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TITLE 6—AGRICULTURAL CREDIT

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

Subchapter B—Loans, Purchases, and Other Operations

PART 464—TOBACCO

SUBPART—1956 TOBACCO LOAN PROGRAM

DEDUCTIONS FROM ADVANCES; ELIGIBLE PRODUCER

The statement with respect to the tobacco price support loan program for the 1956–57 marketing year (21 F. R. 3863) is hereby amended as follows:

1. Section 464.804 is amended to read as follows:

§ 464.804 *Deductions from advances.* (a) The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas will be authorized to charge the producer a fee of 12 cents per hundred pounds and such other deductions as may be authorized or approved by CCC. Such charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with the auction warehouseman under which he will collect such charges and remit to the association. In the non-auction market areas, the fee will be established at a rate commensurate with the relative cost of the services performed by the association.

(b) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, the Government will effect collection of the amount of the indebtedness by setoff from the amount of price support advance due the producer in the following manner: Any within-quota marketing card issued for such farm in accordance with the applicable regulations issued by the Secretary of Agriculture with respect to marketing quotas for the 1956–57 marketing year will bear the notation "Indebted to U. S." on the front cover thereof and on the County Office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness will be shown on the inside back cover of the marketing card. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card will constitute an authorization by such producer to any tobacco warehouseman to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lienholders. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States will not constitute a waiver of any right of the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action. Under the marketing quota regulations issude by the Secretary, if the producer named as debtor on the card objects to the issuance, or after issuance to the use, of a within-quota marketing card bearing the notation and information of indebtedness to the United States thereon, he may elect to receive an excess marketing card showing "zero percent" penalty, in which event the producer will be ineligible for price support loans.

2. Section 464.808 is amended to read as follows:

§ 464.808 *Eligible producer.* (a) An eligible producer is one for whom a within-quota marketing card has been issued under the applicable regulations issued by the Secretary of Agriculture with respect to tobacco marketing quotas for the 1956–57 marketing year. (In general, the regulations in this subpart provide for the issuance of a within-quota marketing card where the tobacco acreage harvested for each kind of tobacco pro-

(Continued on next page)

CONTENTS

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

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

duced on the farm is not in excess of the applicable acreage allotment established under the marketing quota program for such farm, except that a within-quota marketing card is not issued where the planted acreage of any kind of tobacco exceeds the farm acreage allotment established therefor unless a request for disposition of the excess acreage is filed promptly. The regulations further provide that, if any producer on a farm is indebted to the United States, any within-quota marketing card issued for such farm shall bear the notation "Indebted to U. S." and information with respect to such indebtedness provided, that, if the producer objects to the issuance, or after issuance to the use, of the within-quota marketing card bearing such notation and information, an excess marketing card showing "zero percent" penalty shall be issued for such farm.)

(b) As Puerto Rican tobacco is not under U. S. marketing quotas, all producers of this type of tobacco are considered eligible producers for the purpose of this program.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 101, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1421)

Issued this 7th day of September 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-7357; Filed, Sept. 7, 1956; 4:56 p. 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 FROZEN SWEET PEPPERS[1]

On June 21, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 4347) regarding proposed United States Standards for Grades of Frozen Sweet Peppers.

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

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

FACTORS OF QUALITY

LOT CERTIFICATION TOLERANCES

SCORE SHEET

AUTHORITY: §§ 52.3001 to 52.3012 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.3001 *Product description.* "Frozen sweet peppers" is the frozen product prepared from fresh, clean, sound, firm pods of the common commercial varieties of sweet peppers, which have been properly prepared, may or may not be blanched and are then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.3002 *Types of frozen sweet peppers.* (a) Type I, green.

(b) Type II, red.

(c) Type III, mixed (green and red).

§ 52.3003 *Styles of frozen sweet peppers.* (a) "Whole stemmed" means whole unpeeled pepper pods with stem and core removed.

(b) "Whole unstemmed" means whole unpeeled pepper pods with stems trimmed to not more than ½ inch length.

(c) "Halved" means whole stemmed, unpeeled, pepper pods which have been cut approximately in half from stem to blossom end.

(d) "Sliced" means whole stemmed, unpeeled pepper pods or pieces of pepper pods which have been cut into strips.

(e) "Diced" means whole stemmed, unpeeled pepper pods or pieces of pepper pods which have been cut into approximate square pieces measuring ½ inch or less.

(f) "Unit" means a whole unpeeled pepper pod or portion of a pepper pod in frozen sweet peppers.

§ 52.3004 *Grades of frozen sweet peppers.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen sweet peppers that possess similar varietal characteristics; that possess a normal flavor; that possess a good color; that are practically uniform in size and symmetry; that are practically free from defects; that possess a good character; and for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided*, That the frozen sweet peppers may be reasonably uniform in size and symmetry if the total score is not less than 85 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen sweet peppers that possess similar varietal characteristics; that possess a normal flavor; that possess a reasonably good color; that are reasonably uniform in size and symmetry; that are reasonably free from defects; that possess a reasonably good character; and for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points: *Provided*, That the frozen sweet peppers may be variable in size and symmetry if the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen sweet peppers that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.3005 *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) Varietal characteristics.
(ii) Flavor.

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

Factors:	Points
Color	20
Uniformity of size and symmetry	20
Defects	30
Character	30
Total score	100

The evaluation of the factors of quality are made immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units.

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

§ 52.3006 *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 each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "27 to 30 points" means 27, 28, 29, or 30 points.)

§ 52.3007 *Color*—(a) *General.* The color of frozen sweet peppers has reference to the predominating and characteristic color of the exterior surface of the units of frozen sweet peppers.

(b) *(A) classification.* Frozen sweet peppers that possess a good color may be given a score of 17 to 20 points. "Good color" means a good characteristic bright color for the type and with respect to type I and type II variations in color do not materially affect the appearance of the product.

(c) *(B) classification.* Frozen sweet peppers that possess a reasonably good color may be given a score of 14 to 16 points. Frozen sweet peppers that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a reasonably bright characteristic color for the type and with respect to Type I and Type II variations in color do not seriously affect the appearance of the product.

NOTE: When the appearance of the product is seriously affected by a mixture of Type I and Type II units consider as Type III.

(d) *(SStd.) classification.* Frozen sweet peppers that fail to meet the requirements of paragraph (c) of this section or are definitely dull or off color for any reason 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).

§ 52.3008 *Uniformity of size and symmetry*—(a) *General.* Uniformity of size and symmetry refers to the degree of variation in size and symmetry of the units in the respective styles of frozen sweet peppers.

(b) *(A) classification.* Frozen sweet peppers that are practically uniform in size and symmetry may be given a score of 17 to 20 points. "Practically uniform in size and symmetry" has the following meanings with respect to the following styles of frozen sweet peppers:

(1) *Whole stemmed; whole unstemmed; halved.* Not less than 90 percent, by count, of the pods shall be at least 2½ inches in length, exclusive of the stem, and 2½ inches in diameter and shall be practically uniform in size and symmetry.

(2) *Sliced.* The units are practically uniform in size and the aggregate weight of all strips less than 1¼ inches in length

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

does not exceed 30 percent, by weight, of all the units.

(3) *Diced.* The units are practically uniform in size and the aggregate weight of all the units which are noticeably smaller than one-half the area of an average sized unit and of all markedly large and irregular-shaped units does not exceed 10 percent, by weight, of all the units.

(c) *(B) classification.* Frozen sweet peppers that are reasonably uniform in size and symmetry may be given a score of 14 to 16 points. "Reasonably uniform in size and symmetry" has the following meanings with respect to the following styles of frozen sweet peppers:

(1) *Whole stemmed; whole unstemmed; halved.* Not less than 80 percent, by count, of the pods shall be at least 2½ inches in length, exclusive of the stem, and 2½ inches in diameter and shall be reasonably uniform in size and symmetry.

(2) *Sliced.* The units are reasonably uniform in size and the aggregate weight of all strips less than 1¼ inches in length does not exceed 40 percent, by weight, of all the units.

(3) *Diced.* The units are reasonably uniform in size and the aggregate weight of all units which are noticeably smaller than one-half the area of an average sized unit and of all markedly large and irregular-shaped units does not exceed 20 percent, by weight, of all the units.

(d) *(SStd.) classification.* Frozen sweet peppers that fail 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 below U. S. Grade B or U. S. Extra Standard regardless of the total score for the product.

§ 52.3009 *Defects*—(a) *General.* The factor of defects refers to the freedom from grit, sand, or silt; the trimming; and damaged and seriously damaged units.

(1) "Grit, sand, or silt" means any particle of earthy material.

(2) "Well trimmed" means that the unit is free from gouges or knife marks and with respect to whole untrimmed style that the stem is trimmed to not more than one-half inch length and with respect to whole trimmed and halved styles that the stem, core, seeds and placenta tissue are neatly removed so as to retain substantially the appearance of a whole or halved unit.

(3) "Reasonably well trimmed" means that the unit is practically free from gouges or knife marks and with respect to whole untrimmed style that the stem is trimmed to not more than one-half inch length and with respect to whole trimmed and halved styles the stem, core, seeds and placenta tissue have been removed so as to retain to a reasonable extent the appearance of a whole or halved unit.

(4) "Damage" means any injury or blemish which materially affects the appearance or eating quality of the unit.

(5) "Serious damage" means any injury or blemish which seriously affects the appearance or eating quality of the unit.

(b) *(A) classification.* Frozen sweet peppers that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that the pods in whole unstemmed, whole stemmed, and halved styles are well trimmed; that no grit, sand, or silt may be present that affects the appearance and eating quality; and that damaged and seriously damaged units do not materially affect the appearance and eating quality of the product.

(c) *(B) classification.* Frozen sweet peppers that are reasonably free from defects may be given a score of 21 to 25 points. Frozen sweet peppers that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the pods in whole unstemmed, whole stemmed and halved styles are reasonably well trimmed; that no grit, sand or silt may be present that affects the appearance or eating quality; and that damaged and seriously damaged units do not seriously affect the appearance and eating quality of the product.

(d) *(SStd.) classification.* Frozen sweet peppers that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.3010 *Character*—(a) *(A) classification.* Frozen sweet peppers that possess a good character may be given a score of 25 to 30 points. "Good character" means that the units are firm, full fleshed and tender.

(b) *(B) classification.* Frozen sweet peppers that possess a reasonably good character may be given a score of 21 to 24 points. Frozen sweet peppers that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units are reasonably full fleshed, may lack firmness but are not soft or mushy.

(c) *(SStd.) classification.* Frozen sweet peppers that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.3011 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen sweet peppers the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

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

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

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

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

SCORE SHEET

§ 52.3012 *Score sheet for frozen sweet peppers.*

Size and kind of container
Container mark or identification
Label
Net weight (ounces)
Type
Style
Count of peppers (whole, halved)

Factors		Score points
Color	20	(A) 17-20 (B) [1] 14-16 (SStd.) [1] 0-13
Uniformity of size and symmetry	20	(A) 17-20 (B) 14-16 (SStd.) 0-13
Defects	30	(A) 26-30 (B) [1] 21-25 (SStd.) [1] 0-20
Character	30	(A) 25-30 (B) [1] 21-24 (SStd.) [1] 0-20
Total score	100	

Grade
Flavor

[1] Indicates limiting rule.

Effective time. The United States Standards for Grades of Frozen Sweet Peppers (which is the first issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: September 6, 1956.

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

[F. R. Doc. 56-7298; Filed, Sept. 10, 1956; 8:49 a. m.]

Chapter IV—Federal Crop Insurance Corporation

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

Correction

In Federal Register Document 56-4959, appearing in the issue for June 23, 1956, at 21 F. R. 4473, paragraph 6 (a) (1) of the rider in § 420.63-2 should read: "(1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting,".

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

[1026 (Burley, Flue, Fire, Air; and Sun-56)-1, Amdt. 1]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1956–57 MARKETING YEAR

The amendment contained herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1311–1315) and the provisions of the Agricultural Act of 1949 (63 Stat. 1051). The burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco marketing quota regulations, 1956–57 marketing year, are amended to provide for listing indebtedness due the United States upon marketing cards issued pursuant to such regulations.

Since farmers are now marketing flue-cured tobacco at auction warehouses and price support advances are being made thereon, it is necessary that the provisions of this amendment become effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable, unnecessary and contrary to the public interest and this amendment shall become effective upon filing with the Division of Federal Register.

Section 725.738, paragraph (b) of the burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco marketing quota regulations, 1956–57 marketing year (21 F. R. 4502) is hereby amended by adding the following new subparagraph (3) at the end thereof:

(3) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card issued for such farm in accordance with subparagraph (1) of this paragraph shall bear the notation "Indebted to U. S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card: *Provided*, That if the producer named as debtor on the card objects to the issuance of or after issuance to the use of a within quota marketing card bearing the notation and information of indebtedness to the United States thereon as provided in this subparagraph, an excess marketing card (ineligible for price support loans) showing "zero percent" penalty shall be issued for such farm. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card, shall constitute an authorization by such producer to any tobacco warehouseman to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lien holders. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States shall not constitute a waiver of any right by the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375)

Done at Washington, D. C., this 7th day of September 1956. Witness my hand and seal of the Department of Agriculture.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-7356; Filed, Sept. 7, 1956; 4:56 p. m.]

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

[957.314 Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by continuing the current regulation (§ 957.314, 21 F. R. 4910) governing the shipment of potatoes during the period September 20 through October 10, 1956; (iii) in the absence of such continuation, no regulation will be in effect subsequent to September 20, 1956; (iv) compliance with the said regulation during the extended period through October 10, 1956, will not require any special preparation on the part of handlers which cannot be completed by September 20, 1956; (v) a reasonable time is permitted, under the circumstances, for such preparation; (vi) information regarding the committee's recommendations has been made available to producers and handlers in the production area and all interested parties were afforded an opportunity to present their views thereon to the committee; and (vii) the extension of the provisions of the present regulation (§ 957.314, 21 F. R. 4910) from September 20 through October 10, 1956, as provided in this amendment, will allow the committee adequate time to meet and reappraise the supply and demand situation for fall crop potatoes grown in the production area in the light of the September 1 crop report of the Department which is to be issued September 11, 1956, and the views of interested parties that may be presented at that meeting, and will tend to continue the benefits accruing from the current regulation beyond the present expiration date of the regulation.

Order, as amended. The provisions of § 957.314 (b) (1) and (2) (FEDERAL REGISTER, July 3, 1956, 21 F. R. 4910) are hereby amended by deleting therefrom the date, "September 20, 1956," and by substituting in lieu thereof the date, "October 10, 1956."

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

Done at Washington, D. C., this 6th day of September 1956 to become effective September 20, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-7297; Filed, Sept. 10, 1956; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.297]

PART 40—DIPLOMATIC VISAS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

MISCELLANEOUS AMENDMENTS

Parts 40, 41, and 42, Chapter I, Title 22 of the Code of Federal Regulations, are hereby amended in the following respects:

1. Paragraph (b) of § 40.2 *Officers authorized to issue diplomatic visas,* is amended to read as follows:

(b) A consular officer assigned to a consular office may issue diplomatic visas if so authorized by the Department or by the chief of the United States diplomatic mission to the foreign country in which such consular office is located.

2. Section 40.7 *Application for diplomatic visa,* is amended to read as follows:

§ 40.7 *Application for diplomatic visa*—(a) *Application form.* Every alien applying for a diplomatic visa shall make application therefor on Form 257 consisting of an original and three copies, designated 257a, 257b, 257c, and 257d. The application shall be made at a United States diplomatic mission or at a United States consular office which is authorized to issue diplomatic visas, regardless of the nationality or residence of the applicant.

(b) *Separate application for each alien.* Every alien applying for a diplomatic visa shall make a separate application therefor. In the case of an alien under fourteen years of age, or an alien physically incapable of making an application, such application may be made by the alien's parent or guardian, and if the alien has no parent or guardian, by any person having legal custody of, or a legitimate interest in, such alien.

(c) *Personal appearance.* Application for a diplomatic visa shall be made in person unless this requirement is waived in the discretion of the diplomatic or consular officer. If a waiver of personal appearance is granted, the application form shall be completed by the diplomatic or consular officer from available information relating to the alien. No oath or affirmation shall be required in connection with the execution of an application for a diplomatic visa.

(d) *Photographs.* Except as otherwise provided in this paragraph, every alien applying for a diplomatic visa shall furnish with his application three identical photographs of himself. Each photograph shall be 2" x 2" in size, unmounted, without head covering, have a light background, and clearly show a full front view of the facial features of the alien, and shall reflect a reasonable likeness of the alien as of the time it is furnished. Each photograph shall be signed by the person making the application with the full name of the alien in such manner as not to obscure the alien's features. A child under ten years of age shall not be required to furnish photographs unless he is the bearer of a separate passport. The requirement of photographs may be waived in the discretion of the diplomatic or consular officer and, if waived, a signed notation to this effect shall be made in the space provided in the application form for the photograph.

3. Section 41.13 *More than one person included in nonimmigrant visa,* is amended to read as follows:

§ 41.13 *More than one person included in nonimmigrant visa.* A single nonimmigrant visa may be issued to include more than one eligible alien, provided each alien executes a separate application and the V-number of each application is inserted in the space provided in the visa stamp. In such a case, the visa fee to be collected shall be equal to the total of the fees prescribed by the Secretary of State in accordance with the provisions of section 281 of the act and § 41.14.

4. Paragraph (a) of § 41.14 *Fees for nonimmigrant visas,* is amended to read as follows:

(a) The fees for the furnishing and verification of applications for visas made by nonimmigrant nationals or stateless residents of each foreign country and for the issuance of visas to such nationals or residents shall be collected in the same amounts as are prescribed by the Secretary of State and shall correspond, as nearly as practicable, to the total of all similar visa, entry, residence, or other fees, taxes or charges assessed or levied against nationals of the United States, in connection with their entry or sojourn, by the foreign countries of which such nonimmigrants are nationals or stateless residents.

5. Paragraph (c) of § 41.16 *Revalidation of nonimmigrant visa,* is amended to read as follows:

(c) In revalidating a nonimmigrant visa, the consular officer shall follow the procedure prescribed in § 41.12, except that a new Form 257 need not be executed. The visa stamp shall be impressed in the alien's passport and all pertinent data, including the V-number, contained in the original visa shall be transferred to the revalidated visa. The word "Revalidated" shall be inserted above the words "Nonimmigrant Visa" in the visa stamp or inserted diagonally across the face of the visa. Following the revalidation of a nonimmigrant visa, an appropriate notation thereof, regardless of where the revalidation occurs, shall be made on the pertinent index card on file at the original visa-issuing office.

6. Part 41 is amended by the addition of the following new section immediately after § 41.20:

§ 41.21 *Transfer of visa to new passport.* (a) A valid nonimmigrant visa, including the V-number and other pertinent data contained therein, may be transferred from a passport which has expired or is about to expire to a new passport where (1) the alien is required to surrender the visaed passport to the foreign-issuing authority in exchange for a new passport, or (2) the alien is permitted to retain the expired or expiring passport containing a valid nonimmigrant visa but, nevertheless, requests a consular officer to transfer such visa to a new valid passport, and (3) the alien is found otherwise eligible to receive such a nonimmigrant visa.

(b) A formal application for the transfer of a nonimmigrant visa from one passport to another need not be required, and the consular officer may, in his discretion, waive the personal appearance of the alien if satisfied that the alien is physically present in the consular district. The issuance of a transferred visa shall, except as provided in § 41.12, be evidenced by placing the regular visa stamp in the alien's passport. The words "Transferred Visa" shall be inserted on the upper margin of the visa stamp.

(c) A transferred visa shall be validated with the same expiration date as the original visa and for the number of unused applications for admission remaining as of the date of the transfer. No visa fee shall be charged for the transfer of a valid nonimmigrant visa to a new passport. The visa in the expired or expiring passport shall be cancelled, if practicable.

7. Part 41 is amended by changing the the heading "Official Visas" which immediately precedes § 41.30 *Officials of foreign governments,* to read "Accredited Foreign-Government Officials."

8. Part 41 is amended by the addition of the following heading and section immediately after § 41.34:

OFFICIAL VISAS

§ 41.35 *Classes of aliens eligible to apply for official visas.* (a) The term "Official Visa" means a nonimmigrant visa which bears the title "Official Visa" or the designation "Official" and which is issued to a nonimmigrant within a class described or referred to in paragraph (b) of this section.

(b) Aliens within any of the following classes who seek to enter the United States as nonimmigrants may make application for an official visa in accordance with § 41.9:

(1) Aliens within a class described in § 40.4 of this chapter, other than paragraph (a) (14) thereof, who are otherwise ineligible to apply for a diplomatic visa by reason of the provisions of § 40.8 (a) of this chapter;

(2) Aliens classifiable under section 101 (a) (15) (A) (i) or (ii) of the act;

(3) Aliens classifiable under section 101 (a) (15) (G) (i), (ii) or (iv) of the act, or under section 101 (a) (15) (G) (iii) of the act if the government of which the alien is an accredited representative is recognized de jure by the United States but is not a member of the international organization to which the alien is destined;

(4) Aliens classifiable under section 101 (a) (15) (C) of the act as nonimmigrants described in section 212 (d) (8) of the act;

(5) Justices of the federal and the highest state tribunals of a foreign country;

(6) Members and members-elect of the national legislature of a foreign country;

(7) Officers of the national legislature of a foreign country;

(8) Members of the immediate family of a principal alien who is within one of the classes referred to or described in subparagraphs (1) to (7), inclusive, of this paragraph;

(9) Any other class of aliens or individual alien in whose cases or case the Department may specifically authorize the consular officer to accept an application for an official visa.

(c) The issuance of an official visa shall be evidenced by placing the regular nonimmigrant visa stamp or an official visa stamp in the alien's passport in accordance with the provisions of § 41.12. The visa shall bear the title "Official Visa" or the word "Official" shall be stamped diagonally across the lower left-hand margin of the visa stamp in such manner as to be partially covered by the impression seal of the issuing diplomatic or consular office. The fee to be charged for an official visa and the validity thereof shall be determined in accord-

ance with the provisions of §§ 41.14 and 41.15.

(d) No alien shall be considered to have acquired, by reason of the provisions of this section, any exemption under the immigration laws or regulations not otherwise specifically granted by such laws or regulations.

9. Section 41.64 *Visa requirement for nonimmigrant crewmen*, is amended by the revocation of paragraph (b) thereof and a rewording of the section to read as follows:

§ 41.64 *Visa requirement for nonimmigrant crewmen.* No crewman shall be considered as having complied with the provisions of section 212 (a) (26) (B) of the act relating to the requirement of valid nonimmigrant visas or border crossing identification cards unless (a) he is in possession of a valid individual nonimmigrant visa or a border crossing identification card, or (b) the requirement of a valid nonimmigrant visa or border crossing identification card has been waived in his case by the Secretary of State and the Attorney General pursuant to the authority contained in section 212 (d) (4) of the act, or (c) his name is included in a crew-list visa issued in accordance with § 41.65.

10. Subparagraph (3) of paragraph (b) of § 41.71 *Burden of proof and evidence of treaty-trader status*, is amended to read as follows:

(3) He is employed or will be employed by a foreign person or organization of the same nationality as the alien, and will be engaged in duties of a supervisory or executive character, or if he is or will be employed in a minor capacity, he has special qualifications which make his services essential to the efficient operations of the employer's enterprise. An alien employed solely in a manual capacity shall not be entitled to classification as a treaty trader.

11. Section 41.90 *Aliens coming to international organizations*, is amended by revising paragraphs (a), (b) and (c) thereof to read as follows, and by the addition of paragraph (m) at the end thereof as follows:

(a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (i) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) A designated principal resident representative of a foreign government recognized de jure by the United States, to an international organization of which the government he represents is a member; or

(2) An accredited resident member of the staff of such representative; or

(3) A member of the immediate family of such a representative, or of an accredited resident member of his staff.

(b) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (ii) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) An accredited representative, other than a designated principal resident representative described in paragraph (a) of this section, of a foreign government recognized de jure by the United States, to an international organization of which the government he represents is a member; or

(2) A member of the immediate family of such representative.

(c) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (iii) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) An accredited representative of a foreign government not recognized de jure by the United States, to an international organization of which the government he represents is a member; or

(2) An accredited representative of a foreign government recognized de jure by the United States, to an international organization of which the government he represents is not a member; or

(3) An accredited representative of a foreign government not recognized de jure by the United States, to an international organization of which the government he represents is not a member; or

(4) A member of the immediate family of a representative as described in subparagraph (1), (2) or (3) of this paragraph.

* * * * *

(m) An alien who applies for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (G) of the act shall not be refused such visa solely on the ground that he is not a national of the country whose government he represents.

12. Paragraph (b) of § 42.3 *Immigrant classification symbols*, is amended by deleting from the chart which sets forth the symbols prescribed for use in issuing nonquota immigrant visas the ninth class listed therein reading as follows:

Person who lost United States citizenship through parent's foreign naturalization	101 (a) (27) (E) and 349 (a) (1) P-3.

13. Paragraph (a) *Burden of proof* and paragraph (c) *Authority to require supporting documents* of § 42.5 *Returning resident alien*, are amended to read as follows:

(a) *Burden of proof.* An alien shall, regardless of ancestry, be issued an immigrant visa as a nonquota immigrant under the provisions of section 101 (a) (27) (B) of the act only if he sustains the burden of establishing through the presentation of appropriate evidence that (1) he has the status of an alien lawfully admitted for permanent residence, (2) he is returning to the United States from a temporary visit abroad, and (3) he is otherwise eligible to receive an immigrant visa under the provisions of section 212 of the act and § 42.42.

* * * * *

(c) *Authority to require supporting documents.* The provisions of section 222 (b) of the act requiring an immigrant to furnish with his application for a visa certain records and documents shall be applicable, in the case of an alien who is classifiable as a nonquota immigrant under the provisions of section 101 (a) (27) (B) of the act, to the extent of requiring such alien to furnish those records and documents which relate to the period of his residence in the United States and the period of his temporary visit abroad, unless the consular officer has reason to question the legality of the alien's previous admission into the United States for permanent residence, or his eligibility otherwise to receive an immigrant visa. If any such record or document is not obtainable within the meaning of § 42.35 (c), the consular officer may permit the alien to submit, in lieu thereof, other satisfactory evidence of the fact to which the record or document would, if obtainable, pertain.

14. Paragraph (c) *Children expatriates* of § 42.7 *Former United States citizens*, is revoked.

15. Section 42.20 *Immigrant waiting lists*, is amended by the addition of the following paragraph (b) and by the redesignation of paragraphs (b) and (c) as paragraphs (c) and (d), respectively:

(b) *Place of registration.* Every alien who desires to have his name registered on a quota waiting list shall make application for registration at a United States consular office in the consular district in which he has his residence: *Provided*, That a consular officer shall, at the direction of the Secretary of State, or may in his discretion, accept an application for registration from nonresidents of the consular district, including aliens in the United States who are entitled to have their names entered on a quota or subquota waiting list.

16. Paragraph (b) *Exceptions* of § 42.36 *Passport requirement for immigrants*, is amended by redesignating subparagraph (7) as subparagraph (8), and by the addition of a new subparagraph (7) as follows:

(7) An immigrant who has been preexamined in the United States by the Immigration and Naturalization Service and who is applying for an immigrant visa in Canada;

17. Subparagraph (28) (v) *War criminals* of paragraph (a) of § 42.42 *Classes of aliens ineligible to receive immigrant visas*, is revoked, and subparagraph (29) *Activities relating to espionage, sabotage, public disorder, or other subversive activity*, of paragraph (a) of § 42.42 *Classes of aliens ineligible to receive immigrant visas*, is amended by deleting the text thereof and inserting the word "[Reserved]" immediately after the title of subparagraph numbered 29.

(Sec. 104, 66 Stat. 174; 80 U. S. C. 1104)

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 103) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: August 29, 1956.

ROBERT F. CARTWRIGHT,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

[F. R. Doc. 56-7261; Filed, Sept. 10, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR FRESH TOMATOES [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Fresh Tomatoes (§§ 51.1855–511876; 18 F. R. 7142) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., so that it will be received not later than October 15, 1956.

The proposed standards are as follows:

GRADES

Sec.

AUTHORITY: §§ 51.1855 to 51.1878 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

GRADES

§ 51.1855 *U. S. No. 1.* "U. S. No. 1" consists of tomatoes of similar varietal characteristics which are mature, but not overripe or soft (except that mature green tomatoes shall be at least firm), which are clean, well developed, fairly well formed, fairly smooth, and which are free from decay, freezing injury and sunscald, and free from damage caused by bruises, cuts and broken skins, internal discoloration, sunburn, puffiness, catfaces, other scars, growth cracks, hail, insects, disease, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, and including in this latter amount not more than 1 percent for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes, and 10 percent for tomatoes which are otherwise defective: *Provided,* That not more than a total of 5 percent shall be allowed for tomatoes which are seriously damaged by any cause, exclusive of soft or decayed tomatoes.

§ 51.1856 *U. S. Combination.* "U. S. Combination" consists of a combination of U. S. No. 1 and U. S. No. 2 tomatoes: *Provided,* That at least 60 percent, by count, meet the requirements of U. S. No. 1 grade.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of the U. S. No. 2 grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of the U. S. No. 2 grade: *Provided,* That included in this amount not more than the following precentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes, and 10 percent for tomatoes which are otherwise defective: *Provided,* That not more than a total of 5 percent shall be allowed for tomatoes which are very seriously damaged by any cause, exclusive of soft or decayed tomatoes.

(b) No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 tomatoes required in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided,* That the entire lot averages within the required percentage.

§ 51.1857 *U. S. No. 2.* "U. S. No. 2" consists of tomatoes of similar varietal characteristics which are mature, but not overripe or soft (except that mature green tomatoes shall be at least firm), which are clean, well developed, reasonably well formed, which may be slightly rough, and which are free from decay, freezing injury and sunscald and free from serious damage caused by bruises, cuts and broken skins, internal discoloration, sunburn, puffiness, catfaces, other scars, growth cracks, hail, insects, disease, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes, and 10 percent for tomatoes which are otherwise defective: *Provided,* That not more than a total of 5 percent shall be allowed for tomatoes which are very seriously damaged by any cause, exclusive of soft or decayed tomatoes.

§ 51.1858 *U. S. No. 3.* "U. S. No. 3" consists of tomatoes of similar varietal characteristics which are mature, but not overripe or soft (except that mature green tomatoes shall be at least firm), which are clean, well developed, which may be misshapen, which are free from decay and freezing injury and free from

serious damage caused by sunscald and from very serious damage caused by bruises, cuts and broken skins, internal discoloration, sunburn, puffiness, catfaces, other scars, growth cracks, hail, insects, disease or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping points (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are very seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

10 percent for tomatoes otherwise defective.

UNCLASSIFIED

§ 51.1859 *Unclassified.* "Unclassified" consists of tomatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE REQUIREMENTS

§51.1860 *Size requirements.* (a) Tomatoes when packed in Los Angeles lugs, or when packed in other types of containers and the size is specified according to the size arrangements customarily used in Los Angeles lugs, shall be within the ranges of diameters specified in Table 1, except when designated as "Irregular sizing."

TABLE I

Los Angeles lug size arrangements	Minimum diameter	Maximum diameter
	Inches	*Inches*
4 x 4	3 3/16	3 15/16
4 x 5	3	3 9/16
5 x 5	2 11/16	3 5/16
5 x 6	2 1/16	3 3/16
6 x 6	2 3/16	2 11/16
6 x 7	2 5/16	2 9/16
7 x 7	2	2 5/16
7 x 8	1 15/16	2 1/16

(b) Size arrangements not listed in the above table but which meet the diameter requirements for one of the above Los Angeles lug size arrangements may be certified as meeting the Los Angeles lug size requirements for the specified size: *Provided*, That there shall not be a variation of more than 2 tomatoes in a layer between the two size arrangements, except that a variation of not more than 4 tomatoes in a layer shall be permitted in sizes smaller than 6 x 7. For example, a 4—4 x 6 offset pack has 24 tomatoes per layer and should be sized in accordance with the diameter requirements for 5 x 5 which has 25 tomatoes per layer. A 4—5 x 9 diagonal pack has 40 or 41 tomatoes per layer and should be sized in accordance with the requirements for 6 x 7 which has 42 tomatoes per layer.

(c) In determining compliance with the above size arrangements the measurement for minimum diameter shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end. The measurement for maximum diameter shall be the smallest dimension of the tomato determined by passing the tomato through a round opening in any position.

(d) In lieu of specifying size according to the Los Angeles lug size arrangements, the size of tomatoes in any type of container may be specified in terms of minimum diameter or in terms of minimum and maximum diameters expressed in whole inches, or whole inches and not less than thirty-second inch fractions thereof, in accordance with the facts, with reference to Los Angeles lug size arrangements. Such minimum diameter, or minimum and maximum diameters, shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end.

(e) In order to allow for variations incident to proper sizing, not more than a total of 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter, or larger than the specified maximum diameter.

APPLICATION OF TOLERANCES

§ 51.1861 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 5 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided*, That not more than one tomato which is soft, affected by decay or is otherwise seriously damaged, and one off-size specimen, may be permitted in any package.

U. S. STANDARD PACKS

§ 51.1862 *"U. S. Standard Packs".* (a) U. S. Standard Packs apply only to tomatoes packed in Los Angeles lugs and shall be designated according to the arrangement in the top layer of the lug, as 5 x 5, 5 x 6, etc., in accordance with the facts. The tomatoes shall meet the size requirements for the Los Angeles lug size specified. The tomatoes in all layers shall have a uniform type of arrangement, for example, square, offset or diagonal except as provided in the description of U. S. Straight Pack. The tomatoes shall be fairly tightly packed and, unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds. The following terms shall be used to describe U. S. Standard Packs in lugs:

(1) *"U. S. Straight Pack".* When specified as "U. S. Straight Pack", all layers in any lug shall have the same number of tomatoes: *Provided*, That when an offset or a diagonal arrangement of tomatoes issued, a variation of not more than one tomato shall be permitted in different layers. For example, in a 5 x 5 pack the tomatoes in each layer shall be packed 5 rows wide with 5 tomatoes in each row. In a 4 - 5 x 9 diagonal pack the tomatoes shall be packed alternately 4 x 5 to the row the short way of the lug with 9 such rows in the layer and with either 40 or 41 tomatoes in each layer. When designated as "U. S. Straight Square-Offset Pack" or "U. S. Straight Square-Diagonal Pack" the top layer shall be packed with a square arrangement and all lower layers with either an offset or a diagonal arrangement and there may be a variation of not more than one tomato between the top layer and any of the lower layers. Not more than one tomato shall be placed in a wrapper;

(2) *"U. S. Extra Row Pack".* When specified as "U. S. Extra Row Pack", the lower layers shall not contain more than one additional row one way of the lug. For example, in a 5 x 5 pack, the tomatoes in the lower layers may be packed 5 x 6 but not 6 x 6 or 5 x 7. Not more than one tomato shall be placed in a wrapper;

(3) *"U. S. Bridge Pack".* When specified as "U. S. Bridge Pack", a part of one additional layer of tomatoes shall be packed in the lug and the remaining tomatoes in the lower layers shall not contain more than one additional row one way of the lug than is contained in the top layer. Not more than one tomato shall be placed in a wrapper;

(4) *"U. S. Double Wrap Pack".* When specified as "U. S. Double Wrap Pack", the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper; and,

(5) *"U. S. Double Wrap Bridge Pack".* When specified as a "U. S. Double Wrap Bridge Pack", the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper: *Provided*, That part of one additional layer which may have either one or two tomatoes in a wrapper shall be packed in the lug.

(b) *Tolerances for Standard Packs.* In order to allow for variations incident to proper packing, not more than 10 percent, by count, of the containers in any lot may not meet the requirements for Standard Pack: *Provided*, That when

there are two or more size arrangements in any lot, not more than 20 percent of the lugs in any one size arrangement may not meet the requirements for Standard Pack: *Provided further*, That the average for the lot does not exceed 10 percent.

IRREGULAR PACK

§ 51.1863 *"Irregular Pack".* Lugs of tomatoes which are not packed in accordance with any of the methods of packing specified for 'Standard Packs" may be designated as "Irregular Pack."

COLOR CLASSIFICATION

§ 51.1864 *Color classification.* (a) The following terms may be used, when specified, in connection with the grade statement in describing the color of any lot of tomatoes which are characteristically red when ripe:

(1) *Turning.* "Turning" means that there is at least a definite break in color to yellow or pink at the blossom end but not more than one-half of the surface, in the aggregate, is yellow or pink;

(2) *Pink.* "Pink" means that more than one-half but not more than three-fourths of the surface, in the aggregate, shows pink or red color;

(3) *Hard ripe.* "Hard ripe" means that more than three-fourths of the surface, in the aggregate, shows pink or red color;

(4) *Firm ripe.* "Firm ripe" means that more than three-fourths of the surface, in the aggregate, shows red color characteristic of a reasonably well ripened tomato; and,

(5) *Ripe.* "Ripe" means that practically the entire surface shows a good shade of red color characteristic of a well ripened tomato.

(b) Incident to proper color classification, not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the color specified, including therein not more than 5 percent for tomatoes which are green in color, except that any lot of tomatoes which does not meet the requirements of any of the above color designations may be designated as "Mixed Color": *Provided*, That not more than 5 percent of the tomatoes are green in color.

DEFINITIONS

§ 51.1865 *Similar varietal characteristics.* "Similar varietal characteristics" means that the tomatoes are alike as to firmness of flesh and shade of color (for example, soft-fleshed, early maturing varieties are not mixed with firm-fleshed, mid-season or late varieties, or bright red varieties mixed with varieties having a purplish tinge).

§ 51.1866 *Mature.* "Mature" means that the contents of two or more seed cavities have developed a jelly-like consistency and the seeds are well developed.

§ 51.1867 *Soft.* "Soft" means that the tomato yields readily to slight pressure.

§ 51.1868 *Firm.* "Firm" means that the tomato yields only slightly to moderate pressure.

§ 51.1869 *Clean.* "Clean" means that the tomato is practically free from dirt or other foreign material.

§ 51.1870 *Well developed.* "Well developed" means that the tomato shows normal growth. The following are not considered well developed:

(a) Tomatoes which are ridged and peaked at the stem end, contain dry tissue, and usually contain open spaces below the level of the stem scar; and,

(b) Tomatoes which have a high proportion of hard core, with little or no pulp, and few, if any, seeds.

§ 51.1871 *Fairly well formed.* "Fairly well formed" means that the tomato is not more than moderately kidney-shaped, lopsided, elongated, angular or otherwise deformed.

§ 51.1872 *Fairly smooth.* "Fairly smooth" means that the tomato is not conspicuously ridged or rough.

§ 51.1873 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the tomato. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cuts and broken skins when not shallow (not penetrating into the flesh) and not well healed; or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a shallow, well healed cut one-half inch in length, or other shallow, well healed skin breaks having an aggregate area equivalent to that of a circle three-eighths inch in diameter;

(b) Sunburn when yellow color resulting from sunburn predominates over the green on a sufficient area that the appearance of the tomato is more than slightly affected or when the flesh is affected;

(c) Puffiness when the open space in one or more locules materially affects the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(d) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a locule, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a fairly smooth catface with an area equivalent to that of a circle three-eighths inch in diameter;

(e) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a scar with no depth which has an area equivalent to that of a circle three-eighths inch in diameter;

(f) Growth cracks when not well healed or when more than one-eighth inch in depth, when radial cracks affect the appearance or shipping quality of the tomato to a greater extent than that of a tomato 2½ inches in diameter having radial cracks aggregating 1 inch in length, measured from the edge of the stem scar, when any radial crack exceeds one-half inch in length, or when cracks concentric to the stem scar affect the appearance to a greater extent than that permitted for radial cracks, except that tomatoes which are at least turning are permitted to have growth cracks which are not well healed: *Provided*, That such growth cracks are not leaking;

(g) Hail injury when deep, rough, or not well healed and corked over, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having fairly smooth, shallow hail marks with an aggregate area equivalent to that of a circle three-eighths inch in diameter; and,

(h) Insect injury when the appearance, or the edible or the shipping quality of the tomato is materially affected or when any insect is present in the fruit.

§ 51.1874 *Reasonably well formed.* "Reasonably well formed" means that the tomato is not decidedly kidney-shiped, lop-sided, elongated, angular or otherwise deformed.

§ 51.1875 *Slightly rough.* "Slightly rough" means that the tomato is not decidedly ridged or grooved.

§ 51.1876 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the tomato. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Cuts and broken skins when not shallow (not penetrating into the flesh) and not well healed, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a shallow, well healed cut one-half inch in length, or other shallow, well healed skin breaks having an aggregate area equivalent to that of a circle one-half inch in diameter;

(b) Puffiness when the open space in one or more locules seriously affects the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(c) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a locule, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a fairly smooth catface with an area equivalent to that of a circle five-eighths inch in diameter;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a scar with no depth which has an area equivalent to that of a circle five-eighths inch in diameter;

(e) Growth cracks when not well healed or when more than one-eighth inch in depth, when radial cracks affect the appearance to a greater extent than that of a tomato 2½ inches in diameter having radial cracks aggregating 1½ inches in length measured from the edge of the stem scar when any radial crack exceeds three-fourths inch in length, or when cracks concentric to the stem scar affect the appearance to a greater extent than that permitted for radial cracks, except that tomatoes which are at least turning are permitted to have

growth cracks which are not well healed: *Provided*, That such growth cracks are not leaking;

(f) Hail injury when deep, rough, or not well healed and corked over, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having fairly smooth, shallow hail marks with an aggregate area equivalent to that of a circle five-eighths inch in diameter; and,

(g) Insect injury when the appearance or the edible shipping quality of the tomato is seriously affected or when any insect is present in the fruit.

§ 51.1877 *Misshapen.* "Misshapen" means that the tomato is decidedly kidney-shaped, lop-sided, elongated, angular or otherwise deformed: *Provided*, That the shape is not affected to an extent that the appearance or the edible quality of the tomato is very seriously affected.

§ 51.1878 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the tomato. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Cuts and broken skins when fresh, or when healed and extending through the tomato wall, or when the appearance of the tomato is very seriously affected;

(b) Puffiness when the open space in two or more locules very seriously affects the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(c) Catfaces when channels extend into the locule, when the wall has been weakened to the extent that slight pressure will cause the tomato to leak, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a fairly smooth catface with an area equivalent to that of a circle 1 inch in diameter;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a scar with no depth which has an area equivalent to that of a circle 1 inch in diameter;

(e) Growth cracks when not well healed or when more than one-fourth inch in depth, when radial cracks affect the appearance or the shipping quality of the tomato to a greater extent than that of a tomato 2½ inches in diameter having radial cracks aggregating 2 inches in length, measured from the edge of the stem scar, when any radial crack exceeds 1 inch in length, or when cracks concentric to the stem scar affect the appearance to a greater extent than that permitted for radial cracks, except that tomatoes which are at least turning are permitted to have growth cracks which are not well healed: *Provided*, That such growth cracks are not more than one-eighth inch in depth and are not leaking;

(f) Hail injury when fresh or very deep, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having fairly smooth, shallow hail marks with an aggregate area equivalent to that of a circle 1 inch in diameter; and,

(g) Insect injury when the appearance or the edible or the shipping quality of the tomato is very seriously affected or when any insect is present in the fruit.

Dated: September 6, 1956.

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

[F. R. Doc. 56-7299; Filed, Sept. 10, 1956; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS

POSTPONEMENT OF HEARING FOR SMALL ELECTRICAL PRODUCTS INDUSTRY

On August 15, 1956, notice was published in the FEDERAL REGISTER (21 F. R. 6091) that interested persons would be given the opportunity to submit oral or written data, views, and arguments before an authorized representative of the Administrator on September 11, 1956, with a view toward amending 29 CFR Part 522 to provide supplemental learner regulations for the small electrical products industry.

Notice is hereby given that the time for making such submittals has been postponed until 10 a. m. on October 16, 1956, at which time data, views, and arguments, submitted pursuant to the terms of the original notice, will be heard before Harry Weiss, an authorized representative of the Administrator, in Room 5223, United States Department of Labor Building, Fourteenth and Constitution Avenue NW., Washington, D. C.

Signed at Washington, D. C., this 7th day of September 1956.

NEWELL BROWN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 56-7342; Filed, Sept. 10, 1956; 8:50 a. m.]

NOTICES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ORGANIZATION AND FUNCTIONS

Correction

In F. R. Doc. 56-7081, appearing at page 6682 of the issue for Wednesday, September 5, 1956, the following change should be made:

In the address for the inspection station of the New York District under item I. C., "P. O. Box 201" should read "P. O. Box 204."

CIVIL AERONAUTICS BOARD

[Docket No. 7782]

EASTERN AIR LINES, INC.

NOTICE OF FURTHER POSTPONEMENT OF HEARING

In the matter of Eastern Air Lines, Inc., enforcement proceeding.

Notice is hereby given that the hearing in the above-entitled matter, last assigned to be held on September 10, 1956, is further postponed at the request of Counsel for the respondent and will be held on September 17, 1956, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., September 6, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7293; Filed, Sept. 10, 1956; 8:49 a. m.]

[Docket No. 8055]

RAILWAY EXPRESS AGENCY, INC.; VALUATION CHARGES

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the increased valuation and c. o. d. charges proposed by Railway Express Agency, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, now assigned to be held on September 10, 1956, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith, is postponed and reassigned for hearing on September 24, 1956, at 10:00 a. m., e. d. s. t., in Room E-1050, Temporary Building No. 5.

Dated at Washington, D. C., September 6, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-7294; Filed, Sept. 10, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10056; FCC 56-804]

MACKAY RADIO AND TELEGRAPH CO., INC. AND ALL AMERICA CABLES AND RADIO, INC.

MEMORANDUM OPINION AND ORDER REOPENING RECORD

In the matter of Mackay Radio and Telegraph Company, Inc. and All America Cables and Radio, Inc., Docket No. 10056; application for modification of

license to delete certain conditional provisions relating to communication between New York, New York and San Juan, Puerto Rico.

1. The Commission has before it for consideration a "Petition to Reopen the Record for Further Hearing" filed on July 2, 1956 by Mackay Radio and Telegraph Company, Inc. (Mackay) and All America Cables and Radio, Inc. (All America); a statement with respect to such petition filed on July 10, 1956 by the Chief of the Commission's Common Carrier Bureau; and an Opposition to said petition filed on July 12, 1956 by RCA Communications, Inc. (RCAC), intervenor herein.

2. Some background remarks are appropriate to an understanding of the history of this proceeding. The instant proceeding arose upon the filing of two applications with the Commission: (1) Mackay requests that the Commission delete from the license of its fixed public radio telegraph station in Brentwood, New York, a condition limiting said station's communication with San Juan, Puerto Rico, to periods when one or more of the normal cable circuits of All America in the Caribbean area are interrupted; and (2) All America seeks the deletion of a similar condition in its license restricting communication with New York by its fixed public radio telegraph station at Sabana Llana, Puerto Rico, and it requests authority for frequency shift-keying and 3 FI emission in connection with the regular or unconditional operation which it proposes. The applications were designated for hearing on September 19, 1951, upon specified issues. RCAC was permitted to intervene in the proceeding. Hearings were held commencing on March 18, 1952; they were concluded on March 28, 1952, with the record being closed on that date. An Initial Decision, proposing that the above-described applications be denied, was released on September 4, 1952. Oral argument in this proceeding was originally scheduled for February 24, 1953. By Memorandum Opinion and Order (FCC 55–852) released July 29, 1955, the Commission scheduled the oral argument herein for September 12, 1955. In said Memorandum Opinion and Order, the Commission denied the petition of Mackay and All America filed on December 10, 1954, for further hearing in this proceeding. Oral argument, in which Mackay and All America, the Common Carrier Bureau and RCAC participated, was held before the Commission en banc on September 12, 1955.

Petition to Reopen the Record for Further Hearing

3. In support of their petition to reopen the record for further hearing, Mackay and All America point out that the record and Initial Decision in this proceeding are based upon conditions existing six years ago. It is stated that a reopening of the record is required so that the Commission may take into account certain changes, since the close of the record, bearing upon matters which were controlling considerations in the Initial Decision. Petitioners assert that material changes have occurred as follows: (a) Substantial increases in telegraph traffic with Puerto Rico and the Caribbean area have occurred which the Examiner found would not result. It is alleged that telegraph traffic to and from Puerto Rico has increased from the 1950 volume of 6,534,526 words to 8,461,846 words in 1955—an increase of 29 percent.[1] The petitioners also allege that traffic to and from four other Caribbean points (Virgin Islands, Dominican Republic, Netherlands West Indies and Venezuela) has increased by 23.6 percent; (b) Substantial increases in trade and commerce with Puerto Rico and the Caribbean area have occurred which the Examiner did not expect to result. In this connection, petitioners allege that accompanying the increase in telegraph traffic with Puerto Rico since the close of the hearing, the dollar volume of trade with the United States has increased by 57.2 percent. It is asserted that with respect to the above-mentioned four Caribbean points the dollar volume of trade has increased by 36 percent; and (c) Petitioners allege the introduction of nonmessage services (leased radio channel service and teletype writer exchange service) with Puerto Rico by RCAC, not rendered at the time of the 1952 hearings, resulting in a monopoly by RCAC without opportunity of petitioners to compete. Several other arguments are advanced by the petitioners in support of the instant pleading which relate to certain policy statements made by the Commission in proceedings not directly related to the one now before us. In view of this, we do not set forth here the nature of those arguments, nor will they be considered further in this document.

4. Petitioners request that the Commission reopen the record and remand the proceedings to a presiding officer to take further testimony or evidence, certifying the record to the Commission without decision, or, in the alternative, to reopen the record and remand the proceeding to a presiding officer to take further testimony or evidence and issue a supplemental Initial Decision, whichever may seem appropriate under the circumstances surrounding this case.

Statement of the Common Carrier Bureau

5. The Common Carrier Bureau asserts that it is of the opinion that the Commission should, in the exercise of its discretion, grant the instant petition and reopen the record herein to take further testimony and evidence before issuing a final decision. The Bureau states that in view of the need for administrative finality petitions to reopen for further hearing after the issuance of an Initial Decision and oral argument thereon should be granted only under unusual circumstances. The Bureau points out that the Commission has recognized that unusual circumstances might arise where the public interest would be served by reopening the record to take further testimony or evidence, and has provided for such procedure in § 1.853 (c) (3) of its rules.[2] It is stated by the Bureau that the facts and considerations set forth in the instant petition encompass unusual circumstances of the type which indicate that the public interest would be served by a reopening of the record herein to take further testimony and evidence. The Bureau asserts that the petitioners have set forth with particularity the facts which tend to indicate that some of the basic premises upon which conclusions in the Initial Decision were based are no longer valid, and that the public interest would be served by affording the petitioners an opportunity to present such facts for the record; to have them subjected to appropriate cross-examination; and to arrive at the conclusions based upon a proper evaluation of these facts in light of all the facts and considerations of record.

6. The Bureau adverts to the lengthy history of this proceeding. It points out that this proceeding arose as the result of applications filed in February, 1951; that hearings were held in March, 1952; and that the Initial Decision was issued by the Hearing Examiner in September, 1952. Thus, the Bureau states, reopening of the record would make available to the Commission data with respect to all developments which have taken place during this relatively long period of time.

7. The Bureau states that it is aware that in December, 1954, before this matter was set for oral argument, petitioners filed a petition similar to the petition now before the Commission. It is pointed out that such petition was denied by the Commission in a Memorandum Opinion and Order released on July 29, 1955. The Bureau states, however, that the Commission did not pass upon the merits of the petition, but instead stated: " * * * Such petition concerns itself only with generalities, and fails to allege any specific facts which demonstrate the necessity or advisability of a further hearing in this matter. Nothing in such petition persuades us that this proceeding should be set down for further hearing. We believe, therefore, that a determination of this matter should be made upon the record as presently constituted." The Bureau urges that in the instant petition the petitioners have remedied the difficulties found by the Commission in their previous petition and have set forth in detail the facts and considerations which were not present in the earlier petition.

8. The Bureau states that in the past it has opposed a grant of petitioners' applications at issue in the basic proceeding herein, and further states that in taking the position that it does not mean to imply that it is necessarily altering such position. It is the Bureau's position, however, that the Commission should

[1] Traffic statistics not of record in this proceeding were taken by petitioners from Carriers' Responses to the Commission's Order 85.

[2] § 1.853 *Appeal and review of initial decision.* * * *

(c) In any case in which an initial decision is subject to further review in accordance with paragraphs (a) or (b) of this section, the Commission may take any one or more of the following actions:

* * * * *

(3) Prior to or after oral argument or the filing of briefs, reopen the record and remand the proceedings to the presiding officer to take further testimony or evidence;

have before it current facts and considerations in reaching a decision in this matter. The Bureau asserts that if the petition is granted, it will re-examine its position in the light of all the evidence of record and take such position as appears to it to be in the public interest in the light of such evidence, facts, and considerations.

9. The Bureau urges that if the Commission does, in fact, determine that the record herein should be reopened, the Hearing Examiner to whom the proceedings are remanded for the taking of further testimony and evidence, should be instructed to prepare and issue a supplemental Initial Decision as provided in § 1.853 (c) (5) of the Commission's rules. It is asserted that such a course would make available to the Commission the judgment of the Hearing Examiner before whom the additional testimony and evidence are to be adduced, and would be consistent with the purpose and intent of section 409 (b) of the Communications Act, as amended, which requires the preparation and filing of an Initial Decision by the person before whom the matter was heard, except in those instances where the Commission finds that due and timely execution of its functions unavoidably and imperatively require the certification of the record to the Commission for decision.

The opposition of RCAC. 9. RCAC urges that the instant petition is a second request since the issuance of the Initial Decision to hold further hearing. RCAC adverts to the petition filed on December 10, 1954, by Mackay and All America. RCAC points out that again as before the applicants allege that (a) traffic volumes have increased and (b) non-message services have been introduced by RCAC. It is asserted that in denying the applicant's first request for rehearing, the Commission ruled that these allegations do not "demonstrate the necessity or advisability of a further hearing • • • [and] a determination of this matter should be made upon the record as presently constituted." RCAC points out that the applicants did not request the Commission to reconsider this order of July 29, 1955, denying the petition for further hearing, within the thirty day period for filing petitions for reconsideration, and that their failure to make a timely request constitutes a waiver of any right to seek reconsideration. Thus, RCAC urges, it has already been finally determined by the Commission that further hearing should not be held in this proceeding.

10. RCAC urges that, in any event, bare traffic statistics are of little significance where the applicants have not alleged or established that existing facilities are inadequate or insufficient to handle the traffic volume. It is asserted that to contend that facilities are inadequate would have to be rejected as frivolous, in the presence of the evidence showing the facilities of four telegraph carriers already available to serve Puerto Rico. In this connection, RCAC urges that its direct circuits serving this area are operated at only approximately 10 percent of their normal traffic handling potential. It is alleged that additional radio facilities can be placed in operation and normal operating hours extended if necessary or appropriate.

11. RCAC urges that the applicants' claim that non-message services have been introduced by RCAC with Puerto Rico and their claim of "monopoly" similarly do not warrant further hearings. RCAC states that the record of this proceeding already shows that RCAC has been ready and able to provide non-message services with Puerto Rico and that it provides these services with many countries. It is pointed out that the instant petition makes no claim or showing that any unsatisfied demand exists for non-message services, that existing facilities are inadequate, or that presently licensed carriers are unable to fulfill whatever requirement exists for these services.

12. RCAC asserts that it still has only one leased channel customer (15-word per minute channel) and knows of no other customer for this service, and that if any such customers exist, it is willing and able to provide the leased channel service. It is further asserted that demand for TEX service also remains confined to a limited number of calls, and that present facilities are more than ample to provide for whatever demands exist for TEX service. RCAC urges that any claims that it enjoys "a monopolistic" or preferred position with Puerto Rico must also be considered in light of the applicant's general competitive position in telegraph service between the United States and Puerto Rico and with the area involved. RCAC asserts that the applicants enjoy the substantially greater share of the total message telegraph traffic with Puerto Rico, as well as the revenue derived therefrom, and that not only do they occupy a dominant position, but their industry participation has been increasing. RCAC submits that to charge "monopoly" or preferred position in the face of this trend is very surprising, and that the trend assumes added significance when considered in the light of the Initial Decision's conclusion that, in the event of a grant of the applications to establish "joint cable and radio service by the AC and R system between New York and Puerto Rico, which is the practical effect of the instant proposal," the possibilities are that "the position of dominance among the carriers which [the AC & R system] presently occupies may become more severe."

13. With respect to the remainder of the instant petition, i. e., paragraphs 14–32, RCAC states that such matters are an obvious reargument on the merits of the Initial Decision not provided for by the Commission's Rules of Practice and Procedure, and RCAC requests that the Commission dismiss paragraphs 14–32 of the instant petition on the basis that they constitute an unwarranted and untimely reargument on the merits of the Initial Decision. We have considered this matter herein above, and RCAC's request is granted to the extent that we give no consideration herein to the argumentative matters advanced by the petitioners. In view of our disposition of the instant petition, the applicability of general policy statements will, of course, be reserved for discussion by the Hearing Examiner in the conclusions which will be made upon the basis of the supplemented record in this proceeding, and thereafter, if appropriate, by the Commission in its final determination.

14. RCAC submits that, in its opinion, the proceedings should not be reopened for further hearings except under the most unusual and compelling circumstances, and that if some new development should provide a basis to reopen and to remand a proceeding, a final decision can never be reached. In this connection, RCAC cites a decision of the Supreme Court of the United States, Interstate Commerce Commission v. Jersey City, 322 U. S. 503, and cites language therefrom at page 512 as follows:

> Administrative consideration of evidence—particularly where the evidence is taken by an examiner, his report submitted to the parties, and a hearing held on their exceptions to it—always creates a gap between the time the record is closed and the time the administrative decision is promulgated. This is especially true if the issues are difficult, the evidence intricate, and the consideration of the case deliberate and careful. If upon the coming down of the order litigants might demand rehearing as a matter of law because some new circumstance has arisen, some new trend has been observed, or some new fact discovered, there would be little hope that the administrative process could ever be consummated in an order that would not be subject to reopening.

15. We are of the opinion that the record in this proceeding should be reopened for further hearing. We think that this is the appropriate course to follow in view of the present posture of the proceeding, i. e., the matter has reached the point of final decision, with the prospect that such decision would be based upon facts and conditions which obtained as of a period more than four years past. We believe that the ends of justice would be served more appropriately by issuing a final determination which would be based upon facts which are more current in point of time. In reaching this view, we are aware that RCAC presses the point that in July of 1955 we denied a petition for further hearing in this proceeding filed on December 10, 1954, by Mackay and All America, and that in view of their failure to petition within 30 days for reconsideration of such denial it must be said that the Commission has already finally determined that further hearing should not be held in this proceeding. We must disagree with RCAC's position for we are cognizant of no provision of an applicable statute or of our rules which would preclude the filing of a pleading such as that now before us because of the fact that no petition for reconsideration of a denial of a request for further hearing had been filed within 30 days of the date of such denial. In this connection, it is to be noted that our rules[4] expressly provide that prior to or after oral argument or the filing of briefs the Commission may reopen the record and remand the proceeding to the presiding officer to take further testimony

[4] Section 1.853 (c) (3) and (4).

or evidence, or it may remand the proceedings to the presiding officer to make further findings or conclusions.

16. We recognize that it is imperative in the orderly execution of the administrative process that a point of finality be reached. We believe, however, that the history of the present proceeding demonstrates that unusual and compelling circumstances require the reopening of the record herein to permit the record to reflect current data.

17. In view of the foregoing: *It is ordered*, That the petition to reopen the record for further hearing filed on July 2, 1956, by Mackay Radio and Telegraph Company, Inc., and All America Cables and Radio, Inc. is granted; and

It is further ordered, That the above-entitled matter is remanded to the Hearing Examiner,[4] who originally presided at this hearing, with the instructions to reopen the record for the adduction of evidence under the issues which previously controlled this proceeding for the purpose of permitting the record to reflect current data pertinent to the aforesaid issues; and

It is further ordered, That after the appropriate procedural steps have been taken, the Hearing Examiner shall issue a supplemental initial decision herein.

Adopted: August 29, 1956.

Released: September 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7300; Filed, Sept. 10, 1956; 8:50 a. m.]

[Docket Nos. 11562, 11807; FCC 56-817]

WARREN L. MOXLEY AND JONES T. SUDBURY

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Warren L. Moxley, Blytheville, Arkansas, Docket No. 11562, File No. BP-9922, and Jones T. Sudbury, Martin, Tennessee, Docket No. 11807, File No. BP-10575; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of August 1956;

The Commission having under consideration the above-captioned applications of Warren L. Moxley and Jones T. Sudbury, each for a construction permit for a new standard broadcast station to operate on 1410 kilocycles with a power of 500 watts and one kilowatt, respectively, at Blytheville, Arkansas, and Martin, Tennessee, respectively;

It appearing, that each of the applicants is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated June 29, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that a timely reply was filed by each applicant; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

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

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

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

Released: September 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7301; Filed, Sept. 10, 1956; 8:50 a. m.]

[Docket Nos. 11789, 11790; FCC 56M-805]

TRADEWINDS BROADCASTING CO. (WCBQ)

STATEMENT AND ORDER CONTINUING HEARING

In re applications of M. R. Lankford, tr/as Tradewinds Broadcasting Company (WCBQ), Sarasota, Florida, for construction permit to replace expired construction permit, Docket No. 11789, File No. BP-10370; and for modification of construction permit, Docket No. 11790, File No. BMP-6920.

1. A prehearing conference was held on September 5, 1956. The transcript of the conference is incorporated by reference. The following schedule was agreed to:

(a) Applicant to furnish his proposed direct case exhibits to the parties and Hearing Examiner by October 8, 1956, 5 p. m.

(b) A further conference to discuss the proposed exhibits and other pertinent matters to be held on October 15, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

(c) Evidentiary hearing to begin on October 22, 1956 at 10:00 a. m., in the offices of the Commission, Washington, D. C. (continued from October 12, 1956).

So ordered, this 5th day of September 1956.

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

[F. R. Doc. 56-7302; Filed, Sept. 10, 1956; 8:50 a. m.]

[Docket No. 11803; FCC 56-814]

BOSQUE RADIO

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of George H. Cook tr/as Bosque Radio, Clifton, Texas, Docket No. 11803, File No. BP-10,361; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of August, 1956;

The Commission having under consideration the above-captioned application of George H. Cook tr/as Bosque Radio for a construction permit for a new standard broadcast station to operate on 1420 kilocycles with a power of 500 watts, directional antenna, daytime only at Clifton, Texas;

It appearing, that the applicant is legally, technically, financially, and otherwise qualified except as may appear from the issues specified below, to operate the proposed station, but that interference to the proposed operation from Stations KGNB, New Braunfels, Texas (1420 kc, 1 kw, Day) and KFYN, Bonham, Texas (1420 kc, 250 w, Day), may affect more than 10 percent of the population in the proposed primary service area in contravention of § 3.28 (c) of the Commission's rules; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated May 10, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant replied by letter dated June 29, 1956, and conceded that the loss in population would be 10.41 percent of the population within the normally protected primary service area, but stated that § 3.28 (c) of the rules should be waived and the application should be granted because neither Clifton, Texas, nor Bosque County has a radio station at this time, that the proposed operation will cause no interference to any existing station or pending application and that the area where interference will be received is remote and rural and already served by several stations; and

It further appearing, that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information

[4] It is assumed that the Hearing Examiner will schedule this matter on his calendar at the earliest possible time consistent with his hearing schedule.

relative to the above-captioned application and the grounds advanced in support of the request for waiver of § 3.28 (c) of the rules to enable the Commission to determine whether the public interest would be served by a grant thereof;

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

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

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

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

Released: September 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7303; Filed, Sept. 10, 1956; 8:50 a. m.]

[Docket Nos. 11804, 11805; FCC 56-815]

RADIO WAYNE COUNTY, INC., AND RADIO NEWARK, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Wayne County, Inc., Newark, New York, Docket No. 11804, File No. BP-10316 and Radio Newark, Inc., Newark, New York, Docket No. 11805, File No. BP-10527; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of August 1956;

The Commission having under consideration the above-captioned applications of Radio Wayne County, Inc., and Radio Newark, Inc., each for a construction permit for a new standard broadcast station to operate on 1420 kilocycles with a power of 500 watts, daytime only, at Newark, New York; and

It appearing, that each of the applicants is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated May 24, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that a timely reply was received from each subject applicant; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

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

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

2. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

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

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

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

Released: September 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7304; Filed, Sept. 10, 1956; 8:50 a. m.]

[Docket No. 11806; FCC 56-816]

INDIAN CITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Odis L. Echols, Sr. and Odis L. Echols, Jr. d/b as Indian City Broadcasting Company, Anadarko, Oklahoma, Docket No. 11806, File No. BP-10413; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of August, 1956;

The Commission having under consideration the above-captioned application of Odis L. Echols, Sr. and Odis L. Echols, Jr., d/b as Indian City Broadcasting Company, for a construction permit for a new standard broadcast station at Anadarko, Oklahoma, to operate on 1250 kilocycles with a power of 500 watts, daytime only, File No. BP-10413;

It appearing, that the applicant is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to construct and operate its proposed station, but that operation of the station as proposed would cause interference to Stations KWSH, Wewoka, Oklahoma (1260 kc, 1 kw, DA-2, U); KVSO, Ardmore, Oklahoma (1240 kc, 250 w, U); and KFIV, Paris, Texas (1250 kc, 500 w, D); and may receive interference from said stations which would affect more than 10 percent of the population in the proposed station's normally protected primary service area, so that the proposal would not be in compliance with § 3.28 (c) of the Commission's rules; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated July 15, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that a timely reply was received from the applicant; and

It further appearing, that the Commission is of the opinion that a hearing on the subject application is necessary;

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

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

2. To determine whether the instant proposal would involve interference with Stations KWSH, Wewoka, Oklahoma; KVSO, Ardmore, Oklahoma; and KFIV, Paris, Texas; or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

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

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant proposal would serve the public interest, convenience and necessity.

It is further ordered, That Lamar Broadcasting Company, Inc.; Tri-Cities Broadcasting Co., Inc.; and John F. Easley; licensees of Stations KFTV, Paris, Texas; KWSH, Wewoka, Oklahoma; and KVSO, Ardmore, Oklahoma; respectively, are made parties to the proceeding.

Released: September 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7305; Filed, Sept. 10, 1956; 8:50 a. m.]

[Docket No. 11778; FCC 56-818]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

ORDER WITH RESPECT TO PATCHOGUE, N. Y., AND NEW YORK, N. Y.

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, Docket No. 11778.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of August, 1956;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for class B FM Broadcast Stations; and

It appearing, that notice of proposed ruling making (FCC 56-671) setting forth the above amendment was issued by the Commission on July 16, 1956 and was duly published in the FEDERAL REGISTER (21 F. R. 5469), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before August 10, 1956; and

It further appearing, that no comments were received opposing the reallocation of a channel from New York City to Patchogue, New York; however, an objection was received to reallocation of Channel No. 282 as originally proposed because that channel was being considered for a new concert network station in New York City and that such channel was the most desirable of those available in New York City for the operation. Reallocation of Channel No. 278 to Patchogue was suggested, which channel appears to be equally usable in Patchogue;

It further appearing, that the immediate adoption of the proposed amendment would be desirable;

It further appearing, that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the cities of New York and Patchogue, New York:

General area	Channels	
	Delete	Add
Patchogue, N. Y.		278
New York City, N. Y.	278	

Released: September 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 56-7306; Filed, Sept. 10, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1823]

GETTY OIL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 4, 1956.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Getty Oil Company, common stock; File No. 7-1823.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the San Francisco, New York and Los Angeles Stock Exchanges.

Upon receipt of a request, on or before September 21, 1956 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7270; Filed, Sept. 10, 1956; 8:46 a. m.]

[File No. 7-1822]

KERR-MCGEE OIL INDUSTRIES, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 4, 1956.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Kerr-McGee Oil Industries, Inc., common stock; File No. 7-1822.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 21, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7271; Filed, Sept. 10, 1956; 8:46 a. m.]

[File No. 1-2639]

CASCO PRODUCTS CORP.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 4, 1956.

In the matter of Casco Products Corporation common stock; File No. 1-2639.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Detroit Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The stock has been inactive on the Detroit Stock Exchange for the past five years. It will remain listed on the American Stock Exchange.

Upon receipt of a request, on or before September 21, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7272; Filed, Sept. 10, 1956; 8:46 a. m.]

[File No. 70-3503]

OHIO EDISON CO.

ORDER AUTHORIZING ACQUISITION OF UTILITY ASSETS

SEPTEMBER 5, 1956.

Ohio Edison Company ("Company"), a registered holding company, has filed with this Commission an application pursuant to sections 9 (a) (1) and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transaction:

Pursuant to a Sale Agreement dated August 9, 1956 between the Company and the Village of Plain City, Ohio ("Village"), the Company proposes to acquire, for a cash consideration of $410,000 (of which $102,500 has already been paid on account), the Village's generating plant other than land and buildings, and its electric distribution and street lighting systems including land and land rights necessary for the operation of such systems, together with materials and supplies and all related fixtures and appliances. The property includes five diesel engine generators with a total capacity of 1,500 Kw., 15 pole miles of overhead distribution facilities, 111 street lights, and 113 line transformers of 2,716 Kva. aggregate capacity. The property presently serves about 825 customers. The company estimates that operating revenues for the first full year of operation will approximate $110,000.

The Village is situated within the Company's service area and in close proximity to communities presently served by the Company. Upon consummation of the acquisition, the property will be physically connected with the Company's facilities, and integration of the acquired property with the Company's system is expected to result in improvement of the local service and an overall reduction in electric rates.

The Company proposes to record the property on its books on the basis of original cost, actual or estimated, and to dispose of the difference, if any, between the purchase price and such original cost in accordance with the accounting regulations and orders of The Public Utilities Commission of Ohio and the Federal Power Commission, which will have jurisdiction with respect thereto.

Due notice of the filing of the application having been given in the manner provided by Rule U-23 promulgated under the act, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act have been satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted, to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and hereby is, granted, effective forthwith, subject to the provisions of Rule U-24.

By the Commission.

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

[F. R. Doc. 56-7273; Filed, Sept. 10, 1956; 8:47 a. m.]

[File No. 70-3506]

CENTRAL PUBLIC UTILITY CORP.

NOTICE OF FILING REGARDING RENEWAL OF GUARANTY OF SUBSIDIARY'S SHORT-TERM NOTE

SEPTEMBER 5, 1956.

Notice is hereby given that Central Public Utility Corporation ("Cenpuc"), a registered holding company, has filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 7 and 12 (b) thereof and Rule U-45 thereunder as applicable to the proposed transactions, which are summarized as follows:

Cenpuc proposes to guarantee, for an additional period from September 24, 1956 to January 4, 1957, and thereafter for additional periods not exceeding nine months from September 24, 1956, payment of the renewal promissory note or notes of its wholly owned subsidiary The Islands Gas and Electric Company ("Islands") to the order of The Hanover Bank, New York, New York, in the principal amount of $2,000,000, with interest at the rate of 3½ percent per annum. Cenpuc will pledge to said bank, as security for the due payment of Islands' note or notes, a Time Deposit Open Account in the amount of $2,000,000 bearing interest at the rate of 2 percent per annum.

The proposed renewal or renewals represent a further extension of Cenpuc's guaranties of the aforesaid obligation of Islands to said bank, originally authorized by the Commission on December 16, 1955, and renewed at 90-day intervals thereafter. It is stated that, although Islands anticipates the receipt of sufficient moneys to pay its note to the bank before January 4, 1957, Cenpuc seeks authority to extend its guaranty thereafter to a date not later than June 24, 1957, in the event of further delay.

Declarant represents that no other regulatory commission has jurisdiction in the matter. It estimates its expenses in connection with the renewal of its guaranty from September 24, 1956, to January 4, 1957, at not exceeding $400, including attorneys' fees of not more than $350; and in connection with renewals thereafter, if any, at not more than $200 for attorneys' fees and $25 for miscellaneous expenses.

Notice is further given that any interested person may, not later than September 19, 1956 at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as amended or as further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

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

[F. R. Doc. 56-7274; Filed, Sept. 10, 1956; 8:47 a. m.]

[File No. 70-3500]

BLACKSTONE VALLEY GAS AND ELECTRIC CO.

ORDER REGARDING PROPOSAL TO AUTHORIZE, ISSUE AND SELL SHARES OF NEW SERIES OF PREFERRED STOCK

SEPTEMBER 5, 1956.

Blackstone Valley Gas and Electric Company ("Blockstone"), a public utility subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, has filed an application-declaration and amendments thereto, pursuant to sections 6 (b) and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-62 thereunder, regarding the following proposed transactions:

Blackstone proposes, subject to appropriate approval of its stockholders, to authorize a new series of redeemable cumulative preferred stock ("new preferred stock"), consisting of 25,000 shares of $100 par value each, and ranking pari passu with the outstanding 4.25 percent preferred stock, except as to number of shares, rate of dividend, date from which such dividends commence to accumulate, and the redemption prices thereof.

Blackstone further proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 25,000 shares of the new preferred stock, of which 1,430 shares will be subject to a subscription offer to be made, on a share for share basis, to the common stockholders other than EUA. EUA, the owner of 99.17 percent of Blackstone's outstanding common stock, has agreed to waive its right to subscribe for the new preferred stock. The dividend rate of the new preferred stock, and the price, exclusive of accumulated dividends, to be paid the company, and the subscription price (which shall be the initial offering price to the public) are to be fixed by the competitive bidding. Blackstone proposes to hold a special meeting of its stockholders to consider and act upon the foregoing proposals, and to solicit proxies to be voted in favor of the proposed authorization, issuance and sale of the new series of preferred stock.

The proceeds from the proposed issue and sale of new preferred stock will be used to retire in part Blackstone's short-term bank notes outstanding in the aggregate principal amount of $3,050,000.

The proposed issue and sale of preferred stock have been authorized by the Public Utility Administrator, Department of Business Regulation, of the State of Rhode Island, the appropriate regulatory authority of the State in which Blackstone is organized and doing business.

Blackstone's estimate of the fees and expenses to be incurred and to be paid in connection with the proposed transactions, other than the fees and expenses of accountants and counsel for the company and independent counsel for the underwriters as to which jurisdiction is being reserved herein, is as follows:

Federal stamp tax	$2,750.00
Securities and Exchange Commission fee	257.50
State taxes and fees	3,500.00
Blue Sky Law qualification expense	1,000.00
Printing and engraving costs	10,000.00
Registrar and transfer agent fees and costs	5,000.00
Telephone, telegraph, travel, and miscellaneous	1,992.50
Total	24,500.00

Due notice of the filing of the application-declaration having been given in the manner prescribed by Rule U-23, and no hearing having been requested of or ordered by the Commission; and

It appearing that there is no basis for adverse findings or the imposition of special terms and conditions, and it also appearing that the fees and expenses set forth above to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates herein stated; and the Commission finding in respect of the application-declaration that the applicable provision of the act, and, of the rules and regulations thereunder, are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application- declaration be granted and permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the conditions prescribed by Rules U-24 and U-50 and subject to the further condition that jurisdiction is reserved over the fees and expenses of accountants and counsel for the company and the independent counsel for the underwriters with respect to said transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7275; Filed, Sept. 10, 1956; 8:47 a. m.]

[File No. 70-3497]

NORWOOD GAS CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER APPROVING INCREASE OF AUTHORIZED CAPITAL STOCK AND RIGHTS OFFERING BY SUBSIDIARY, AND OFFER OF PARENT TO PURCHASE ALL SHARES UNSUBSCRIBED BY MINORITY STOCKHOLDERS AND ALL SHARES HELD BY THEM

SEPTEMBER 5, 1956.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidary, Norwood Gas Company ("Norwood"), have filed a joint application-declaration pursuant to sections 6 (a), 6 (b), 7 (e), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transactions:

The authorized capital stock of Norwood consists of 3,010 common shares (par value $100 per share), of which 2,810 shares are outstanding. Norwood proposes to reduce its authorized capital stock to the 2,810 shares presently outstanding, and thereupon to increase its capital stock by the issue and sale of 1405 additional shares offering such shares to its stockholders at the price of $100 per share on the basis of one new share for each two shares held. Rights to subscribe will be evidenced by full and half-share warrants, exercisable during a subscription period of 21 days; but only full shares will be issued.

NEES, which now owns 2,791 shares (99.324 percent) of Norwood's outstanding stock, proposes to exercise its rights to subscribe for the 1,395 full shares of additional stock to which it will be entitled. The minority public holders (four in number, owning 19 shares) will be entitled to subscribe for 9 full shares. NEES also proposes, during the subscription period, to offer to purchase the present holdings of the minority stockholders, together with their rights to subscribe for additional shares, on the basis of $120 a share, and at the end of the subscription period to purchase from Norwood all unsubscribed shares at the subscription price. The price of $100 per share for the additional capital stock to be issued by Norwood and the price of $120 per share to be offered by NEES for the present minority holdings together with rights to subscribe for additional shares, are stated to have been determined by the directors of the respective companies after consideration of the earnings and book value of the Norwood stock and other comparable utility company stocks.

NEES will use treasury funds for its proposed acquisitions. Norwood will apply the proceeds from the sale of the additional capital stock, $140,500, to the discharge of a like amount of short-term notes payable to NEES, reducing its note indebtedness to NEES from $590,000 to $449,500.

The Massachusetts Department of Public Utilities has authorized and approved the increase of Norwood's authorized capital stock from 2,810 to 4,215 shares, the issuance of 1,405 additional shares, the acquisition by NEES of any shares unsubscribed by the minority stockholders, and the application by Norwood of the proceeds of the sale.

Due notice of the filing of said application-declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and that the application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7276; Filed, Sept. 10, 1956; 8:47 a. m.]

[File No. 70-3508]

MISSOURI EDISON CO.

NOTICE OF FILING OF DECLARATION REGARDING ISSUANCE OF SHORT-TERM NOTES

SEPTEMBER 5, 1956.

Notice is hereby given that Missouri Edison Company ("Missouri Edison"), a public-utility subsidiary of Union Electric Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Missouri Edison proposes to borrow from The Boatmen's National Bank of St. Louis, Missouri amounts not to exceed, in the aggregate, $1,400,000. Such borrowings will be evidenced by promissory notes, which notes will mature not later than August 31, 1957, and which will bear interest at the prime rate effective in St. Louis at the time of the particular borrowing.

Missouri Edison had contemplated that permanent financing, through the issue and sale of additional First Mortgage Bonds, would be effected during the second half of 1956 to repay previous borrowings and obtain additional funds for the continuation of its construction program, but after a review of its present cash position, its requirements to August 31, 1957, and present bond market conditions, has concluded that it would be advisable to defer permanent financing until next year. Accordingly, Missouri Edison has arranged for said $1,400,000 of short-term borrowings, which, together with cash available in its treasury, will be used to repay the $1,000,000 of promissory notes maturing on September 28, 1956, and to finance its necessary construction program. Missouri Edison expects to repay such borrowings and obtain additional funds for the continuation of its construction program through the issue and sale of securities in 1957, the type and amount to depend upon conditions at that time.

The declaration states that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions. The declaration further states that no fees, commissions or expenses, other than nominal fees, will be involved.

Notice is further given that any interested person may, not later than September 20, 1956, at 5:30 p. m., request the

Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

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

[F. R. Doc. 56-7277; Filed, Sept. 10, 1956; 8:47 a. m.]

[File No. 24 NY-4138]

WILLIAM TELL PRODUCTIONS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 5, 1956.

I. William Tell Productions, Inc., a Delaware corporation, 135 Central Park West, New York, N. Y. (formerly known as Telerad Corporation of America), having filed with the Commission on November 4, 1955, a Notification on Form 1-A and subsequently filed amendments thereto, relating to a proposed public offering of 295,000 shares of common stock, par value $.10, at $1.00 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission having reasonable grounds to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

(1) The issuer failed to disclose in Item 4 of Form 1-A that W. T. Clemons Associates was, and is, an affiliate within the meaning of Rule 215 (a) and (b);

(2) The $300,000 maximum aggregate offering price limitations of Rule 217 (a) with respect to the issuer were exceeded in that W. T. Clemons Associates, an affiliate of the issuer and a person as contemplated by Rule 217 (a) (iii), offered and sold securities within the meaning of Rule 217 (a) (3) in an amount which when combined with the issuer's present offering exceeded the above maximum;

(3) The issuer failed to disclose in Item 3 of Form I-A sales of securities by W. T. Clemons Associates, an affiliate of the issuer, within one year prior to the date of the filing of such Form 1-A;

(4) The issuer, through its underwriter, Rutledge Irvine & Co., Inc., sold securities of the issuer and in connection with such sales failed to give or deliver to the purchasers an offering circular as required by Rule 219 (a) (2);

(5) The issuer, through its underwriter, Rutledge Irvine & Co., Inc. offered and sold its securities prior to the filing of an amended offering circular disclosing information with respect to the underwriting agreement with said Rutledge Irvine & Co., Inc., as required by Rule 219 (c) (4) and (5).

(6) The issuer, through its underwriter, Rutledge Irvine & Co., Inc., sold its securities prior to and during the waiting period, following the filing of amending material to the offering as prescribed by Rule 219 (e).

III. *It is ordered*, Pursuant to Rule 223 (a) and Rule 261 (a) of the general rules and regulations under the Securities Act of 1933 that the exception under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

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

[F. R. Doc. 56-7278; Filed, Sept. 10, 1956; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2657 etc.]

JAKE L. HAMON, ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

SEPTEMBER 5, 1956.

In the matters of Jake L. Hamon, et al., Docket No. G-2657, et al., and Stanolind Oil and Gas Company, Docket Nos. G-8612, G-8708.

Notice is hereby given that the applications of Stanolind Oil and Gas Company, Docket Nos. G-8612 and G-8708 in the above consolidated proceedings and scheduled for hearing on September 13, 1956, at 9:30 a. m., e. d. s. t., are hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

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

[F. R. Doc. 56-7265; Filed, Sept. 10, 1956; 8:45 a. m.]

[Docket No. G-2657 etc.]

JAKE L. HAMON ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

SEPTEMBER 5, 1956.

In the matters of Jake L. Hamon, et al., Docket No. G-2657, et al.; and Humble Oil & Refining Co., Docket No. G-9008.

Notice is hereby given that the application of Humble Oil & Refining Co., Docket No. G-9008 in the abqye consolidated proceedings and scheduled for hearing in September 13, 1956 at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

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

[F. R. Doc. 56-7264; Filed, Sept. 10, 1956; 8:45 a. m.]

[Docket No. 4438, as amended, etc.]

ARKANSAS LOUISIANA GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

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

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

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

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

Docket No.; Name of Applicant; Gas Field; and Purchaser

G-4438, as amended 12-5-55 and 4-5-56; Arkansas Louisiana Gas Company; Ruston, Unionville, Hico-Knowles, Lincoln Parish, La.; Jefferson, Marion County, Texas; Waskom, Harrison County, Texas; East Carthage, Panola County, Texas; Southwest Production Company, Mississippi River Fuel Corporation; Texas Eastern Transmission Corporation; United Gas Pipe Line Company.

G-4510; T. J. Ahern, et al.; Fairbanks, Harris County, Texas; Texas Illinois Natural Gas Pipe Line Company.

G-4531; Curtis Singleton; Odem, San Patricio County, Texas; Tennessee Gas Transmission Company.

G-4543; Western Natural Gas Company; Cleveland Townsite, Liberty County, Texas; Tennessee Gas Transmission Company.

G-4549 and G-4550; Western Natural Gas Company; San Salvador, Hidalgo County, Texas; Tennessee Gas Transmission Company.

G-4642; H. S. Cole, Jr., et al.; West Weesatche, Goliad County, Texas; Texas Eastern Transmission Corporation, assignee of Wilcox Trend Gathering System, Inc.

G-4643; Caroline Hunt Trust Estate; West El Campo Area, Wharton County, Texas; Tennessee Gas Transmission Company.

G-4677; Sinclair Oil & Gas Company; West Edmond, Kingfisher, Logan, Canadian and Oklahoma Counties, Oklahoma; Cities Service Gas Company.

G-4787; Caroline Hunt Sands; West El Campo Area, Wharton County, Texas; Tennessee Gas Transmission Company.

G-4812; Carter-Jones Drilling Co., et al.; Carthage, Panola County, Texas; Lone star Gas Company; Arkansas Louisiana Gas Company.

G-4847; Mercury Drilling Co., Logan County, Oklahoma; Cities Service Gas Company.

G-4881; Western Natural Gas Company, et al.; San Salvador, Hidalgo County, Texas; Chicago Corporation.

G-5133; Sunray Mid-Continent Oil Company; Sheridan, Colorado County, Texas; Iroquois Gas Corporation.

G-5146 and G-6783, as amended 3-14-55; Humble Oil & Refining Company; Yarbrough-Allen Field, Ector County, Texas; Benedum Field, Upton County, Texas; El Paso Natural Gas Company; Pecos Company.

G-5180; Sunray Mid-Continent Oil Company; Floris, Beaver County, Oklahoma; Michigan-Wisconsin Pipe Line Company.

G-5186; C. H. Lyons, Jr., Agent, for himself and others; Logansport and Spider, De Soto Parish, Louisiana; North Ruston, Lincoln Parish, Louisiana; Southern Natural Gas Company; Arkansas-Louisiana Gas Company; Mississippi River Fuel Corporation.

G-5719; The California Company; Coquille Bay, Quarantine Bay, Main Pass, Romere Pass, Grand Bay, Bayou de Fleur, Alliance, W. Barataria and South Barataria, Plaquemines and Jefferson Parishes, Louisiana; Southern Natural Gas Company.

G-5962; The Interstate Pipe & Supply Company; Battelle District, Monongalia County, West Virginia; The Manufacturers Light and Heat Company.

G-5964; Joseph S. Morris and Will Crewes Morris; Tulsita-Wilcox, Bee County, Texas; Stanolind Oil & Gas Company, et al.

G-5975; Trippitt Oil & Gas Company; Sheridan District, Calhoun County, West Virginia; The Manufacturers Light and Heat Company.

G-6007; Palo Duro Oil Company, Margaret Wheatley; Eva B. Freeman; Evelyn Freeman Williams; Matilda L. Lehman; C. A. Fisk and Allene A. Fisk; Marguerite Humphrys; West Panhandle, Hutchinson County, Texas; Phillips Petroleum Company.

G-6025; Mrs. Janie R. Strength; Woodlawn, Harrison County, Texas; Mississippi River Fuel Corporation.

G-6261 to G-6276, inclusive; Tide Water Associated Oil Company; West Edmond, Oklahoma and Kingfisher Counties, Oklahoma; Englehart, Colorado County, Texas; Chickasha, Grady County, Oklahoma; Schalem-Alechem, Carter County, Oklahoma; Hollywood, Terrebonne Parish, Louisiana; Holly Ridge, Tensas Parish, Louisiana; Lewisburg, Acadia Parish, Louisiana; Cruce, Stephens County, Oklahoma; Blinebry, Eumont, Justice, Langlie-Mattix, Langmat and Tubbs, Lea County, New Mexico; Baxterville, Lamar County, Mississippi; Gwinville, Jefferson Davis County, Mississippi; Cities Service Gas Company; Shell Oil Company; Consolidated Gas Utilities Corporation; El Paso Natural Gas Company; Lone Star Gas Company; United Gas Pipe Line Company; Olin Gas Transmission Corporation; Texas Northern Gas Corporation; Southern Natural Gas Company.

G-6280; Fred W. Shield; Levelland, Hockley County, Texas; Spraberry Trend Area, Reagan County, Texas; Tulsita-Wilcox Bee County, Texas; Stanolind Oil and Gas Company; Texas Natural Gasoline Corporation.

G-6281; The Interstate Pipe & Supply Company; Liberty District, Marshall County, West Virginia; The Manufacturers Light and Heat Company.

G-6301 to G-6303, inclusive; Engineering Development Company, Inc. et al.; Joaquin, Shelby County, Texas; Logansport, De Soto Parish, Louisiana; Southern Natural Gas Company; Skelly Oil Company.

G-6421; R. J. St. Germain; Gwinville, Jefferson Davies and Simpson Counties, Mississippi; Southern Natural Gas Company.

G-6430 to G-6433, inclusive; The Veeder Supply and Development Company; Hugoton, Seward County, Kansas; Northern Natural Gas Company; Cabot Carbon Company; Stanolind Oil and Gas Company.

G-6439; Robert Mosbacher; Emil Mosbacher, Jr.; Barbara Smullyn; Gertrude Mosbacher; W. T. Mendell; Thomaston De Witt County, Texas; Texas Eastern Transmission Corporation.

G-6449; Peter N. Petkas, and J. B. Ferguson; Jones Creek, Wharton County, Texas; Tennessee Gas Transmission Company.

G-6454; Ben F. Brack; Hugoton, Kearny County, Kansas; Cities Service Gas Company.

G-6481 and G-6482; J. B. Stoddard, et al.; Columbus, Colorado County, Texas; W. Big Springs, Deuel County, Nebraska; Trunkline Gas Supply Company; Kansas-Nebraska Natural Gas Company.

G-6509; Parsons Brothers; Benezette, Elk County, Pennsylvania; The Manufacturers Light and Heat Company.

G-6528 to G-6531, inclusive; H. W. Klein; Klein and Vaughn; G. H. Vaughn; Spartan Drilling Company; Lisbon, Lincoln Parish, Louisiana; Cotton Valley, Webster Parish, Louisiana; Pegasus, Upton and Midland Counties, Texas; Mississippi River Fuel Corporation; Southwest Gas Producing Company; United Gas Pipe Line Company; El Paso Natural Gas Company.

G-6900; R. A. Burnett; West Panhandle, Hutchinson County, Texas; Frank C. Henderson Trust No. 2 and Elizabeth P. Henderson Trust No. 2.

G-6903; The Preston Oil Company; Washington and Greene Counties, Pennsylvania; Marshall, Wetzel, Calhoun, Clay, Kanawha and Mingo Counties, West Virginia; The Manufacturers Light and Heat Company, South Penn Natural Gas Company; Godfrey L. Cabot; United Fuel Gas Company; Pure Oil Company.

G-6911; Wiegand Brothers Drilling Company; Gaffney, Victoria County, Texas; Tennessee Gas Transmission Company.

G-7020; Harold Kaffie; Seeligson, Jim Wells County, Texas; Tennessee Gas Transmission Company.

G-7202 and G-7203; Deerfield Gas Production Company; Kearney Gas Production Company; Kansas-Hugoton, Kearny County, Kansas; Kansas-Nebraska Natural Gas Company; Northern Natural Gas Company.

G-7256; R. J. Hopkins, Agent; Benezette Township, Elk County, Pennsylvania; The Manufacturers Light and Heat Company.

G-7349 to G-7352, inclusive; Phillips Petroleum Company; West Panhandle, Moore County, Texas; Panhandle Eastern Pipe Line Company.

G-7690, as amended 4-9-56; C. P. Pursley, Ervin Pursley, J. T. Cornutt, Dona Pursley Cornutt, G. B. Cree, C. A. Pollock, E. E. Simmons, H. E. Schwartz, D. E. Williams d. b. a. C. P. Pursley, et al.; East Panhandle, Gray County, Texas; Phillips Petroleum Company.

G-9455; Calvin Clarke, Trustee; Allen and Hunter, Floyd County, Kentucky; United Fuel Gas Company.

A public hearing will be held on the 3d day of October 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
Secretary.

SEPTEMBER 5, 1956.

[F. R. Doc. 56-7267; Filed, Sept. 10, 1956; 8:46 a. m.]

[Docket No. G-9635 etc.]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS EASTERN PRODUCTION CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 5, 1956.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-9635; Texas Eastern Production Corporation, Docket No. G-9023 and G-9634.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation with its principal place of business at Shreveport, Louisiana, filed on November 9, 1955, as supplemented on November 22, 1955, and April 6, 1956, in Docket No. G-9635 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing it to acquire and operate facilities of Texas Eastern Production Corporation (Texas Production) as hereinafter described subject to the jurisdiction of the Commission all as more fully represented in the application which is on file with the Commission and open for public inspection. Texas Eastern, with approval of the directors and share holders and of both Texas Eastern and Texas Production (a subsidiary of Texas Eastern in which it owns 93 percent of the outstanding common stock) proposes to merge said Texas Production into Texas Eastern; Texas Production an independent producer, is selling gas to Texas Eastern in interstate commerce for resale pursuant to the orders of this Commission issued in Docket No. G-2775, G-2778, and temporary authorization granted in Docket No. G-9023. Said Texas Production is selling gas in interstate commerce for resale to Arkansas-Louisiana Gas Company, pursuant to order of this Commission issued December 23, 1954, in Docket No. G-2776.

Texas Eastern seeks authority to acquire and operate the properties of Texas Production, and to continue to sell to Arkansas-Louisiana Gas Company as Texas Production was authorized to do in Docket No. G-2776. Concurrently with this filing, Texas Production by application docketed No. G-9634 and as more fully hereinafter described, requests authority to abandon all service it proposed and was authorized to perform in Docket Nos. G-2775, G-2776, G-2777, G-2778; and G-9023.

Texas Eastern alleges that the proposed merger is in the interest of the present and future public convenience and necessity since by utilizing its own production of natural gas it will improve flexibility of its pipeline operation, improve its bargaining power, with independent producers in its purchase of additional supplies of natural gas, and reduce overhead expenses by combining the operation of the two corporations under one management.

Take further notice that Texas Production, a Delaware corporation with its principal place of business at Houston, Texas, filed an application pursuant to section 7 (b) of the Natural Gas Act, on November 9, 1955, as supplemented on November 22, 1955, in Docket No. G-9634 requesting authorization to abandon services as hereinafter described and subject to the jurisdiction of the Commission and as more fully represented in the application which is on file with the Commission and open for public inspection.

Pursuant to the plan of the merger filed by Texas Eastern in Docket No. G-9635, as hereinbefore described, Texas Production filed an application for authority to abandon service proposed by it in Docket Nos. G-2775, G-2776, G-2777, G-2778, and G-9023. Texas Production alleges that there will be no interruption of service for the reason that in Docket Nos. G-2775, G-2778 and G-9023, Texas Eastern, under the proposed merger would become operator and take the gas, since it is the buyer named in contracts which were the subject of these proceedings. In Docket No. G-9635 Texas Eastern requests authority to continue to render the service proposed in Docket No. G-2776; that the service proposed in Docket No. G-2777 has been discontinued due to depletion of wells to the extent that there is insufficient pressure to permit delivery into the pipeline.

Texas Production, as an independent producer, filed on June 9, 1955, in Docket No. G-9023, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing it to render services as hereinafter described, or as more fully represented in its application which is on file with the Commission and open for public inspection.

Texas Production in said application is requesting authority to sell natural gas produced by it from the Cherokee Lake area in Rusk, Gregg, and Harrison Counties, Texas, to its parent, Texas Eastern. In Docket No. G-9634, Texas Production requested authority to abandon this service because of its proposed merger into its parent-buyer. On January 6, 1956, this case was consolidated with Docket No. G-9066, and set for hearing on February 15, 1956. On February 6, 1956, W. H. Bryant, et al., co-owners of working interests and parties seller under said contract filed a "Motion of Non-Operators to be Substituted for Texas Eastern Production Corporation (Operator)." By order issued February 29, 1956, Docket No. G-9023 was severed and continued subject to further order of the Secretary, because of the filings in Docket No. G-9634 by Texas Production and in this Docket by W. H. Bryant, et al.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 3, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure provided for, under the procedure herein unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 21, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7268; Filed, Sept. 10, 1956; 8:46 a. m.]

[Docket No. G-10756]

WEST TENNESSEE GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 5, 1956.

Take notice that West Tennessee Gas Company (Applicant), a Florida corporation with principal place of business at P. O. Box 611, Jackson, Mississippi, filed, on July 16, 1956, pursuant to section 7 (a) of the Natural Gas Act, an application for an order directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its natural gas transportation facilities with recently constructed natural gas facilities owned by the Town of Gates (Gates), a municipal corporation located in Lauderdale County, Tennessee, which were leased by Gates to Applicant on May 26, 1956 and which will be operated and maintained by Applicant for the purpose of enabling Applicant to render retail natural gas service in Gates. Applicant will not require any additional allocation of natural gas in order to render this service. The gas supply requested by and allocated to Applicant in Docket No. G-10062 anticipated the instant operation and is adequate to meet the requirements of Gates.

The Gates system consists of approximately 2.2 miles of 3-inch lateral transmission line extending from the 26-inch transmission line of Texas Gas to a regulator station in or near Gates and a distribution system within Gates.

The estimated daily gas requirement for Gates is stated to be 220 Mcf and the estimated annual gas requirements for the first four years of operation are stated to be 9,700 Mcf (1956), 11,650 Mcf, 11,950 Mcf and 12,250 Mcf.

Texas Gas Transmission Company (Texas Gas) filed on August 6, 1956, pursuant to § 1.9 (a) of the Commission's rules of practice and procedure, an answer to the aforesaid application wherein it stated that it has no objection to rendering the service requested by Applicant, provided that Texas Gas shall not be obligated to render the proposed service until completion of the facilities authorized in Docket No. G-10062.

The proposed project hereinabove described is more fully represented in the application which is on file with the Commission and open for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7269; Filed, Sept. 10, 1956; 8:46 a. m.]

[Docket No. G-9886]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 4, 1956.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation with principal place of business at Oklahoma City, Oklahoma, filed, on January 19, 1956 as amended March 9, 1956 and June 25, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described which

are necessary to the delivery and sale of natural gas in interstate commerce by Applicant, and to sell and deliver natural gas in interstate commerce to the Gas Service Company (Gas Service) under Applicant's existing F–2, C–2 and I–2 Rates Schedules for resale and distribution by Gas Service via its proposed lateral transmission line and proposed distribution system in the City of Corder (Corder), Lafayette County, Missouri.

The facilities proposed to be constructed and operated by Applicant at an estimated cost of $1,350 for which amount Applicant will be reimbursed in full by Gas Service as a contribution in aid of construction, consist of a meter setting with a metric 250–B meter, together with appurtenant regulator equipment to be located in Lafayette County, Missouri, near Applicant's existing 10 inch line serving Springfield, Missouri.

The estimated peak day and annual requirements for the City of Corder, Missouri, in Mcf at 14.73 psia for the first three years of operation are as follows:

Year	Peak day	Annual
1956	182	20,317
1957	212	23,393
1958	244	25,789

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, October 10, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the preceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7262; Filed, Sept. 10, 1956; 8:45 a. m.]

[Docket Nos. G–9981, G–9993]

H. J. CHAVANNE AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 4, 1956.

In the matter of H. J. Chavanne, Trustee, Docket No. G–9981; Texas Eastern Transmission Corporation, Docket No. G–9993.

Take notice that on February 21, 1956, H. J. Chavanne, Trustee (Chavanne) filed at Docket No. G–9981 an application for a certificate of public convenience and necessity covering the sale of gas to Texas Eastern Transmission Corporation (Texas Eastern) for transportation in interstate commerce for resale from the Nada Field under a 20 year contract dated January 27, 1956, between Texas Eastern and Chavanne.

On February 23, 1956, Texas Eastern with its principal place of business located at Shreveport, Louisiana, filed at Docket No. G–9993 an application for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities as hereinafter described all as more fully represented in its application, which is on file with the Commission, and open for public inspection.

Texas Eastern seeks authorization to construct and operate a main line tap and appurtenant facilities on its existing 16-inch Provident City transmission line in the vicinity of the Nada Field, Colorado County, Texas. This proposed tap will received gas from Chavanne, produced in the Nada Field, Colorado County, Texas. The estimated total cost of the proposed facilities is $675. The cost is to be financed from corporate funds. No additional markets are proposed to be served by Texas Eastern, other than those previously authorized by the Commission.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 3, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 18, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7263; Filed, Sept. 10, 1956; 8:45 a. m.]

[Project No 1258]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF MODIFICATION OF LAND WITHDRAWAL; CALIFORNIA

SEPTEMBER 5, 1956.

By Commission's letters of December 11, 1933, May 13, 1939, and October 19, 1942, the General Land Office (now the Bureau of Land Management) was notified of the reservation of approximately 278.66 acres of land of the United States, pursuant to the filing by the Great Western Power Company, now the Pacific Gas and Electric Company, on November 8, 1933, May 21, 1936 and August 12, 1942, of applications for amendment of transmission line licenses, Project No. 1258.

On April 2, 1956, the Licensee filed an application to further amend its license to include revised exhibits showing minor relocations of part of the line and its relation to latest United States Surveys. The revised exhibits showing the transmission line as constructed, indicate that certain additional lands are being occupied for project purposes.

In accordance with the provision of section 24, of the act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands of the United States are included in the aforesaid power project, as licensed.

Under said section 24, these lands are from the date of filing for amendment (April 2, 1956) reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

All portions of the following subdivisions lying within 25 feet of the center line survey of the transmission line location as delineated on maps designated "Exhibits K–1C, K–2Ca, K–2Cb, and K–3C. (FPC Nos. 1258–27 to 1258–30 inclusive) entitled "44 kv transmission line from Big Bend P. H. to Quincy and Walker and U. S. Mines. Pacific Gas and Electric Co." and filed in the office of the Federal Power Commission on April 2, 1956.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 23 N., R. 5 E.,
Sec. 21, SE¼NW¼;
Sec. 31, Lot. 11.
T. 24 N., R. 6 E.,
Sec. 2, Lot. 1L
T. 24 N., R 6 E.,
Tract 37, NW¼, NW¼NE¼, N½SW¼.

T. 25 N., R. 6 E.,
Sec. 23, SW¼SE¼;
Sec. 26, Lot 9;
Sec. 27, SE¼SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, Lots 2, 3.
T. 25 N., R. 7 E.,
Sec. 20, Lot 4;
Sec. 22, S½NE¼.

The area reserved pursuant to the filing of this application for amendment of license is approximately 11.04 acres, wholly within the Lassen or Plumas National Forests, and has been heretofore reserved in connection with either earlier applications for project No. 1391, 1962, Power Site Reserve No. 239 or Power Site Classification No. 179. Of the 11.04 acres now being reserved approximately 4.44 acres consist of portions of lands located within tract 37, T. 24 N., R. 6 E., which was reconveyed to the United States through a donation to the Forest Service.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128) is applicable to the aforesaid lands.

This withdrawal does not affect prior notices given to the General Land Office for this project.

Copies of the revised Exhibits J–1C, K–1C, K–2Ca, K–2Cb and K–3C (FPC Nos. 1258–26 to 1258–30 inclusive) which supersede Exhibits J, J–B, K–B sheets 1, 2, 3, 4 and 5, (FPC Nos. 1258–16 insofar as it shows to general location of the line and 1258–17 through 1258–22 inclusive) have been transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–7266; Filed, Sept. 10, 1956; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 6, 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. 32586: *Sulphur, from West Port Arthur, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphur, carloads, from West Port Arthur, Tex., to specified points in southern and western territories.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 24 to Agent Kratzmeir's I. C. C. 4177.

FSA No. 32587: *Caustic soda—Louisiana and Texas to Tennessee.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads, from Lake Charles, La., Corpus Christi, Houston, and Velasco, Tex., to Chattanooga, North Chattanooga, Boyce, Calhoun, and Lowland, Tenn.

Grounds for relief: Market competition and circuitous routes.

Tariffs: Supplement 166 to Agent Kratzmeir's I. C. C. 4087 and one other tariff.

FSA No. 32588: *Coke and products—Birmingham, Ala., group to Chicago, Ill., group.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on coke, coke breeze, coke dust and coke screenings, carloads, from Birmingham, Ala., and points in Alabama grouped with Birmingham, to Chicago, Ill., and points grouped with and taking Chicago rates.

Grounds for relief: Circuitous routes.

Tariff: Supplement 57 to agent Spaninger's I. C. C. 1370.

FSA No. 32589: *Scrap tin plate—Houston, Tex., to Chicago, Ill., group.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on scrap tin plate, carloads, from Houston, Tex., to Chicago, Ill., and East Chicago, Ind.

Grounds for relief: Water competition and circuitous routes.

Tariff: Supplement 235 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32590: *Cheese in southwestern and western trunk line territories.* Rates on cheese, including cheese foods, carloads, (1) between points in southwestern territory, (2) between points in southwestern territory, on one hand, and specified points in Kansas and Missouri, on the other, (3) between specified points in Missouri and specified points in Kansas.

Grounds for relief: Short-line distance formula, truck competition, and circuitous routes.

Tariffs: Agent Kratzmeir's tariff I. C. C. 4226 and one other tariff.

FSA No. 32591: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on beer, salt cake, fire brick, and creosote oil preservatives, carloads, between and from and to specified points in Texas over interstate routes.

Grounds for relief: Short-line distance formulas, intrastate competition and circuitous routes.

Tariff: Supplement 29 to Agent Brown's I. C. C. 865.

FSA No. 32593: *Lead compounds—Chicago, Ill., to Kansas and Missouri.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on lead, red, dry, and litharge, dry, carloads, from Chicago, Ill., to Emporia, Kans., and Kansas City, Kans.-Mo.

Grounds for relief: Circuitous routes.

FSA No. 32594: *Asphalt — Baton Rouge-New Orleans, La., group to Memphis, Tenn.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on asphalt, tank-car loads, from specified points in the Baton Rouge-New Orleans, La., group, to Memphis, Tenn

Grounds for relief: Barge competition and circuitous routes.

FSA No. 32595: *Trailer-on-flat-car Service—Erie Railroad.* Filed by the Erie Railroad Company, for itself and two other railroads. Rates on freight, loaded in or on semitrailers and transported on railroad flat cars, from New York, N. Y., and grouped origins, to Louisville, Ky., and New Albany, Ind.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Supplement 3 to Erie Railroad Co. I. C. C. 21045.

FSA No. 32596: *Magnesium metals and alloys—Velasco, Texas, to New York and New Jersey.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on magnesium metal and alloys, carloads, from Velasco, Tex., to Brooklyn and New York, N. Y., Jersey City and Port Newark, N. J.

Grounds for relief: Water competition and circuitous routes.

Tariff: Supplement 236 to Agent Kratzmeir's I. C. C. 4139.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32592: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on beer, salt cake, fire brick, and creosote oil preservatives, carloads, from and to specified points in Texas, also between points in Texas over interstate routes.

Grounds for relief: Maintenance of depressed rates not applicable in constructing combination rates.

Tariff: Supplement 29 to Agent Brown's I. C. C 865.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56–7279; Filed, Sept. 10, 1956; 8:48 a. m.]

[No. 32035]

RAILWAY EXPRESS AGENCY

INCREASED EXPRESS CHARGES IN EASTERN TERRITORY

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 31st day of August, A. D. 1956.

The Railway Express Agency filed, on August 21, 1956, a petition for authority to increase its less-than-carload charges on shipments moving by express within eastern territory, as described in the appendix hereto, by assessing a surcharge of 15 percent of the charge provided under existing tariffs for such transportation. It requests the Commission to institute an investigation to determine whether such increases will be just and reasonable and will result in rates not in excess of maximum reasonable rates, and to enter a general order modifying outstanding orders of the Commission to the extent necessary to enable the petitioner promptly to make effective, on less than statutory notice, the rates and charges proposed. It further requests that where the establishment of the rates and charges herein proposed would result in departures from section 4 of the Interstate Commerce Act, the Commission authorize such departures. The basis for all the relief sought is more specifically set forth in the said petition.

Upon consideration of the petition:

It is ordered, That an investigation of the matters presented in such petition be, and it is hereby, instituted; and that a copy of this order be served upon the

petitioner and upon the Governors and regulatory bodies of the several States concerned, as listed in the appendix;

It is further ordered, That this proceeding be assigned for hearing at such times and places as hereafter may be designated;

And it is further ordered, That notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX

1. *Increases requested.* A surcharge of 15 percent of the charges provided under existing tariffs for transportation by express of less-than-carload shipments moving within eastern territory, except on less-than-carload shipments of milk and cream, newspapers and human remains.

2. *Territory involved.* Eastern Group. Includes generally the territory embraced in the following limits: The Atlantic seaboard from the Canadian border to Norfolk, Va.; the main line of Norfolk and Western Railway from Norfolk, Va., to Kenova, W. Va.; the main line of Chesapeake and Ohio Railway from Kenova, W. Va., to Cincinnati, Ohio; the Ohio River to Cairo, Ill.; the Mississippi River to the mouth of the Illinois River at or near Grafton, Ill.; the Illinois River from Grafton, to Pekin, Ill., a line south and east of Atchison, Topeka and Sante Fe Railway from Pekin, through Streator and Joliet, to Chicago, Ill.; a line north from Chicago, to include the southern peninsula of Michigan, and thence following the international boundary to the Atlantic seaboard; and including also (1) carriers operating within that portion of Canada north of the territory described above, or between that area and said territory (2) those portions of Norfolk and Western Railway and of Virginian Railway extending south of the southern boundary, and (3) any other carriers located in the territory designated as Eastern Group over which the Express Company may hereafter operate; but excluding those portions of Southern Railway, Atlantic and Danville Railway, Louisville & Nashville Railroad, Atlantic Coast Line Railroad and Seaboard Air Line Railroad extending north of the southern boundary and that portion of Gulf, Mobile and Ohio Railroad between Cairo, Ill., and St. Louis, Mo.

3. *States involved.* Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

[F. R. Doc. 56-7280; Filed, Sept. 10, 1956; 8:48 a. m.]

[No. MC-C-2020]

FRUIT AND VEGETABLE JUICES BETWEEN LOS ANGELES AND OREGON, WASHINGTON

NOTICE OF INVESTIGATION WITH RESPECT TO RATES AND CHARGES

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 30th day of August, A. D. 1956.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce, of fruit and vegetable juices from or to Los Angeles, to or from Salem and Portland, Oreg., and Seattle and Tacoma, Wash., as set forth on 24th revised page 118-B of tariff MF-I. C. C. No. 20 of Pacific Inland Tariff Bureau, Agent, Portland, Oreg., as follows: the rates of 169, 123, 113 and 101 cents from Salem and Portland to Los Angeles; the rate of 146 cents from Los Angeles to Salem and Portland; the rates of 124 and 110 cents from Seattle and Tacoma to Los Angeles; the rates of 212 and 173 cents from Los Angeles to Seattle and Tacoma; also as set forth in Item 630 on original page No. 66 of tariff MF-I. C. C. No. 2 of Exley Produce, Inc., Portland, Oreg., or as the same may be amended or reissued;

It appearing, that upon consideration of the tariff schedules, there is reason to institute an investigation to determine whether they result in rates and charges, rules and regulations or practices that are unjust or unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That the carriers parties to the said schedules be, and they are hereby, made respondents to this proceeding; that a copy of this order be forthwith served upon the said respondents; and that a notice of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission, and by filing a copy with the Director, Division of the FEDERAL REGISTER.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc 56-7281; Filed, Sept. 10, 1956; 8:48 a. m.]