 23, 1956.

For the Attorney General.

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

[F. R. Doc. 56-681; Filed, Jan. 26, 1956; 8:51 a. m.]