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TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter A—Procedures, Rules of Practice, and Orders

[Docket 6563]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

PARLIAMENT APPLIANCES, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Nature, stock, product or service; § 13.75 *Free goods or services;* § 13.155 *Prices;* § 13.205 *Scientific or other relevant facts.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1955 *Free goods;* § 13.2063 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Parliament Appliances, Inc., et al., Chicago, Ill., Docket 6563, Mar. 5, 1957]

In the Matter of Parliament Appliances, Inc., a Corporation Trading as Parliament Food Plan, and O. G. Fishbain, M. S. Gottesman, and E. M. Levin, Individually and as Officers of Respondent Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation engaged in Chicago in the sale of electrical appliances with falsely advertising its home freezers and freezer food purchasing plan in newspapers, by radio and television, and otherwise, by representing that sale of the freezers was incidental to its wholesale food business, that it had a food plant, bought food by the carload for resale at wholesale prices to participants in the food purchase plan who could thus effect large savings, and that the freezer was given free at the end of a two-year participation period, among other things.

Following entry of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 5 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Parliament Appliances, Inc., a corporation, and its officers, and O. G. Fishbain, individually and as an officer of respondent corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of food freezers and in the solicitation of subscribers to their food purchase plan in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or indirectly:

(a) That respondents buy food for resale to participants in their freezer food purchasing plan;

(b) That respondents buy food in carload quantities;

(c) That respondents are wholesale food dealers;

(d) That respondents have a food plant;

(e) That respondents will place a freezer in a participant's home and supply the necessary food for such participant for 24 months at a total cost to the participant of $12.46 per week or any other amount that is not in accordance with the facts;

(f) That participation in respondents' freezer food purchasing plan enables a participant to eliminate the retail grocer and purchase food at wholesale prices;

(g) That participation in their freezer food purchasing plan will enable a participant to effect a net saving from 25 percent to 50 percent in their food cost or any saving or percentage saving that is not in accordance with the facts;

(h) That the carrying charges on a participant's deferred payments is 6 per-

(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.

cent or any percent other than the true amount;

(i) That participants are able to purchase all their necessary food from respondents;

(j) That the monthly payments specified in the contracts include the cost of food unless expressly limited to the food included in the initial order;

(k) That the freezer is given free at the end of a two year participation in the plan, or is ever given free;

(l) That respondents' primary business is that of selling food;

(m) That any meat supplied by respondents is U. S. Government graded, except beef.

It is further ordered, That complaint be, and the same hereby is, dismissed as to the respondents M. S. Gottesman and E. M. Levin.

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

It is ordered, That respondents Parliament Appliances, Inc., a corporation trading as Parliament Food Plan, and O. G. Fishbain, individually and as an officer of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in de-

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

Issued: March 5, 1957.

By the Commission.

[SEAL] ROBERT M. PARISH, *Secretary.*

[F. R. Doc. 57-2190; Filed, Mar. 21, 1957; 8:45 a. m.]

[Docket 6635]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BOURJOIS, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses:* § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Bourjois, Inc., New York, N. Y., Docket 6635, Mar. 5, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City of cosmetics, perfumes, and other beauty preparations with violating section 2 (d) of the Clayton Act as amended by making payments for cooperative advertising, demonstrator services, and push money to competing customers in amounts which were not proportionally equal by any test, and requiring some customer recipients to comply with certain terms and to furnish certain reciprocal services or payments while not requiring others to do so, or requiring them to do so in a less burdensome manner or in smaller amounts.

Following entry of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 5 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Bourjois, Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the sale or offering for sale, of cosmetics, beauty aids and toilet preparations in commerce, as "commerce" is defined in the Clayton Act as amended, do forthwith cease and desist from:

Paying, or contracting to pay, to, or for the benefit of, any customer of respondent, anything of value as compensation or in consideration for advertising, display, demonstrator, promotional or other services or facilities furnished by or through such customer in connection with the handling, processing, sale, or offering for sale of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the resale of such products.

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

It is ordered, That respondent Bourjois, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 5, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-2191; Filed, Mar. 21, 1957; 8:46 a. m.]

Subchapter B—Trade Practice Conference Rules

[File No. 21-455]

PART 37—ENGRAVED STATIONERY AND ALLIED PRODUCTS INDUSTRY OF THE NEW YORK CITY TRADE AREA

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, together with the industry committee provision which follows said rules, which have been approved by the Commission in this proceeding, be promulgated as of March 22, 1957.

Statement by the Commission. Trade practice rules for the Engraved Stationery and Allied Products Industry of the New York City Trade Area,[1] as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations located in the mentioned trade area who are engaged in the sale, offering for sale, or distribution of (a) letterheads, envelopes, business and social identification cards and programs, wedding invitations and announcements, engagement announcements, greeting cards, bank notes, stock certificates, and similar products, having letters, words, numbers, or designs thereon which are the result of the application of an engraving process,[2] or are directly or indirectly represented as being the result of such process; or (b) of plates or dies which are suitable, or are directly or indirectly represented as being suitable, for use in an engraving process.

According to available information, the aggregate annual sales of the products of this segment of the engraving industry approximate $10,000,000.

Primary objectives of the rules are the maintenance of free and fair competition, and the elimination and prevention of unfair methods of competition, unfair acts or practices, and other trade abuses. The rules are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings for the establishment of trade practice rules were instituted pursuant to an application of the Engraved Stationery Board of Trade. A general industry conference was held under Commission auspices in New York City. Thereafter, two separate drafts of proposed rules were published by the Commission and made available to all industry members whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections as they desired to offer and to be heard in the premises. Pursuant to such notices public hearings were held in New York City on March 5, 1954, and June 1, 1956, and all matters there presented, or otherwise received in the proceeding, were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the Group I rules and the industry committee provision as hereinafter provided.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

General statement. The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

GROUP I

[1] As here used, the term "New York City Trade Area" is to be construed as embracing the territory within the geographic limits of New York City and such additional territory as lies within sixty miles of such limits.

[2] See "Definition of engraving process," Rule 1.

AUTHORITY: §§ 37.1 to 37.201 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 37.1 *Misuse of the terms "engraved," "engraving," "hand engraved," "hand engraving," etc.* (a) (1) In the sale, offering for sale, or distribution of letterheads, envelopes, business and social identification cards and programs, wedding invitations and announcements, engagement announcements, greeting cards, bank notes, stock certficates, and similar products, which have letters, markings, or designs thereon, it is an unfair trade practice to use the word "engraved," "engraving," or any word or term of similar import, as descriptive of such products or of the letters, markings, or designs thereon, unless such letters, markings, or designs are the result of the application of an engraving process as such process is defined in subparagraph (2) of this section; or to use the words "hand engraved," "hand engraving," or any word or term of similar import, as descriptive of such products or of the letters, markings, or designs thereon, unless such letters, markings, or designs are the result of the application of an engraving process, as such process is defined in subparagraph (2) of this section, in which the plates or dies used have been incised or etched wholly by hand.

(2) Definition of engraving process: The engraving process to which reference is made in this section is a process by which letters, markings, or designs are produced upon stationery and allied products through the use under pressure of a plate or die of steel, or a hard copper alloy or other hard metal or material suitable for the purpose, in which there has been incised or etched mirror images of such letters, markings, or designs sufficient to force the portion of the stationery or allied products to be inscribed into the inked incisions in the plate or die and the ink in such incisions to adhere thereto in relief to the general surface thereof. Thermotyping, raised printing, embossing, or any process in which printer's type is used, is not an engraving process within the meaning of this definition.

(b) In the sale, offering for sale, or distribution of plates or dies, it is an unfair trade practice to use or cause to be used the word "engraved," "engraving," or any word or term of similar import as descriptive thereof, unless such plates or dies are suitable for use in an engraving process as such process is defined in paragraph (a) (2) of this section; or to use the words "hand engraved," "hand engraving," or any word or term of similar import, as descriptive of any plate or die unless (1) such plate or die is suitable for use in an engraving process as such process is defined in paragraph (a) (2) of this section, and (2) the letters, markings, or designs therein have been incised or etched by hand. [Rule 1]

§ 37.2 *Misrepresentation and deception (general).* It is an unfair trade practice for any industry member, in connection with the offering for sale, sale, or distribution of industry products, to use, or cause or promote the use of, any trade promotional literature, advertising matter, mark, brand, label, trade name, picture, design or device, designation, or other type of oral or written representation, however disseminated or published, or to fail to disclose any material fact, when such representation or failure to disclose has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public with respect to the type, grade, quality, quantity, weight, size, material, finish, composition, construction, manufacture, layout, design, or sketch of industry products, or in any other material respect.

NOTE: As used in this section, the terms "layout," "design," and "sketch" have the following meanings:

Layout. The basic plan or original conception of the respective form, indicated by rough lines to show relative positions and sizes of the component units of copy.

Design. The proper and artistic balancing and combination of lettering styles and sizes with or without illustrations, trade-marks, or other insignia, commensurate with harmony and good taste.

Sketch. The representation of its original idea for creation, revision, or improvement of any form of wording or line or dot on paper or paper products, reproduced either roughly or finished by hand-drawing with pencil, pen, or crayon, or the photostat or photograph of same.

[Rule 2]

§ 37.3 *Misrepresentation as to character of business.* It is an unfair trade practice for any industry member, in the course of or in connection with the offering for sale, sale, or distribution of industry products, to represent, directly or indirectly, through advertising, personal solicitation, or otherwise, that he is a manufacturer of industry products, or that he owns or controls a workshop making such products, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 3]

§ 37.4 *Deceptive pricing.* It is an unfair trade practice for any industry member, in the course of or in connection with the offering for sale, sale, or distribution of industry products: (a) To represent, in advertising or otherwise, that the price of any industry product has been reduced from what is in fact a fictitious price; or to offer any such industry product for sale at a purported reduction in price when such purported reduction is in fact fictitious; or,

(b) Directly or indirectly, to use or to supply to dealers, or to aid or assist in the use of, price tags, labels, or similar devices which are false or fictitious, or which such member has reason to believe are intended to be used or will be used by dealers or salesmen for the purpose of misleading or deceiving the purchasing or consuming public in regard to price, or in any other material respect; or

(c) To represent that the price of any industry product is a "wholesale" price or a "factory" price, when such is not a fact; or to use any other price representation which is misleading or deceptive. [Rule 4]

§ 37.5 *Deceptive invoicing.* Withholding from or inserting in invoices any statement or information by reason of which omission or insertion a false, inaccurate, or incomplete record is made which has the capacity and tendency or effect of deceiving purchasers, prospective purchasers, or the consuming public in any material respect, is an unfair trade practice. [Rule 5]

§ 37.6 *Deceptive use and imitation of trade or corporate names, trade-marks, etc.* It is an unfair trade practice for any industry member, in connection with the offering for sale, sale, or distribution of industry products, to use any trade name, corporate name, trade-mark, brand, label, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, or origin of any product of the industry, or which is false or misleading in any material respect. [Rule 6]

§ 37.7 *Exclusive deals.* It is an unfair trade practice for any industry member to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 7]

§ 37.8 *Guarantees, warranties, etc.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member—

(a) To represent, directly or by implication, that any industry product is guaranteed or warranted unless the nature and extent of the guarantee or warranty, and the manner in which the guarantor or warrantor will perform thereunder, are clearly and conspicuously disclosed; or

(b) To use, or cause to be used, any guarantee or warranty which does not clearly and conspicuously disclose the terms, conditions, and limitations of such guarantee or warranty and the obligations of the guarantor or warrantor thereunder; and

(c) To represent or imply that an industry product is guaranteed or war-

ranted, or to use any guarantee or warranty covering an industry product, when the guarantor or warrantor fails or refuses to observe his obligations thereunder. [Rule 8]

§ 37.9 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or strifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of seasonable goods near the conclusion of the season; (2) of perishable goods in respect to which deterioration is imminent; (3) of obsolescent goods; (4) made under judicial process; or (5) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 9]

§ 37.10 *Use of the word "free."* It is an unfair trade practice for any industry member, in connection with the offering for sale, sale, or distribution of industry products, to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no resonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol place next to the word "free," will not be regarded as compliance.

[Rule 10]

§ 37.11 *Use of lottery schemes, etc.* It is an unfair trade practice for any industry member to sell, or distribute, or promote the sale and distribution of, industry products by means or through the use of games of chance or lottery schemes. [Rule 11]

§ 37.12 *Defamation of competitors or false disparagement of their products.* It is an unfair trade practice for any industry member—

(a) To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations; or

(b) To falsely disparage competitors' products as to grade, quality, method of manufacture, and distribution, or in any other respect; or

(c) To falsely disparage the business methods, selling prices, values, credit terms, policies, services, or conditions of employment, of competitors. [Rule 12]

§ 37.13 *Commercial bribery.* It is an unfair trade practice for any industry member, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured, processed, or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors, or to effect any other advantage in favor of the industry member making such gift or offer with respect to the sale of industry products to such employers or principals. [Rule 13]

§ 37.14 *Prohibited forms of trade restraints (unlawful price fixing, etc.)* [3] It is an unfair trade practice for any industry member, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 14]

§ 37.15 *Prohibited discrimination* [4]—(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent

[3] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[4] As used in § 37.15, the term "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia, or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods of quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, actual or imminent deterioration of perishable goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor, or the services or facilities furnished by a competitor. (See paragraphs (c) and (d) of this section.)

NOTE: In complaint proceedings, justification of price differentials under subparagraphs (2), (4) and (5) of this paragraph is a matter of affirmative defense to be established by the person or concern charged with price discrimination.

The following are examples of price differential practices to be considered as subject to the prohibitions of this paragraph when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use; and when—

(1) The commerce requirements specified in this paragraph are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see subparagraph (2) of this paragraph); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see subparagraph (4) of this paragraph); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see subparagraph (5) of this paragraph).

Example No. 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant such discount to other customers under like conditions.

Example No. 2. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by paragraphs (a) to (d) of this section.

NOTE: Paragraph (e) of this section is a re-statement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under subparagraphs (2), (4) or (5) of paragraph (a) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

[Rule 15]

§ 37.16 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any industry member to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the foregoing sections. [Rule 16]

§ 37.201 *Industry committee.* The provisions of § 16.1 of this subchapter shall be applicable to an industry committee established under this part.

Promulgated by the Federal Trade Commission March 22, 1957.

Issued: March 19, 1957.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-2206; Filed, Mar. 21, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

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

PART 26—GRAIN STANDARDS

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR WHEAT

Correction

In Federal Register Document 57-1883, published at page 1665 of the issue

for Friday, March 15, 1957, the following change is made in the tables in paragraphs (c), (d), and (e) of § 26.103: In the second line of the statements regarding sample grade, "16.0 percent" should read "15.5 percent".

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

Subchapter H—Determination of Wage Rates

[Sugar Determination 861.10]

PART 861—SUGAR BEETS; CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON AND WESTERN NEVADA

WAGE RATES; 1957 CROP

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Berkeley, California, on December 12, 1956, the following determination is hereby issued.

§ 861.10 *Fair and reasonable wage rates for persons employed in California, southwestern Arizona, southern Oregon and western Nevada in the production, cultivation, or harvesting of the 1957 crop of sugar beets*—(a) *Requirements.* A producer of sugar beets in California, southwestern Arizona, southern Oregon, and western Nevada shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the production, cultivation, or harvesting of the 1957 crop shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after the beginning of work on the 1957 crop of sugar beets or the date of publication of this section in the FEDERAL REGISTER, whichever is later, not less than the following:

(i) *When employed on a time basis.* (*a*) For thinning, hoeing, or weeding: 75 cents per hour.

(*b*) For pulling, topping, loading, or gleaning: 80 cents per hour.

(*c*) For the operations specified above performed by workers certified by the local County Agricultural Stabilization and Conservation Office to be handicapped because of age or physical or mental deficiency, or by workers between 14 and 16 years of age, the above rates may be reduced by not more than one-third. Maximum employment is 8 hours per day for workers between 14 and 16 years of age, without deduction from Sugar Act payments to the producer.

(*d*) For operating mechanical equipment, irrigating and all other operations in the production, cultivation, or harvesting of sugar beets for which a rate is not specified in this section, the rate shall be as agreed upon between the producer and worker.

(ii) *When employed on a piecework basis.* For work performed on a piecework basis the rate shall be as agreed upon between the producer and the worker: *Provided,* That for the operations of thinning, hoeing, weeding, pulling, topping, loading, or gleaning sugar beets, the average hourly rate of earnings paid to each worker for each operation shall be not less than the applicable hourly rate specified under subdivision (i) of this subparagraph when computed on the basis of the total time employed on the farm for that operation.

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

(b) *Applicability.* The requirements of this section are applicable to all persons employed on the farm, except as provided in paragraph (c) of this section, in the production, cultivation, or harvesting of sugar beets grown on the farm for the extraction of sugar or liquid sugar: *Provided,* That such requirements shall not apply to any person engaged in such work with respect to sugar beets grown on acreage in excess of the proportionate share for the farm, which are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that the work performed was related solely to such sugar beets.

(c) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugar beets, including but not limited to electricians, mechanics, welders, and other maintenance workers and repairmen.

(d) *Proof of compliance.* The producer shall, upon request, furnish to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this section.

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

(f) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Agricultural Stabilization and Conservation County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the County Office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the County Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office of the State in which is located the farm where the work was performed. The address of the State Office will be furnished by the local County Office. Upon receipt of the appeal the State Committee shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payment under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of the 1957 crop of sugar beets in California, southwestern Arizona, southern Oregon and western Nevada as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established

by him under the Agricultural Adjustment Act, as amended (i. e., cost of living, prices of sugar and by-products, income from sugar beets, and cost of production), and the differences in conditions among various producing areas.

(c) *1957 wage determination.* This determination differs from that effective for the 1956 crop in that (1) hourly wages specified for workers employed on a time basis are increased 5 cents per hour; (2) the minimum guarantee of earnings of workers employed at agreed upon piecework rates is related to the time worked on the farm in each operation; (3) compensable working time is defined; (4) producers are required to furnish upon request to the County Committee proof that workers have been paid in accordance with the wage provisions of this determination; (5) the wage requirements of this determination are inapplicable to persons engaged in the production, cultivation, or harvesting of sugar beets grown on acreage in excess of the proportionate share for the farm, which are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed; (6) it formalizes previous administrative interpretations that workers performing services indirectly connected with the production, cultivation, or harvesting of sugar beets are not covered by the wage provisions; and (7) the perquisite provision is eliminated.

At the public hearing held at Berkeley, California on December 12, 1956 interested persons were afforded the opportunity to present testimony relating to fair and reasonable wages for workers employed in the production, cultivation, or harvesting of the 1957 crop of sugar beets.

A representative of the California Beet Growers Association recommended that the provisions of the 1957 wage determination be the same as those in effect for the 1956 crop, except that the farm be designated as the unit of work for calculating the average hourly earnings of workers employed on a piecework basis; and that the average hourly earnings of the group of workers employed on piecework be the measure of compliance rather than the earnings of each individual worker. The witness also stated he did not believe that elimination of the perquisite clause would result in any change in the practice of furnishing perquisites to workers. The witness objected to the incorporation in the determination of a provision which would require producers to keep records to establish compliance with the wage provisions, but indicated that if such requirements were established the Department approve as prima facie evidence of compliance a form of receipt furnished by his Association which had been used by some producers in prior years.

Consideration has been given to the recommendations made at the hearing, to the standards customarily considered in wage determinations, to information obtained by investigation, and to other pertinent factors. Data obtained by field cost study for recent crops covering the returns, costs, and profits of sugar beet production have been recast in terms of conditions likely to prevail for the 1957 crop. Analysis of all factors indicates that the wage rates of this determination are within the producer's ability to pay.

Evidence submitted at the public hearing and data obtained by investigation indicate that hourly wage rates for thinning and hoeing sugar beets range from 80 cents to $1.00 per hour, except in the Imperial Valley, where the rate is 70 cents per hour. For harvesting work the hourly wage rates range from 80 cents to $1.50 per hour, except in the Imperial Valley where the rate is 75 cents per hour. Piecework rates for thinning range from $10.00 to $18.00 per acre. Earnings of workers employed on piecework average about 90 cents per hour. About 50 percent of the thinning work is performed on a piecework basis and 50 percent on the hourly basis, except in the Imperial Valley where most thinning is performed on the hourly basis. Practically all hoeing and weeding work in California is performed on the hourly basis. About 95 percent of the crop is harvested mechanically. Most of the workers employed in the thinning and hoeing of sugar beets in California are Mexican nationals brought into the State under contracts for limited periods.

The recommendation that the farm be designated as the basis for determining the minimum hourly earnings of workers employed on piecework has been adopted. Prior determinations have related the minimum hourly guarantee of earnings of workers employed on piecework to each separate unit of work for which a piecework rate was agreed upon. This provision resulted in misunderstandings of the definition of a unit of work and made difficult the checking of records for compliance purposes. An examination of the problem from the viewpoint of protection of the hourly guarantee of earnings for workers employed on piecework and the need for more satisfactory records to establish compliance, indicates that both purposes will be equitably served if the basis for determining hourly earnings is related to the time the worker is employed on the farm for each operation. The minimum hourly guarantee of earnings will be calculated with respect to each worker for each operation performed on the entire farm.

The recommendation that the hourly guarantee of earnings of workers employed on piecework be related to the group of workers rather than the individual worker has not been adopted. The language of the act which specifies that all workers employed on the farm must be paid in full and at rates not less than those determined to be fair and reasonable is interpreted to mean that each individual worker must be paid in accordance with the determination.

This determination provides that the producer shall furnish the County Committee upon request adequate proof of compliance with the wage requirements. Such proof may be in the form of payroll records, receipts, or other evidence clearly demonstrating that workers have been properly paid. These records should show with respect to each worker employed, depending upon the method of payment (i. e., time basis or piecework basis), (1) hours worked; (2) acres worked or tons handled; (3) rate per hour or piecework rate; (4) total amount paid; and (5) average hourly earnings. A receipt form signed by a worker may be accepted as prima facie evidence of compliance but, in such instances, the County Committee may also require the producer to furnish payroll records.

The provision relating to compensable working time, i. e., the hours of work or related activity for which the worker must be paid, is included in this determination so that all parties may have full knowledge of these requirements. It is believed that the specifications established conform to practices which are generally prevalent in the regions covered by this determination.

The wage requirements of this determination are not applicable to sugar beets grown in excess of the proportionate share for the farm, if it is established to the satisfaction of the County Committee that such sugar beets are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. Recently, section 301 (b) of the Sugar Act of 1948 was amended to permit producers to market (or process) sugar beets in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. However, sugar produced from sugar beets in excess of the proportionate share for the farm is not eligible for payments under the act. Prior to this amendment, the wage requirements were applicable to all sugar beets grown on the farm and marketed (or processed) for the extraction of sugar or liquid sugar in order to qualify for such payment.

The provision excluding workers not directly connected with the production, cultivation, or harvesting operations, incorporates into the determination administrative interpretations heretofore applicable to wage determinations.

Determinations since 1938 have required producers to furnish workers with customary perquisites such as housing, garden and pasture plots, and medical services, in addition to specified minimum wages. When the perquisite clause was first included in the determination some producers furnished no perquisites while others furnished one or more items. The effect of this provision during a period of great change in producer-worker relations, living conditions and worker requirements was to discourage the furnishing of any new perquisites by old producers or the furnishing of any perquisites by new producers because once furnished this provision required that they be continued. The result was inequities as among producers as well as among workers. Witnesses representing producers have indicated at public hearings that if the perquisite clause were eliminated from the determination producers would continue to furnish perquisites required under current conditions. The average value of perquisites as determined by surveys in recent years and recast in terms of their probable value in 1957 amounts to about 3 cents

per hour for the regions covered by this determination.

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

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

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

Issued this 18th day of March 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-2198; Filed, Mar. 21, 1957; 8:47 a. m.]

[Sugar Determination 862.9]

PART 862—SUGAR BEETS; REGIONS OTHER THAN STATE OF CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON, AND WESTERN NEVADA

WAGE RATES; 1957 CROP

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in several cities in the sugar beet area during January, 1957, the following determination is hereby issued:

§ 862.9 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1957 crop of sugar beets in regions other than the State of California, southwestern Arizona, southern Oregon, and western Nevada*—(a) *Requirements.* A producer of sugar beets in regions other than the state of California, southwestern Arizona, southern Oregon, and western Nevada shall be deemed to have complied with the wage provision of the act if all persons employed on the farm, in the production, cultivation, or harvesting of the 1957 crop shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker but, after the beginning of work on the 1957 crop of sugar beets or the date of publication of this section in the FEDERAL REGISTER, whichever is later, not less than the following:

(i) *When employed on a time basis.* (*a*) For thinning, hoeing, or weeding: 70 cents per hour.

(*b*) For pulling, topping, or loading: 75 cents per hour.

(*c*) For operations specified above performed by workers between 14 and 16 years of age the above rates may be reduced by not more than one-third. Maximum employment is 8 hours per day for such workers without deduction from Sugar Act payments to the producer.

(ii) *When employed on a piecework basis for thinning, hoeing, or weeding.*

RATES PER ACRE BY INDICATED WAGE DISTRICTS

Methods of cultivation and operations	I	II (A)	II (B)	III	IV (A)	IV (B)	V	VI
	Illinois, Indiana, Michigan, Ohio, Wisconsin	Minnesota (Northwestern), North Dakota (Eastern)	Iowa, Minnesota (Southern)	Colorado, Kansas, Nebraska, New Mexico, South Dakota, Texas, Utah (East Central), Wyoming, (Southeastern and Eastern)	Montana (except Western), North Dakota (Western), Wyoming (Northern)	Montana (Western)	Idaho (Southern and Eastern), Nevada (Northern), Utah (except East Central)	Idaho (except Southern and Eastern), Oregon (except Southern), Washington
Hand labor operations following:								
Complete machine thinning:								
First hoeing [1]	$9.00	$9.00	$10.00	$9.50	$10.50	$9.50	$9.00	$9.00
Second and each subsequent hoeing or weeding	3.50	3.50	4.00	4.00	4.50	5.50	4.50	6.00
Partial machine thinning:								
Hoe and finger thinning fields planted with processed seed [2]	11.00	11.00	12.00	11.50	12.50	11.50	11.00	11.00
First hoeing	5.00	5.50	5.50	6.00	6.50	6.50	5.50	7.50
Second and each subsequent hoeing or weeding	3.50	3.50	4.00	4.00	4.50	5.50	4.50	6.00
Regular cultivation—no machine thinning:								
Hoe and finger thinning fields planted with processed seed [2]	14.00	14.00	15.00	14.50	15.50	14.50	14.00	14.00
First hoeing	5.00	5.50	5.50	6.00	6.50	6.50	5.50	7.50
Second and each subsequent hoeing or weeding	3.50	3.50	4.00	4.00	4.50	5.50	4.50	6.00
Any type cultivation:								
Hoe-thinning only fields planted with any type seed	9.00	9.00	10.00	9.50	10.50	9.50	9.00	9.00
First hoeing following hoe-thinning only	5.50	6.00	6.00	6.50	7.00	7.00	6.00	8.00
Second and each subsequent hoeing or weeding	3.50	3.50	4.00	4.00	4.50	5.50	4.50	6.00

[1] The above rate is applicable on fields which have been completely machine thinned; where the worker is not required to finger thin; and when the operation is performed at the time first hoeing customarily is performed.

[2] The basic piecework rate for hoe and finger thinning fields planted with natural whole seed shall be $2.00 per acre more than the rates specified above.

Combined operations. A written agreement between the producer and the worker is required in instances where a combined rate for "summer work" is agreed upon. In such case, the rate for "summer work", regardless of the number of hoeings or weedings required, shall be the sum of the applicable thinning, hoeing, and weeding rates specified above. In the absence of a written agreement, the rate for each operation performed by the worker shall be the applicable rate specified above.

Wide row planting. The above thinning, hoeing, or weeding rates may be reduced by not more than the indicated percentages for the following row spacings: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

Cross cultivation. Where cross cultivation is performed prior to hoeing or weeding, the specified first hoeing rate, other than first hoeing following complete machine thinning, may be reduced by not more than $1.00 per acre, and the specified subsequent hoeing or weeding rate may be reduced by not more than 50 cents per acre.

Operations not specified or defined. For any hand labor operation of thinning, hoeing, or weeding following a machine operation which is not specified or defined above, the piecework rate shall be that agreed upon between the producer and worker: *Provided,* That the average hourly rate of earnings paid to each worker for each operation shall be not less than 70 cents per hour when computed on the basis of the total time employed on the farm for that operation.

(iii) *When employed on a piecework basis for harvesting.* The piecework rates for hand pulling, topping, and loading shall be those agreed upon between the producer and the worker: *Provided,* That the average hourly rate of earnings paid to each worker for each operation shall be not less than 75 cents per hour when computed on the basis of the total time employed on the farm for that operation.

(iv) *When employed on a time or piecework basis for other operations.* For operating mechanical equipment, irrigating, and all other operations in the production, cultivation, or harvesting of sugar beets for which a rate is not specified herein, the rate shall be as agreed upon between the producer and worker.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker

is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Applicability.* The requirements of this section are applicable to all persons employed on the farm, except as provided in paragraph (c) of this section, in the production, cultivation, or harvesting of sugar beets grown on the farm for the extraction of sugar or liquid sugar: *Provided,* That such requirements shall not apply to any person engaged in such work with respect to sugar beets grown on acreage in excess of the proportionate share for the farm, which are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes to the appropriate County Agricultural Stabilization and Conservation Committee acceptable and adequate proof which satisfies the Committee that the work performed was related solely to such sugar beets.

(c) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugar beets, including, but not limited to mechanics, welders, and other maintenance workers and repairmen.

(d) *Proof of compliance.* The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this section.

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

(f) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Agricultural Stabilization and Conservation County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the County Office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the County Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office of the State in which is located the farm where the work was performed. The address of the State Office will be furnished by the local County Office. Upon receipt of the appeal the State Committee shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATION

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation or harvesting of the 1957 crop of sugar beets in regions other than the State of California, southwestern Arizona, southern Oregon, and western Nevada as one of the conditions with which producers must comply to be eligible for payments under the act.

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

(c) *1957 wage determination.* The 1957 wage determination differs from the 1956 wage determination in the following respects: (1) Hourly wage rates specified for workers employed on a time basis are increased 5 cents per hour; (2) the piecework rates for hoe and finger thinning regularly cultivated fields are increased $1.00 per acre in all wage districts; (3) piecework rates for first hoeing following hoe and finger thinning are increased 50 cents per acre in all wage districts; (4) piecework rates for second hoeing or weeding are increased 50 cents per acre in Wage Districts I and V; (5) the minimum guarantee of earnings of workers employed at agreed upon piecework rates is related to the time worked on the farm in each operation; (6) compensable working time is defined; (7) producers are required to furnish to the County Committee upon request proof that workers have been paid in accordance with wage provisions of this determination; (8) the wage requirements of this determination are inapplicable to persons engaged in the production, cultivation or harvesting of sugar beets grown on acreage in excess of the proportionate share for the farm which are marketed (or processed) for the production of liquid sugar for livestock feed, or for the production of livestock feed; (9) it formalizes previous administrative interpretations that workers performing services indirectly connected with the production, cultivation or harvesting of sugar beets are not covered by the wage provisions; and (10) the perquisite provision is eliminated.

A public hearing was held in Detroit, Michigan; Fargo, North Dakota; Billings, Montana; Salt Lake City, Utah; and Greeley, Colorado, during the period January 2 through January 11, 1957, at which interested persons were afforded the opportunity to present testimony with respect to fair and reasonable wage rates for work performed by fieldworkers on the 1957 crop of sugar beets. Producer representatives in each region recommended that the wage rates of the 1956 determination be continued in the 1957 determination. These witnesses further stated that elimination of the perquisite provision from the determination would not alter the practices of furnishing housing and other items to workers and that most producers maintained adequate records to establish compliance with the requirements of wage determinations. Representatives of workers did not offer testimony at the hearing in any region.

At Detroit, Michigan, representatives of producers pointed out that workers were paid wage rates higher than those established in the 1956 wage determination and stated that only a small percentage of the crop was mechanically thinned. At Fargo, North Dakota, producer representatives testified that because of improved cultural practices the earnings of workers had increased substantially during the past few years, even though piecework rates had not increased during the same period. Witnesses stated that mechanical thinning was practiced extensively and that in some localities workers were paid higher wage rates than those specified in the determination. At Billings, Montana, producer representatives stated that, generally, workers were not paid rates in excess of those specified in the determination and that mechanical thinning was practiced extensively in some districts. One witness pointed out the need for a revision of the piecework rates in his district to make them more comparable with the piecework rates for an adjacent district, since the work requirements in both districts were similar. At Salt Lake City, Utah, representatives of producers testified that in some districts workers were

paid wages in excess of those in the determination and that a large percentage of the acreage was mechanically thinned. In other districts workers were paid the determination rates and only a small percentage of the acreage was mechanically thinned. One witness recommended that piecework rates for hand harvesting be restored in the determination to be used as a guide for the rates to be charged for mechanical harvesting. At Greeley, Colorado, producer representatives pointed out that the earnings of workers were higher than in prior years due to improvements in cultural practices performed by producers and that this fact should be given consideration in establishing piecework rates. Witnesses stated that workers in some districts were paid rates higher than those specified in the wage determination and a large percentage of the acreage was mechanically thinned.

Consideration has been given to the recommendations made at the public hearing, to the standards customarily considered in wage determinations, to information obtained by investigation and to other pertinent factors. Data obtained by field cost study for a recent crop covering the returns, costs and profits of sugar beet production have been recast in terms of conditions likely to prevail for the 1957 crop. Analysis of all factors indicates that the wage rates of this determination are within the producer's ability to pay.

Data obtained by field survey of the man-hour requirements to thin and hoe sugar beets indicate that the earnings of workers for certain hand labor operations, usually those following regular cultivation are disproportionately lower than the earnings for other hand labor operations. The rate increases provided in this determination tend to correct the disparity in earnings of workers as among the several operations. Inasmuch as in many instances producers paid in excess of the determination rates in 1956 for those operations in which rate adjustments are made, the cost impact of the rate increases is expected to be relatively nominal. Most thinning and hoeing work is performed on a piecework basis although in some regions such work is performed on an hourly basis. Where hourly rates are paid, producers report that the rates range from 70 cents to $1.00 per hour.

This determination provides that the minimum hourly guarantee of earnings for workers employed at agreed upon piecework rates will be calculated with respect to each worker for each operation performed on the entire farm. This provision will avoid any misunderstandings which may have existed under prior determinations which specified that the workers' earnings were to be calculated with respect to each separate unit of work for which a piecework rate was agreed upon.

The provision relating to compensable working time, i. e., the hours of work or related activity for which the worker must be paid, is included in this determination so that all parties may have full knowledge of these requirements. It is believed that the specifications established conform to practices which are generally prevalent in the regions covered by this determination.

This determination provides that the producer shall furnish the County Committee upon request, adequate proof of compliance with the wage requirements. Such proof may be in the form of payroll records, receipts, or other evidence clearly demonstrating that workers have been properly paid. These records should show with respect to each worker employed, depending upon the method of payment, (i. e., time basis or piecework basis) (1) hours worked; (2) acres worked or tons handled; (3) rate per hour or piecework rate; (4) total amount paid; and (5) average hourly earnings. A receipt form signed by a worker may be accepted as prima facie evidence of compliance but, in such instances, the County Committee may also require the producer to furnish payroll records.

The wage requirements of this determination are not applicable to sugar beets grown in excess of the proportionate share for the farm, if it is established to the satisfaction of the County Committee that such sugar beets are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. Recently, section 301 (b) of the Sugar Act of 1948 was amended to permit producers to market (or process) sugar beets in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. However, sugar produced from sugar beets in excess of the proportionate share for the farm is not eligible for payments under the act. Prior to this amendment, the wage requirements were applicable to all sugar beets grown on the farm and marketed (or processed) for the extraction of sugar or liquid sugar in order to qualify for such payment.

The provision excluding workers not directly connected with the production, cultivation, or harvesting operations, incorporates into the determination administrative interpretations heretofore applicable to wage determinations.

Determinations since 1938 have required producers to furnish workers with customary perquisites such as housing, garden and pasture plots, and medical services, in addition to specified minimum wages. When the perquisite clause was first included in the determination some producers furnished no perquisites while others furnished one or more items. The effect of this provision during a period of great change in producer-worker relations, living conditions and worker requirements, was to discourage the furnishing of any new perquisites by old producers or the furnishing of any perquisites by new producers because once furnished this provision required that they be continued. The result was inequities as among producers as well as among workers. Witnesses representing producers have indicated at public hearings that if the perquisite clause were eliminated from the determination producers would continue to furnish perquisites required under current conditions. The average value of perquisites as determined by surveys in recent years and recast in terms of their probable value in 1957 amounts to about 5 cents per hour for the regions covered by this determination.

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

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

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

Issued this 18th day of March 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-2199; Filed, Mar. 21, 1957; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 4b-5]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

EMERGENCY EVACUATION PROVISIONS

Correction

In Federal Register Document 57-1796, published at page 1546 of the issue for Saturday, March 9, 1957, the effective date at the end of the document should read "April 9, 1957".

TITLE 21—FOOD AND DRUGS

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

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

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

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

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146, 146a, 146c; 21 F. R. 2465, 5411) are amended as indicated below:

1. In § 146.26 *Animal feed containing penicillin* * * *, paragraph (b) is amended by changing subparagraphs (24) and (25) to read as set forth below and by adding thereto subparagraphs (27) and (28), as follows:

(24) It is intended for use in the maintenance of weight gains of swine in the

presence of atrophic rhinitis or as an aid in reducing the incidence of cervical abscesses in swine; its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline per ton of feed.

(25) It is intended for use as an aid in the reduction of bacterial diarrhea in beef cattle or as an aid in the prevention or treatment of bacterial pneumonia and shipping fever (hemorrhagic septicemia) or as an aid in reduction of losses due to respiratory infection (infectious rhinotracheitis-shipping fever complex) or as an aid in the prevention or treatment of foot rot in cattle or as an aid in the prevention of anaplasmosis in cattle; its labeling bears adequate directions and warnings for such uses; and it contains the following quantities of chlortetracycline, by weight of feed, for the conditions indicated:

(i) For the prevention of anaplasmosis: 0.5 milligram per pound of body weight per day.

(ii) For the prevention or treatment of foot rot in cattle: 0.1 milligram per pound of body weight per day.

(iii) As an aid in the reduction of bacterial diarrhea in beef cattle: 0.1 milligram per pound of body weight per day.

(iv) As an aid in the prevention or treatment of bacterial pneumonia and shipping fever (hemorrhagic septicemia) or as an aid in reduction of losses due to respiratory infection (infectious rhinotracheitis-shipping fever complex) in cattle: 350 milligrams per head per day, except that if it is intended for use for more than 30 days it may contain chlortetracycline, in a quantity by weight of feed to provide 70 milligrams per head per day.

* * * * *

(27) It is intended for use as an aid in maintaining or increasing egg production, hatchability, and livability of chicks, and improving feed efficiency as related to egg production; its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline per ton of feed, except that if it is intended for use in the presence of disease outbreaks it shall contain not less than 100 grams of chlortetracycline per ton of feed.

(28) It is intended for use solely as an aid in the prevention or control of outbreaks of histomoniasis ("blackhead") in poultry flocks, and it contains carbasone in a quantity, by weight of feed, of not less than 0.05 percent and not more than 0.1 percent (except that if it is intended for prevention of histomoniasis in turkey flocks it contains not less than 0.0375 percent) and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

2. In § 146a.40 *Penicillin bougies* * * *, paragraph (c) *Labeling* is amended by changing the words "18 months" in subparagraph (1) (iii) to read "24 months".

3. In § 146c.217 *Chlortetracycline calcium syrup* * * *, paragraph (c) *Labeling* is amended by changing the words "18 months" in subparagraph (1) (v) to read "18 months or 24 months".

4. In § 146c.224 *Tetracycline hydrochloride-nystatin capsules*, paragraph (a) is amended by changing the number "7.5" to read "6.5".

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

I further find that animal feeds containing antibiotic drugs and the other drugs specifically mentioned in amendment 1 of this order need not comply with sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy, provided they comply in all other respects with the requirements of the regulations.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

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

Dated: March 15, 1957.

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

[F. R. Doc. 57-2195; Filed, Mar. 21, 1957; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 779—RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

APPLICATION OF EXEMPTION TO COAL DEALERS

After investigation of the sales practices of the coal industry to determine which types of sales the industry recognizes as retail within the meaning of section 13 (a) (2) of the Fair Labor Standards Act of 1938, notice was published in the November 21, 1956 issue of the FEDERAL REGISTER (21 F. R. 9070) that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend Part 779 of Title 29, Code of Federal Regulations, to reflect the recognition of the industry on this question.

The notice contained the text of the proposed amendment in its entirety and interested persons were provided a period of thirty days in which to submit their views, arguments or data pertaining thereto.

One objection to the proposed amendment has been received which, however, presented no evidence on the question of which sales of coal are recognized as retail in the industry. This objection is overruled.

After consideration of all relevant matter presented, I conclude that the amendment should be adopted as proposed.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) and General Order No. 45-A (15 F. R. 3290), Part 779 of Title 29, Code of Federal Regulations, is hereby editorially revised and amended by the addition of § 779.35 as follows:

Immediately subsequent to the conclusion of § 779.34 add the following:

COAL DEALERS

§ 779.35 *Application of the 13 (a) (2) exemption to coal dealers.* (a) It is the purpose of this section to show generally how the principles governing the application of the 13 (a) (2) exemption apply to coal dealers' establishments.

(b) In applying the tests of the 13 (a) (2) exemption, all sales of coal to the consumer from a dealer's yard storage, where bulk is broken, are recognized as retail except sales which fall within any category listed in paragraph (c) of this section.

(c) The following sales are not recognized as retail, whether or not made from dealer's yard storage:

(1) Sales where the delivery is made by railroad car or cargo vessel.

(2) Sales in a carload quantity or more for continuous delivery by truck from a dock, mine or public railroad facility.

(3) Sales of coal at a wholesale price. A wholesale price is a price comparable to or lower than the establishment's price in sales described in subparagraphs (1) and (2) of this paragraph or in sales to dealers (but not peddlers) for resale. If the establishment makes no such sales, the wholesale price is the price comparable to or lower than the price prevailing in the immediate area in sales described in subparagraphs (1) and (2) of this paragraph or in sales to dealers (but not peddlers) for resale.

(4) Sales of coal for use in the production of a specific product to be sold in which coal is an essential ingredient or the principal raw material, such as sales of coal for the production of coke, coal gas, coal tar, or electricity.

(d) If 50 percent or more of the establishment's annual dollar volume of sales of goods and services is made within the State in which the establishment is located and if 75 percent or more of the annual dollar volume of sales of the establishment consists of sales which are not for resale and are recognized as retail, the exemption under section 13 (a) (2) will apply to all employees employed by the establishment. Sales for resale include sales of coal to other dealers, to peddlers and sales of coal for use in the production of a specific product to be sold, in which coal is an essential ingredient or the principal raw material,

such as sales of coal for the production of coke, coal gas, coal tar or electricity, as distinguished from sales of coal for use in the general manufacturing or industrial process such as the use in laundries, bakeries, nurseries, canneries, etc., or for space heating.

(52 Stat. 1060, as amended; 29 U. S. C. 201–219)

This amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C. this 18th day of March 1957.

NEWELL BROWN,
Administrator.

[F. R. Doc. 57–2222; Filed, Mar. 21, 1957; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Section 536.29 is revised to read as follows:

§ 536.29 *Claims arising from negligence of military personnel or civilian employees under the Federal Tort Claims Act, as codified*—(a) *Statutory authority.* The statutory authority for this section is contained in Title 28, United States Code, sections 2671–2680, commonly referred to as the Federal Tort Claims Act, and hereinafter referred to as "the act."

(b) *Definitions.* See § 536.1.

(c) *Scope.* This section prescribes the substantive basis for the administrative settlement of tort claims against the United States not in excess of $1,000 based on death, personal injury, or damage to or loss of property, except those arising in foreign countries. This section does not limit or abridge the authority of the Secretary of the Army to settle any claim for personal injury or death, or for damage to or loss of property, not caused by negligent or wrongful act or omission or otherwise not cognizable under the cited statutory authority and this section.

(d) *Claims payable.* (1) Unless otherwise prescribed, claims not in excess of $1,000 for death, personal injury, or damage to or loss of property, real or personal, are payable under this section when caused:

(i) By negligent or wrongful acts or omissions.

(ii) Of military personnel or civilian employees while acting within the scope of their employment.

(iii) Under circumstances in which the United States, if a private person, would be liable, to the claimants in accordance with the law of the place where the act or omission occurred.

(2) Claims for death or injury of military personnel or civilian employees not incident to their service may be payable under this section.

(3) The law of the place where the act or omission occurred pertaining to contributory or comparative negligence and to joint tort-feasors will be applied in the determination of liability.

(e) *Claims not payable.* This section does not apply to a claim which:

(1) Is based upon an act or omission of military personnel or a civilian employee, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or in the exercise or performance of, or failure to exercise or perform, a discretionary function or duty, whether or not the discretion be abused.

(2) Arises out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(3) Arises in respect of the assessment or collection of any tax or custom duty, or the detention of any goods or merchandise by an officer of customs or excise or any other law-enforcement officer.

(4) Is within the act of March 9, 1920 (41 Stat. 525; 46 U. S. C. 741–752), the act of March 3, 1925 (43 Stat. 1112; 46 U. S. C. 781–790), or the act of June 19, 1948 (62 Stat. 496; 46 U. S. C. 740), relating to claims or suits in admiralty against the United States.

(5) Arises out of an act or omission of any employee of the Government in administering the provisions of the Trading With the Enemy Act (40 Stat. 411; 50 U. S. C. App. 1–31), as amended.

(6) Is for damages caused by the imposition or establishment of a quarantine by the United States.

(7) Arises out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(8) Arises out of combat activities of the military forces during time of war.

(9) Is for damages caused by the fiscal operations of the Department of the Treasury or by the regulations of the monetary system.

(10) Arises in a foreign country.

(11) Arises from the activities of the Tennessee Valley Authority.

(12) Arises from the activities of the Panama Canal Company.

(13) Is for the personal injury or death of military personnel or civilian employees incurred incident to service.

(f) *Claims under other laws and regulations.* This section does not apply to any claim which may be settled under:

(1) Sections 536.12–536.23, 536.25, 536.26, 536.27, and 536.45.

(2) Regulations in Part 577 of this chapter providing for medical care at Government expense.

(3) The act of September 7, 1916 (39 Stat. 742; 5 U. S. C. 751), as amended (Employee Compensation).

(g) *Subrogation.* (1) A claim not exceeding $1,000 for death, injury, damage, or loss wholly covered by insurance or otherwise subject by operation of law to full subrogation, will be settled only with the insurer or other subrogee. A claim for a loss partially covered by insurance, or otherwise subject to partial subrogation, may be settled either jointly, if the claim was so filed, or with the parties individually as their respective interests appear, or with the insured or other subrogor if he has not made claim against, nor received payment from the insurer or subrogee. When the settlement is joint, one check for the amount approved, payable to both the subrogor and the subrogee, will be sent to the subrogee.

(2) Every claimant will, in his claim or in an attached statement make detailed disclosure concerning his insurance coverage indicating:

(i) The insurer's name and address.

(ii) The kind and amount of insurance.

(iii) The insurance policy number or numbers.

(iv) Whether a claim has been presented to the insurer, and if so, the amount of such claim.

(v) Whether the insurer has paid the claim, or is expected to pay it.

Each claimant to whose interest another has become otherwise subrogated will furnish similar information as to the subrogee and the basis of his rights.

(3) Each insurer or other subrogee will substantiate his claim by appropriate documentary evidence that payment of the amount claimed, or a larger amount, has been assumed for, or made to or on behalf of, the insured or subrogor.

(4) The interests of the insured or other subrogor and the insurer or subrogee represent merely separable interests in a single claim which may not be considered under this section if the aggregate exceeds $1,000 (paragraph (k) (4) of this section).

(h) *When claim must be presented.* (1) A claim may be settled under this section only if presented in writing within 2 years after it has accrued.

(2) If a claim for $1,000 or less is presented, a suit may, under the act, be filed in a district court within 2 years after the claim accrues, or 6 months after notice of the final disposition of the claim is mailed to the claimant or the claim is withdrawn by the claimant, whichever is later. Presentation of a claim for more than $1,000 within 2 years after it accrues will not extend the time within which a suit may be filed nor permit administrative consideration of the claim, if reduced to $1,000 or less more than 2 years after it accrues.

(i) *Settlement agreement.* The claimant must submit a written acceptance in full satisfaction and final settlement for the amount approved for:

(1) Personal injury or wrongful death, even though equal to the amount claimed.

(2) Property damage or loss, if less than the amount claimed.

(3) Property damage or loss equal to the amount claimed when personal injury or death resulted from the same incident, even though no claim has been filed for either.

(j) *Attorneys' fees.* The approving authority may, but only on written request made prior to the award by the claimant or his attorney, determine and allow as part of the award, reasonable attorneys' fees. If the award is $500 or more, the fees shall not exceed 10 per centum of the award. The fees shall be paid to the attorney representing the claimant out of, but not in addition to, the amount of the award.

(k) *Settlement of claims*—(1) *Authority.* Authority to settle claims un-

der this section, subject to the appeal to the Secretary of the Army:

(i) Has been delegated to the Chief, Claims Division, Office of The Judge Advocate General, and all other officers of The Judge Advocate General's Corps assigned to that Division, subject to such limitations as the Chief may prescribe.

(ii) May be delegated by the Secretary of the Army to any commander or staff judge advocate within the United States, its territories, possessions and the Commonwealth of Puerto Rico within such monetary limits as may be prescribed.

(2) *Effect of action.* The action of the approving authority in approving or disapproving a claim, in whole or in part, will be final and conclusive for all administrative purposes unless the claimant appeals to the Secretary of the Army within the time prescribed in § 536.7 or such longer time as the Secretary may for good cause permit.

(3) *Acceptance of award.* The acceptance by the claimant of any award shall constitute complete release of any claim against the United States and against the military personnel or civilian employee whose act or omission gave rise to the claim.

(4) *Claims in excess of $1,000.* The Department of the Army does not have legal authority to consider administratively claims in excess of $1,000 which are otherwise cognizable under the act. The claimant's remedy in such cases is by suit in the United States District Court. When a claim in excess of $1,000 is received, the original claim will be retained by the receiving command and the copies of the claim with the papers submitted by the claimant will be returned promptly to him by letter advising that the Department of the Army cannot settle administratively any claim in excess of $1,000 under the Federal Tort Claims Act, as codified and amended (28 United States Code).

[AR 25-30, February 20, 1957] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply sec. 1, 62 Stat. 982, as amended, sec. 1, 63 Stat. 984, as amended; 28 U. S. C. 2671-2679, 2680)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-2186; Filed, Mar. 21, 1957; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

SHENANDOAH NATIONAL PARK

1. Paragraph (a) *Fishing* of § 20.15 *Shenandoah National Park* is amended to read as follows:

§ 20.15 *Shenandoah National Park*—(a) *Fishing*—(1) *Applicability of regulations.* The regulations in this section shall govern fishing on those portions of all streams lying wholly within the Park, including those portions of the Conway River, the Rapidan River, and the North and South Forks of Moormans River. Along those portions of the streams which follow the boundary line of the Park, the State of Virginia laws and regulations governing fishing shall apply.

(2) *Waters.* All waters in the Park are open to trout fishing only.

(3) *Season.* The opening date of the trout fishing season shall conform with that of the State of Virginia and shall close on the same date as the State, or October 15, whichever date is earlier.

(4) *Size limit.* Trout under nine (9) inches in length shall not be retained. All undersized fish shall be immediately and carefully returned to the water.

(5) *Limit of catch.* The limit of catch per day, or possession by each person fishing, shall not exceed eight (8) fish.

(6) *Bait.* Only artificial lures such as artificial flies, spinners, or bugs shall be used. Fishing with multiple hooks (double, treble, or gang) is prohibited.

(7) *State licenses.* No special Park license is required, but persons fishing within the Park must first procure an appropriate fishing license issued by the State of Virginia.

(8) *Emergency closing of waters.* During any period of emergency, or to prevent over-use by fishermen of waters open to fishing in Shenandoah National Park, the Superintendent, in his discretion, may close to fishing all or any part of such open waters for such periods of time as may be necessary: Provided, The notice thereof shall be given by the posting of appropriate signs, notices, and markers.

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

Issued this twenty-eighth day of February 1957.

GUY D. EDWARDS,
Superintendent,
Shenandoah National Park.

[F. R. Doc. 57-2188; Filed, Mar. 21, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

RENOUNCEMENT

Immediately after § 4.422, a new § 4.422a is added as follows:

§ 4.422a *Renouncement.* (a) Any person entitled to dependency and indemnity compensation may renounce his right to this benefit. The renouncement shall be in writing over the person's signature. Upon receipt of such renouncement in the Veterans Administration, payment of dependency and indemnity compensation shall be discontinued as of the date of last payment. The renouncement shall not preclude the person from filing a new application for dependency and indemnity compensation at a future date. Payment of dependency and indemnity compensation shall not be made for any period prior to the date of filing of the new application. (Sec. 209 (a), Pub. Law 881, 84th Cong.).

(b) The renouncement of dependency and indemnity compensation by one beneficiary shall not serve to increase the rate payable to any other beneficiary in the same class.

(c) The renouncement of dependency and indemnity compensation by a widow shall not serve to vest title to this benefit in children under the age of 18 years or to increase the rate payable to a child or children over the age of 18 years.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply sec. 209, Pub. Law 881, 84th Cong.)

This regulation is effective March 22, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-2220; Filed, Mar. 21, 1957; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 404—WATER APPLICATION, COLUMBIA BASIN PROJECT, WASHINGTON

On page 1102 of the FEDERAL REGISTER of February 26, 1957, there was published a notice of proposed rule making to determine eligibility of owners or contract purchasers of a farm unit on the Columbia Basin Project to receive water during the 1957 irrigation season. Interested persons were given 15 days within which to submit written comments, suggestions, or objections with respect to the proposed regulations. No comments or suggestions were submitted within the 15-day period. The proposed regulations are hereby adopted without change and are set forth below.

HATFIELD CHILSON,
Acting Secretary of the Interior.

MARCH 15, 1957.

§ 404.1 *Determination of eligibility.* The owner, or contract purchaser if there is one, of a farm unit on the Columbia Basin Project shall furnish the Project Manager of the Bureau of Reclamation as early as practicable an application for water executed by him before two witnesses. The form will be supplied by the Project Manager. The application shall state, unless the applicant is the owner of more than one farm unit eligible for water under the exceptions in subsections 2 (b) (iii) and 2 (b) (iv) of the Columbia Basin Project Act and he has so indicated in writing on the back thereof, that the farm unit is the only farm unit on the project that the applicant owns or is purchasing either in his own name or in the name of another for which water is available. Such statement shall be a condition precedent to a determination by the Project Manager of the eligibility of the farm unit to receive water during the 1957 irrigation season under the provisions of the Columbia Basin Project Act and the recordable contracts.

(Sec. 8; 57 Stat. 20; 16 U. S. C. 835c-4)

[F. R. Doc. 57-2189; Filed, Mar. 21, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

U. S. STANDARDS FOR PERSIAN (TAHITI) LIMES [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Persian (Tahiti) Limes (7 CFR 51.1000 to 51.1014; 18 F. R. 7106) 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., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.
51.1000 U. S. No. 1.
51.1001 U. S. Combination.
51.1002 U. S. No. 2.

UNCLASSIFIED

51.1003 Unclassified.

APPLICATION OF TOLERANCES

51.1004 Application of tolerances.

STANDARD PACK

51.1005 Standard pack.

DEFINITIONS

51.1006 Firm.
51.1007 Fairly well formed.
51.1008 Fairly smooth texture.
51.1009 Stylar end breakdown.
51.1010 Damage.
51.1011 Good green color.
51.1012 Fairly firm.
51.1013 Badly deformed.
51.1014 Excessively rough texture.
51.1015 Serious damage.
51.1016 Diameter.

AUTHORITY: §§ 51.1000 to 51.1016 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.1000 *U. S. No. 1.* "U. S. No. 1" consists of Persian Limes which are firm, fairly well formed, or fairly smooth texture, which are free from decay, stylar end breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), hard or dry skins, and free from damage caused by freezing, dryness or mushy condition, sprayburn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, blanching, yellow color, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(a) Each fruit in this grade shall have not less than an aggregate area of three-fourths of the surface of the fruit which shows good green color characteristics of the Persian lime: *Provided,* That lots of limes which fail to meet the U. S. No. 1 grade requirements only because of blanching shall be designated as "U. S. No. 1, Mixed Color": *And provided further,* That lots of limes which fail to meet the U. S. No. 1 or U. S. No. 1 Mixed Color grade requirements only because of turning yellow or yellow color, caused by the ripening process, shall be designated as "U. S. No. 1, Turning".

(b) The fruit shall have a juice content of not less than 42 percent, by volume.

(c) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, broken skins which are not healed, or defects causing serious damage, including not more than one-half of 1 percent for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

§ 51.1001 *U. S. Combination.* A lot of limes may be designated "U. S. Combination" when not less than 75 percent, by count, of the limes in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade.

(a) In this grade the U. S. No. 1 limes shall meet the color requirements of the U. S. No. 1 grade and the U. S. No. 2 limes shall meet the color requirements of the U. S. No. 2 grade: *Provided,* That lots of limes which fail to meet the U. S. Combination grade requirements only because of blanching shall be designated as "U. S. Combination, Mixed Color": *And provided further,* That lots of limes which fail to meet the U. S. Combination or U. S. Combination Mixed Color grade requirements only because of turning yellow or yellow color, caused by the ripening process, shall be designated as "U. S. Combination, Turning".

(b) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of the lower grade in the combination, but not more than one-half of this amount, or 5 percent, shall be allowed for limes affected by decay, stylar end breakdown and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

(c) No part of the above tolerances shall be allowed to reduce for the lot as a whole, the 75 percent of U. S. No. 1 limes required in the U. S. Combination grade, but individual containers may have not less than 65 percent of the higher grade.

§ 51.1002 *U. S. No. 2.* "U. S. No. 2" consists of Persian limes which are fairly firm, which are not badly deformed, and not of excessively rough texture, which are free from decay, stylar and breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), and hard or dry skins, and free from serious damage caused by freezing, dryness or mushy condition, spray-burn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, blanching, yellow color, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(a) Each fruit in this grade shall have not less than an aggregate area of one-half of the surface of the fruit which shows good green color characteristic of the Persian lime: *Provided,* That lots of limes which fail to meet the U. S. No. 2 grade requirements only because of blanching shall be designated as "U. S. No. 2, Mixed Color": *And provided further,* That lots of limes which fail to meet the U. S. No. 2 or U. S. No. 2 Mixed Color grade requirements only because of turning yellow or yellow color caused by the ripening process shall be designated as "U. S. No. 2, Turning".

(b) The fruit shall have a juice content of not less than 42 percent, by volume.

(c) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

UNCLASSIFIED

§ 51.1003 *Unclassified.* "Unclassified" consists of Persian limes 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.

[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.

APPLICATION OF TOLERANCES

§ 51.1004 *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 3 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 3 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 decayed fruit may be permitted in any package; and,

(2) For packages which contain 3 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.1005 *Standard pack.* (a) Fruit shall be fairly uniform in size, and when place packed in crates or cartons, the fruit shall be arranged according to the approved and recognized methods.

(b) All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) "Fairly uniform in size" means that not more than 10 percent, by count, of the fruit in any container may vary more than four-sixteenths of an inch in diameter.

(d) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.1006 *Firm.* "Firm" means that the fruit is not soft or flabby.

§ 51.1007 *Fairly well formed.* "Fairly well formed" means that the fruit shows normal characteristic shape for the Persian variety and is not materially flattened on one side.

§ 51.1008 *Fairly smooth texture.* "Fairly smooth texture" means that the fruit is comparatively free from lumpiness and that pebbling is not abnormally coarse. Coarse pebbling is not objectionable as it is indicative of good keeping quality and is characteristic of the fruit, especially that from young trees.

§ 51.1009 *Stylar end breakdown.* "Stylar end breakdown" is a physiological breakdown starting at the base of the nipple as a grayish tan watersoaked spot. A brownish discoloration develops in the rind. As it progresses the color of the affected area becomes darker and usually sinks below the healthy surface, but the area remains firm unless infected with secondary organisms that cause soft decay.

§ 51.1010 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. 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) Dryness or mushy condition which extends into all segments more than one-eighth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Sprayburn which changes the color to such an extent that the appearance of the fruit is materially affected, or which causes scarring that in the aggregate exceeds the area of a circle one-fourth inch in diameter;

(c) Exanthema (ammoniation) which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid scarring (not cracked) or depressions which in the aggregate exceed the area of a circle one-half inch in diameter;

(d) Scars which are dark, rough, or deep and in the aggregate exceed the area of a circle one-fourth inch in diameter, or scars which are fairly light in color, slightly rough, or of slight depth and in the aggregate exceed the area of a circle one-half inch in diameter, or scars which are light colored, fairly smooth, with no depth and aggregate more than 10 percent of the fruit surface;

(e) Thorn scratches when the injury is not well healed, or when dark colored, rough or deep and in the aggregate exceeds the area of a circle one-fourth inch in diameter, or when light colored, fairly smooth and concentrated and in the aggregate exceeds the area of a circle one-half inch in diameter, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the aggregate area one-half inch permitted for light colored concentrated injury;

(f) Scale when the appearance of the fruit is affected to a greater extent than that of a line which has 10 medium to large California red or purple scale attached;

(g) Sunburn which causes appreciable flattening of the fruit, drying of the skin, material change in the color of the skin, appreciable drying of the flesh underneath the affected area, or which affects more than 5 percent of the fruit surface;

(h) Scab which materially affects the shape or texture;

(i) Blanching when more than 25 percent, in the aggregate, of the fruit surface shows a whitish to yellowish green area or areas because of shading, resting on the surface of the ground, or contact with other fruit on the tree. Such areas are not to be confused with limes which are turning yellow due to the ripening process;

(j) Yellow color when plainly visible and caused by the ripening process;

(k) Discoloration caused by rust mite, melanose or other means, when fairly smooth and more than 10 percent of the fruit surface is affected, or when slightly rough and in the aggregate exceeds the area of a circle one-half inch in diameter; and,

(l) Buckskin when more unsightly than the maximum discoloration allowed, or the fruit texture is materially affected.

§ 51.1011 *Good green color.* "Good green color" means that the skin of the lime is of a good green color characteristic of the Persian variety.

§ 51.1012 *Fairly firm.* "Fairly firm" means that the fruit is not soft or excessively flabby.

§ 51.1013 *Badly deformed.* "Badly deformed" means that the fruit is seriously misshapen from any cause.

§ 51.1014 *Excessively rough texture.* "Excessively rough texture" means that the skin is badly ridged or very decidedly lumpy.

§ 51.1015 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. 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) Dryness or mushy condition which extends into all segments more than one-fourth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Sprayburn which changes the color to such an extent that the appearance of the fruit is seriously injured or which causes scarring that in the aggregate exceeds the area of a circle one-half inch in diameter;

(c) Exanthema (ammoniation) which occurs as small spots over more than 25 percent of the fruit surface, or as solid scarring (not cracked) or depressions which aggregate more than 10 percent of the fruit surface;

(d) Scars which are dark, rough, or deep and aggregate more than 5 percent of the fruit surface, or scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 10 percent of the fruit surface, or scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface;

(e) Thorn scratches when the injury is not well healed, or when dark colored, rough or deep and aggregates more than 5 percent of the fruit surface, or when light colored, fairly smooth and concentrated and aggregates more than 10 percent of the fruit surface, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the 10 percent light colored concentrated injury;

(f) Scale when the appearance of the fruit is affected to a greater extent than that of a lime which has a blotch the the area of a circle one-half inch in diameter;

(g) Sunburn which causes decided flattening of the fruit, marked drying or dark discoloration of the skin, material drying of the flesh underneath the affected area, or which affects more than 10 percent of the fruit surface;

(h) Scab which seriously affects shape or texture;

(i) Blanching when more than 50 percent, in the aggregate, of the fruit surface shows a whitish to yellowish green area or areas because of shading, resting on the surface of the ground, or contact with other fruit on the tree. Such areas are not to be confused with limes which are turning yellow due to the ripening process;

(j) Yellow color when plainly visible and caused by the ripening process;

(k) Discoloration caused by rust mite, Melanose, or other means, when fairly smooth and more than 50 percent of the fruit surface is affected, or when slightly rough and more than 25 percent of the fruit surface is affected; and,

(l) Buckskin when more unsightly than the maximum discoloration allowed or the fruit texture is seriously affected.

§ 51.1016 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

Dated: March 18, 1957.

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

[F. R. Doc. 57-2196; Filed, Mar. 21, 1957; 8:47 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[Amdt. 2]

OREGON

NOTICE OF ESTABLISHMENT OF AREAS OF VENUE FOR MARKETING QUOTA REVIEW COMMITTEES

Pursuant to section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002) which requires that the field organization be published in the FEDERAL REGISTER, and § 711.11 of the Marketing Quota Review Regulations 21 F. R. 9365 and 21 F. R. 9716), which provides for establishment of areas of venue for marketing quota review committees, notice is hereby given of areas of venue for the State of Oregon established by the ASC State Committee as follows:

OREGON

Counties of:

Area of Venue I—Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler.

Area of Venue II—Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill.

(Sec. 3, 60 Stat. 238; 5 U. S. C. 1002. Interprets or applies §§ 361-368, 52 Stat. 38; 7 U. S. C. 1361-1368)

Done at Washington, this 18th day of March 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLARENCE L. MILLER,
Associate Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-2197; Filed, Mar. 21, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32076]

ARIZONA

INTRASTATE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 12th day of March A. D. 1957.

It appearing, that a petition dated November 23, 1956, has been filed on behalf of The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company; common carriers by railroad operating to, from, and between points in Arizona in intrastate and interstate commerce, averring that in Ex Parte No. 168, Increased Freight Rates, 1948, 272 I. C. C. 695; 276 I. C. C. 9; Ex Parte No. 175, Increased Freight Rates, 1951, 281 I. C. C. 557; 284 I. C. C. 589; 298 I. C. C. 395; and Ex Parte No. 196, Increased Freight Rates 1956, 298 I. C. C. 279, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States; and that increases under such authorizations have been made;

It further appearing, that the petitioners allege that the Arizona Corporation Commission has refused to authorize or permit them to apply to the transportation of any property moving intrastate by railroad in Arizona increases in freight rates and charges thereon corresponding to those approved for interstate application in Ex Parte No. 196 and also has refused to authorize or permit the petitioners to apply to the transportation of the following commodities moving intrastate by railroad in Arizona increases in freight rates and charges thereon corresponding to those approved for interstate application in Ex Parte Nos. 168 and 175:

Ores and concentrates.
Manganese ore.
Livestock.
Lime rock.
High explosives.
Cottonseed meal.
Cottonseed cake.

It further appearing, that the petitioners allege that such refusals cause and result in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable, and unjust discrimination against interstate commerce in violation of section 13 of the Interstate Commerce Act;

It further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Arizona;

And it further appearing, that the Arizona Corporation Commission on January 9, 1957, filed a reply to said petition:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other interested persons to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Arizona, for the intrastate transportation of property made or imposed by authority of the State of Arizona, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in said Ex Parte Nos. 168, 175 and 196, supra, any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Arizona which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Arizona be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Arizona Corporation Commission at Phoenix, Ariz.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C.; for public inspection, and by filing a copy with the Director, Division of the FEDERAL REGISTER, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on April 1, 1957, at 9:30 o'clock a. m., U. S. Standard Time, at the offices of the Arizona Corporation Commission, Phoenix, Arizona, before Examiner William J. Sweeney, Jr.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-2193; Filed, Mar. 21, 1957; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–10327, G–10453]

AGSCO MINERALS CORP. AND WYRICK & HUGHES

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 15, 1957.

In the matters of Agsco Minerals Corporation, Docket No. G–10327; Wyrick & Hughes, Docket No. G–10453.

Take Notice that Wyrick & Hughes having their principal place of business at Refugio, Texas, filed an application on May 21, 1956, in Docket No. G–10453, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon the sale of natural gas in interstate commerce to United Gas Pipe Line Company (United) for resale, which sale was previously authorized by the Commission in its order issued December 14, 1954 in Docket No. G–3034.

On April 30, 1956, Agsco Minerals Corporation (Agsco) with its principal place of business in Refugio, Texas, filed an application in Docket No. G–10327, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing Agsco to continue the service proposed to be abandoned by Wyrick & Hughes as described above.

The Commission by its order issued December 14, 1954, in Docket No. G–3034 authorized Wyrick & Hughes to sell to United, at the outlet of a gasoline absorption plant near Refugio, Texas, natural gas produced in the Old Refugio Field, Refugio County, Texas, and processed in said plant.

The respective applications herein state that by an instrument of assignment dated February 1, 1956, Wyrick & Hughes assigned to Agsco, among other things, the aforementioned gasoline plant and all gas purchase, gas sales and gas processing contracts relating thereto.

The applications herein are on file with the Commission and open to public inspection.

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 April 29, 1957, 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 April 5, 1957. 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] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–2200; Filed, Mar. 21, 1957; 8:48 a. m.]

[Docket No. G–11161]

KLEIN AND VAUGHN, AND CUBAN AMERICAN OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 15, 1957.

Take notice that Klein and Vaughn, and Cuban American Oil Company (Cuban), a Delaware corporation with its principal place of business in Dallas, Texas, filed a joint application on September 27, 1956, pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon and render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the joint application which is on file with the Commission and open to public inspection.

By the joint application herein Klein and Vaughn seek permission and approval pursuant to section 7 (b) of the Natural Gas Act, to abandon the sale of natural gas in interstate commerce to United Gas Pipe Line Company (United) for resale, from production from the Maggie Patton unit in the Libson Field, Claiborne Parish, Louisiana, which sale was previously authorized by the Commission in Docket No. G–6566.

Cuban seeks authority pursuant to section 7 (c) of the Natural Gas Act to continue to render the service to United proposed herein to be abandoned by Klein and Vaughn.

The application states that by instrument dated September 28, 1955, effective as of November 1, 1955, Klein and Vaughn assigned their interests in gas produced from the Maggie Patton unit to Cuban.

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 subect 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 April 29, 1957 at 9:30 a. m., e. 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 proceeding 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 April 5, 1957. 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] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–2201; Filed, Mar. 21, 1957; 8:48 a. m.]

[Docket No. G–11168]

MOUNTAIN GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 15, 1957.

Take notice that Mountain Gas Company (Applicant), a partnership, whose address is 410 Avery Street, Parkersburg, West Virginia, filed on October 1, 1956, an application for permission to abondon service, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to terminate 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 was authorized on July 13, 1955 in Docket No. G–5639 to continue the sale of natural gas to Hope Natural Gas Company for transportation in interstate commerce for resale from production from the E. E. Hess, et ux., lease in the Mole Hill Field, Clay District, Ritchie County, and Centerville District, Tyler County, West Virginia.

Applicant states that the volume of gas available for delivery as heretofore authorized has declined to a point where it is no longer economically feasible to continue service and has submitted copies of its agreement with Hope Natural Gas Company, providing for cancellation of the contract covering the subject sale.

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 be held on April 29, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission

may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1957. 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] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2202; Filed, Mar. 21, 1957; 8:48 a. m.]

[Docket No. G-11181]

E. A. COURTNEY AND GAS GATHERING CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 15, 1957.

Take notice that E. A. Courtney and Gas Gathering Corporation, each having its principal place of business in Hammond, Louisiana, filed a joint application on October 1, 1956, pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon and render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

By the joint application herein, E. A. Courtney seeks permission and approval pursuant to section 7 (b) of the Natural Gas Act, to abandon the sale of natural gas in interstate commerce to Transcontinental Gas Pipeline Corporation (Transco) for resale, from production in the Happytown Field, St. Martin Parish, Louisiana, including the operation of any facilities subject to the jurisdiction of the Commission necessary therefor, which sale and operation were previously authorized by the Commission in Docket No. G-4719. The subject gas is being purchased by E. A. Courtney from The Texas Company, R. R. Frankel, and Shell Oil Company in said field and transported by him through 10 miles of transmission line to a point of delivery to Transco.

By the joint application Gas Gathering Corporation seeks authority, pursuant to section 7 (c) of the Natural Gas Act, to continue the operation of the facilities and to render the service to Transco proposed herein to be abandoned by E. A. Courtney.

The application states that if the joint application referred to herein is granted, the said E. A. Courtney will assign to Gas Gathering Corporation all contracts for the purchase of gas and the gas sales contract providing for the sale of natural gas to Transco referred to in the joint application. There will also be assigned to Gas Gathering Corporation all other assets now being used in connection with the operation of facilities, including rights of way, pipe lines, meters, gauges, etc.

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 April 29, 1957 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 non-contested heading, dispose of the proceeding 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 April 5, 1957. 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] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2203; Filed, Mar. 21, 1957; 8:48 a. m.]

[Docket No. G-10790 etc.]

NULL AND MOORHEAD GAS CO. AND BRADLEY GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 15, 1957.

In the matters of Null and Moorhead Gas Company, Docket No. G-70790; Bradley Gas Company, Docket Nos. G-10791, and G-10796.

Take notice that Null and Moorhead Gas Company (Null and Moorhead), with its principal place of business at Clarksburg, West Virginia, filed on July 23, 1956 an application in Docket No. G-10790, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application in Docket No. G-10790.

Null and Moorhead seeks to abandon: (1) Service to Hope Natural Gas Company from production in Wetzel and Monongalia Counties, West Virginia, which service was previously authorized by the Commission in Docket No. G-5583.

(2) Service to Carnegie Natural Gas Company from production from the Mitchell Lease located in the Center District, Gilmer County, West Virginia which service was previously authorized by the Commission in Docket No. G-2942.

Simultaneously therewith, Bradley Gas Company (Bradley) with its principal place of business in Clarksburg, West Virginia, filed applications pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to continue the services and operations proposed to be abandoned by Null and Moorhead, as described herein, and as more fully described in the applications in Docket Nos. G-10791 and G-10796.

Null and Moorhead in Docket No. G-10790 state that by instruments dated February 22, 1956, Null and Moorhead sold and assigned its leases and properties in Wetzel, Monongalia, and Gilmer Counties, West Virginia to Bradley.

The applications herein are on file with the Commission and open to public inspection.

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 April 23, 1957, at 9:30 a. m., e. 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. 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 April 5, 1957. 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] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2204; Filed, Mar. 21, 1957; 8:48 a. m.]

[Docket No. G-10981 etc.]

PROGRESS PETROLEUM COMPANY OF TEXAS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 15, 1957.

In the matters of: Progress Petroleum Company of Texas, and Midhurst Oil

Corporation, Docket Nos. G–10981 and G–10982; Progress Petroleum, Inc., and Midhurst Oil Corporation, Docket No. G–10983.

Take notice that Progress Petroleum Company of Texas (Progress of Texas), Progress Petroleum, Inc. (Progress, Inc.), and Midhurst Oil Corporation (Midhurst), with their respective principal places of business in Houston, Texas, filed joint applications on August 27, 1956, pursuant to section 7 of the Natural Gas Act, for approval and authorization to abandon and continue the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the respective applications herein, now on file with the Commission and open to public inspection.

The respective parties herein seek approval and authorization as follows:

(1) Progress of Texas, in Docket No. G–10981, to abandon service to Tennessee Gas Transmission Company (Tennessee) from the Hutchins South Field, Wharton County, Texas, which service was authorized on December 12, 1955, in Docket No. G–4223.

(2) Progress of Texas, in Docket No. G–10982, to abandon service to El Paso Natural Gas Company (El Paso) from the Jack Herbert Field, Upton County, Texas, which service was authorized on May 31, 1955, in Docket No. G–4601.

(3) Progress, Inc., in Docket No. G–10983, to abandon service to Tennessee from the Magnet-Withers Field, Wharton County, Texas, which service was authorized on February 2, 1956, in Docket No. G–9200.

(4) Midhurst, in Docket Nos. G–10981 through G–10983, to continue the subject services to Tennessee and El Paso proposed to be abandoned by Progress of Texas and Progress, Inc.

The respective applications state that on July 1, 1956, Midhurst acquired the interests of Progress of Texas and Progress, Inc., in the subject properties, and succeeded to the gas sales contracts involved herein.

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 April 23, 1957, at 9:30 a. m., e. 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.

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 April 5, 1957. 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] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–2205; Filed, Mar. 21, 1957; 8:48 a. m.]

[Docket No. G–8492]

ALADDIN PETROLEUM CORP.

NOTICE OF RESUMPTION OF HEARING

MARCH 15, 1957.

Notice is hereby given that the hearing in the above-designated matter, which was recessed by the Presiding Examiner on February 8, 1956, is hereby scheduled to resume at 9:30 a. m., e. s. t., April 3, 1957, in the Commission's Hearing Room 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–2207; Filed, Mar. 21, 1957; 8:49 a. m.]

[Docket No. G–11450]

SOHIO PETROLEUM CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 15, 1957.

Take notice that Sohio Petroleum Company (Applicant), an Ohio corporation with principal place of business in Cleveland, Ohio, filed an application on November 9, 1956, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission, and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce to Coastal Transmission Corporation for resale, which gas Applicant proposes to produce from approximately 749 acres located in the Grosse Tete Field, West Baton Rouge Parish, Louisiana. Proposed deliveries will be made at a point to be agreed upon at a daily contract volume of 1,000 Mcf per 8,000,000 Mcf of reserves.

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 Tuesday, April 17, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 1, 1957. 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] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–2208; Filed, Mar. 21, 1957; 8:49 a. m.]

[Docket G–9440, G–9753]

J. A. KIMMEY ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 15, 1957.

In the matters of J. A. Kimmey and Burdette Graham, Docket No. G–9440; William Negley, d. b. a. Paisano Trading Company, Ltd., Docket No. G–9753.

Take notice that J. A. Kimmey and Burdette Graham (Kimmey and Graham), joint owners, with their principal place of business in Corpus Christi, Texas, filed a joint application on October 6, 1955, in Docket No. G–9440 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing them to continue the sale of natural gas in interstate commerce from production from the Muil Lease located in the Captain Lucy Field, Jim Wells County, Texas, to Trunkline Gas Company for resale, all as more fully described in the application on file with the Commission and open to public inspection.

One December 7, 1955, William Negley d/b/a Paisano Trading Company, Ltd. (Paisano), whose principal place of business is in San Antonio, Texas, filed an application in Docket No. G–9753, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon the sale of natural gas for which Kimmey and Graham seek authorization to continue in Docket No. G–9440.

The parties herein state that the subject Muil Lease was acquired by Burdette Graham from Paisano by instrument executed April 14, 1955. Graham then assigned one-half interest in said lease to J. A. Kimmey by instrument

dated May 12, 1955, all of which are on file with the Commission.

Paisano was granted a certificate of public convenience and necessity to sell gas produced from the Muil and Goldapp leases to Trunkline in Docket No. G-2552. Kimmey and Graham in Docket No. G-9440 seeks authorization for the continued operation of service heretofore rendered by Paisano from the Muil Lease only.

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 April 23, 1957, at 9:30 a. m., e. 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. 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 April 5, 1957. 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] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2209; Filed, Mar. 21, 1957; 8:49 a. m.]

[Docket No. G-10158]

BURCH SPEARS, INC., AND BURCH SPEARS

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 15, 1957.

Take notice that Burch Spears, Inc., and Burch Spears (Individually), hereinafter referred to collectively as "Applicants", whose address is 1401 E. Park Street, Victoria, Texas, filed on March 26, 1956 a joint application, purusant to section 7 of the Natural Gas Act for permission and approval to abandon service and for a certificate of public convenience and necessity to sell natural gas for transportation in interstate commerce for resale, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission and open to public inspection.

Applicants seek to abandon and render service as indicated below:

(1) Burch Spears to abandon service to Trunkline Gas Company (Trunkline) from leases in the Medio Creek Field, Bee County, Texas. Such service was authorized by the Commission's order issued August 19, 1955 in Docket No. G-8973.

(2) Burch Spears, Inc., to continue the service to Trunkline, proposed to be abandoned by Burch Spears as described in (1) above.

The joint application states that by assignments dated March 20, 1956, Burch Spears, Inc., acquired certain leases, production and field lines in the Medio Field, Bee County, Texas, from Burch Spears and is to succeed to the latter's interest in the contract with Trunkline dated May 12, 1955.

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 April 29, 1957, 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 matter involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) and (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 April 5, 1957. 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] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2210; Filed, Mar. 21, 1957; 8:49 a. m.]

[Docket No. G-12204]

F. L. & J. L. RANDEL

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 15, 1957.

F. L. & J. L. Randel (Randel), on February 19, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing:

Description: Notice of change dated February 16, 1957.

Purchaser: United Fuel Company.

Rate schedule designation: Supplement No. 1 to Randel's FPC Gas Rate Schedule No. 1.

Effective date: [1] March 22, 1957.

In support of the two proposed periodic rate increases, Randel cites pertinent price provisions of its rate schedule and requests incorporation by reference of the support previously submitted by The Atlantic Refining Company in connection with proposed increases under its FPC Gas Rate Schedule No. 115, Docket Nos. G-9443 and G-11247.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 22, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2211; Filed, Mar. 21, 1957; 8:49 a. m.]

[Docket No. G-12205]

SOHIO PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

MARCH 15, 1957.

Sohio Petroleum Company (Sohio), on February 15, 1957, tendered for filing proposed changes in its rate schedules

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Randel, if later.

[2] Commissioner Digby dissenting.

presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings, which are proposed to become effective on the date shown:

Description: Notice of change, undated.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 2 to Sohio's FPC Gas Rate Schedule No. 32. Supplement No. 2 to Sohio's FPC Gas Rate Schedule No. 33.
Proposed effective date: [1] March 21, 1957.

In support of the increases, Sohio states that a contract would not have been signed for a long term (20 years) without a periodic rate increase provision; the effect is the same as if an average price had been agreed upon over the life of the contract; periodic increases are justified on a continuing basis because of increasing operating and maintenance costs due to workover of wells and replacement of worn out equipment; the buyer was able to purchase reserves at a low initial price when its fixed costs were highest; an interest has been lost on income deferred because of extending the sale over a long term rather than selling for a shorter term.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges, and, pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof deferred until August 21, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2212; Filed, Mar. 21, 1957; 8:50 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Sohio, if later.

[2] Commissioner Digby dissenting.

[Docket No. G-12206]

KERR-McGEE OIL INDUSTRIES, INC.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 15, 1957.

Kerr-McGee Oil Industries, Inc., (Kerr-McGee), on February 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description: Notice of change dated February 15, 1957.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 2 to Kerr-McGee's FPC Gas Rate Schedule No. 46.
Proposed effective date: [3] March 21, 1957.

In support of the increase, Kerr-McGee states that a contract would not have been signed for a long term (20 years) without a periodic rate increase provision; the effect is the same as if an average price had been agreed upon over the life of the contract; periodic increases are justified on a continuing basis because of increasing operating and maintenance costs due to workover of wells and replacement of worn out equipment; the buyer was able to purchase reserves at a low initial price when its fixed costs were highest; and interest has been lost on income deferred because of extending the sale over a long term rather than selling for a shorter term.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 21, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2213; Filed, Mar. 21, 1957; 8:50 a. m.]

[3] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Kerr-McGee, if later.

[Docket No. G-12207]

TEXAS CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 15, 1957.

The Texas Company (Operator), et al. (Texas), on February 19, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description: Notice of change, undated.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 133.
Proposed effective date: [4] March 21, 1957.

In support of the increase, Texas states that a contract would not have been signed for a long term (20 years) without a periodic rate increase provision; the effect is the same as if an average price had been agreed upon over the life of the contract; periodic increases are justified on a continuing basis because of increasing operating and maintenance costs due to workover of wells and replacement of worn out equipment; the buyer was able to purchase reserves at a low initial price when its fixed costs were highest; and interest has been lost on income deferred because of extending the sale over a long term rather than selling for a shorter term.

The increased rate and charge so proposed has not been shown to be justified,

[4] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Texas, if later.

and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the Authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 21, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2214; Filed, Mar. 21, 1957; 8:50 a. m.]

[Docket No. G-12208]

CARTER OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 15, 1957.

The Carter Oil Company (Carter), on February 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description: Notice of Change dated February 14, 1957.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 5 to Carter's FPC Gas Rate Schedule No. 35.

Proposed effective date:[2] March 21, 1957.

In support of the increase, Carter states that a contract would not have been signed for a long term (20 years) without a periodic rate increase provision; the effect is the same as if an average price had been agreed upon over the life of the contract; periodic increases are justified on a continuing basis because of increasing operating and maintenance costs due to workover of wells and replacement of worn out equipment; the buyer was able to purchase reserves at a low initial price when its fixed costs were highest; and interest has been lost on income deferred because of extending the sale over a long term rather than selling for a shorter term.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 21, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2215; Filed, Mar. 21, 1957; 8:50 a. m.]

[Docket Nos. G-7693, G-10653]

ORVILLE EBERLY

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 15, 1957.

Take notice that Orville Eberly, Agent, (Applicant), whose address is 208 Union Trust Building, Uniontown, Pennsylvania, filed an application on December 2, 1954, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the sale of natural gas from the O'Donnell #1 Well in the Mt. Lake Park Field, Garrett County, Maryland, to Cumberland & Allegheny Gas Company for transportation in interstate commerce for resale as more fully described in the application in Docket No. G-7693.

On June 25, 1956, Applicant filed an amendment to the application in Docket No. G-7693 pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon the sale for which it seeks authorization in the original Docket No. G-7693 above.

Applicant, on June 25, 1956, in Docket No. G-10653, filed an application, pursuant to section 7 (b) of the Act for permission and approval to abandon the sale of natural gas from the Baker No. 1 Well in the Mt. Lake Park Field, Garrett County, Maryland, to Cumberland and Allegheny Gas Company which sale was previously authorized in Docket No. G-7763 by the Commission's order issued May 4, 1956 in the consolidated Docket Nos. G-7624, et al., proceeding.

Applicant states that the O'Donnell No. 1 Well, the only well located on the acreage covered by the application in Docket No. G-7693 and the Baker No. 1 Well covered by the application in Docket No. G-10653 have ceased production and that there is no possibility that production can be restored.

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 April 29, 1957, as 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. 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 April 5, 1957. 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 thereof is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2216; Filed, Mar. 21, 1957; 8:50 a. m.]

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[1] Commissioner Digby dissenting.

[2] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Carter, if later.

[Docket No. G–10133 etc.]

PRODUCING PROPERTIES, INC., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 15, 1957.

In the matters of Producing Properties, Inc., Docket No. G–10133; Witco Chemical Company, Docket No. G–10134; Witco Chemical Company, Docket No. G–10135; Witco Oil and Gas Company, Docket No. G–10136.

Take notice that there have been filed on March 21, 1956, applications for certificates of public convenience and necessity and for permission to abandon service pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

In its application in Docket No. G–10136, Witco Oil and Gas Company (Witco Oil) seeks to abandon service to Colorado Interstate Gas Company previously authorized by the Commission's order in Docket No. G–2554.

Witco Chemical Company (Witco Chemical), with its principal place of business in Amarillo, Texas, by its application in Docket No. G–10134 seeks authority to continue the identical service proposed to be abandoned by Witco Oil in Docket No. G–10136 as described above.

By its application in Docket No. G–10135, Witco Chemical seeks to abandon the services for which it seeks authorization in Docket No. G–10134.

Producing Properties, Inc., with its principal place of business in Dallas, Texas, in its application in Docket No. G–10133, seeks authority to continue the identical services proposed to be abandoned by Witco Chemical in Docket No. G–10135 as described above.

Witco Oil was authorized at Docket No. G–2554 by order issued October 1, 1954, as amended December 21, 1954, to sell natural gas from the West Panhandle Field, Hutchinson County, Texas, to Colorado Interstate, pursuant to contract dated May 11, 1954 between Colorado Interstate and Witco Chemical (predecessor to Witco Oil).

In Docket No. G–10136, Witco Oil states that effective February 1, 1956 all of the properties and facilities of Witco Oil were transferred and assigned to its parent company, Witco Chemical. In Docket No. G–10135 Witco Chemical states that it has sold all of the producing properties, dedicated to performance of the aforementioned contract with Colorado Interstate to Producing Properties by assignment. Said assignment is dated March 12, 1956, effective March 1, 1956. No change of rates or services are proposed by virtue of the above assignment.

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 April 23, 1957, at 9:30 a. m., e. 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. 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 April 5, 1957. 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] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–2217; Filed Mar. 21, 1957; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–1751]

VAN DE KAMP'S HOLLAND DUTCH BAKERS, INC.

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

MARCH 18, 1957.

In the matter of Van de Kamp's Holland Dutch Bakers, Inc., Common Stock, File No. 1–1751.

Pacific Coast Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

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

As the result of a tender by General Baking Company to stockholders of Van de Kamp's, General Baking Company has acquired 166,556 shares and there remain outstanding only 2,500 shares in the hands of 16 stockholders. The transfer books of the company were closed on March 9, for a period of 20 days pending a meeting of stockholders on March 28, to consider a plan of merger with General Baking Company.

The stock was suspended from dealing on this Exchange at the close of business on March 8.

Upon receipt of a request, on or before April 3, 1957, 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. 57–2194; Filed, Mar. 21, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

SEAS SHIPPING CO. AND MOORE-MCCORMACK LINES, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

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

Agreement No. 8209, between Seas Shipping Company, Inc., and Moore-McCormack Lines, Inc., covers an arrangement whereby, in consideration of the purchase of the vessels of Seas by Moore-McCormack, subject to approval by the Federal Maritime Board and Maritime Administrator, and subject to the closing of such sale and purchase, Seas agrees that it will not for a period of ten (10) years after the date of the delivery of the last of the vessels, own, operate or act as agent(s) for any foreign or American Flag vessels, except tankers, operating on Trade Route 15A (between U. S. Atlantic ports and ports in South and East Africa), or on Trade Route 1 (between U. S. Atlantic ports and ports on the East Coast of South America), or Trade Route 6 (between U. S. North Atlantic ports and Scandinavia and Baltic ports) or Trade Route 24 (between U. S. Pacific Coast ports and ports on the East Coast of South America).

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

By order of the Federal Maritime Board.

Dated: March 19, 1957.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–2221; Filed, Mar. 21, 1957; 8:51 a. m.]