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TITLE 7—AGRICULTURE

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

PART 728—WHEAT

SUBPART—1957–58 MARKETING YEAR

INCREASED DURUM WHEAT (CLASS II) ALLOTMENTS

Basis and purpose. The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of increased 1957 farm wheat acreage allotments and marketing quotas in designated counties for the purpose of increasing the production of Durum Wheat (Class II) for 1957.

In making the determination of counties designated in § 728.725 the durum wheat acreage estimates of the Agricultural Marketing Service, the statistics on the production of durum wheat by varieties in 1954 from special surveys made by the Agricultural Marketing Service and Agricultural Research Service cooperating, farm data selected by ASC county committees under the 1954, 1955 and 1956 programs for increased production of Durum Wheat (Class II) under the provisions of Public Law 290, 83d Congress, Public Law 8, 84th Congress, and Public Law 431, 84th Congress, and Durum Wheat (Class II) production as reported by the grain trade and wheat producers were used to determine whether Durum Wheat (Class II) has been produced for commercial food products in one or more of the five years 1952 through 1956. The capability of counties to produce Durum Wheat (Class II) was determined on the basis of reports from agronomists and experiment stations, and as evidenced by the fact that such wheat has been produced for commercial food products in such counties. It is hereby found and determined that the aforesaid estimates, data, and information constitute the latest available statistics of the Federal Government for the purpose of the determination of counties in § 728.725.

In order that producers may proceed with plans for seeding Durum Wheat (Class II) and other classes of wheat as expeditiously as possible, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendments herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

1. Section 728.711 pertaining to farm acreage allotments for the 1957 crop of wheat is amended by adding three new paragraphs (q), (r) and (s) to read as follows:

(q) Durum Wheat (Class II) means the three sub-classes of Durum Wheat (Class II) specified in the Official Grain Standards of the United States for wheat (§§ 26.101 to 26.121 of this title) which are: Sub-class (A) Hard Amber Durum; Sub-class (B) Amber Durum; and Sub-class (C) Durum.

(r) "Other wheat" means wheat other than Durum Wheat (Class II) and includes the varieties of durum wheat known as "Golden Ball" and "Peliss."

(s) "Cropland well suited to wheat" means that acreage of cropland which is determined by the county committee in accordance with generally accepted local standards to be well suited to the production of wheat, considering topography, type of soil, drainage, freedom from overflow, and freedom from serious wind erosion.

2. A new § 728.725 is added to read as follows:

§ 728.725 *Increase in acreage allotments for production of Durum Wheat (Class II).* (a) The conditional acreage allotment established under the provisions of this section for any farm in any of the approved Durum Wheat (Class II) counties designated in paragraph (c) of this section shall be as indicated in paragraph (b) of this section.

(b) (1) The final allotment for the farm shall be established under this sec-

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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.

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tion, upon proof of performance, as follows: (i) If the total of all wheat acreage for 1957 plus the acreage of wheat in the acreage reserve program does not exceed the original allotment established for the farm under the provisions of §§ 728.710 to 728.724, the final allotment will be the original allotment; (ii) if the 1957 acreage of other wheat is more than the original allotment, the final allotment will be the original allotment; (iii) if the 1957 acreage of other wheat does not exceed the original allotment, then the final allotment shall be determined by adding to the original allotment an acreage equal to the acreage by which the original allotment exceeds the 1957 acreage on the farm of other wheat, but such increased allotment shall not exceed the smaller of the cropland on the farm well suited to wheat or the wheat acreage plus the acreage in the acreage reserve on the farm: *Provided*, That for the purpose of this determination (*a*) the original allotment for each farm shall not be less than fifteen acres. Notwithstanding any other provision of this section, no acreage allotment will be increased under (*a*) of this provision for any farm on which the producer knowingly devotes to the production of other wheat an acreage in excess of the acreage allotment established without regard to this section; and no acreage allotment shall be increased under this section by more than 60 acres.

(2) The increases in wheat acreage allotments authorized by this section shall be in addition to the National, State, and county wheat acreage allotments, and the acreage of Durum Wheat (Class II) on such increased allotments shall not be considered in establishing future State, county, and farm acreage allotments.

(3) The last sentence of § 728.721 shall not be applicable to farm acreage allotments established under this section.

(c) Approved Durum Wheat (Class II) counties are counties which (1) are capable of producing Durum Wheat (Class II) and (2) have produced such wheat for commercial food products during one or more of the five years 1952 through 1956, as follows:

California—Counties of Modoc and Siskiyou.

North Dakota—All counties.

South Dakota—Counties of Aurora, Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Codington, Corson, Custer, Day, Deuel, Dewey, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lincoln, Lyman, McPherson, Marshall, Meade, Mellette, Miner, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Sully, Todd, Tripp, Walworth, Washabaugh, and Ziebach.

Minnesota—Counties of Becker, Big Stone, Clay, Clearwater, Douglas, Fillmore, Grant, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau, Swift, Traverse, Wilkin, and Yellow Medicine.

Montana—Counties of Beaverhead, Blaine, Broadwater, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Fallon, Flathead, Fergus, Gallatin, Garfield, Glacier, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, McCone, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Teton, Toole, Valley, Wheatland, Wibaux.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 334, 52 Stat. 53, as amended, Public Law 85–13, 85th Cong.; 7 U. S. C. 1334)

Done at Washington, D. C., this 10th day of April, 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-3005; Filed, Apr. 12, 1957; 8:55 a. m.]

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

[Navel Orange Reg. 114]

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

LIMITATION OF HANDLING

§ 914.414 *Navel Orange Regulation 114*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 11, 1957, after giving due notice thereof to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 14, 1957, and ending at 12:01 a. m., P. s. t., April 21, 1957, is hereby fixed as follows:

(i) District 1: 231,000 cartons;

(ii) District 2: 877,800 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 12, 1957.

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

[F. R. Doc. 57-3053; Filed, Apr. 12, 1957; 11:28 a. m.]

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

LIMITATION OF HANDLING

§ 922.396 *Valencia Orange Regulation 96*—(a) *Findings.* Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 11, 1957, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 14, 1957, and ending at 12:01 a. m., P. s. t., April 21, 1957, is hereby fixed as follows:

(i) District 1: 44,856 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

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

Dated: April 12, 1957.

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

[F. R. Doc. 57-3054; Filed, Apr. 12, 1957; 11:28 a. m.]

PART 927—MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

SUBPART—CLASSIFICATION AND ACCOUNTING RULES AND REGULATIONS

DEFINITIONS

Pursuant to provisions of § 927.36 of the order, as amended (7 CFR Part 927), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) a public meeting was held at New York, New York, on March 4, 1957, to consider proposals for the amendment of the rules and regulations heretofore issued (7 CFR 927.101 et seq.) pursuant to said order. Notice of said public meeting was issued on February 25, 1957, and published in the FEDERAL REGISTER on February 28, 1957 (22 F. R. 1219).

After due consideration of the data, views and arguments presented by interested parties at such public meeting, the rules and regulations heretofore amended are hereby further amended, subject to the approval of the Secretary of Agriculture to read as follows:

1. Amend § 927.108 to read as follows:

§ 927.108 *Cultured or flavored milk drink.* "Cultured or flavored milk drink" means a cultured or flavored beverage containing milk or skim milk but not more than 15 percent butterfat, or the mixture from which such product is made at any plant. This definition includes but is not limited to the products properly known as buttermilk, chocolate milk, chocolate drink, egg nog and yogurt.

2. Amend § 927.122 to read as follows:

§ 927.122 *Homogenized mixture.* "Homogenized mixture" means a mixture containing milk solids, not less than 5.0 percent moisture and not less than 5.0 percent sugar (or other sweetening agent), or other ingredients, which is homogenized and is either used at any plant in the manufacture of frozen desserts or is in the same form as mixtures commonly so used. This definition shall be deemed to exclude any product which is included in § 927.108.

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

Issued this 29th day of March 1957, at New York, N. Y.

[SEAL] C. J. BLANFORD,
Market Administrator.

Approval of Amendment

Pursuant to the provisions of § 927.36 of Order No. 27, as amended (7 CFR Part 927), regulating the handling of milk in the New York metropolitan milk marketing area, the tentative amendment issued on March 29, 1957, by the Market Administrator of said Order No. 27, as amended, to the classification and accounting rules and regulations heretofore issued (7 CFR, 927.101 et seq.), pursuant to the provisions of said Order No. 27, as amended, is hereby approved and shall be effective on and after the first day of May 1957.

Order No. 27, as amended, requires that such rules and regulations, and amendments thereto, become effective on the first day of the month following their approval by the Secretary of Agriculture. The changes effected by this amendment to the rules and regulations to some extent tend to relieve restriction and otherwise do not require substantial or extensive preparation by handlers prior to the effective date of the amendment. Furthermore, the said tentative amendment as issued by the Market Administrator on March 29, 1957, was sent, on or about that date, to all handlers operating pool plants. In these circumstances, the time intervening between the date of approval of the tentative amendment and its effective date affords handlers a reasonable time to prepare for its effective date. It is, therefore, found and determined that May 1, 1957, herein fixed as the effective date for the said amendment, is reasonable and proper in the circumstances and that to defer the effective date of the said amendment to a date 30 days or more after publication in the FEDERAL REGISTER would be impracticable, unnecessary, and contrary to the public interest.

Done at Washington, D. C., this 10th day of April 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-2998; Filed, Apr. 12, 1957; 8:53 a. m.]

[Orange Reg. 314]

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

LIMITATION OF SHIPMENTS

§ 933.841 *Orange Regulation 314*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the

aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 9, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., April 15, 1957, and ending at 12:01 a. m., e. s. t., April 29, 1957, no handler shall ship:

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

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 2$^{9}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{9}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{12}/_{16}$ inches in diameter and smaller; or

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than 3$^{6}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges larger than such maximum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided,* That in determining the percentage of oranges in any lot which are larger than 3$^{6}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and larger.

(3) During the period beginning at 12:01 a. m., e. s. t., April 15, 1957, and ending at 12:01 a. m., e. s. t., July 31, 1957, no handler shall ship:

(i) Any Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 2; or

(ii) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 2$^{9}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

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

Dated: April 10, 1957.

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

[F. R. Doc. 57-3002; Filed, Apr. 12, 1957; 8:54 a. m.]

[Grapefruit Reg. 262]

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

LIMITATION OF SHIPMENTS

§ 933.842 *Grapefruit Regulation 262*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the department after an open meeting of the Growers Administrative Committee on April 9, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the

same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., April 15, 1957, and ending at 12:01 a. m., e. s. t., April 29, 1957, no handler shall ship:

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

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

(iii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than $3^{15}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title);

(iv) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than $3^{13}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of pink seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title);

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

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

(vii) Any white seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Bronze: *Provided*, That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars;

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

(ix) Any pink seedless grapefruit, grown in Regulation Area II, which are mature and which grade U. S. No. 2 or U. S. No. 2 Bright unless such pink seedless grapefruit (*a*) are in the same container with pink seedless grapefruit which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all pink seedless grapefruit in such container; or

(x) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than $3^{9}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

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

Dated: April 10, 1957.

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

[F. R. Doc. 57-3001; Filed, Apr. 12, 1957; 8:54 a. m.]

[Tangerine Reg. 190]

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

LIMITATION OF SHIPMENTS

§ 933.843 *Tangerine Regulation 190*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 9, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., April 15, 1957, and ending at 12:01 a. m., e. s. t., July 31, 1957, no handler shall ship:

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

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than $2^{2}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

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

Dated: April 10, 1957.

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

[F. R. Doc. 57-3000; Filed, Apr. 12, 1957; 8:54 a. m.]

[Lemon Reg. 682]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.789 *Lemon Regulation 682*—(a) *Findings.* (1) Pursuant to the market-

ing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 10, 1957; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 14, 1957, and ending at 12:01 a. m., P. s. t., April 21, 1957, is hereby fixed as follows:

(i) District 1: 6,510 cartons;

(ii) District 2: 249,240 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: April 11, 1957.

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

[F. R. Doc. 57-3034; Filed, Apr. 12, 1957; 9:04 a. m.]

PART 966—MILK IN SHREVEPORT LA., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 966.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative agreement and to the order, as amended, regulating the handling of milk in the Shreveport, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity price of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective immediately. Any delay beyond that date in the effective date of this order would tend to disrupt the orderly marketing of milk in the aforesaid marketing area and would defeat the purpose of the amendment. Evidence introduced at the hearing shows that the period of peak production for the Shreveport market generally begins with the month of April. It is during the period of peak production that the disruptive marketing conditions resulting from rejected milk are most prevalent. The amending action of this order is designed to stabilize such conditions. The amendment action of this order amending the order is known to handlers. The public hearing was held on February 4–5, 1957, and the recommended decision was issued March 28, 1957 (22 F. R. 2133). The final decision was issued by the Assistant Secretary on April 4, 1957. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Shreveport, Louisiana, marketing area) of more than 50 percent of the milk which is marketed within said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order, amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Shreveport, Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Add new §§ 966.13a and 966.13b as follows:

§ 966.13a *Associated producer.* "Associated producer" means a person who, with respect to any milk not accepted at a fluid milk plant or diverted from it

by a handler in any month, meets all of the following qualifications:

(a) Produces milk in conformity with the sanitation requirements of any duly constituted health authority relating to milk for fluid consumption;

(b) Delivered milk for not less than 60 days during the preceding months of September through December, which milk was received at or diverted from a fluid milk plant; and

(c) Certifies in writing to the market administrator, on or before the first day of any month following the first month in which any of his milk is not accepted at or diverted from a fluid milk plant, that he is ready and willing to deliver his milk to such fluid milk plant, and does so perform in response to appropriate request from the handler through the market administrator.

§ 966.13b *Associated producer milk.* "Associated producer milk" means all skim milk and butterfat sold during the month by associated producers to a nonfluid milk plant(s) which, during such month, utilized skim milk and butterfat in products designated pursuant to § 966.41 (b) (1): *Provided*, That the sale of such milk by associated producers is reported to and verified by the market administrator pursuant to § 966.32 (c).

2. Amend §§ 966.19 and 966.20 to read as follows:

§ 966.19 *Base milk.* "Base milk" means producer milk received by a handler and associated producer milk assigned to such handler during the base-operating period, which milk is not in excess of bases computed pursuant to § 966.80.

§ 966.20 *Excess milk.* "Excess milk" means producer milk received by a handler and associated producer milk assigned to such handler during the base-operating period, which milk is in excess of the base milk received during the month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 966.80.

3. Delete § 966.27 (k) and insert the following:

(k) Mail to each handler at his last known address a statement showing for such handler;

(1) On or before the 5th day of the month the names and addresses of associated producers assigned to such handler;

(2) On or before the 12th day after the end of the month (i) the amount and value of producer milk in each class and the total thereof; (ii) for the months of the base-operating period, the amounts and value of his base and excess milk, respectively; and

(3) On or before the 10th day of the month the quantity and butterfat test of associated producer milk assigned to such handler and the amount in payment thereof to be remitted to the market administrator for payment to associated producers pursuant to § 966.90 (f): *Provided*, That during the base-operating period such notification shall include the quantity and butterfat test of associated producer milk designated as base and excess milk and the amount thereon to be remitted.

4. Add a new § 966.32 (c) as follows:

(c) Each associated producer shall submit to the market administrator (1) on or before the 3d day of the month, a statement of the quantity and butterfat test of his milk sold during the preceding month to a nonfluid milk plant which during such month utilized skim milk and butterfat in products designated pursuant to § 966.41 (b) (1), and (2) on or before the 12th day of the month, payment statements, weight slips, or other acceptable evidence to verify the quantity and butterfat test of milk sold pursuant to subparagraph (1) of this paragraph.

5. In § 966.71, amend paragraph (a) and add a new paragraph designated (a–1), as follows:

(a) Add to the amount computed pursuant to § 966.70 an amount equal to the volume of associated producer milk assigned to such handler pursuant to § 966.27 (k) (3) multiplied by the Class II price;

(a–1) Add or subtract for each one-tenth of one percent that the average butterfat content of producer milk received by such handler and associated producer milk assigned to such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers determined pursuant to § 966.91 and multiplying the result by the total hundredweight of producer milk and associated producer milk.

6. Delete the first sentence in § 966.72 and substitute the following: "For each month which is not in the base-operating period, the market administrator shall compute the uniform price for producer milk received by each handler by dividing the aggregate value computed pursuant to § 966.71 by the total hundredweight of producer milk received by, and associated producer milk assigned to, such handler."

7. Add a new § 966.90 (f) as follows:

(f) On or before the 12th day after the end of the month, each handler having associated producer milk shall remit to the market administrator for payment to associated producers an amount computed by multiplying the quantity of associated producer milk assigned to such handler pursuant to § 966.27 (k) (3) by the difference between such handler's uniform price(s) as determined pursuant to § 966.72 or § 966.73, as applicable, and the Class II price determined pursuant to § 966.51 (b). Such amounts shall be maintained by the market administrator in a separate fund out of which he shall, on or before the 15th day after the end of the month, make appropriate payment to each associated producer, such payments to be verified pursuant to § 966.32 (c) (2).

8. In § 966.92 after the word "producers" insert "and associated producers", and after the word "received" add a comma and insert "or assigned as associated producer milk"

9. At the end of § 966.94 (b) delete the word "and"; at the end of § 966.94 (c) change the period to a comma and add the following: "and (d) associated producer milk."

10. In § 966.12 (b) delete "months of April through June" and insert "month".

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

Issued at Washington, D. C., this 10th day of April 1957 to become effective immediately.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-2999; Filed, Apr. 12, 1957; 8:53 a. m.]

PART 1001—LIMES GROWN IN FLORIDA

ORDER AMENDING ORDER REGULATING HANDLING OF LIMES GROWN IN FLORIDA

§ 1001.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Homestead (Modello), Florida, on December 10, 1956, upon proposed amendments to the Marketing Agreement No. 126 and Order No. 101 (7 CFR Part 1001), regulating the handling of limes grown in Florida. Upon the basis of evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, regulates the handling of limes grown in Florida in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as hereby amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown in the production area covered by the said order, as hereby amended, that make necessary different terms and provisions applicable to different parts of such areas; and

(5) All handling of limes, as defined in said order, as hereby amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this order beyond that hereinafter specified (60 Stat. 237; 5 U. S. C. 1001 et seq.), because the provisions of § 1001.64 (c) of the said marketing agreement and order require that the Secretary shall, as soon as practicable after the close of the fiscal year ending March 31, 1957, conduct a referendum of producers and a poll of handlers to determine whether continuation of the marketing agreement and order is favored by them. It would be very desirable, therefore, for this order, amending the aforesaid order to become effective prior to the time such referendum of producers and poll of handlers is conducted, so that the referendum and poll as to whether such marketing agreement and order should be continued in effect will be on the basis of said marketing agreement and order as amended by this order. Such action should tend to prevent confusion in the minds of lime growers and handlers and to obtain an accurate expression of their sentiments in connection with the referendum and poll referred to above. The provisions of this order are well known to handlers. The public hearing in connection therewith was held at Homestead (Modello), Florida, on December 10, 1956, and the recommended decision (in connection with which no exceptions were filed) and the final decision were published in the FEDERAL REGISTER on February 16, 1957 (22 F. R. 981), and March 7, 1957 (22 F. R. 1447), respectively. Copies of the provisions of this amendatory order were made available to all known interested parties, and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement regulating the handling of limes grown in Florida, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the limes covered by this order) who, during the period April 1, 1956, through January 31, 1957, handled not less than 50 percent of the volume of limes covered by the said order, as hereby amended; and

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (April 1, 1956, through January 31, 1957), were engaged, within the production area specified in the aforesaid order, in the production of limes for market; such producers having also produced for market at least two-thirds of the volume of limes represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of limes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as hereby amended, as follows:

1. Change the period at the end of § 1001.8 *Grower* to a colon and add the following proviso: "*Provided,* That as used in § 1001.22 the term grower shall include only those who have a proprietary interest in the production of 10 or more bearing lime trees."

2. Delete paragraph (b) of § 1001.30 *Procedure* and substitute therefor the following:

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided,* That such meetings shall be subject to the establishment of telephone communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place.

3. Delete from § 1001.32 *Annual report* the words "prior to March 31 of each fiscal year" and substitute therefor the words "as soon as practicable after the close of each fiscal year."

4. Delete the last sentence in paragraph (b) of § 1001.41 *Assessments* and substitute therefor the following: "In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance."

5. Delete paragraph (a) of § 1001.42 *Accounting* and insert, in lieu thereof, the following:

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraph (2) of this paragraph, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operation of the following fiscal year unless such person demands repayment thereof, in which event it shall be paid to him: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal year which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately one fiscal year's operational expenses; and such reserve may be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal year when there is a crop failure, or during any period of suspension of any or all of the provisions of this part. Such reserve may also be used by the committee to finance its operations, during any fiscal year, prior to the time that assessment income is sufficient to cover such expenses; but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

6. Add, after the first sentence in § 1001.45 *Marketing research and development,* the following: "The committee may, to the extent necessary to carry out the projects established pursuant to this section, exempt the handling of limes from any or all of the requirements contained in, or issued pursuant to, §§ 1001.41, 1001.52, and 1001.55."

7. Add, after subparagraph (3) of paragraph (a) of § 1001.52 *Issuance of regulations,* the following:

(4) Establish and prescribe pack specifications for the grading and packing of any variety or varieties of limes and require that all limes handled shall be packed in accordance with such pack specifications, and shall be identified by appropriate labels, seals, stamps, or tags, affixed to the containers by the handler under the supervision of the committee or an inspector of the Federal-State Inspection Service, showing the particular pack specifications of the lot.

8. Amend subparagraph (3) of paragraph (a) of § 1001.60 *Reports* to read as follows:

(3) The date of each such disposition, the destination, by State, zone, or market area, of each lot of limes handled, and identification of the carrier transporting such fruit;

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)

Issued at Washington, D. C., this 9th day of April 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-2982; Filed, Apr. 12, 1957; 8:50 a. m.]

[Docket No. AO-279]

PART 1013—MILK IN PLATTE VALLEY, NEBR., MARKETING AREA

ORDER REGULATING HANDLING OF MILK

Sec.

AUTHORITY: §§ 1013.0 through 1013.95 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1013.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR, 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Platte Valley, Nebraska, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts of producer milk, including such handler's own production, other source milk at a pool plant which is classified as Class I milk, and Class I disposed of during the month from nonpool plants on routes in the marketing area.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than April 16, 1957, and fully effective not later than May 1, 1957. Any delay beyond these dates will seriously threaten the orderly marketing of milk in the Platte Valley, Nebraska, marketing area. The provisions of this order are known to handlers. The public hearing upon which this order is based was conducted on April 10–13, 1956. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was published in the FEDERAL REGISTER on January 29 1957 (22 F. R. 569). The final decision which contained the same requirements on the part of handlers as were in the recommended decision, was issued by the Assistant Secretary of Agriculture on March 19, 1957, and published in the FEDERAL REGISTER on March 23, 1957. Thus, handlers have known of these impending requirements for some time and should be prepared. Furthermore, producers continued to lose substantial income, and marketing conditions continue to remain unstabilized, each day the effective date of the order is delayed. The order also provides that payments to producers during the months of April, May, and June be reduced and the funds thus accumulated be added to payments during the months of September, October, and November. The order should, therefore, be effective during as much of the period April–June 1957 as is possible. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective April 16, 1957, and fully effective May 1, 1957, and that it would be contrary to the public interest to delay the effective date of this order for thirty days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order which is marketed within the Platte Valley, Nebraska, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who during the determined representative period (January 1957) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Platte Valley, Nebraska, marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

§ 1013.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.).

§ 1013.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1013.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency

authorized to perform the price reporting functions specified in this part.

§ 1013.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1013.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application of the association:

(a) Is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

§ 1013.6 *Platte Valley, Nebraska marketing area.* "Platte Valley, Nebraska, marketing area" hereinafter called the "marketing area" means all the territory within the corporate limits of the cities of Grand Island, Hastings, Holdrege, Kearney, Lexington and North Platte, and the Naval Ammunition Depot, Hastings, all in the state of Nebraska.

§ 1013.7 *Producer.* "Producer" means any person, irrespective of whether such person is also handler, who produces milk which is received at a pool plant: *Provided,* That such milk is (a) produced under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be disposed of for consumption as Grade A milk, or (b) acceptable to a Federal agency located within the marketing area. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted to a nonpool plant by a handler, and milk so diverted shall be deemed to have been received at a pool plant by the handler who caused it to be diverted.

§ 1013.8 *Pool plant.* "Pool plant" means (a) any plant from which a volume of Class I milk equal to more than an average of 600 pounds per day, is disposed of during the month on routes in the marketing area: *Provided,* That if a portion of a plant is operated separately and no producer milk is received in such portion of the plant, it shall not be considered as part of a pool plant pursuant to this section.

§ 1013.9 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1013.10 *Route.* "Route" means any delivery (including delivery by a vendor or sale from a plant store) of a fluid milk product to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1013.11 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of a pool plant, (b) any person in his capacity as the operator of a nonpool plant from which fluid milk products are disposed of on a route(s) in the marketing area, or (c) any cooperative association with respect to milk of producers which it causes to be diverted to a nonpool plant for the account of such association.

§ 1013.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1013.7.

§ 1013.13 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen or aerated cream) and any mixture in fluid form of cream and milk or skim milk (except ice cream, eggnog ice cream mixes, and sterilized products in hermetically sealed containers).

§ 1013.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products, except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area received from pool plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 1013.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 1013.15 *Producer-handler.* "Producer-handler" means a person who operates, as his own personal enterprises, both a dairy farm and a milk processing or bottling plant at which plant each of the following conditions is met during the month:

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

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

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

§ 1013.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the dairy wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1013.20 *Designation.* The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1013.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1013.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1013.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this order, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1013.30 and 1013.31 or payments pursuant to §§ 1013.80, 1013.84, 1013.86, 1013.87 and 1013.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce and notify each handler in writing on or before: (1) The 5th day of each month the Class I milk price pursuant to § 1013.50 and the Class I butterfat differential pursuant to § 1013.52 (a), both for the current month; and the Class II milk price pursuant to § 1013.51 and the Class II butterfat differential pursuant to § 1013.52 (b) both for the preceding month, and (2) the 9th day after the end of each month, the uniform price pursuant to § 1013.71, and the butterfat differentials to be paid pursuant to § 1013.81.

REPORTS, RECORDS AND FACILITIES

§ 1013.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section.

§ 1013.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator;

(1) On or before the 20th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days on which milk was received from such producer, if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment together with the price paid and the amount and nature of any deductions; and

(2) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1013.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all fluid milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all fluid milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1013.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such records, or of specific books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1013.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at pool plants which is required to be reported pursuant to § 1013.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1013.41 through 1013.46.

§ 1013.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1013.43, 1013.44 and 1013.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of fluid milk products except those classified pursuant to paragraph (b) (2) of this section, or (2) not specifically accounted for as Class II utilization;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any products other than fluid milk products, (2) contained in inventory of fluid milk products on hand at the end of the month, (3) accounted for as livestock feed, (4) in shrinkage allocated to receipts of producer milk pursuant to § 1013.42 (except milk diverted to a nonpool plant pursuant to § 1013.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively, and (5) in shrinkage of other source milk.

§ 1013.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 1013.43 *Transfers.* Skim milk or butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of fluid milk products to a pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 1013.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk and beginning inventory of fluid milk products pursuant to § 1013.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers;

(b) As Class I milk if transferred to a producer-handler in the form of fluid milk products;

(c) As Class I milk if transferred or diverted in bulk form as milk, skim milk, or cream to a nonpool plant located in the marketing area or not more than 300 miles by the shortest highway distance as determined by the market administrator from the transferor plant unless:

(1) The handler claims Class II in his report submitted to the market administrator pursuant to § 1013.30.

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant; and

(d) As Class I milk if transferred in bulk form as milk, skim milk, or cream to a nonpool plant located more than 300 miles by the shortest highway distance as determined by the market administrator from the transferor plant, except that cream so transferred may be classified as Class II if notice is given to the market administrator at least 24 hours prior to shipment, each container is labelled by the transferor as "ungraded cream for manufacturing only", and such shipment is so invoiced.

§ 1013.44 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in § 1013.41 the burden rests upon the handler who receives such skim milk or butterfat from producers to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1013.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the pounds of butterfat and skim milk in each class for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1013.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1013.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 1013.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each Class, in series beginning with the lowest priced utilization, the pounds of skim milk in other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced utilization, the pounds of skim milk in other source milk received in a form other than that specified in subparagraph (4) of this paragraph from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing order issued pursuant to the act;

(4) Subtract from the pounds of skim milk in each class the pounds of skim milk contained in fluid milk products received in packaged form which were classified and priced under another marketing order issued pursuant to the act and disposed of in the same form as received;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced utilization, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of fluid milk products, according to its classification as determined pursuant to § 1013.43 (a);

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 1013.50 *Class I price.* Subject to the provisions of §§ 1013.52 and 1013.53, the price per hundredweight of milk of 3.5 percent butterfat content which is classified as Class I shall be 10 cents less than the Class I price for milk of 3.5 percent butterfat content as determined pursuant to § 935.51 (a) of the order, as amended, regulating the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area (Order No. 35, Part 935 of this chapter).

§ 1013.51 *Class II price.* Subject to the provisions of § 1013.52, the price per hundredweight of milk of 3.5 percent butterfat content which is classified as Class II shall be equal to the Class II price for milk of 3.5 percent butterfat content, as determined pursuant to § 935.51 (b) of the order, as amended, regulating the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area (Order No. 35, Part 935 of this chapter).

§ 1013.52 *Butterfat differentials to handlers.* If the weighted average butterfat content of the milk received from producers classified, respectively, in Class I milk or Class II milk for a handler is more or less than 3.5 percent, there shall be added to, or subtracted from, the respective class price computed pursuant to §§ 1013.50 and 1013.51 for each one-tenth of 1 percent that such weighted average butterfat content is above or below 3.5 percent, a butterfat differential computed as follows:

(a) *Class I Milk.* Add 2.1 cents to the butterfat differential computed pursuant to paragraph (b) of this section for the preceding month; and

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.120 and round to the nearest one-tenth cent.

§ 1013.53 *Location adjustments to handlers.* For milk which is received from producers at a pool plant located more than 80 miles by shortest highway distance, as determined by the market administrator, from the City Hall in either Grand Island or North Platte, Nebraska, whichever is closer, and which is classified as Class I milk the prices computed pursuant to § 1013.50 shall be reduced by 12 cents if such plant is located more than 80 miles, but not more than 90 miles from such city hall and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 90 miles.

§ 1013.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1013.60 *Producer-handlers.* Sections 1013.40 through 1013.46, 1013.50 through 1013.54, 1013.70, 1013.71, 1013.72, and 1013.80 through 1013.93, shall not apply to a producer handler.

§ 1013.61 *Milk subject to other Federal orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Platte Valley marketing area shall be exempted for such delivery period from all provisions of this part except §§ 1013.31, 1013.32, and 1013.33.

§ 1013.62 *Other source milk in Class I.* In the case of pool plants which are permitted by the applicable health authorities to receive and process non-Grade A milk, non-Grade A skim milk and butterfat in other source milk shall be allocated to Class I up to the extent of verifiable actual disposition of non-Grade A skim milk and butterfat as Class I milk outside the marketing area in localities where Grade A milk is not required for Class I use.

DETERMINATION OF UNIFORM PRICES

§ 1013.70 *Computation of value of milk.* The value of milk received during each month by each handler at his pool plant(s) from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices specified in §§ 1013.50 and 1013.51, as adjusted pursuant to §§ 1013.52 and 1013.53, and adding any amounts computed pursuant to paragraphs (a) and (b) of this section.

(a) If the handler had overage of either skim milk or butterfat, an amount computed by multiplying the pounds of overage by the applicable class prices; and

(b) An amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by (1) the hundredweight of producer milk classified in Class II, less shrinkage, in the preceding month, or (2) the hundredweight of milk subtracted from Class I pursuant to § 1013.46 (a) (5) and the corresponding step of § 1013.46 (b), whichever is less.

§ 1013.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1013.70 for all handlers who filed the reports prescribed by § 1013.30 and who made the payments pursuant to §§ 1013.80 and 1013.84 for the preceding month.

(b) Subtract for each of the months of April, May and June, an amount equal to 8 percent of the Class I price multiplied by the total quantity of producer milk;

(c) Add during each of the months of September, October and November one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Add an amount equal to the total deductions made pursuant to § 1013.82;

(e) Subtract if the average butterfat content of the milk included in these computations is more than 3.5 percent or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1013.81 and multiplying the result by the total hundredweight of producer milk included in these computations;

(f) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(g) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be known as the "uniform price" for milk received from producers.

§ 1013.72 *Notification of handlers.* On or before the 9th day of each month the market administrator shall notify each handler of:

(a) The quantity and value of his milk in each class computed pursuant to §§ 1013.46 and 1013.70 and the totals of such quantities and values;

(b) The uniform price computed pursuant to § 1013.71;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 1013.80 and 1013.84; and

(e) The amount to be paid by such handler pursuant to § 1013.88.

PAYMENTS

§ 1013.80 *Time and method of payment.* On or before the 12th day after the end of each month, each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) To each producer for milk, for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed in accordance with § 1013.71, subject to the butterfat differential computed pursuant to § 1013.81, the location adjustment computed pursuant to § 1013.82, and to any proper deductions authorized by the producer: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 1013.85, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) To a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payment for its member producers and wishes to exercise such authority, an amount equal to not less than the sum of the individual payments otherwise payable to such producers.

§ 1013.81 *Butterfat differential to producers.* In making payments pursuant to § 1013.80 the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1013.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

§ 1013.82 *Location adjustments to producers.* In making payments pursuant to § 1013.80, for milk received from producers, the uniform price per hundredweight for milk received at plants located more than 80 miles, but not more than 90 miles, by shortest highway distance as determined by the market administrator, from the City Hall at Grand Island or at North Platte, Nebraska, whichever is closer, there shall be deducted 12 cents plus 1.5 cents addition for each 10 miles or fraction thereof distance beyond 90 miles.

§ 1013.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1013.84 and 1013.86 and out of which he shall make all payments to handlers pursuant to §§ 1013.85 and 1013.86: *Provided,* That the market administrator shall offset any payment due any handler against payments due from such handler.

§ 1013.84 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each month each handler who operates a pool plant shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to § 1013.70 for such month is greater than the sum required to be paid by such handler pursuant to § 1013.80.

§ 1013.85 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each month, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 1013.80 is more than the total value computed for him pursuant to § 1013.70: *Provided,* That if the balance in the producer-settlement fund is insufficient to make payments to all handlers pursuant to this section, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 1013.86 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 1013.84 and 1013.85, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make such payment to such handler.

§ 1013.87 *Adjustment of errors in payments to producers.* Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association, discloses payment of less than is required by § 1013.80 the handler shall make up such payment to the producer or cooperative association not later than the time of making payments next following such disclosure.

§ 1013.88 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 12th day after the end of the month for such month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a pool plant which is classified as Class I milk, and (c) Class I disposed of during the month from nonpool plants on routes in the marketing area.

§ 1013.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving

fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section (1) (a) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1013.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1013.91.

§ 1013.91 *Suspension or termination.* The Secretary may suspend or terminate this part, or any provision of this part, whenever he finds this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 1013.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1013.93 *Liquidation.* Upon the suspension or termination of the provisions of this part except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1013.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1013.95 *Separability of provisions.* If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 10th day of April 1957 to be effective as follows: Sections 1013.0 through 1013.22 (i), 1013.30 through 1013.46, and 1013.88 through 1013.95 shall be effective on and after April 16, 1957, and all of the remaining provisions of this order (§§ 1013.22 (j) and 1013.50 through 1013.87) shall be effective on and after May 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-2997; Filed, Apr. 12, 1957; 8:53 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

TIME CERTIFICATE OF DEPOSIT WITH AUTOMATIC RENEWAL

§ 217.113 *Time certificate of deposit with automatic renewal.* (a) The Board of Governors has been asked to consider whether a proposed certificate which recites that the deposit evidenced thereby would be payable to the depositor on return of the certificate 12 months after date with interest at a certain per cent per annum payable semi-annually, but which contains a legend on the face thereof which states that it is "continuous," that "no renewal is necessary," and refers to the reverse side of the certificate for "further provisions," complies with the provisions of this part.

(b) The reverse side of the certificate recites that it "shall be considered renewed automatically for an additional period of 6 months beyond its original term and thereafter for additional periods each of 6 months; unless presented for redemption within 10 days after the end of the original term or any subsequent term provided for herein, or unless the depositor shall have given written notice to the bank of his desire to redeem this Certificate 30 days prior to the original or any subsequent maturity date." It is recited further that the bank retains the right to redeem the certificate on the original or any subsequent maturity date upon 30 days' prior written notice, and reserves the right to change the interest rate for any subsequent renewal period from time to time upon 30 days' written notice prior to the beginning of such renewal.

(c) The Board would have no objection to the classification of the proposed certificate as a "time certificate of deposit" merely because it would be labeled as a "Savings Certificate". However, for a certificate to be classified as a "time certificate of deposit", paragraph (c) of § 217.1 requires that the provisions of the certificate relating to the manner and terms of payment appear "on its face". The provisions which appear on the reverse side of the certificate with respect to automatic renewal and redemption are of a kind that should appear on the face of the certificate. Otherwise, the Board believes a certificate in the form proposed would be properly classifiable as a "time certificate of deposit" under this part.

(d) Such certificate in no event is payable prior to the expiration of the original 12 months' period or one of the successive renewal periods of 6 months each. Therefore, under the principle applicable to time certificates of deposit with alternate fixed maturities stated in § 217.112 (21 F. R. 6269), it would be permissible for the certificate in question to bear interest at a rate not to exceed 3 percent per annum. This conclusion would not be affected by the fact that either the bank or the depositor may prevent automatic renewal of the certificate by giving written notice of intended withdrawal or redemption 30 days prior to an automatic renewal date.

(e) The additional fact that the depositor may prevent automatic renewal by presenting the certificate for payment within 10 days after the end of the original term or any subsequent renewal period, would not, in the Board's opinion, be objectionable in view of the principle established by the interpretation published at 1936 Federal Reserve Bulletin 419. Of course, payment of the certificate pursuant to presentment within such 10-day period would preclude the bank from paying interest for any part of such period.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 264 (c) (7), 371, 371a, 371b, 461)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 57-2964; Filed, Apr. 12, 1957; 8:47 a. m.]

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

BANK HOLDING COMPANY INDIRECTLY OWNING NON-BANKING COMPANY THROUGH SUBSIDIARIES

§ 222.102 *Bank holding company indirectly owning non-banking company through subsidiaries.* (a) The Board of Governors has been requested for an opinion regarding the exemptions contained in section 4 (c) (5) of the Bank Holding Company Act of 1956. It is stated that Y Company is an investment company which is not a bank holding company and which is not engaged in any business other than investing in securities, which securities do not include more than 5 per centum of the outstand-

ing voting securities of any company and do not include any asset having a value greater than 5 per centum of the value of the total assets of X Corporation, a bank holding company. It is stated that direct ownership by X Corporation of voting shares of Y Company would be exempt by reason of section 4 (c) (5) from the prohibition of section 4 of the act against ownership by bank holding companies of nonbanking assets.

(b) It was asked whether it makes any difference that the shares of Y Company are not owned directly by X Corporation but instead are owned through Subsidiaries A and B. X Corporation owns all the voting shares of Subsidiary A, which owns one-half of the voting shares of Subsidiary B. Subsidiaries A and B each own one-third of the voting shares of Y Company.

(c) Section 4 (c) (5) is divided into two parts. The first part exempts the ownership of securities of nonbanking companies when the securities do not include more than 5 percent of the voting securities of the nonbanking company and do not have a value greater than 5 percent of the value of the total assets of the bank holding company. The second part exempts the ownership of securities of an investment company which is not a bank holding company and is not engaged in any business other than investing in securities, provided the securities held by the investment company meet the 5 percent tests mentioned above.

(d) In § 222.101 (21 F. R. 10472), the Board expressed the opinion that the first exemption in section 4 (c) (5):

> * * * is as applicable to such shares when held by a banking subsidiary of a bank holding company as when held directly by the bank holding company itself. While the exemption specifically refers only to shares held or acquired by the bank holding company, the prohibition of the Act against retention of nonbanking interests applies to indirect as well as direct ownership of shares of a nonbanking company, and, in the absence of a clear mandate to the contrary, any exception to this prohibition should be given equal breadth with the prohibition. Any other interpretation would lead to unwarranted results.

(e) The Board is of the view that the principles stated in that opinion are also applicable to the second exemption in section 4 (c) (5), and that they apply whether or not the subsidiary owning the shares is a banking subsidiary. Accordingly, on the basis of the facts presented, the Board is of the opinion that the second exemption in section 4 (c) (5) applies to the indirect ownership by X Corporation of shares of Y Company through Subsidiaries A and B.

(Sec. 5, 70 Stat. 137; 12 U. S. C. 1844)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 57-2965; Filed, Apr. 12, 1957; 8:47 a. m.]

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter II—Small Business Administration

PART 105—DISCLOSURE OF INFORMATION

Sec.
105.1 Purpose.
105.2 Scope.
105.3 Disclosure prohibited.
105.4 Advice to Administrator.
105.5 Appearances and testimony.

AUTHORITY: §§ 105.1 to 105.5 issued under sec. 205, 67 Stat. 243, as amended, 15 U. S. C. 634.

§ 105.1 *Purpose.* This part establishes criteria and procedures to govern the disclosure of information contained in the files, documents and records of the Small Business Administration.

§ 105.2 *Scope.* This part applies to all files, documents, records and information obtained by officers and employees of the Small Business Administration in the course of their official duties and all files, documents, records and information in the custody or control of any officer or employee of the Small Business Administration, unless such files, documents, records and information be a matter of public record.

§ 105.3 *Disclosure prohibited.* Officers and employees of the Small Business Administration are hereby prohibited from disclosing or making available to anyone the files, documents, records and information described in § 105.2 for any purpose other than the performance of his official duties, unless the Administrator specifically authorizes the disclosure of such information or the production of such files, documents and records, or parts thereof, as not being contrary to the public interest.

§ 105.4 *Advice to Administrator.* Whenever an officer or employee of the Administration is served with a subpoena demanding the disclosure of the information or the production of the files, documents and records described in § 105.2, or is requested by any court, committee or other body to disclose the information or produce the files, documents and records described in § 105.2, such officer or employee shall promptly inform his superior of the requirements of the subpoena or request and shall ask for instructions from the Administrator with respect thereto.

§ 105.5 *Appearances and testimony.* Any officer or employee of the Small Business Administration who is served with a subpoena demanding the disclosure of information or the production of the files, documents and records described in § 105.2, or who is requested by any court, committee or other body to disclose the information or produce the files, documents and records described in § 105.2, shall appear before the court, committee or other body which issued the subpoena or made the request, and, unless the authorization described in § 105.3 shall have been given by the Administrator, shall respectfully decline to disclose the information or produce the files, documents and records demanded or requested, basing such refusal upon this part.

Dated: March 22, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-2976; Filed, Apr. 12, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Parts 12, 21, 24]

DOMESTIC LETTER MAIL

MINIMUM SIZE LIMIT FOR CERTAIN CLASSES

With a view toward more efficient operation of the Postal Establishment, it is the desire of the Postmaster General to adopt the following regulations, which prescribe a minimum size of 2¾ by 4 inches for domestic letter mail of both the first and third classes. Such regulations do not prescribe a maximum size limit.

The effective date of the proposed regulations will be postponed so that mail users will have a sufficient period of time in which to use up their stock of mailing materials which do not meet the required dimensions.

Although these regulations relate to a proprietary function of the Government, it is the desire of the Postmaster General to voluntarily observe the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003) in order that patrons of the Postal Service may have an opportunity to present written views concerning the proposed regulations. Accordingly, such written views may be submitted to J. M. McKibbin, Assistant Postmaster General, Bureau of Post Office Operations, Post Office Department, Washington 25, D. C., at any time prior to May 15, 1957.

1. Section 12.3 *Size* is amended to read as follows:

§ 12.3 *Size.* Use envelopes of standard sizes in order that your mail may be more easily and quickly handled. Envelopes which are less than 2¾ by 4 inches are nonmailable. Envelopes larger than 9 by 12 inches are not recommended.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

2. In § 21.3 *Weight and size limits* amend paragraph (b) to read as follows:

(b) *Size.* The minimum size is 2¾ by 4 inches. There is no maximum limit.

(R. S. 161, 396, as amended; sec. 11, 39 Stat. 162, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 223)

a. In § 24.2 *Classification* amend subparagraph (3) of paragraph (b) to read as follows:

(3) The minimum charge for pieces of odd size or form applies to all articles mailed (singly or in bulk) exceeding 9 inches in width or 12 inches in length (see § 24.3 (b)); round, cylindrical, or other irregular shaped pieces, and those with contents forming a hump or which are otherwise so uneven as to prevent stacking or tying in packages; also articles in bags or addressed by means of tags.

b. In § 24.3 *Weight and size limitations* amend paragraph (b) to read as follows:

(b) *Size.* The minimum size is 2¾ by 4 inches for articles other than parcels. There is no maximum limit.

(R. S. 161, 396, as amended; sec. 206, 43 Stat. 1067, as amended; 5 U. S. C. 22, 369; 39 U. S. C. 235)

[SEAL] ABE MCGREGOR GOFF, *General Counsel.*

[F. R. Doc. 57-2967; Filed, Apr. 12, 1957; 8:48 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

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

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF SODIUM DIMETHYLDITHIOCARBAMATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Brogdex Company, Pomona, California, proposing the establishment of a tolerance of 25 parts per million for residues of sodium dimethyldithiocarbamate in or on the raw agricultural commodity melons.

The analytical methods proposed in the petition for determining residues of sodium dimethyldithiocarbamate are:

1. The method of W. K. Lowen, Analytical Chemistry, Volume 23, page 1846 (1951); and

2. The sodium dimethyldithiocarbamate is extracted from the melons with warm 0.1*N* sodium hydroxide, a color is developed on an aliquot of this extract with copper nitrate, the colored complex is extracted with carbon tetrachloride, and the absorbance of the colored solution is measured at 430mμ. The quantity of sodium dimethyldithiocarbamate is determined by reference to a standard curve, prepared from a standard copper solution and a solution of sodium dimethyldithiocarbamate.

Dated: April 8, 1957.

[SEAL] ROBERT S. ROE, *Director, Bureau of Biological and Physical Science.*

[F. R. Doc. 57-2953; Filed, Apr. 12, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 31]

PRACTICAL FORMS OF WOOL AND WOOL TOP STANDARDS

METHODS FOR DETERMINATION OF CONFORMITY OF WOOL AND WOOL TOP WITH OFFICIAL STANDARDS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to authority conferred by law (Sec. 19, 38 Stat. 489, as amended, 42 Stat. 1284, Secs. 1, 2, 3, 45 Stat. 593, 594, Secs. 203, 205, 60 Stat. 1087, 1090; 7 U. S. C. 257, 415b-415d, 1622, 1624), it is proposed to amend the regulations relating to official standards of the United States for wool and wool top (7 CFR and 1955 Supplement Part 31), in the respects set forth below. It is proposed to:

1. Delete the heading preceding present § 31.51 and substitute therefor the following: "Methods for the Determination of Grades of Wool."

2. Delete §§ 31.51, 31.52, and 31.53, and renumber § 31.54 as § 31.51.

3. Delete the heading preceding present § 31.151 and substitute therefor the following: "Methods for the Determination of Conformity of Wool Top with the Official Standards."

4. Delete §§ 31.151, 31.152, and 31.153, and renumber § 31.154 as § 31.151.

5. Add a new heading and new §§ 31.201, 31.202, and 31.203 to read, respectively, as follows:

DISTRIBUTION OF PRACTICAL FORMS OF WOOL AND WOOL TOP STANDARDS

§ 31.201 *Practical forms; method of obtaining.* Practical forms of the official standards of the United States for grades of wool and wool top are not available for loan or sale by the Department of Agriculture. Practical forms illustrative of the official standards may be obtained from suppliers of such forms whose names have been placed on a list of commercial suppliers approved by the Director of the Livestock Division, Agricultural Marketing Service, of the Department pursuant to § 31.202. The Department makes no representation that the practical forms obtained from the approved suppliers conform to the standards.

§ 31.202 *Approved commercial suppliers of practical forms.* (a) There shall be maintained by the Director of the Livestock Division a list of commercial suppliers who have been approved by him pursuant to paragraph (b) of this section for the preparation and supplying of practical forms illustrative of the official standards of the United States for grades of wool and wool top. Copies of such list may be obtained from the Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., or from the Wool Laboratory of the Livestock Division, Denver Federal Center, Building 81, Denver 2, Colorado.

(b) Any person, firm, corporation, or association desiring to be approved for the preparation and supplying of practical forms under the regulations in this part and to have the name of such person, firm, corporation, or association placed upon the list provided for in paragraph (a) of this section shall file with the Wool Laboratory of the Livestock Division, Denver Federal Center, Building 81, Denver 2, Colorado, a written request therefor, together with a set of the practical forms for wool and/or wool top, appropriately labeled, which are proposed to be supplied and a complete price list and description of such forms. In the case of wool top there shall also be filed with the Wool Laboratory samples of stock intended for use in the preparation of the practical forms, together with fineness measurement data on such stock obtained through test by one or more laboratories. If the set of practical forms filed is found by the Wool Laboratory to be illustrative of the official standards, correctly graded, and appropriately labeled, the Director of the Livestock Division shall approve the applicant for the preparation and supplying of practical forms under the regulations in this part and enter the applicant's name on the list referred to in paragraph (a) of this section.

(c) Each approved commercial supplier shall currently maintain on file with the Wool Laboratory a complete and up-to-date price list and description of all practical forms supplied pursuant to the regulations in this part.

(d) Upon the making of any subsequent change in the official standards of the United States for grades of wool or wool top requiring the preparation of new practical forms of such standards, each approved commercial supplier shall file promptly with the Wool Laboratory a new request for approval pursuant to paragraph (b) of this section.

§ 31.203 *Suspension or revocation of approval of commercial suppliers.* (a) The approval of a commercial supplier for the preparation and supplying of practical forms under the regulations in this part may be suspended or revoked and the name of the supplier removed from the list of approved commercial suppliers referred to in paragraph (a) of § 31.202, if the supplier (1) fails to comply with any of the regulations in this part; (2) engages in any misrepresentations or unfair practice in connection with the preparation or supplying of practical forms under the regulations in this part; or (3) supplies practical forms which are not illustrative of the official standards, correctly graded, and appropriately labeled.

(b) In cases of wilfulness, or those in which the public interest so requires, the Director of the Livestock Division may suspend, without a hearing, such approval of a commercial supplier and remove the name of the supplier from the list of approved commercial suppliers referred to in paragraph (a) of § 31.202, pending investigation, but the supplier shall be advised of the facts or conduct which appear to warrant suspension or revocation of such approval and shall be afforded an opportunity for a hearing before a proper official of the Department

before the approval is finally suspended or revoked.

(c) In all other cases, prior to the institution of proceedings for the suspension or revocation of the approval of a commercial supplier, the Director shall cause to be served upon the supplier, in person or by registered or certified mail, a statement of the facts which appear to warrant such suspension or revocation, specifying a reasonable time, depending upon the circumstances in each case, within which the supplier may demonstrate or achieve compliance with the requirements under the regulations in this part. The supplier may demonstrate compliance by the presentation of evidence in writing or, at the discretion of the Director, at an oral hearing. If, at the end of the time allowed for the supplier to demonstrate or achieve compliance, the Director finds that the supplier is not in compliance, he may cause to be served upon the supplier, in person or by registered or certified mail, a notice that suspension or revocation of such approval is under consideration for reasons set out in the statement previously served upon him, and after opportunity for hearing before a proper official of the Department, the Director may suspend or revoke the approval of the commercial supplier for the preparation and supplying of practical forms under the regulations in this part and remove the name of such supplier from the list of approved commercial suppliers referred to in paragraph (a) of § 31.202.

The purpose of the proposed amendments would be to provide for the preparation and sale of practical forms of the wool and wool top standards by approved commercial suppliers. Heretofore such preparation and sale have been by the Department of Agriculture.

Any interested person may file written views, arguments, or data with respect to the proposed amendments with the Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 60 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 9th day of April 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-2980; Filed, Apr. 12, 1957; 8:50 a. m.]

[7 CFR Part 201]

FEDERAL SEED ACT REGULATIONS

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

Pursuant to the provisions of section 402 of the Federal Seed Act approved August 9, 1939 (7 U. S. C. 1592) and section 4 of the Administrative Procedure Act (5 U. S. C. 1003), notice is hereby given of intention to promulgate amendments to the rules and regulations under the Federal Seed Act. Public hearing with reference thereto will be held in Room 3046 in the South Building of the United States Department of Agriculture, Independence Avenue between 12th and 14th Streets SW., Washington 25, D. C., on the 4th day of June 1957 at 10:00 a. m.

Interested persons are invited to attend this hearing and to offer comments or suggestions with reference to said proposals. Any comments or suggestions bearing on the proposals which cannot be made or presented in person at the hearing may be transmitted by mail addressed to the Seed Branch, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and will be considered if received on or before the 12th day of June 1957.

Mr. W. A. Davidson, Seed Branch, Grain Division, Agricultural Marketing Service, is hereby designated as the presiding officer who shall conduct the aforesaid hearing in the place and stead of the Secretary, with power to do all things necessary and appropriate to the proper conduct of such hearing.

The proposed amendments are as follows:

1. In § 201.2, paragraph (h) *Agricultural seeds,* insert in proper alphabetical order the following additional kinds:

Brome, field—Bromus arvensis L.
Chess, soft—Bromus mollis L.
Crownvetch—Coronilla varia L.
Guar—Cyamopsis tetragonoloba (L) Taub.
Lentil—Lens culinaris Medic.
Sorghum almum—Sorghum almum Parodi.

2. In § 201.34, paragraph (e) *List of variety names,* amend as follows:

a. In subparagraph (1) *Beans (vegetable snapbeans)* insert the following variety names in proper alphabetical order:

Cornell 14.
Earligreen.
Glades.
Greencrop.
Improved Tendergreen (Improved New Stringless; Resistant Tendergreen).
King Green.
Processor.
Seminole.
Tenderbest.
Tender-white.
Topmost.
White-seeded Tendergreen.
Woodruff's Hyscore.

b. In subparagraph (2) *Cabbage* insert the following variety names in proper alphabetical order:

Badger Ballhead.
C. C. Cross Hybrid.
Empire Danish.
Greenback.
Harris Resistant Danish.
O. S. Cross.
Resistant Red Acre.
Slow Bolting Green.
Wisconsin Ballhead Improved.
YR Charleston Wakefield.

c. In subparagraph (3) *Onions, hybrid* delete "Asgrow B 45" and insert in lieu thereof "Asgrow W 45". Insert the following variety names in proper alphabetical order:

Asgrow W 1.
Asgrow W 3.
Asgrow Y 2.
Asgrow Y 49.
Asgrow Y 50.
Asgrow Y 51.
Asgrow Y 52.
Asgrow Y 53.
Autumn Topper.
Burpee Sweet Spanish Hybrid.
Hylight.
Parman.
Pilot.
Premier.
Snow White.
White Granex.

d. In subparagraph (4) *Soybeans* insert the following variety names in proper alphabetical order:

Acme.
Chippewa.
Clark.
CNS-4.
CNS-24.
Comet.
Grant.
Hardome.
Harly.
Jackson.
Kim.
Kanrich.
Lee.
Norchief.
Renville.
Smith Super.
Yellow Gatan.

e. Add the following subparagraphs:

(6) *Sorghum.*

Ajax (Imperial Kafir).
Atlas.
Axtell.
Black Amber (Minnesota Amber; Waconia Amber; Early Amber; Early Black Amber).
Bonita.
Caprock.
Coes.
Colby.
Collier (Kansas Collier).
Colman (Red Orange; Old Mexican Cane).
Combine Bonita.
Combine Hegari.
Combine Kafir-60.
Combine Sagrain.
Combine Shallu.
Combine 7078.
Crystal Drip.
Darset.
Darso.
Day Milo.
Double Dwarf White Sooner Milo.
Double Dwarf Yellow Sooner Milo.
Double Dwarf Yellow Milo.
Double Dwarf 38 Milo.
Dwarf Feterita.
Dwarf Kafir 44-14 (Kafir 44-14).
Dwarf White Durra.
Dwarf Yellow Milo.
Early Hegari (Arizona Early Hegari; New Mexico Early Hegari).
Early Kalo.
Early Sumac (Kansas Sumac).
Edwards Combine.
Ellis.
Folger (Early Folger; Folger's Early).
Fremont.
Fulk Combine Kafir.
Gooseneck.
Gurno.
Hegari.
Hi-Hegari.
Honey (Texas Seeded Ribbon Cane).
Hodo.
Jo-hee.
Kansas Collier 704-D.

Kansas Orange.
Kansas Sourless.
Kansas Sourless 704–H.
Leoti (Leoti Red).
Martin (Martin Combine Milo).
Midland.
Norghum.
Norkan.
Plainsman.
Rancher.
Red Amber.
Redbine—58.
Redbine—60.
Redbine—66.
Red Kafir.
Redland.
Reliance.
Resistant Wheatland.
Rex (Rex x).
Rox Orange (Waconia Orange; Yellow Orange; Early Orange).
Sapling.
Sart.
Schrock Kafir (Sagrain).
Shallu.
Sourless (African Millet; Sourless Orange; Sourless White Orange).
Standard Blackhull Kafir.
Sugar Drip (Golden Drip).
Sumac (Red Top).
Sumac 1712.
Sumac 6550.
Texas Milo (Texas 338).
Texloca—54.
Tracy.
Tricker.
Western Blackhull Kafir.
Westland.
Wiley.
Williams.
39–30–S.

(7) *Broomcorn.*

Black Spanish (Black Jap; Extra Early Japanese; Japanese).
Black Spanish Dwarf.
Dwarf No. 125.
Evergreen (Austrian; Illinois Favorite; Standard; White Italian).
Evergreen Dwarf (Acme; Dwarf Evergreen; Long, Brush Dwarf; Western Dwarf).
Miller's No. 8.
Okaw.
Rennel's Dwarf No. 11.
Scarborough.
No. 7 Scarborough Dwarf (Miller's No. 7).

Amend Table 1 in § 201.46 as follows:

Insert the following kinds and information in their appropriate alphabetical position under agricultural seed:

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
	Gm	*Gm*	*No.*
Brome, field—Bromus Arvensis	5	50	431
Chess, soft—Bromus mollis	5	50	
Crownvetch—Coronilla varia	10	50	304
Guar—Cyamopsis tetragonoloba	100	500	34
Lentil—Lens culinaris	50	300	42
Sorghum almum—Sorghum almum	25	150	159

4. Amend Table 2 in § 201.58 as follows:

Insert the following kinds and information in their appropriate alphabetical position under agricultural seed:

Name of seed	Substrata	Temperature	First count	Final count	Additional directions	
					Specific requirements and photo numbers	Fresh and dormant seed
		° *C.*	*Days*	*Days*		
Brome, field—Bromus arvensis	TB	20–30	6	14	Light	Prechill at 10° C. for 5 days.
(Alternate method	TB	15–25	6	14	Light	Do.)
Chess, soft—Bromus mollis	P	20–30	7	14	Light	Prechill at 10° C. for 7 days.
Crownvetch—Coronilla varia	B, S	20	7	[1] 14		
Guar—Cyemopsis tetragonoloba	T, S	30	5	[1] 14		
Lentil—Lens culinaris	B	20	5	[1] 10		
Sorghum almum—Sorghum almum	T, S	20–35	5	21		Prechill at 5° C. for 5 days.

[1] Hard seeds often present.

5. In the list in § 201.101 insert in the proper alphabetical order the following:

Guar.
Lentil.
Vetch.

6. Amend § 201.107 as follows:

Add to the list of agricultural and vegetable seeds considered weed seeds when occurring incidentally in importations of other agricultural or vegetable seeds the following in proper alphabetical order:

Brome, field—Bromus arvensis L.
Chess, soft—Bromus mollis L.
Crownvetch—Coronilla varia L.
Sorghum almum—Sorghum almum Parodi.

7. In § 201.222, paragraph (a), insert in proper alphabetical order the following kinds:

Guar.
Lentil.
Vetch.

8. In § 201.56–5 (d) insert a reference to sorghum almum in the heading. In § 201.56–6 insert references to crownvetch, guar, and lentil in the list of kinds of seeds. In § 201.56–6 (b) insert a reference to lentil in the heading and in § 201.56–6 (d) insert references to crownvetch and guar in the heading.

Done at Washington, D. C., this 9th day of April 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-2981; Filed, Apr. 12, 1957; 8:50 a. m.]

Agricultural Research Service

[9 CFR Part 76]

INTERSTATE MOVEMENT OF SWINE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to the provisions of section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), it is proposed to amend Subpart B of Part 76, Title 9, Code of Federal Regulations, in the following respects:

1. The headnote to Subpart B would be amended to read: "Subpart B—Swine Diseases Spread Through Raw Garbage".

2. Section 76.26 would be amended to read:

§ 76.26 *Notice relating to existence of contagion of swine diseases and regulations governing the interstate movement of swine and swine products.* Notice is hereby given that there is reason to believe raw garbage is one of the primary media through which the contagion of hog cholera, vesicular exanthema, swine erysipelas, tuberculosis, and other contagious, infections, and communicable diseases of swine is disseminated, and that one or more of such diseases exists in each State. Notice is hereby given also that there is reason to believe that if certain foreign diseases, such as foot-and-mouth disease and African swine fever, gain entrance into the United States, the contagion of such diseases may be spread through the medium of raw garbage. Therefore, in order to more effectually prevent, suppress, and extirpate such diseases, to prevent the interstate spread thereof, and to guard against the dissemination of diseases from foreign countries, the regulations in this subpart are promulgated.

3. Section 76.28 would be amended to read:

§ 76.28 *General restrictions.* Swine or swine products referred to in this subpart may not be moved interstate except in accordance with the regulations in this subpart.

4. Section 76.29 would be amended to read:

§ 76.29 *Movement of specially processed swine products.* Except as provided in § 76.30, swine products which have been specially processed may be moved interstate without restriction under this subpart.

5. Section 76.30 would be amended to read:

§ 76.30 *Movement of swine and swine products from a non-quarantined area—*(a) *Movement of swine.* (1) Swine which have not been fed any raw garbage may be moved interstate from a non-quarantined area without restriction under this subpart.

(2) Swine which have been fed any raw garbage may be moved interstate

under this subpart from a non-quarantined area to a slaughtering establishment specifically approved for the purpose by the Director of the Animal Disease Eradication Division of the Agricultural Research Service for immediate slaughter and special processing at such establishment in a manner approved by the Director as adequate to prevent the spread of disease, if accompanied by a certificate of an inspector of the Agricultural Research Service, showing that the establishment to which the animals are consigned has been specifically approved by the Director, that the inspector has made an inspection of all swine on the premises of origin within 48 hours of the movement interstate, and that the inspection did not disclose any evidence of a contagious, infectious, or communicable disease.

(b) *Movement of swine products.* (1) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended (34 Stat. 1260; 21 U. S. C. 71 et seq.), in a nonquarantined area, (i) which does not handle any products of swine from a quarantined area or products of swine fed any raw garbage, or (ii) which does handle products of swine from a quarantined area or of swine fed any raw garbage but specially processes such products separate and apart from other swine products, keeps the products properly identified, and otherwise handles the products in a manner approved by the Director of the Animal Disease Eradication Division as adequate to prevent the spread of disease, may be moved interstate from a nonquarantined area without other restriction under this subpart.

(2) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended, in a nonquarantined area, which handles any products of swine from a quarantined area or of swine fed any raw garbage and does not handle all such products as specified in paragraph (b) (1) (ii) of this section, may be moved interstate under this subpart if accompanied by a certificate signed by an inspector of the Agricultural Research Service (i) identifying the products to be moved interstate and stating that, insofar as he has been able to determine, such products were derived from swine which were not from a quarantined area and had not been fed any raw garbage, and were handled separate and apart from products of swine from a quarantined area and swine fed any raw garbage, or (ii) identifying the products to be moved interstate and stating that such products have been handled as specified in subparagraph (1) (ii) of this paragraph.

(c) The Director of the Animal Disease Eradication Division may authorize the movement of swine or swine products, not otherwise authorized by this section, under such conditions as he may prescribe to prevent the spread of the contagion of any contagious, infectious, or communicable disease.

6. Paragraph (b) of § 76.35 would be amended to read:

(b) The Director of the Animal Disease Eradication Division may require the thorough cleaning and disinfecting of any vehicle or facility which has been used in connection with the interstate movement of any swine which have been fed any raw garbage or swine products derived from such swine, or swine infected with or exposed to vesicular exanthema or which the Director has reason to believe may have been so infected or exposed, when he determines that such cleaning and disinfecting is necessary to guard against the spread of disease.

7. Paragraphs (c) and (d) of § 76.35 would be deleted and paragraphs (e), (f), and (g) of § 76.35 would be redesignated as paragraph (c), (d), and (e), respectively.

8. Paragraph (a) of § 76.36 would be amended to read:

(a) The Director of the Animal Disease Eradication Division may require the thorough cleaning and disinfecting of any public stockyard, or any portion thereof, which has been used in the handling of swine which have been fed any raw garbage, or of swine infected with or exposed to vesicular exanthema or which the Director has reason to believe may have been so infected or exposed, when he determines that such cleaning and disinfecting is necessary to guard against the spread of disease. Any stockyard, or portion thereof, so required to be cleaned and disinfected shall not be used in handling swine until after the cleaning and disinfecting have been completed. Such cleaning and disinfecting shall be done without expense to the Division, except as provided under the provisions of Part 53 of this chapter.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 10th day of April 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-3004; Filed, Apr. 12, 1957; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 4b]

[Draft Release 57-5]

AIRPLANE AIRWORTHINESS; TRANSPORT CATAGORIES

ARRANGEMENT AND VISIBILITY OF INSTRUMENT INSTALLATIONS

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Part 4b of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by May 15, 1957. Copies of such communications will be available after May 20, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

In 1953 the Civil Aeronautics Board promulgated Civil Air Regulation § 4b.611 (b) which established standard locations for the six basic flight instruments. In July 1956 Capital Airlines requested authority to deviate from the provisions of § 4b.611 to permit the use of an instrument panel arrangement on Viscount aircraft similar to a proposal subsequently advanced by Air Line Pilots Association at the 1956 Annual Airworthiness meeting. However, action on this petition was withheld until the need for such a significant change in the regulations could be studied fully and reviewed with other interested persons. This study and coordination has been effected and it now seems feasible to recommend a change in the current regulations. The Civil Aeronautics Administration and the Air Line Pilots Association have concluded from recent studies that § 4b.611 (b) does not utilize the optimum instrument arrangement, and does not provide the flexibility needed to include the newer instruments which are presently available.

It has been widely held that the attitude (bank and pitch) indicator is the keystone of any instrument arrangement, and should, therefore, be located in the most readable and central position on the panel with the other basic instruments located around it. The situation (position-direction) indicator provides directional information which is constantly monitored by a pilot along with attitude in order to provide continuous three-dimensional control of the attitude and flight path. Since directional information is associated with the longitudinal axis of the airplane, this instrument should be positioned directly beneath the attitude indicator. Control of airspeed and altitude are directly related to attitude, so their location laterally adjacent to the attitude indicator is a natural one. For basic instrument arrangements, the location of the flight path deviation (ILS) indicator and rate-of-climb instrument adjacent to the direction indicator rounds out a practical and efficient arrangement, with rate-of-climb directly below the altimeter because of the interrelation of these two functions.

Fundamental to the problem of defining a standard instrument arrangement is the provision of flexibility to permit combination of functions without compromising either the principle or the objective of standardization. The proposed revision satisfies this need by recognizing that when functions are combined, one remains more important than the other;

and the location of the combined instrument is dictated by the most important of the combined functions. For example, if rate-of-climb is combined with altitude, the combined instrument will occupy the space originally filled by the altimeter. As basic functions are combined, spaces are freed on the panel; and these should be filled by the next most important flight instruments. Therefore, as an example, when localizer and glide path information is combined in the flight director system, the freed space may be filled by an instrument such as a radio magnetic indicator or a machmeter.

It is significant that both Air Force and Navy development studies indicate acceptance of the principle of vertically disposing the attitude and situation instruments in the center of the panel. The military services endorse the proposed revision for instrument panels provided that a combined attitude/flight director instrument is used which satisfies their requirements. The Air Line Pilots Association has stated a strong preference for the proposed arrangement.

It has been found that:

(1) A uniform flight instrument panel arrangement is needed for operating safety in view of equipment interchanges between air carriers, variation in airplane types used by one air carrier, and the need to improve the arrangement of instruments in some existing airplanes.

(2) A large majority of the existing air carrier airplanes are of types which have not been required to comply with present standards as contained in § 4b.611. Furthermore, there is evidence that if the present standard is applied to the new type airplanes now in process of type certification the instrumentation of these airplanes will be unsatisfactory to the pilots. Capital Airlines' Viscounts constitute the largest number of existing airline airplanes which comply with § 4b.611 (b), but the air carrier has requested, with the unanimous support of their pilots, that they be permitted to change the arrangements to the one proposed herein on the grounds that this would increase operating safety.

(3) In addition to the theoretical arguments in its support, the instrument arrangement proposed herein is more likely to be successful in attaining application to both existing and future type airplanes because the airline pilots have indicated a strong preference for the proposed arrangement, and an ALPA survey shows that several air carriers have already standardized upon a closely similar arrangement.

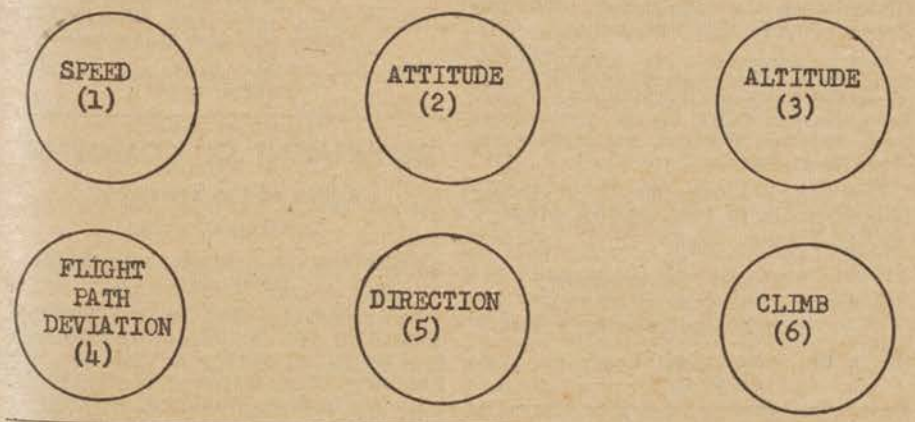
In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board the following amendments to Part 4b of the Civil Air Regulations:

1. By amending § 4b.611 (b) to read as follows:

§ 4b.611 *Arrangement and visibility of instrument installations.* * * *

(b) For each pilot station, flight instruments, indicating airspeed, attitude, altitude, flight path deviation, direction, and rate-of-climb, required by § 4b.603, shall be grouped in accordance with the basic flight instrument arrangement shown in Figure 4b–23. The attitude instrument shall be located at the top of the panel and as nearly as practicable, in the vertical plane of the pilot's forward vision. Required flight instruments not shown in Figure 4b–23 shall be placed adjacent to the above group. Attitude and direction information, if integrated in one instrument, shall be located at the top of the instrument panel, and as nearly as practicable in the vertical line of the pilot's forward vision, with airspeed to the immediate left, and altitude to the immediate right. Marker beacon lights shall be placed adjacent to the altimeter, position No. 3.

2. By amending Figure 4b–23 as follows:



Instrument position	Basic indication	Additional indication (if desired)	Replacement indication (when basic indication has been added at another position)
(1)	Airspeed	Mach number; Angle of attack.	
(2)	Bank and pitch	Steering; Glide path.	
(3)	Altitude	Rate-of-climb.	
(4)	Localizer; Glide path; V. O. R.		Other required instruments.
(5)	Heading	Radio direction; Localizer; Glide path.	
(6)	Rate-of-climb		Other required instruments.

FIGURE 4b-23—BASIC FLIGHT INSTRUMENT ARRANGEMENT.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

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

Dated at Washington, D. C., April 3, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE, *Director.*

[F. R. Doc. 57-2856; Filed, Apr. 12, 1957; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Ch. I]

[File No. 21-472]

ENVIRONMENTAL EQUIPMENT MANUFACTURING INDUSTRY

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

In the matter of proposed trade practice rules for environmental equipment manufacturing industry.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the environmental equipment manufacturing industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than April 24, 1957. Opportunity to be heard orally in the matter will be afforded at the hearing commencing at 10 a. m., c. s. t., April 24, 1957, in the LaSalle Hotel, Chicago, Illinois, to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through this proceeding consists of persons, firms, corporations, and organizations engaged in the sale of equipment designed to test the reaction and performance of products under varying degrees of temperature, humidity, vibration, altitude, pressure, shock, noise, combustion, gravity, and other environmental conditions, and which is manufactured in whole or substantial part at factories operated by them. Not included are (1) contractors who maintain and operate no factories or other facilities for the manufacture and sale of such equipment but

who assemble and/or construct such equipment at plants, factories, proving grounds, or other places under the control of the purchasers of such equipment, or (2) persons, firms, corporations, or organizations who merely install and/or repair such equipment.

Proceedings looking to the promulgation of trade practice rules for this industry were instituted pursuant to an industry application. The rules are directed to the maintenance of fair competitive conditions in the industry and full protection of the purchasing public. A general trade practice conference was held in New York City on October 19, 1956, at which rules were proposed for Commission consideration. The announced hearing constitutes a further step in the proceedings.

No Group II rules have been included for the reason that the Group II rules recommended by the industry are of a type presently the subject of general study by the Commission. If, after completion of such study, it is determined that provisions of this type may be included as Group II rules for industries, an opportunity to have such rules included will then be afforded to the members of this industry.

Issued: April 10, 1957.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-2987; Filed, Apr. 12, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

ERNST SCHNEIDER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Ernst Schneider Bechardgasse Nr. 17/7 Vienna III, Austria; Claim No. 66537, Vesting Order No. 8617; $900.00 Conversion Office for German Foreign Debts 3% Dollar bonds issued 7/1/36. Bonds Nos. 66539, 66553, 66574, 66882, 66876 and CO66901/4 @ $100.00 each. $75.00 Conversion Office for German Foreign Debts fractional certificates Nos. 065162, 110013 and 271610/2 for Series B 3% Dollar bonds. The above-described bonds and fractional certificates are presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York, New York.

Executed at Washington, D. C., on April 8, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57-2986; Filed, Apr. 12, 1957; 8:51 a. m.]

DEPARTMENT OF STATE

Bureau of Security and Consular Affairs

[Public Notice 150]

CERTAIN FOREIGN PASSPORTS

VALIDITY

Under the provisions of section 212 (a) (26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of six months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period. The regulations of the Secretary of State (22 CFR 42.36 (a)) further provide that every alien who applies for an immigrant visa and who is subject to the passport requirement must be in possession of a passport which is valid for at least sixty days beyond the period of validity of the immigrant visa issued to him. By reason of the foregoing requirements, certain foreign governments have entered into an agreement with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of six months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional six months notwithstanding the expiration date indicated in the passport. Notice is hereby given that the following foreign governments have concluded such an agreement with the Government of the United States:

Austria (Reisepass only), Brazil, Canada, Ceylon, Cuba, Dominican Republic, Ethiopia, Germany (Reisepass only), Guatemala, Honduras, Iceland, India, Mexico, The Netherlands, Pakistan, Portugal, United Kingdom (nonimmigrants only).

This notice supersedes Public Notice 148 of October 15, 1956 (21 F. R. 8149).

Dated: April 5, 1957.

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

[F. R. Doc. 57-2955; Filed, Apr. 12, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

PAONIA PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 29, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

6TH PRINCIPAL MERIDIAN, COLORADO

T. 12 S., R. 89 W.,
Sec. 28, Lot 1, N½SW¼ and SW¼SW¼;
Sec. 33, Lots 1 to 7 inclusive, NW¼NW¼, E½SW¼ and E½SE¼.
T. 13 S., R. 89 W.,
Sec. 4, Lots 5, 6, 11, 12, 14, 15, 16, 17, 21 and 22, and NW¼SW¼;
Sec. 5, SE¼;
Sec. 8, Lot 6 and NE¼NE¼;
Sec. 9, Lots 2 to 5 inclusive.

The above areas aggregate 1127.76 acres.

DON S. CAMPBELL,
Acting Assistant Commissioner.

[74481]

APRIL 9, 1957.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.

EDWARD WOOZLEY,
Director, Bureau of Land Management.

[F. R. Doc. 57-2954; Filed, Apr. 12, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RUSSELL C. FLOM

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of Section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 31, 1956, 21 F. R. 8333.

A. Deletions: None.
B. Additions: None.

This statement is made as of April 3, 1957.

Dated: April 3, 1957.

RUSSELL C. FLOM.

[F. R. Doc. 57-2984; Filed, Apr. 12, 1957; 8:51 a. m.]

WILLIAM J. KAESTNER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of Section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 13, 1956, 21 F. R. 7834.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 1, 1957.

Dated: April 1, 1957.

WILLIAM J. KAESTNER.

[F. R. Doc. 57-2985; Filed, Apr. 12, 1957; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-51]

FOSTER WHEELER CORP.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission on April 4, 1957, issued License No. XR-6 to Foster Wheeler Corporation authorizing the export of a 5-megawatt tank-type research reactor to the Danish Atomic Energy Commission, Kingdom of Denmark. A notice of proposed issuance of this license was published in the FEDERAL REGISTER on March 19, 1957, 22 F. R. 1795.

Dated at Washington, D. C., this 4th day of April 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-2983; Filed, Apr. 12, 1957; 8:50 a. m.]

[Docket No. 50-48]

LORETZ & CO.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission on April 4, 1957, issued License No. XR-5 to Loretz & Company authorizing the export of a 500-watt solution-type research reactor to the Danish Atomic Energy Commission, Kingdom of Denmark. A notice of proposed issuance of this license was published in the FEDERAL REGISTER on March 19, 1957, 22 F. R. 1794.

Dated at Washintgon, D. C., this 4th day of April 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-3007; Filed, Apr. 12, 1957; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1705-9]

FLYING TIGER LINES, INC., ET AL.; DEFERRED AIR FREIGHT RENEWAL CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of the petitions of Flying Tiger Lines, Inc., American Airlines, Inc., Riddle Airlines, Inc. and United Parcel Service-Air, Inc. for extension of the authorization and for extension and modification of the authorization for minimum rates for deferred air freight. See Order No. E-11209.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 15, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., April 10, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-3006; Filed, Apr. 12, 1957; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

ROBERT BURDETTE ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Robert Burdette, San Fernando, California, Docket No. 7634, File No. BP-4799; Charles R. Bramlett, Torrance, California, Docket No. 11978, File No. BP-9833; A. A. Crawford, Beverly Hills, California, Docket No. 11979, File No. BP-10068; KCBQ, Inc. (KCBQ), San Diego, California, Docket No. 11980, File No. BP-10729; Latin-American Broadcasting Corporation, Monterey Park, California, Docket No. 11981, File No. BP-10811; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of April 1957;

The Commission having under consideration the above-captioned applications for construction permits for new standard broadcast stations to operate on 1190 kilocycles by Robert Burdette at San Fernando, California with a power of 5 kilowatts, daytime only; by Charles R. Bramlett at Torrance, California with a power of 250 watts, directional antenna, unlimited time; by A. A. Crawford, at Beverly Hills, California with a power of 1 kilowatt, daytime only; and by Latin-American Broadcasting Corporation at Monterey Park, California with a power of 1 kilowatt, directional antenna, unlimited time; and an application by KCBQ, Inc. to change the facilities of Station KCBQ, San Diego, California, from operation on 1170 kilocycles with a power of 1 kilowatt, 5 kilowatts-Local Sunset, nighttime directional antenna, unlimited time, to operation on 1170 kilocycles with a power of 5 kilowatts, 10 kilowatts-Local Sunset, directional antenna, unlimited time; and

It appearing that Robert Burdette is technically qualified, and Charles R. Bramlett, A. A. Crawford, KCBQ, Inc., and Latin-American Broadcasting Corporation are legally, technically, financially and otherwise qualified to construct and operate their proposals but that the proposed operations on 1190 kilocycles would result in mutually destructive interference and would, except for the proposal of Latin-American Broadcasting Corporation, cause objectionable interference to the existing and proposed operation of Station KCBQ; that the proposed operation of Station KCBQ would cause objectionable interference to Stations KRKD (1150 kc, 1 kw, 5 kw-LS, S-KFSG) and KFSG (1150 kc, 1 kw, 2.5 kw-LS, S-KRKD), Los Angeles, California; that the 2 mv/m contour of the existing and proposed operation of Station KCBQ may overlap the 25 mv/m contours of Stations KRKD and KFSG and the proposed operations of Robert Burdette, Latin-American Broadcasting Corporation, Charles R. Bramlett and A. A. Crawford in contravention of the provisions of Section 3.37 of our Rules; that the operation proposed by Charles R. Bramlett would cause interference to Station KEX, Portland, Oregon; that insufficient information has been submitted by Robert Burdette, Charles R. Bramlett, A. A. Crawford and KCBQ, Inc. to determine whether their proposed transmitter sites would be satisfactory; that Robert Burdette has not submitted current information, as required by Sections II, III and IV of FCC Form 301, to determine whether he is legally, financially and otherwise qualified; that insufficient information has been submitted by A. A. Crawford and Robert Burdette to determine whether their proposed antenna systems would be satisfactory; that it has not yet been determined whether the antenna system proposed by Robert Burdette and Charles R. Bramlett would constitute a hazard to air navigation; that the antenna system proposed by KCBQ, Inc. would constitute a hazard to air navigation; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by a letter dated January 16, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing, that a reply was filed by each of the applicants; and

It further appearing, that after considering the above replies, we are of the opinion that a hearing on the applications is necessary;

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

1. To determine the areas and populations which would receive primary service from each of the proposals by Robert Burdette, Charles R. Bramlett, A. A. Crawford and Latin-American Broadcasting Corporation, and the avail-

ability of other primary service to such areas and populations.

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

3. To determine whether the proposal by Charles R. Bramlett would involve objectionable interference with Station KEX, Portland, Oregon and whether the proposals by Robert Burdette, Charles R. Bramlett and A. A. Crawford would involve objectionable interference with the existing or proposed operations of Station KCBQ or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the proposed operation of Station KCBQ would involve objectionable interference with Stations KRKD and KFSG, Los Angeles, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the 2 mv/m contour of the proposed operation of Station KCBQ would overlap the 25 mv/m contours of Stations KFSG and KRKD and whether the existing and proposed 2 mv/m contour of KCBQ would overlap the proposed 25 mv/m contour of the proposals of Charles R. Bramlett, Robert Burdette, Latin-American Broadcasting Corporation and A. A. Crawford in contravention of the provisions of section 3.37 of the Commission's rules.

6. To determine whether the transmitter site proposed by Robert Burdette, Charles R. Bramlett, A. A. Crawford and KCBQ, Inc., would be satisfactory.

7. To determine whether the antenna systems proposed by A. A. Crawford and Robert Burdette would be satisfactory.

8. To determine whether Robert Burdette is legally, financially and otherwise qualified to construct and operate his proposed station.

9. To determine whether the antenna systems proposed by Robert Burdette, Charles R. Bramlett and KCBQ, Inc., would constitute a hazard to air navigation.

10. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals by Robert Burdette, Charles R. Bramlett, KCBQ, Inc., A. A. Crawford and Latin-American Broadcasting Corporation would best provide a fair, efficient and equitable distribution of radio service.

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

It is further ordered, That Westinghouse Broadcasting Company, Inc., Echo Park Evangelistic Association, and Continental Telecasting Corp., licensees of Stations KEX, KFSG and KRKD, respectively, are made parties to the proceeding; and

It is further ordered, That, to avail themselves of the opportunity to be heard, each of the applicants herein and the parties named as respondents to this proceeding, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order; and

It is further ordered, That, in the event favorable action is taken on the application of either Robert Burdette or A. A. Crawford in the hearing provided for above, the application will be returned to the pending file pursuant to footnote 10 (b) of § 1.371 of our rules, since each proposes daytime only operation on a U. S. Class I–B channel.

Released: April 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–2989; Filed, Apr. 12, 1957; 8:51 a. m.]

[Docket Nos. 11954, 11955; FCC 57M–334]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND RCA COMMUNICATIONS, INC.

STATEMENT AFTER PREHEARING CONFERENCE AND ORDER OF CONTINUANCE

In the matter of the applications of American Telephone and Telegraph Company, Docket No. 11954, File No. 25–C3–R–57; for renewal of license for its Dixon, California, International Fixed Public Radiotelephone Station, insofar as it requests renewal authority to communicate with Honolulu, T. H. and to use the frequencies 5077.5, 5110, 7315, 7610, 7977.5, 9170, 10790, 13400, 14600, 15580, 18340 and 19220 kc.; and RCA Communications, Inc., Docket No. 11955, File No. 886–C3–P–57; for a construction permit for a new point-to-point radiotelephone station in the International Fixed Public Service at Bolinas, California, to communicate with Hawaii, using the frequencies 5077.5, 5110, 7315, 7610, 7977.5, 9170, 10790, 13400, 14600, 15580, 18340 and 19220 kc. previously licensed to American Telephone and Telegraph Company, and 5185, 7730, 9490, 13720 and 18880 kc., presently licensed to RCA Communications, Inc.

A prehearing conference in the above-entitled proceeding was held on April 4, 1957. In the interest of expedient disposition of the matter all parties agreed that the following timetable should govern future proceedings:

May 27, 1957—Exchange of exhibits;
June 3, 1957—Hearing;
June 24, 1957—Cross-examination and rebuttal.

Accordingly, it is ordered, This 8th day of April 1957, that the date now scheduled for hearing in the above matter, April 23, 1957, is hereby extended to June 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–2990; Filed, Apr. 12, 1957; 8:52 a. m.]

[Docket Nos. 11973, 11974; FCC 57–330]

PALM SPRINGS TRANSLATOR STATION, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 11973, File No. BPTT–12; Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 11974, File No. BPTT–13; for construction permits for new television broadcast translator stations.

1. The Commission has before it for consideration (1) a "Protest" filed on March 6, 1957, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Palm Springs Community Television Corporation, the owner and operator of a community antenna system serving Palm Springs, California, and directed against the Commission's action of February 6, 1957, granting without hearing the above-entitled applications of Palm Springs Translator Station, Inc. for construction permits for two new television broadcast translator stations to serve Palm Springs, California; (2) an "Opposition to Protest" filed by Palm Springs Translator Station, Inc. on March 18, 1957; and (3) a "Reply to Opposition" filed on March 22, 1957.

2. Protestant claims standing as a "party in interest" under section 309 (c) of the Communications Act of 1934, as amended, alleging that it is aggrieved and its interests are adversely affected as a result of the granting of the instant applications because its revenues will be seriously impaired if the permittee operates its stations in accordance with its representations. The protestant alleges, in substance, that if residents of Palm Springs are able to receive without charge the popular programs available from CBS and NBC, many of the potential subscribers to protestant's service will fail to subscribe, and many existing subscribers will cancel their subscriptions to said service. The protestant further alleges that some of the anticipated injury has already occurred, in that sales of its service have decreased during pendency of the instant applications, and, following the grant of the applications, have continued to decrease substantially. The protestant also alleges that, with the exception of the announcement on February 7, 1957, of the Commission's grant of the instant applications, all of the conditions for subscriptions are at least as favorable now as they were prior to the grant, and that the drop in subscription applications and the consequent loss of revenue to the protestant can only be attributed to the

Commission's action of February 7, 1957, announcing the grant of the translator applications. In view of the foregoing, the protestant alleges that it has standing to protest the above-entitled applications.

3. In support of its protest, the protestant alleges, in substance, that, contrary to the permittee's representations that its ex-president, Howard Morris, has severed all connections with it because he is not a United States citizen, said Howard Morris continues to be and is now the true party in interest, insofar as actual control over the affairs of the permittee is concerned, and that the permittee is thus legally disqualified to be a licensee under the provisions of section 310 of the Communications Act of 1934, as amended; that the permittee filed five separate applications for translator stations in Palm Springs, California, representing twice in each application that the then-president of the permittee, Howard Morris, was a United States citizen, when such representation was known to Morris, to the attestor to the applications, and to other directors and officers of the corporation to be other than as stated, and that such misrepresentations were made either wilfully or with such negligence as to show an extreme and callous disregard of the importance of making true statements to the Commission. It is further alleged that the permittee has not at any time furnished full and complete information as to the number or identities of all officers and directors of the permittee corporation. It is also alleged that, contrary to its affirmation of the fact in its sworn Answer dated September 29, 1956, the permittee had not at that time received the consent of National Broadcasting Company and had not been informed by CBS–TV that it would receive its consent. The petitioner further alleges that the permittee has insufficient funds to continue operation beyond a year's time; that financing of the project has not been completely and accurately disclosed, in that an undisclosed person is participating therein; and that the permittee will be unable to repay its $14,000 loan since it has made no showing of any source of income. It is also alleged that the permittee commenced construction of the proposed facilities prior to issuance of its construction permits in violation of section 319 (a) of the Communications Act of 1934, as amended, and that such construction was associated with the transmission phase of the operation rather than for the expressed purpose of "testing equipment for site location of receivers." The petitioner alleges that the permittee has made no showing that it will have consent to rebroadcast the programs proposed before it commences operation. In view of the foregoing, the protestant requests that, pending a final decision on the protest, the effective date of the Commission's action granting the above-entitled applications be postponed, that the applications be set for hearing on the issues specified in the protest, that the burden of proof on the issues specified in the protest be placed upon the permittee, and that the hearing be designated to be held in Palm Springs, California, due to the hardships on both permittee and protestant if they are required to transport all the necessary witnesses to Washington, D. C.

4. In its Opposition, filed on March 18, 1957, the permittee states that the protest fails to comply with the requirements of section 309 (c) of the Communications Act of 1934, as amended, in that it fails to state with particularity those facts which would require the Commission to grant the relief requested, and, further, that the protestant has no legal right to protection from competition (Report and Order authorizing television broadcast translators, section 11, Docket No. 11611); that the protestant's request that the burden of proof be imposed upon the permittee is clearly contrary to statutory mandate, and that no valid reason for a contrary procedure has been established; and that the protestant's request for a stay of the effective date of the subject grant is contrary to the public interest, especially in view of the fact that one television translator station has already been completed prior to the filing of the protest and construction has progressed materially on the second station, and that the permittee has received permission from both NBC and CBS–TV to rebroadcast their programs, and that the citizens of Palm Springs are entitled to one true television broadcast service. On the basis of the foregoing, Palm Springs Translator Stations, Inc. requests that the protest be denied.

5. On March 22, 1957, the protestant filed a "Reply to Opposition", reiterating its previous allegations and stated that such allegations have a bearing upon the Commission's statutory responsibilities under the Communications Act, in that a strong showing has been made as to the necessity for a full evidentiary hearing. The protestant further alleges that the permittee is engaged in a campaign to solicit contributions without making any reference to the pendency of the instant protest, and that the public is being injured by such a solicitation of funds.

6. In view of the fact that the protestant is the owner and operator of a community antenna system in Palm Springs, California; that such system and the television translator stations proposed by the permittee will compete for listening and viewing audience; and that the protestant has alleged that it will suffer economic injury as a result of the grants complained of, we find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended. Federal Communications Commission v. Sanders Brother Radio Station, 309 U. S. 407; Ohio Valley Broadcasting Corp., 10 Pike and Fischer RR 452. We find, further, that the petitioner has specified with sufficent particularity the facts relied upon to warrant designating the above-entitled applications for hearing. Accordingly, the Commission is designating the applications for evidentiary hearing on the issues framed by the protestant. However, the issues are not being adopted, and the burden of proof on each of these issues will, therefore, be on the protestant.

7. The protestant has requested that the effective date of the grant of the subject applications be postponed until decision on this matter after hearing. Section 309 (c) provides in pertinent part that "* * * the effective date of the Commission's action shall be postponed unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing." In amending section 309 (c), the Congress indicated that the Commission in exercising its discretion should consider two factors—the need for the new service and the likelihood that the grant in question would ultimately have to be set aside.[1]

8. We are of the view that there is need for the new service proposed by the permittee. Palm Springs has a seasonal resort population varying from 13,000 to 50,000 persons. A series of high mountains around the city effectively blocks out television signals from outside stations, and the only television programs available to the area are those supplied by the protestant through its community antenna system. The service proposed by the permittee would provide the area with its first television broadcast service available to the public at large.[2] In view of the above, it appears that the proposed operation would fulfill a significant need for a first television broadcast service available to the general public in the Palm Springs area.

9. We have, as required by revised section 309 (c), balanced this demonstrable need of the Palm Springs area for new television service against the likelihood that the grants in question will have to be set aside after the hearing here ordered. While, of course, we cannot now state what our conclusions will be in the light of the hearing record, we do not believe, on the basis of its pleadings, that protestant has made a prima facie case

[1] See 1 Pike and Fischer RR 10:373, Senate Report accompanying H. R. 5614 amending section 309 (c).

[2] In its Report and Order adopting Rules providing for television broadcast translator stations (Docket No. 11611), the Commission stated, in pertinent part, that "* * * community antennas do not provide a broadcast service available to the public at large. Their service is limited to subscribers who must pay a fee, and often is not available even at a fee for those members of the community in outlying areas. The Commission, under the Communications Act, is obligated to provide a fair and equitable distribution of television service. We would not be warranted in withholding the authorization of translators, designed to provide television to isolated communities, merely because they would compete with community antennas providing service to some people at a fee. Investments in community antennas were not made on the basis of any assurance that the areas served by them would remain without direct television reception. Such systems have been interim measures, taken without Commission authorization, to provide outlying areas with television until direct reception could be achieved. The public interest would not be served by depriving a community of the privilege of obtaining direct television reception to protect these investments."

that the grants may not be in the public interest. In addition, we believe that it is reasonable to presume, where there is no existing broadcast service available to the general public, that a definite need exists for a television broadcast service.

10. In the light of the foregoing, we affirmatively find that the public interest requires that the grants remain in effect; and, accordingly, the effective date of the Commission's action here in question will not be postponed to the effective date of the Commission's decision in the hearing ordered hereinafter.

11. The protestant has requested that the hearing be held in Palm Springs, California. We do not agree that to hold the proposed hearing in Washington, D. C. would impose an undue financial burden upon the permittee and the protestant, and, therefore, we are designating the protest for hearing in Washington, D. C.

12. In view of the foregoing: *It is ordered*, That the subject Protest is granted; That the request for postponement of the effective date of the grants is denied and the permittee is authorized to utilize its construction permits; and That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in Washington, D. C. on the following issues:

(1) To determine the legal, financial and other qualifications of the permittee, Palm Springs Translator Station, Inc., to construct and operate the proposed stations.

(2) To obtain full information concerning the citizenship of Howard Morris.

(3) To obtain full information concerning misrepresentations, false statements, failure to make complete disclosures to the Commission with specific reference to the following matters:

(a) The citizenship of Howard Morris.

(b) The role which Howard Morris has played in the affairs and control of the permittee since November 26, 1956.

(c) The person or persons who have been or are officers and directors of the permittee but as to whom no information has been furnished to the Commission.

(d) The person or persons who are participating in the financing of the proposed stations but as to whom no information has been furnished to the Commission.

(e) Whether on or before September 29, 1956, the permittee had received the consent of National Broadcasting Company, Inc., to rebroadcast its television programs and whether or not on or before September 29, 1956, the permittee had been informed by CBS–TV that it would receive such consent from CBS–TV.

(f) Whether the construction undertaken by the permittee prior to September 29, 1956 was in fact restricted to testing equipment for site location of receivers.

(4) To determine whether the permittee began construction of its stations prior to the date the Commission granted its applications.

(5) To determine whether the permittee has the express consent to rebroadcast the programs of Stations KNXT and KRCA–TV.

(6) To determine in the light of the evidence adduced under the foregoing issues whether public interest, convenience or necessity would be served by a grant of the applications in question.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the foregoing issues shall be on the protestant.

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

(a) The hearing on the above issues shall commence at a date to be specified in a subsequent order, before an Examiner to be specified at a later date;

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

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than April 17, 1957.

Adopted: April 3, 1957.

Released: April 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–2991; Filed, Apr. 12, 1957; 8:52 a. m.]

[Docket No. 11975; FCC 57–331]

TELRAD, INC. (WESH–TV)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Telrad, Inc. (WESH–TV), Daytona Beach, Florida, Docket No. 11975, File No. BMPCT–4150, for modification of construction permit.

1. The Commission has before it for consideration a "Joint Protest and Petition for Reconsideration" filed on March 8, 1957, by Orlando Broadcasting Company, Inc., licensee of Radio Broadcast Station WDBO–FM and Television Broadcast Station WDBO–TV, Orlando, Florida, Mid-Florida Radio Corporation, licensee of Radio Broadcast Station WLOF, Orlando, Florida, Central Florida Broadcasting Company, licensee of Radio Broadcast Stations WKIS and WKIS–FM, Orlando, Florida, and Mid-Florida Television Corporation and WORZ, Inc., competing applicants for a new television broadcast station to be operated on Channel 9, in Orlando, Florida, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, directed against the Commission's action of February 6, 1957, granting the above-captioned application of Telrad, Inc. (WESH–TV) for authority to change the transmitter location of Station WESH–TV, Daytona Beach, Florida, and to make other changes; an "Opposition to Joint Protest and Petition for Reconsideration" filed on March 18, 1957, by Telrad, Inc., and a "Reply by Protestants to Opposition to Joint Protest and Petition for Reconsideration," filed on March 25, 1957.[1]

2. Mid-Florida Television Corporation and WORZ, Inc., claim standing as "parties in interest" and as "persons aggrieved or whose interests are adversely affected" within the meaning of section 309 (c) and 405 of the Communications Act of 1934, as amended, by virtue of their status as competing applicants for Channel 9 in Orlando, Florida. WORZ, Inc., also owns all of the capital stock of Central Florida Broadcasting Company, and the principals of Mid-Florida Radio Corporation own 100 percent of Mid-Florida Television Corporation. The remaining protestants claim standing as the licensees of standard broadcast stations in Orlando and, additionally, in the case of Orlando Broadcasting Company, as the licensee of Television Station WDBO–TV.

3. In support of their protest, protestants allege, in substance, that the subject application is almost identical in nature with an application filed in 1955 (BMPCT–2846) by the prior owners of Station WESH–TV; that the Commission by letter dated August 31, 1955, raised the question as to whether that proposal was designed to serve the particular needs of Daytona Beach, and that failure to raise the same questions with respect to the instant application deprived protestants of their statutory rights under section 309 of the act. Protestants also allege that the statutory rights of certain members of the public have been disregarded with respect to service, programming and advertising, because advertisers located in Daytona Beach will be required to pay a higher rate, inasmuch as WESH–TV will, in fact, be an Orlando station, whose programs will be designed to serve that city; and that WESH–TV has the will and the intention to identify itself for purposes of national, regional and local advertising as an Orlando station. In this connection, protestants state that the subject application does not disclose WESH–TV's intention to operate as an Orlando station, but, to the contrary, indicates that there will be no substantial changes in programming from that proposed in the application for transfer of control.[2] Protestants aver on information and belief, that WESH–TV plans to secure a regular NBC affiliation, if it has not already done so, and to serve as the regular Orlando television outlet for NBC; and that such plans have not been disclosed to the Commission. It is protestants' position that in assigning television channels to the cities of Daytona Beach and Orlando, the Commission recognized that they were separate and distinct communities; that the authorities

[1] Protestants' reply, in substance, consists of a general denial of the matters alleged by Telrad, Inc., in its opposition.

[2] On April 25, 1956, the Commission granted the application (BTC–2175) for a transfer of control of Telrad, Inc., from W. Wright Esch et al. to WCCA, Inc., which owns 100 percent of the stock of Telrad, Inc.

(Census of Population: 1950, Page XXXVII and Table 31, pp. 1–78, Rand McNally, Hagstrom, J. Walter Thompson market areas) recognize the same distinction; and that the efforts of WESH–TV to combine and consolidate these areas, by rendering a common television service, violate not only the Table of Assignments and the rules with respect thereto, but also, the concepts of the Sixth Report and Order.

4. Protestants state that the Commission's action in granting the above-captioned application violates sections 1 and 307 (b) of the Communications Act in that the service proposed by WESH–TV fails to provide a Grade A television service to the area and population north of Daytona Beach along the coast and in the adjacent interior areas, which service should normally be rendered by a television station assigned to and operated in Daytona Beach. Furthermore, protestants point out that there is only one television station operating in Daytona Beach and one in Orlando, but that it can be reasonably expected that a television station will be authorized to operate on Channel 9 in Orlando in the near future. Additionally, it is pointed out that three UHF channels, including an educational channel, are assigned for use in Orlando, whereas only one UHF is assigned for use at Daytona Beach. Thus, protestants claim that, assuming future utilization of all these channels and the proposed operation of WESH–TV, the public north and northwest of Daytona Beach can expect one Grade A service, i. e., from the Daytona Beach UHF, if located properly. Therefore, protestants contend that the terms of section 307 (b) required consideration by the Commission of existing service to the public from the Orlando station at the time it acted on the above-captioned application and that the said section contemplates the rendition of a first satisfactory service, rather than degradation of that service, in order to provide a second satisfactory service for people in an area already receiving one satisfactory service. Protestants allege, therefore, that in order that the applicable provisions of the Communications Act and the rules and regulations of the Commission may be complied with, WESH–TV should locate its transmitter generally to the northwest of Daytona Beach rather than the southwest. Protestants propose such a site and allege that they will prove in the requested hearing that this site will better serve the public interest.

5. In view of the foregoing, the protestants request that the Commission designate the above-captioned application for hearing upon twelve specific issues; adopt such issues; make the protestants parties to the proceeding; place upon the applicant both the burden of proceeding with the evidence and the burden of proof; and grant such other relief as the circumstances may warrant and the public interest may require. In addition, the protestants request that the effective date of the Commission's action be postponed to the effective date of the final decision after hearing. In support of this request, the protestants urge that the grant is not necessary to the maintenance and conduct of an existing service, and that there is no basis for an affirmative finding that the public interest requires that the grant remain in effect.

6. On March 18, 1957, WESH–TV, filed an "Opposition to Joint Protest and Petition for Reconsideration". In its opposition WESH–TV asserts that the protest fails to meet the statutory test of section 309 (c), in that the allegations are speculative in nature; that the protestants have not stated "facts and matters" with sufficient particularity; that, in view of its announced intention to operate as a Daytona Beach station, protestants are factually in error in assuming that WESH–TV is to be an Orlando station; and that the fact that WESH–TV may secure the NBC affiliation for the Orlando market is not inimical to the public interest and is consistent with its plans as set forth in the transfer application (see footnote 2). With respect to the protestants' request for a comparison of WESH–TV's proposed transmitter site and a hypothetical site selected by the protestants, WESH–TV urges that there is no basis in the Communications Act or the Commission's rules for requiring such a comparison. WESH–TV argues, finally, that, at most, oral argument rather than an evidentiary hearing is warranted, because all of the matters raised are basically attributable to the desire of the protestants to protect themselves from competition, and because no allegations have been made which challenge the correctness of the Commission's action.

7. With respect to the protestants' request that the Commission stay the effective date of the grant, WESH–TV alleges and, in support thereof, attaches an engineering affidavit showing that a substantial area around Ocala, Florida, containing some 25,719 persons, will receive the first and only Grade B service from the proposed WESH–TV facilities; that, in addition to this "white" area, there is a substantial "gray" area, containing approximately 212,680 persons who would receive their first choice of service from WESH–TV, inasmuch as they are now within the Grade B contour of one existing station; that approximately 47,508 persons would receive a first Grade A service from WESH–TV; and that the entire remaining area within the proposed WESH–TV Grade A contour for the first time would be afforded a choice of service. Furthermore, Telrad alleges that all of Volusia County, within which Daytona Beach is located, would be provided with a Grade A service; that within a greater part of WESH–TV's new service area, only Stations WDBO–TV, Orlando and WMBR–TV, Jacksonville, now provide service and that these stations are predominantly CBS outlets; that WESH–TV will provide, for the first time, a choice of NBC and/or ABC programs and that the need for effective competition among stations as network outlets is obvious. Additionally, WESH–TV points out that due to its present limited coverage it has been unable to provide regular network service to Daytona Beach and that the only other service to Daytona Beach is received from WDBO–TV, Orlando, which places only a Grade B signal in the city. Therefore, WESH–TV asserts that the Commission must find that the public interest requires that the grant remain in effect.

8. In view of the facts that Orlando Broadcasting Company, Inc., Mid-Florida Radio Corporation and Central Florida Broadcasting Company are licensees of Stations WDBO–AM, FM and TV, WLOF and WKIS and WKIS–FM, respectively, and that they have alleged that as a result of the grant of the above-captioned application they will be in direct competition for advertising revenues with WESH–TV and will suffer economic injury, we find them to be "parties in interest" and "persons aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended. In re T. E. Allen and Sons, Inc., 9 Pike & Fischer RR 197; F. C. C. v. Sanders Brothers Radio Station, 309 U. S. 470 (9 Pike & Fischer RR 2008). With respect to Mid-Florida Television Corporation and WORZ, Inc., the Commission is of the view that they cannot properly claim standing under sections 309 (c) and 405 of the Communications Act to protest or request reconsideration of the grant in question as mere applicants for Channel 9 in Orlando. Central City-Greenville Broadcasting Company (WMTA) 11 Pike & Fischer RR 484. We find, further, that the protestants have specified with particularity, within the meaning of section 309 (c), sufficient facts upon which they rely in support of the protest, except with respect to the following issues:

(g) To determine whether the needs of those areas and populations in the Daytona Beach area currently without a Grade A service should be subverted to the needs of those that currently receive a Grade A signal from Station WDBO–TV and would receive a second Grade A signal if operation of Station WESH–TV should commence as Telrad has proposed.

(h) To determine whether the needs of the populations and areas to be served by the instant Telrad proposal are superior to the needs of those populations and areas which would receive service should operation of Television Broadcast Station WESH–TV commence as proposed by the protestants herein.

In effect, both of these issues request a comparison between the areas and populations to be served by the proposed WESH–TV operation and the areas and populations which would be served from a hypothetical site proposed by the protestants. We find no basis in the Communications Act, our rules or in past decisions, for such a comparison and consequently these issues must be rejected. Accordingly, the Commission is designating the application for evidentiary hearing on the issues specified by the protestants with the exception of the issues set forth herein above. Protestants request that the burden of proceeding with the introduction of evidence and the burden of proof be placed on

the applicant; however, they have made no showing in support of this request and, accordingly, the Commission is not adopting the issues and the burdens with respect to each of the issues will be on the protestants.

9. The protestants have requested that the effective date of the grant of the application in question be postponed until a decision in this matter after hearing. Section 309 (c) provides in pertinent part that "* * * the effective date of the Commission's action to which protest is made shall be postponed, unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing." In amending section 309 (c), the Congress indicated that the Commission in exercising its discretion should consider two factors—the need for the new service and the likelihood that the grant in question would ultimately have to be set aside.[3]

10. We are of the view that there is need for the proposed new service. Operating as proposed, WESH–TV will bring a first Grade B service to approximately 25,000 persons and a second Grade B service to an estimated 212,000 persons. In addition, approximately 47,000 persons will receive a first Grade A service as a result of the proposed operation. Furthermore, since WESH–TV proposes NBC and/or ABC network programs viewers would, for the first time, have a choice of live network programs. In view of this, it appears that the proposed operation would fulfill a significant need by providing a first or second service to a large number of people.

11. We have, as required by revised section 309 (c), balanced this need of the Daytona Beach area for new television service against the likelihood that the grant in question will have to be set aside after the hearing here ordered. And, while we cannot now state what our conclusions will be in the light of the hearing record, we do not believe, on the basis of the pleadings, that protestants have made a prima facie case that the grant is not in the public interest.

12. In light of the foregoing, we affirmatively find the public interest requires that the grant remain in effect; and accordingly, the effective date of the Commission's action here in question will not be postponed.

13. In view of the foregoing: *It is ordered*, That the subject protest is granted with respect to Orlando Broadcasting Company, Inc., Mid-Florida Radio Corporation and Central Florida Broadcasting Company, and is denied with respect to Mid-Florida Television Corporation and WORZ, Inc.; That the request for stay is denied: That the Petition for Reconsideration is granted to the extent provided for below and is denied in all other respects; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at the offices of the Commission in Washington, D. C. on the following issues:

(1) To determine whether, in view of the circumstances of this case, the purpose of the proposed move of the transmitter location and the change in operating facilities of Station WESH–TV is to provide an additional television broadcast service to Orlando and its surrounding area in derogation of the Commission's allocation policies and rules, particularly §§ 3.606 and 3.607 thereof.

(2) To determine the programming plans of the applicant, especially in relation to the representations made to the Commission, and to determine whether there has been a full and frank disclosure thereof.

(3) To determine whether the grant of the instant application is consistent with and will further the objectives of the provisions of section 307 (b) of the Communications Act of 1934, as amended.

(4) To determine whether the grant of the instant application is consistent with and will further the objectives of the provisions of §§ 3.606 and 3.607 of the Commission's rules.

(5) To determine whether the applicant's proposed use of the channel assignment is consistent with and will further the objectives of the provisions of §§ 3.606 and 3.607 of the Commission's rules.

(6) To determine whether the applicant's proposed use of the channel assignment is consistent with and will further the objectives of section 307 (b) of the Communications Act of 1934, as amended.

(7) To determine whether a full, complete, and candid disclosure has been made with regard to all of the facts and circumstances surrounding the filing and prosecution of the instant application with particular reference to a network affiliation by the applicant and all representations made to the Commission concerning network affiliation, as well as the substance of all negotiations, agreements, and understandings with the networks regarding the utilization of the facilities proposed.

(8) To determine what effect the rendition of a Grade A television service to the City of Orlando and a principal city signal to a major portion thereof will have upon the program policies and programs to be broadcast by Station WESH–TV, if operated as proposed.

(9) To determine the effect which the proposed extended coverage will have upon the availability and usefulness of the applicant's facilities to the Daytona Beach public and its environs.

(10) To determine, in view of the foregoing, whether the grant of the instant application is consistent with the public interest, convenience and necessity.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestants.

It is further ordered, That Orlando Broadcasting Company, Inc., Mid-Florida Radio Corporation, Central Florida Broadcasting Company and the Chief of the Broadcast Bureau are hereby parties to the proceeding herein and that:

(a) The hearing on the above issues shall commence at a time to be specified in a subsequent order, before an Examiner to be specified at a later date;

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

(c) The appearances by the parties intending to participate shall be filed not later than April 17, 1957.

Adopted: April 3, 1957.

Released: April 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–2992; Filed, Apr. 12, 1957; 8:52 a. m.]

[3] See Pike & Fischer 1 RR 10: 373, Senate Report accompanying H. R. 5614 amending section 309 (c).

[Docket No. 11976; FCC 57–332]

SUFFOLK BROADCASTING CORP. (WRIV)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Suffolk Broadcasting Corporation (WRIV), Riverhead, New York, Docket No. 11976, File No. BP–10765; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 3d day of April 1957;

The Commission having under consideration the above-captioned application of the Suffolk Broadcasting Corporation for a construction permit to increase the power of Station WRIV, Riverhead, New York, from 500 watts to one kilowatt, and to continue operation on 1390 kilocycles, daytime only;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate Station WRIV as proposed, but that the proposed operation would cause objectionable interference to Station WSTC, Stamford, Connecticut (1400 kc, 250 w, U); and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated February 14, 1957, of the aforementioned interference, and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that a timely reply to the Commission's letter was filed by the applicant; and

It further appearing, that by letter dated January 9, 1957, Station WSTC requested that the subject application be designated for hearing;

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

It is ordered, That, pursuant to section 309 (b) of the Communications Act of

1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

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

2. To determine whether the proposed operation of Station WRIV would cause objectionable interference to Station WSTC, Stamford, Connecticut, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

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

It is further ordered, That The Western Connecticut Broadcasting Company, licensee of Station WSTC, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the Suffolk Broadcasting Corporation and The Western Connecticut Broadcasting Company, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: April 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-2993; Filed, Apr. 12, 1957; 8:52 a. m.]

[Docket No. 11977; FCC 57-334]

SOUTHERN BROADCASTING CO. (KCLH)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of D. R. James, Jr., tr/as Southern Broadcasting Company (KCLH), Camden, Arkansas, Docket No. 11977, File No. BP-10376; for construction permit.

1. The Commission has before it a "Protest And Petition For Reconsideration" filed on March 8, 1957, by Camden Radio, Inc. pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended; a response thereto filed by D. R. James, Jr. on March 19, 1957; and a Reply to the response filed by Camden Radio, Inc. on March 26, 1957. The protest is directed to the Commission's action of February 6, 1957, in granting without hearing the above-captioned application of D. R. James, Jr. for a construction permit for a new standard broadcast station (KCLH) at Camden, Arkansas to operate on 1370 kilocycles with a power of 1 kilowatt, daytime only. Camden Radio, Inc. (hereinafter sometimes referred to as KAMD) is licensee of Station KAMD, Camden, Arkansas.

2. KAMD requests that the KCLH grant be set aside; that the effective date of the grant be postponed; that the application be designated for hearing on issues specified by KAMD; and that KAMD be made a party to the hearing.

3. KAMD claims that, as an existing station in the city where the grantee proposes to operate, it will suffer economic injury from the grant in question and is therefore a "party in interest" and "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended, respectively, to have standing to file the instant pleading pursuant thereto.

4. In support of its pleading, KAMD claims that the applicant misrepresented that he is the sole party to the application whereas his father, D. R. James, Sr., is, in fact, also a party to the application; that neither the applicant nor his father is qualified to be the licensee of a radio station in view of their past activities in relation to former Station KPIN, Camden, Arkansas, and to the present application; and that the grant will adversely affect radio service to Camden and KAMD's service to the public.

5. The following background information is necessary to a proper understanding of this case: A construction permit for the facilities here involved was granted to Leo Howard in 1950. An application for assignment of the construction permit to D. R. James, Jr., was granted by the Commission on April 1, 1953, File No. BAP-178. A protest thereto, filed by KAMD pursuant to section 309 (c) of the Communications Act of 1934, as amended, was denied by the Commission. D. R. James, Jr., operated KPLN from May 12, 1953, to April 30, 1955, when the station was required to cease operation pending a hearing ordered by the U. S. Court of Appeals for the District of Columbia Circuit on the KAMD protest. An Initial Decision, released on November 3, 1955, looking toward a denial of the Howard-James assignment application, was finalized on December 7, 1955. In an Order dated February 16, 1956, the Commission declared the construction permit for KPLN forfeited and the station deleted because there was on file no valid application by Leo Howard for a license to cover said outstanding construction permit. On the same day, the Commission accepted for filing the D. R. James, Jr., application here in issue. The application specified the same frequency and physical assets of former Station KPLN.

6. On May 21, 1956, KAMD filed a petition requesting the Commission to designate the D. R. James, Jr., application for hearing. KAMD's petition contained the same allegations as those set forth in its instant protest. On February 6, 1957, the Commission considered the application and related pleadings and concluded that KAMD's petition should be denied and the application granted. In a letter dated February 6, 1957, the Commission advised KAMD that its petition was denied for the following reasons:

We have considered your petition of May 21, 1956, and related pleading of June 4, 1956. We are of the opinion that insufficient factual data was submitted to substantiate either your allegation that D. R. James, Sr., has an undisclosed interest with respect to the instant application or your allegation that D. R. James, Jr., is not qualified because of his activities in connection with former Station KPLN. Moreover, in the Initial Decision in the KPLN proceeding, Docket No. 11363, finalized on December 7, 1955, it was held that there was nothing in the record adverse to D. R. James, Jr. We are of the opinion that you have not factually established that there now obtains any disqualifying matter with respect to D. R. James, Jr.

7. In support of its instant protest, KAMD claims, as it did in its petition of May 21, 1956 (see paragraph 6, supra), that James, Sr., is the real party in interest here; that he and James, Jr. "worked as a unit in connection with the acquisition of KPLN just as they have worked in practically every other enterprise in which James, Jr., is interested"; that the following facts demonstrate the extensive father-son cooperation existing between the two:

(a) James, Jr., 32 years old, is the only son of James, Sr.

(b) James, Jr., after completing Army service and college, never worked for anyone but his father. He began as a switchboard operator at his father's hotel in 1949 and by 1952 had been elevated to the position of hotel manager. He holds this position today (Record, Docket 11363, pp. 37, 573-576). His father gave him a 25 percent interest in the hotel in 1954 (Record, Docket No. 11363, p. 577).

(c) James, Sr. has given James, Jr., practically all of the capital assets now owned by James, Jr., and he has continuously made gifts of other valuable items to the son, including:

i. 25 percent interest in the Randolph Hotel.

ii. 3 percent interest in Station KELD, El Dorado, Arkansas.

iii. Travel expenses between October, 1952 and January, 1953 relating to Station KPLN (James, Sr., dep., D-11363, pp. 104-105).

iv. Payments on equipment note on Station KPLN (James, Sr., dep., supra).

v. Payment of utility bills for Station KPLN (James, Sr., dep., supra).

vi. Gift of a house, an automobile, real property, and cash (James, Sr., dep., D-11363, p. 106).

(d) James, Jr., has maintained an office continuously since 1949 immediately next to the office of his father in the Randolph Hotel, El Dorado, Arkansas. The door between the offices is always open. Conversations in one office may be heard in the other. (James, Jr., test., D-11363, p. 575).

(e) James, Sr., and James, Jr., share a telephone line with two extensions.

(f) James, Jr., "always" converses with his father on business matters, and James, Jr., has never made an investment exceeding $2,000 without checking and clearing with his father. (James, Jr., test. D-11363, pp. 571-575).

8. To show further that James, Sr., and James, Jr., work as a unit, KAMD claims that James, Jr., entered into an arrangement with one of KPLN's advertisers, whereby the Randolph Hotel, owned by James, Sr., and James, Jr., and another relative, received directly from the advertiser almost $1,000 worth of merchan-

dise in payment for advertising on KPLN. An affidavit by a representative of the advertiser supports this statement.

9. KAMD contends that, in view of the foregoing, James, Sr., is, in fact, a party to the applicant, and that he is not qualified to be the licensee of a radio broadcast station for the reasons that "James, Sr. [has been] connected through subterfuge and undisclosed interests with KPLN since that facility was first applied for in 1950"; that "James, Sr., entered into an agreement with Leo Howard which would have given James, Sr., a 49 percent interest in Station KPLN if Howard had succeeded in placing the station on the air"; that "James [Sr.] knowingly permitted Howard to file an application representing that Howard was sole applicant and that Howard had $15,000 on deposit when in truth that amount was to be deposited by James, Sr. if Howard found it necessary to have the funds actually in a bank account"; that "James, Sr., further advanced $3,500 to Howard in connection with the application for KPLN and again, knowingly, went along with Howard's failure to disclose this financial interest to the Commission"; that "James [Sr.] further assisted in 1952 in making arrangements for the transfer of Howard's construction permit and the physical facilities for KPLN to his son, but his testimony before the Commission in the KPLN protest hearing was that he had not played this role."

10. KAMD claims that James, Jr., is not qualified to be the licensee of a broadcast station for the reasons that he "contracted to take over the facilities of KPLN in October, 1952"; that "he knew that he could not assume control over the facilities until after approval of an application of assignment of construction permit by the Federal Communications Commission"; but that prior to receipt of such approval, James, Jr. took the following actions:

(a) He assumed liability for the equipment note of KPLN and commenced payments on that note. In connection with this item, James, Jr., stated that the note was "to be" assumed by him (BAP-178, filed October 13, 1952). Actually, James, Jr., had assumed the note on October 1, 1952.

(b) He assumed control of the physical facilities of KPLN and he paid utility bills, telephone charges, telegram charges, and maintenance expenses incurred in connection with the facilities of KPLN (actually, by "loans" from James, Sr.).

(c) He held himself out as having an interest in Station KPLN and he represented himself as an owner of the station in a telegram directed to the Commission on February 12, 1953; and that "James, Jr., represented to the Commission repeatedly that he was the individual licensee of KPLN during the period from April 1, 1953, to April 27, 1955," but that "as is shown above, during that period, he entered into at least one transaction with an advertiser on the station by which income was given directly to the partnership consisting of James, Jr., his father and his uncle, which operates the Randolph Hotel."

11. Finally, KAMD alleges that the grant is invalid because the Commission failed to find that D. R. James, Jr., was not qualified to be a broadcast licensee; that the operation of KCLH would cause severe injury to KAMD; that KCLH would bring no new or needed service to Camden since the proposed programing service will concentrate on music and news, "the format familiar to most radio audiences"; that "any public service needs of the area can and are met by KAMD"; and that there is, therefore, no affirmative reason why the grant should be kept in effect.

12. In an opposition to KAMD's protest, D. R. James, Jr., states that he "does not admit any of the allegations set forth in the pleading filed in behalf of Camden Radio, Inc."; that the grounds advanced by KAMD are insufficient to warrant the postponement of the effective date of the KCLH grant pending a hearing; that the action of the Commission in granting the application constituted a finding by the Commission that the construction of such station would be in the public interest; that D. R. James, Jr., questions whether any of the issues relied upon by KAMD are, or would be, relevant to a determination as to whether the Commission should set aside the grant; and that "several of the issues, particularly Issue 2–A and B, concern matters which previously have been resolved by the Commission (In re application of Leo Howard, 13 Pike and Fischer, RR 71)"; and that, in the event a hearing is held, the burden of proceeding with the introduction of evidence and the burden of proof should be upon the protestant.

13. KAMD requests that the D. R. James, Jr., application be designated for hearing on the following issues:

1. To determine whether the applicant is the real party in interest, specifically in regard to (but not limited to consideration of) the following matters:

(a) Whether D. Randolph James, Sr., or any enterprise controlled by him, has had, now has, or will have any interest in or connection with the station proposed herein.

(b) Whether D. Randolph James, Sr., and D. R. James, Jr., are so linked by ties of blood and business relationship as to be a family unit in regard to the instant application.

2. To determine whether D. R. James, Jr., or D. Randolph James, Sr., is qualified to be the licensee of a broadcast station, specifically in regard to (but not limited to consideration of) the following matters:

(a) The past connections among D. Randolph James, Sr., and Station KPIN, Leo Howard and George L. Byars.

(b) Whether D. R. James, Jr., assumed the construction permit for Station KPLN, Camden, Arkansas, without prior consent of the Commission.

(c) Whether D. R. James, Jr., and D. Randolph James, Sr., or any entity controlled by them have utilized the facilities of Station KPLN for the benefit of any non-broadcast business owned by them especially whether they have entered into arrangements whereby the Randolph Hotel received free merchandise from an advertiser on Station KPLN.

3. To determine whether there are any documents, instruments, contracts or understandings relative to ownership, use or control of the station, between the applicant and D. Randolph James, Sr.

4. To determine whether the area to be served by the applicant can support both the proposed station and Station KAMD, and

(a) If not, whether grant of the above-entitled application will reduce or destroy the quantity or quality of the local radio program service or any other service now being rendered by Station KAMD and

(b) If both stations can survive, whether the service to be received from the two stations may reasonably be expected to be of inferior quality as a result of neither station receiving adequate revenue; and

5. To determine whether the proposed daytime only service of the applicant will impair or destroy the nighttime service of Station KAMD, leaving the Camden area without a local fulltime radio service, or without adequate local, fulltime radio service.

6. To determine, on the basis of all of the evidence adduced under the foregoing issues, whether the public interest, convenience or necessity would be served by grant of the instant application.

14. In view of the facts that KAMD is an existing standard broadcast station licensed to operate in the city where the grantee, KCLH, proposes to operate; that both stations will be in direct competition for advertising revenue; and that KAMD has alleged that it will suffer economic injury as a result of the operation of KCLH, we find that KAMD is a "party in interest" and a "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended. In re T. E. Allen and Sons, Inc., 9 Pike and Fischer RR 197; Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470 (9 Pike and Fischer RR 2008); Clarksville Broadcasting Co., 10 Pike and Fischer RR 1274, 1276. We find further that KAMD has, within the meaning of section 309 (c), specified with sufficient particularity facts relied upon as showing the grant in question was improperly made or would otherwise not be in the public interest to warrant designating the above-captioned application for hearing with respect to Issues 1, 2 and 3.

15. Issues 1, 2, and 3 raise questions as to the undisclosed participation of D. R. James, Sr., in the subject application and as to the effect of certain activities of D. R. James, Jr., in connection with former Station KPLN upon his qualifications to be a broadcast station licensee. The protest, in substance, restates the allegations set forth by KAMD in its various pleadings in opposition to the subject application, which pleadings were considered and found to be inconsequential by the Commission when it granted the application in question. Accordingly, we are not adopting Issues 1, 2 and 3 and the burden of proceeding with the introduction of evidence and the burden of proof on these issues will be on the protestant. Further, by including the issues set forth below, we do not determine or imply that any or

all of these issues, even if the facts with respect thereto are as alleged by the protestant, are such that they could result in a determination that the instant grant was improper, contrary to the public interest, and should be set aside.

16. Issues 4 and 5, as specified by KAMD, relate to whether the grant in question will adversely affect radio service to Camden, Arkansas and KAMD's service to the public. KAMD contends that it may have to curtail its nighttime operation and reduce the quality of its programs because of the economic injury brought about by the operation of KCLH. In a recent case in which the protestant raised economic issues, we stated that "We take this opportunity now to disclaim any power to consider the effects of legal competition upon the public service in the field of broadcasting." In re Application of Southeastern Enterprises (WCLE), FCC 57-252, released on March 22, 1957. Consequently, we believe that even if KAMD's "economic injury" facts were proven, no grounds are presented for setting aside the grant in question. It appears, however, that in view of the provisions of section 309 (c),[1] KAMD must be afforded an opportunity for oral argument on these issues. Accordingly, oral argument will be held on Issues 4 and 5, as specified by KAMD, as on demurrer.

17. A final question is presented as to whether we should stay the effective date of our grant of the above-captioned application. In this connection, section 309 (c) of the Communications Act provides that:

> * * * pending hearing and decision [of cases arising under this section of the statute] the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorizations in question pending the Commission's decision after hearing.

18. Camden, Arkansas, has a population of 11,372 (1950 U. S. Census). It is located 85 miles south of Little Rock in Ouchita County, which has a population of 33,051 (1950 U. S. Census). KAMD is the only station presently licensed to serve Camden. KAMD is now operating on 1450 kilocycles with a power of 250 watts, unlimited time.[2] It is affiliated with the Mutual Broadcasting System.

19. We are of the opinion that when a town is served by only one local transmission facility, it is reasonable to conclude, without probing further, that a definite and vital need exists for a second medium of local expression. The listeners' opportunity to select among locally originated programs; the availability to civic authorities, public service organizations, and advertisers of more than one local radio medium; the stimulus of competition in local radio operations; and the diversification of standard broadcast operation in a given town—all are among the manifest needs which remain unsatisfied in a one-station community and demonstrate that the public interest requires that the grant for a second local outlet remain in effect to fulfill said needs. In re Donald F. Whitman, 13 Pike and Fischer RR 849; Coos County Broadcasters, 13 Pike and Fischer RR 625. Accordingly, we affirmatively find that the public interest requires that our grant of KCLH for a second local outlet in Camden, Arkansas remain in effect pending a decision in the hearing provided for below.

20. *Accordingly, it is ordered,* That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the instant Protest And Petition For Reconsideration is granted to the extent provided for below and is denied in all other respects; and that oral argument will be held before the Commission, en banc, at a time and place to be specified in a subsequent order, to determine whether the matters raised by the following two issues, assuming the facts in support of the two issues to be true, are grounds for setting aside the grant in question:

1. To determine whether the area to be served by the applicant can support both the proposed station and Station KAMD, and

(a) If not, whether grant of the above-entitled application will reduce or destroy the quantity or quality of the local radio program service or any other service now being rendered by Station KAMD and

(b) If both stations can survive, whether the service to be received from the two stations may reasonably be expected to be of inferior quality as a result of neither station receiving adequate revenue; and

2. To determine whether the proposed daytime only service of the applicant will impair or destroy the nighttime service of Station KAMD, leaving the Camden area without a local fulltime radio service or without adequate local, fulltime radio service.

It is further ordered, That, the parties intending to participate in the oral argument shall file their appearances not later than 10 days prior to the date of said oral argument and shall have until the date of oral argument to file briefs or memoranda of law.

It is further ordered, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-captioned application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether the applicant is the real party in interest, specifically in regard to (but not limited to consideration of) the following matters:

(a) Whether D. Randolph James, Sr., or any enterprise controlled by him, has had, now has, or will have any interest in or connection with the station proposed herein.

(b) Whether D. Randolph James, Sr., and D. R. James, Jr., are so linked by ties of blood and business relationship as to be a family unit in regard to the instant application.

2. To determine whether D. R. James, Jr., or D. Randolph James, Sr., is qualified to be the licensee of a broadcast station, specifically in regard to (but not limited to consideration of) the following matters:

(a) The past connections among D. Randolph James, Sr., and Station KPLN, Leo Howard and George L. Byars.

(b) Whether D. R. James, Jr., assumed the construction permit for Station KPLN, Camden, Arkansas, without prior consent of the Commission.

(c) Whether D. R. James, Jr., and D. Randolph James, Sr., or any entity controlled by them have utilized the facilities of Station KPLN for the benefit of any non-broadcast business owned by them especially whether they have entered into arrangements whereby the Randolph Hotel received free merchandise from an advertiser on Station KPLN.

3. To determine whether there are any documents, instruments, contracts or understandings relative to ownership, use or control of the station, between the applicant and D. Randolph James, Sr.

4. To determine, on the basis of all of the evidence adduced under the foregoing issues, whether the public interest, convenience or necessity would be served by a grant of the instant application.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the issues shall be on the protestant;

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

1. The evidentiary hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a subsequent order; and

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

3. The appearances by the parties intending to participate in the evidentiary

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[1] Section 309 (c) provides, in pertinent part, that: " * * * The Commission shall, within thirty days of the filing of the protest, render a decision making findings as to the sufficiency of the protest in meeting [specified] requirements; and, where it so finds, shall designate the application for hearing on issues relating to all matters specified in the protest as grounds for setting aside the grant, *except with respect to such matters as to which the Commission, after affording protestant an opportunity for oral argument, finds, for reasons set forth in the decision, that, even if the facts alleged were* to be proven, no grounds for setting aside the grant are presented." (Italics supplied).

[2] KAMD holds an outstanding construction permit to operate on 910 kilocycles with a power of 500 watts nights and 1 kilowatt days, unlimited time.

hearing shall be filed not later than April 22, 1957.

Adopted: April 5, 1957.

Released: April 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-2994; Filed, Apr. 12, 1957; 8:52 a. m.]

[Docket No. 11982, etc.; FCC 57-337]

ENTERPRISE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Enterprise Broadcasting Co., Fresno, California, Docket No. 11982, File No. BP-10319; Amelia Schuler, Lester Eugene Chenault and Bert Williamson, d/b as Radio KYNO, The Voice of Fresno (KONG), Visalia, California, Docket No. 11983, File No. BP-10432; Radio Dinuba Company (KRDU), Dinuba, California, Docket No. 11984, File No. BP-10735; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of April 1957;

The Commission having under consideration the above-captioned applications for construction permits by Enterprise Broadcasting Co. for a new standard broadcast station to operate on 1150 kilocycles with a power of 1 kilowatt, directional antenna, daytime only, at Fresno, California; by Amelia Schuler, Lester Eugene Chenault and Bert Williamson, d/b as Radio KYNO, The Voice of Fresno, to change the facilities of Station KONG, Visalia, California, from operation on 1400 kilocycles with a power of 250 watts, unlimited time, to operation on 1130 kilocycles with a power of 1 kilowatt, directional antenna, unlimited time; and by Radio Dinuba Company to change the facilities of Station KRDU, Dinuba, California from operation on 1240 kilocycles with a power of 250 watts, unlimited time, to operation on 1130 kilocycles with a power of 1 kilowatt, directional antenna, unlimited time; and

It appearing, that each of the applicants is legally, technically, financially and otherwise qualified, except as may be indicated by the issues specified below, to construct and operate its proposal, but that operation of the proposals of Enterprise Broadcasting Co. and Radio Dinuba Company would result in mutually destructive interference; that the proposals of Radio Dinuba Company and Radio KYNO, The Voice of Fresno, would result in mutually destructive interference; that the proposal of Enterprise Broadcasting Co. would cause interference to Station KRAK, Stockton, California; that the proposal of Radio KYNO, The Voice of Fresno, would cause interference to Station KSDO, San Diego, California; and that the proposal of Radio Dinuba Company would involve interference with Stations KRAK and KSDO; and

It further appearing, that a question obtains as to whether the directional antenna systems proposed by Radio KYNO, The Voice of Fresno, and by Radio Dinuba Company can be adjusted and maintained as proposed in order to preclude objectionable nighttime interference to Station KWKH, Shreveport, Louisiana; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated December 4, 1956 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would serve the public interest; and

It further appearing, that a timely reply was filed by each of the applicants; and

It further appearing, that in letters dated November 14, 1956, and March 6, 1957, International Broadcasting Corporation, licensee of Station KWKH, requested that the applications of Radio KYNO, The Voice of Fresno, and of Radio Dinuba Company be designated for hearing, and it be made a party to the hearing, on the ground that the directional antenna systems proposed therein cannot be adjusted and maintained to avoid interference to Station KWKH; and

It further appearing, that in an amendment filed on March 1, 1957, Radio Dinuba Company requested a waiver of § 3.30 of the Commission's rules so that its proposed operation could utilize the present KRDU studios although they are outside the city limits and not at the proposed transmitter location; that, in support of its request for waiver, Radio Dinuba Company contends that it "has invested approximately $21,000 in this combination studio and transmitter building, and feels that an abandonment of it would be a needless waste of money"; and that we are of the opinion that, in the event of a grant of this application, the public interest would be served by a waiver of § 3.30 of our rules so that the present KRDU studios may be utilized in the proposed operation; and

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

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

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

2. To determine the areas and populations which may be expected to gain or lose primary service from each of the proposals of Radio KYNO, The Voice of Fresno, and Radio Dinuba Company, and the availability of other primary service to such areas and populations.

3. To determine whether the proposals of Radio Dinuba Company and Enterprise Broadcasting Co. would involve objectionable interference with Station KRAK, Stockton, California; and whether the proposals of Radio Dinuba Company, and Radio KYNO, The Voice of Fresno, would involve objectionable interference with Station KSDO, San Diego, California; or any other existing standard broadcast stations, and, if so, the nature thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the directional antenna systems proposed by Radio KYNO, The Voice of Fresno, and by the Radio Dinuba Company can be adjusted and maintained as proposed, and, if not, whether said proposals would cause objectionable nighttime interference to Station KWKH, Shreveport, Louisiana, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

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

It is further ordered, That San Diego Broadcasting Company, licensee of Station KSDO, San Diego, California; Golden Valley Broadcasting Company, licensee of Station KRAK, Stockton, California; and International Broadcasting Corporation, licensee of Station KWKH, Shreveport, Louisiana, are made parties to the proceeding; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That, in the event of a grant of the Radio Dinuba Company application, § 3.30 of our rules shall be waived to permit use of the present KRDU studios.

Released: April 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-2995; Filed, Apr. 12, 1957; 8:53 a. m.]

[Docket No. 11996; FCC 57-338]

KAISER HAWAIIAN VILLAGE RADIO, INC. (KHVH)

MEMORANDUM OPINION AND ORDER SCHEDULING ORAL ARGUMENT

In re application of Kaiser Hawaiian Village Radio, Inc. (KHVH), Honolulu,

Hawaii, Docket No. 11996, File No. BP-10825; for construction permit.

1. The Commission has before it for consideration a "Petition Protesting Grant and For Reconsideration or Rehearing" filed on March 8, 1957, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by KIKI, Ltd. (protestant), licensee of Station KIKI, Honolulu, Hawaii (830 kc, 250 w, U), and directed to the Commission's action of February 6, 1957, in granting without a hearing the above-captioned application of Kaiser Hawaiian Village Radio, Inc. (hereinafter sometimes referred to as Kaiser, or grantee), for a construction permit for a new standard broadcast station to operate on 1040 kilocycles with a power of 5 kilowatts, unlimited time, at Honolulu, Hawaii; an opposition thereto, filed on March 22, 1957,[1] by Kaiser; and protestant's Reply filed on March 27, 1957.

2. The protestant claims standing as a "party in interest" and "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended, as the licensee of an existing standard broadcast station in the city where the grantee proposes to operate and as one who will suffer economic injury from the operation of a tenth station in the city. Alleging that there are not "sufficient economic resources to permit the existing Standard Broadcast Stations operating in the area to operate on an economically sound base, together with the proposed new operation," protestant requests that the Commission reconsider its action of February 6, 1957, set aside the grant and designate Kaiser's application for hearing; and that pending hearing and decision thereon, the Commission postpone the effective date of its action to the effective date of the Commission's decision after hearing.[2]

3. The protestant contends that the Kaiser grant "* * * threatens serious deleterious economic effects upon [it] * * *" inasmuch as the area proposed to be served by Kaiser is now served by nine other standard broadcast stations (including that of the protestant), and that there are not sufficient economic resources in the area to permit these stations and the proposed new operation to operate on an economically sound basis. In support of its contention protestant states that according to the Commission's statistical study Final AM–FM Broadcast Financial Data—1955, only seven of the nine stations reported times sales of $25,000 or more in 1955; that total broadcast revenue for these seven stations was $1,475,962 with total expenses of $1,410,-221 resulting in a total broadcast income for seven stations in an amount of $65,741; that protestant began operation in 1951 and suffered substantial operating losses through 1953; that since 1954 it has operated "slightly in the black" but has nowhere recouped the loss suffered during the first three years of operation; that five of the nine standard broadcast stations on the Island of Oahu have either a marginal operation or have been actually operating at a loss; that the main economy of the area depends upon the growing and processing of pineapple and sugar, which industries are and have been in a depressed state; that the only source of income for the area which has been holding up or increasing is the income from the "tourist trade"; that experience shows that this is not the type of income that supports the operation of local radio stations; that there is no question that the construction and operation of a tenth radio station in Hawaii would have a "most disastrous effect" on the operation of the existing radio stations, as well as on the operation of the new station, because the area cannot economically support ten radio stations; that to permit the operation of the additional station would undoubtedly result in a financial loss to all ten stations, causing some of the operators of said stations to curtail their operations in such a manner that the quality of the programs broadcast would, of necessity, suffer; that the proposed operation could cause the destruction of some of the existing operations (including protestant's) so that the general public would suffer through the loss of such existing services which are and have been broadcast in the public interest; that such curtailment of program service would irreparably injure the public interest, without adding any program service not now available; and, that by the addition of a tenth standard broadcast station, Honolulu County (Oahu Island) would have two more stations than presently operate in Cleveland, Ohio, which has several times the county population of 353,020.

4. The protestant also alleges that the grantee has only available funds in the amount of $50,000; that this amount is to be made available by one of its two stockholders; that the estimated cost of construction and of the first year's operation totals $92,800; that the grantee expects revenue of $100,000 in the first year of operation; that nowhere in the application is there any indication that additional revenue will be obtainable or that any revenue is committed to the proposed operation; that protestant believes that the grantee could not obtain revenue in the amount claimed because the area to be served does not have any additional sources of broadcast revenue; that the Commission must therefore conclude that the grantee's financing is inadequate; and that the operation of three existing and one proposed television station makes it more unlikely that the Commission could safely permit the operation of the tenth radio station. The protestant further alleges that within the past weeks a 50 percent stockholder in the applicant has been buying "bulk sale" time on some of the Honolulu radio stations and broadcasting in a manner to indicate to the general public that grantee's proposed station is already in operation; that this has been done by announcing that the broadcasts emanate from the studios of Station KHVH; and that such broadcasts are a fraud on the general public and raise a serious question as to whether the grantee's character is such as to permit it to operate in the public interest.

5. The protestant requests that the above-captioned application be designated for hearing upon the following specified issues:

(1) To determine whether the Honolulu market will provide sufficient revenues to the proposed standard broadcast station so as to permit the applicant to adequately serve the public.

(2) To determine whether the advertising potential of the Honolulu market is such as may indicate that all ten stations, the nine existing stations and the proposed, or any number of the stations will go under with the result that the listening public, or a portion of the listening public, will be left without adequate service, thereby causing severe irreparable injury to the public interest.

(3) To determine whether the advertising potential of the Honolulu market is so slight that by a division of the field the petitioner's station, the applicant's proposed operation, and/or one and/or more of the other nine existing standard broadcast stations will be compelled to render inadequate service.

(4) To determine whether the grant of such application would result in depriving the public of the service of the petitioner's station or the proposed operation of the applicant, or both, or would result in depriving the public of the service of one or more of the other existing standard broadcast stations in Honolulu.

(5) To determine whether the applicant is financially qualified to construct, own and operate the proposed station if economic support is not available.

(6) To determine whether the applicant possesses sufficient character qualifications so as to permit it to continue as a permittee.

(7) To determine, in the light of the evidence adduced with respect to the foregoing issues, whether the public interest, convenience or necessity require that the Commission's action of February 6, 1957, granting the above-entitled application should be vacated. As stated in paragraph 2, supra, the protestant requests that the Commission postpone the effective date of the Commission's action granting said application to the effective date of the Commission's decision after hearing.

6. In its opposition, Kaiser concedes the protestant's standing under Sections 309 (c) and 405 of the Communications Act, but requests that the petition for reconsideration be denied and the protest be dismissed as frivolous and insubstantial or, in the alternative, that it should be designated for immediate oral argument pursuant to Section 309 (c) to determine whether the facts alleged, even if proven, would constitute grounds

[1] Protestant has not objected to the late filing of this pleading.

[2] While the protestant also requests the Commission to stay immediately the effective date of the grant until the date of the Commission action on its petition, we hereby deny said request because we have expedited action on this instant Memorandum Opinion and Order disposing of the subject petition.

for setting aside the grant.[3] Kaiser asserts that the public interest requires that the grant of the construction permit remain in effect pending disposition of the protest. With respect to its request for oral argument on the economic issues, Kaiser calls attention to the discussion on this subject in its opposition filed on January 10, 1957, in the case of Kaiser Hawaiian Village Television, Inc., Docket 11923. In said opposition, Kaiser stated, in substance, that as held in F. C. C. v. Sanders Bros. Radio Station, 309 U. S. 470, the Commission is not empowered to grant or withhold authorizations on the basis of the effect upon competition, and that in the light of this holding, protestant's allegations as to the effect of the Kaiser grant upon [radio] competition would not, even if true, militate against the subject grant. In its instant opposition, Kaiser points out that the undocumented assertion that a tenth station will create catastrophe when nine stations are already operating is absurd on its face; that the addition of approximately 11 percent more competition would appear to be de minimis; that if the Commission were to assume the role of economic arbiter and to treat broadcasters as common carriers, the Commission should call up for renewal the licenses of the existing stations in Honolulu to determine which of these stations are financially and otherwise competent to render a service in the public interest; that in such an inquiry, the protestant and other unsuccessful stations might conceivably be denied renewal; but that the Commission lacks either the authority or the desire to exercise the discipline of common carrier regulation in the broadcast field.

7. With respect to protestant's Issue 5 concerning grantee's financial qualifications, Kaiser states that while it may be assumed that protestant is sincere in raising the economic issue, it seems inconceivable that the grantee's financial qualifications are being questioned in good faith. Kaiser states that no rule or policy of the Commission requires that an applicant for a radio station show more than the financial ability to construct the station and to operate for a reasonable period to time; that the Commission is normally, and quite reasonably, satisfied with a showing based largely on credit; that grantee showed $50,000 in cash in the bank, some $8,000 more than the original estimated construction costs and that the income of both stockholders of the grantee is substantial; that its application was unusual from a financial standpoint only in that at the outset it had enough money to build and operate "without resorting to credit"; that protestant's contentions as to financial qualifications have become moot, since the station has been built and is now on the air (program test authority was granted to Kaiser on March 15, 1957); and that Kaiser, in the interest of constructing rapidly and rendering the best possible service, has spent more money than originally planned, and has added substantially to the capital available to the station.

8. With respect to protestant's Issue 6 concerning the character qualifications of the grantee, Kaiser states that protestant's allegations, even if taken as true, are patently insubstantial; that protestant makes a conclusionary, and quite irresponsible, charge of "fraud on the general public"; that it is true that a stockholder of Kaiser has bought time on other stations for programs in which it has been announced that the "broadcasts emanate from the studios of Station KHVH"; that Kaiser bought time on other stations, pending completion of its own transmitting facilities, and the programs were broadcast from KHVH studios over those other stations in anticipation of the time when the station could operate its own facilities; that the allegation of fraud in this regard is wholly unsupported; that no specific intent to deceive the public is alleged or could be; that KHVH was assiduous to have announced that these programs were being brought to the public through the courtesy of the management, staff and facilities of the station over which they were actually broadcast; that it would be both impractical and undesirable in KHVH's own interest to deceive the public, since it naturally hopes to attract listeners to its own frequency; that it was attempting to "make the public realize that it was a new station expecting to go on the air in its own right in the immediate future"; and that it made sure the public was fully aware of this.

9. In its Reply to the Opposition, protestant contends, in substance, that the public interest requires that the protest be designated for evidentiary hearing and that the grant to Kaiser be stayed pending disposition of the protest; that the economic injury against it is of such potential nature that it would suffer irreparable injury and that it would be detrimental to the public interest if the grant is not stayed; that only by an evidentiary hearing can the Commission obtain all the pertinent facts with respect to the "economic issues"; that the grantee answers the allegation concerning its financial qualifications by alleging facts to show that it has cured its financial defects but that protestant's allegation was based upon grantee's application on file at the time the protest was filed; that the facts with respect to the allegation of fraud on the public could only be determined by an evidentiary hearing; that grantee attempts to "fool" the Commission as to the quality of its "special news programs," (See paragraph 14, infra) and that letters of appreciation were sent by the Police Department to every station on the Islands; that news broadcasting has been "well done" on the Islands since the beginning of radio and programming as proposed by the grantee has been generally discarded as "dull and uninteresting"; that in the affidavit, filed in the supplemental opposition, (footnote 2) Lewis, a Honolulu lawyer, "plays loose with facts"; that this conduct shocks the sensibilities of lawyers concerning the ethics of the profession and the obligations of persons engaged in the practice of the profession; and that if the grant to Kaiser is not stayed, protestant will suffer irreparable injury which may affect its ability and the ability of the other existing standard broadcast stations to continue their high standard of broadcasting in the public interest.

10. In view of the fact that the protestant is licensee of Station KIKI, Honolulu, Hawaii, where Station KHVH proposes to operate; that the two stations will be in direct competition for advertising revenue; and that KIKI has alleged that it would suffer economic injury as a result of the operation of Station KHVH, we find the protestant to be a "party in interest" and "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470, 9 Pike and Fischer RR 2008; T. E. Allen and Sons, Inc., 9 Pike and Fischer RR 197. We find further that with respect to the issues it has designated as 1, 2, 3 and 4 (paragraph 5, supra), the protestant has specified with particularity, within the meaning of section 309 (e), the facts upon which it relies to show that the Commission grant was not in the public interest. We find, however, that Issues 5 and 6, as specified by the protestant are unsupported in that the protestant has not specified with sufficient particularity, within the meaning of section 309 (c), the facts relied upon with respect to these issues.

11. In substance, Issues 1, 2, 3 and 4, as specified by the protestant, concern the ability of the Honolulu market to provide sufficient economic support to permit the operation of ten standard broadcast stations. The protestant's position is that the Honolulu market will not support ten such stations; that the addition of a tenth station may cause one, two or all stations to fail or, at least, to curtail their programs so severely that the public interest will suffer. The Commission recently stated in a case in which the protestant raised economic issues that: "We take this opportunity now to disclaim any power to consider the effects of legal competition upon the public service in the field of broadcasting." In re Application of Southeastern Enterprises (WCLE), released March 22, 1957. Consequently, the Commission believes that even if the protestant's "economic injury" facts were proven, no grounds are presented for setting aside the grant in question. It appears, however, in view of the provisions of Sec-

[3] In a supplement to its opposition, filed on March 25, 1957, Kaiser questions the good faith of KIKI, Ltd., in filing the protest. Dudley C. Lewis, a director of the grantee corporation, states in an affidavit that Royal V. Howard, president of KIKI, Ltd., stated to him that the purpose in filing the protest was to serve notice on the FCC and on all other prospective applicants for radio licenses in Honolulu that there are already too many stations there and that any future applications will be opposed. Mr. Howard is alleged also to have stated that he did not believe that the protest would be successful but nevertheless that he did not wish to withdraw it because of its deterrent effect on future applicants for stations in Honolulu.

tion 309 (c)[4] the protestant must be afforded opportunity for oral argument on these issues. Accordingly, oral argument will be held on Issues 1, 2, 3 and 4, as specified by the protestant as on demurrer.

12. With respect to Issue 5, as specified by the protestant, it is alleged that the grantee has only available funds in the amount of $50,000, and that this amount is insufficient to meet the cost of construction ($42,800) and first year's operation of the proposed station ($50,000), since the estimated first year revenue of $100,000 will not be available and even if available, has not been committed to the proposed operation. At the time the Commission made the grant to Kaiser, it found the applicant financially qualified on the basis of the availability of the $50,000, which the Commission believed sufficient to meet the estimated construction cost of $42,800 and the initial operating costs of the station. Nowhere does the protestant question the accuracy of these figures. Furthermore, the grantee has now completed construction of the proposed station and is operating under program test authority granted March 15, 1957. The Commission, therefore, finds that the protestant has not specified with sufficient particularity, within the meaning of section 309 (c) of the Communications Act, the facts relied upon with respect to this issue, and it hereby reaffirms its prior determination that the grantee is financially qualified to construct and operate the proposed station.

13. With respect to Issue 6, as specified by the protestant, it is alleged that the grantee has been "buying time" on other stations in the Honolulu area and broadcasting programs thereon from its own studios in a manner to indicate to the general public that its proposed station is already in operation. It is stated that this is a fraud on the public and that a serious question is raised concerning the grantee's character qualifications. The grantee does not dispute the fact that it has been broadcasting programs from its studios over the facilities of other stations, pending the completion of construction of its own facilities. It states that it had no intention to deceive the public and that it was announced during the course of the programs that they were brought to the public through the courtesy of the station over which they were broadcast. We do not believe that the protestant's allegations constitute any basis for the charge of "fraud on the general public." Protestant's request for hearing on this issue must therefore be denied. As grantee points out, it would have been impractical and undesirable to deceive the public as to the frequency over which the programs were carried since the grantee naturally hopes to attract listeners to its own frequency.

14. We turn now to the question of whether we should stay the effective date of our grant of the above-captioned application. Section 309 (c) of the Communications Act provides, in pertinent part, that:

> * * * Pending hearing and decision [of cases arising under this statute] the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

Kaiser urges that the Commission should not stay its grant since it is bringing a new and vital radio service to the Honolulu area by concentrating on news coverage of a "quality and quantity * * * not hitherto known"; that its plan which includes three full-time reporters and one part-time reporter is in active operation today; that it rendered a unique service during the recent tidal wave disaster which was suffered by the Islands; that its almost six hour continuous program during that period constituted the fastest and only complete coverage of the rapidly developing events; and that its contribution to the public welfare during this instance was not available on other stations.[5] It is Kaiser's opinion that in view of the foregoing the public interest requires that its construction permit and operating authority not be suspended during the period necessary to dispose of the protest, and that it is extremely unlikely that the Commission will finally determine that its grant of the KHVH application has been improper. In deciding whether its present operation should be maintained, the Commission is of the view that Kaiser cannot claim consideration as "an existing service" within the purview of the above quoted pertinent part of section 309 (c).[6] Because there are nine operating standard broadcast stations in Honolulu, the Commission cannot make an affirmative finding that the public interest requires that this grant remain in effect. Accordingly, the effective date of the Commission's action here in question will be postponed to the effective date of the Commission's decision in the proceeding hereinafter ordered.

15. In view of the foregoing: *It is ordered*, That, effective immediately, the effective date of the grant of the above-captioned application is postponed pending a final determination by the Commission in the hearing ordered herein; that the subject Protest and Petition For Reconsideration is granted to the extent provided for below and is denied in all other respects; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, oral argument be held before the Commission, en banc, commencing at 10:00 a. m. on April 22, 1957, to determine whether the matters raised by the following issues, assuming the facts in support of the issues to be true, are grounds for setting aside the grant in question.

(1) To determine whether the Honolulu market will provide sufficient revenues to the proposed standard broadcast station so as to permit the applicant to adequately serve the public.

(2) To determine whether the advertising potential of the Honolulu market is such as may indicate that all ten stations, the nine existing stations and the proposed, or any number of the stations will go under with the result that the listening public, or a portion of the listening public, will be left without adequate service, thereby causing severe irreparable injury to the public interest.

(3) To determine whether the advertising potential of the Honolulu market is so slight that by a division of the field the petitioner's station, the applicant's proposed operation, and/or one and/or more of the other nine existing standard broadcast stations will be compelled to render inadequate service.

(4) To determine whether the grant of such application would result in depriving the public of the service of the petitioner's station or the proposed operation of the applicant, or both, or would result in depriving the public of the service of one or more of the other existing standard broadcast stations in Honolulu.

(5) To determine, in the light of the evidence adduced with respect to the foregoing issues, whether the public interest, convenience or necessity require that the Commission's action of February 6, 1957, granting the above-entitled application should be vacated.

It is further ordered, That KIKI, Ltd., and the Chief of the Broadcast Bureau are hereby made parties to the proceeding, and that,

(1) The parties intending to participate in the oral argument shall file their appearances not later than April 15, 1957;

(2) The parties to the proceeding shall have until the date of oral argument to file briefs or memoranda of law.

Adopted: April 5, 1957.
Released: April 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-2996; Filed, Apr. 12, 1957; 8:53 a. m.]

[4] "* * * The Commission shall, within thirty days of the filing of the protest, render a decision making findings as to the sufficiency of the protest in meeting the above requirements; and, where it so finds, shall designate the application for hearing upon issues relating to all matters specified in the protest as grounds for setting aside the grant, except with respect to such matters as to which the Commission, after affording protestant an opportunity for oral argument, finds, for reasons set forth in the decision, that, even if the facts alleged were to be proven, no grounds for setting aside the grant are presented."

[5] Kaiser submitted various letters praising its service during the tidal wave disaster, including one from the Honolulu Police Department, and is submitting to the Commission a tape recording of its coverage of the disaster.

[6] The Kaiser program test authority application stated that the authority requested is subject to being "suspended * * * without prior notice or hearing" in the event the Commission should postpone the effective date of the grant. The program test authority granted March 15, 1957 was made "without prejudice to any action, including the issuance of a stay order, which the Commission may be required to take as a result of the 309 (c) protest * * *"

FEDERAL POWER COMMISSION

[Docket Nos. G–11395, G–11394]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND SHELL OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1957.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket No. G–11395; and Shell Oil Company, Docket No. G–11394.

Take notice that on October 30, 1956, Transcontinental Gas Pipe Line Corporation (Transco), a Delaware corporation with its principal office at Houston, Texas, filed an application for a certificate of public convenience and necessity, pursuant to Section 7 of the Natural Gas Act, authorizing it to construct and operate certain facilities, as described in the application, to enable it to transport natural gas produced by Shell Oil Company from leases on land in the Arriola Field, Hardin County, Texas, to the 30-inch main line of Transco located also in Hardin County. The estimated cost of the proposed facilities is $2,500, which is to be financed from available funds.

On October 30, 1956, Shell Oil Company (Shell), a Delaware corporation, with its principal office in New York City, New York, filed an application for a certificate of public convenience and necessity pursuant to Section 7 of the act authorizing it to sell natural gas in interstate commerce to Transco for resale, which said gas is produced by Shell in the Arriola Field, Hardin County, Texas, from leases operated by it, all as more fully described in the application 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 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 the 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, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 22, 1957. Failure of any party to appear at and participate in the hearing shall be construed as a 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. 57–2956; Filed, Apr. 12, 1957; 8:46 a. m.]

[Docket Nos. G–11771, G–11772]

SOUTHWESTERN EXPLORATION CONSULTANTS, INC., AND KINGERY DRILLING CO., INC.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 8, 1957.

In the matters of Southwestern Exploration Consultants, Inc., Operator, Docket No. G–11771; Kingery Drilling Company, Inc., Docket No. G–11772.

Take notice that Kingery Drilling Company, Inc. (Kingery), having its principal place of business in Saint Jo, Texas, filed an application on January 22, 1957, 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 Lone Star Gas Company for resale covering production from certain acreage in the Asphaltum Field, Jefferson County, Oklahoma, which service was authorized December 14, 1956, in Docket No. G–2822, all as more fully described in the application in Docket No. G–11772.

Simultaneous with the above application for abandonment of service, Southwestern Exploration Consultants, Inc., (Southwestern), an Oklahoma corporation with its principal place of business in Oklahoma City, Oklahoma, as operator, filed an application in Docket No. G–11771, pursuant to section 7 (c) of the Natural Gas Act, for authorization to continue the service to Lone Star Gas Company proposed to be abandoned by Kingery Drilling Company, Inc.

The application states that, pursuant to a contract dated July 5, 1956, between Kingery and Southwestern, the gas producing properties covered in Docket No. G–2822 have been acquired by Southwestern (⅝ working interest) and H. J. Weinman (⅜ working interest).

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 May 9, 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) 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 25, 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. 57–2957; Filed, Apr. 12, 1957; 8:46 a. m.]

[Docket No. G–4619]

PAN AMERICAN PETROLEUM CORP.[1]

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1957.

Take notice that Pan American Petroleum Corporation (Applicant), a Delaware corporation with principal place of business at 511 South Boston Avenue, Tulsa 3, Oklahoma, filed on November 1, 1954, an application for a certificate of public convenience and necessity, pursuant to Section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from all producing horizons down to and including the top three hundred feet of the Travis Peak geological formation underlying its dedicated leases in the Carthage Field, Panola County, Texas, and sells such natural gas to Texas Gas Transmission Corporation for resale in interstate commerce under a contract with Texas Gas Transmission Corporation, dated July 1, 1952.

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 May 9, 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.

[1] Formerly Stanolind Oil and Gas Company

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 24, 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. 57-2958; Filed, Apr. 12, 1957; 8:46 a. m.]

[Docket Nos. G-8999, G-9235]

NORTH CENTRAL TEXAS OIL CO., INC., ET AL.

NOTICE OF APPLICATIONS, PROPOSAL TO CANCEL CERTIFICATE AND DATE OF HEARING

APRIL 8, 1957.

In the matters of North Central Texas Oil Company, Inc., Docket No. G-8999; North Central Oil Corporation and Filiorum Corporation, Docket No. G-9235.

Take notice that North Central Oil Corporation and Filiorum Corporation (Central Oil and Filiorum), Delaware and California corporations, respectively, with their respective principal places of business in Shreveport, Louisiana, and New York, New York, on August 16, 1955, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce to Colorado Interstate Gas Company for resale from their acquired interest in production from the Keyes Field, Texas County, Oklahoma, all as more fully described in the application in Docket No. G-9235 which is on file with the Commission and open to public inspection.

It appears from the files of the Commission that Central Oil and Filiorum acquired their interest in the Keyes Field, referred to above, as a result of a liquidation by the North Central Texas Oil Company, Inc., (Texas Oil), of all of its gas properties and certain production payments by sales thereof to Central Oil and Filiorum.

Texas Oil was issued a certificate of public convenience and necessity in Docket No. G-8999 by the Commission's order issued October 26, 1956 in Docket No. G-5524 et al., covering the production interest and sale covered by Central Oil and Filiorum's application in Docket No. G-9235 herein.

The liquidation and sale of its properties by Texas Oil to Central Oil and Filiorum prior to certificate authorization in Docket No. G-8999 rendered the matters involved therein moot and the application in said docket should have been dismissed.

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 May 9, 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 non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's Rules of Practice and Procedure. 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 25, 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. 57-2959; Filed, Apr. 12, 1957; 8:46 a. m.]

[Docket No. G-10973]

EAST TENNESSEEE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1957.

Take notice that East Tennessee Natural Gas Company (Applicant), a Tennessee corporation with address at P. O. Box 831, Knoxville 1, Tennessee, filed on August 27, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural gas system, a line tap and metering appurtenances on its existing 22-inch Greenbrier-Oak Ridge line near the intersection of said line with State Highway No. 53 in Jackson County, Tennessee. Applicant proposes to sell and deliver 575 Mcf of natural gas per day to the Town of Gainesboro, Tennessee (Gainesboro), a Tennessee municipal corporation, for resale and distribution in Gainesboro and environs as well as for its own use. Such gas would be sold on a firm basis pursuant to a requirements contract dated March 8, 1956 under Applicant's G-1 Rate Schedule, FPC Gas Tariff, Third Revised Volume No. 1.

The estimated cost of construction of the proposed facilities is $11,648 which will be financed by Applicant out of current funds on hand.

The estimated annual and maximum daily gas requirements of the proposed project in Mcf for the first 3 years of operation are:

Year	Peak day	Annual
1	426.8	34,223
2	488.0	38,945
3	574.0	43,044

Gainesboro will construct and operate from the aforesaid tap approximately 5.9 miles of 3½ inch lateral transmission line together with appurtenant facilities and a distribution system in Gainesboro for the purpose of serving Gainesboro and environs with natural gas. The estimated total cost of these facilities is $155,000 which will be financed by Gainesboro through the sale of bonds.

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 Thursday, May 9, 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 24, 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. 57-2960; Filed, Apr. 12, 1957; 8:46 a. m.]

[Docket No. G-11560]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1957.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at El Paso, Texas, filed an application on December 3, 1956, (supplemented on January 30, 1957) for a certificate of

public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing the construction and operation of certain additional facilities necessary or incident to improving and increasing the service to the Nogales area including Citizens Utilities Company, a distribution company and present customer of Applicant.

El Paso Natural Gas Company proposes to construct and operate the following facilities: Twenty-seven and 8/10th miles of 4½ inch pipeline extending southwesterly from a point on Applicant's 30-inch and 26-inch California Main Line in Pima County, Arizona, to its Nogales lateral pipeline at or near mile post 19.7 in Santa Cruz County, Arizona. The estimated total cost of the proposed facilities is $290,000, which cost will be financed from cash working funds.

The Applicant represents that it now proposes to sell and deliver all of the gas requirements of Citizens Utilities Company up to 2,700 Mcf per day during peak days and the following amounts per annum for each of the first three years of operations:

1	2	3
328,621 Mcf	339,627 Mcf	374,679 Mcf

The foregoing application is on file with the Commission and is open to public inspection.

This matter should be disposed of as promptly as possible 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 and regulations, a hearing will be held on April 30, 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 the application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) 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 1.0) on or before April 25, 1957. Failure of any party to appear at and to 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. 57-2961; Filed, Apr. 12, 1957; 8:46 a. m.]

[Docket No. G-11728]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1957.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware Corporation with its principal place of business in Salt Lake City, Utah, filed an application on January 11, 1957, as amended January 25, 1957, for a certificate of public convenience and necessity, pursuant to Section 7 (c) of the Natural Gas Act for authority to construct and operate certain facilities and to sell and deliver natural gas 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 to public inspection.

Applicant proposes to construct and operate a main line tap and a measuring and regulating station to be located approximately ¾ of a mile south of its Green River crossing and south of its existing city gate metering station at Vernal, Utah. Through the proposed facilities, Applicant estimates that it will deliver up to 300 Mcf per day of interruptible natural gas to Utah Gas Service Company for resale to the Uinta Oil Refining Company plant near Vernal.

Applicant estimates the natural gas requirements of the Uinta Refinery as follows:

Year of service	Annual	Peak day
1	98,550	300
2	98,500	300
3	98,500	300

Applicant estimates the total capital cost of its proposed facilities at $14,480, which will be financed out of currently available funds.

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 May 7, 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 23, 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. 57-2962; Filed, Apr. 12, 1957; 8:47 a. m.]

[Project No. 659]

CRISP COUNTY, GEORGIA

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

APRIL 8, 1957.

Public notice is hereby given that Crisp County, Georgia, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 659, located on the Flint River near Warwick in Crisp, Lee, Sumter, and Worth Counties, Georgia, to show certain changes which have been made in the project works consisting principally of the installation of a fourth generating unit with a capacity of 5,000 horsepower, the construction of a new 44-kv transmission line to replace an existing 44-kv line and the reconstruction of a second existing 44-kv transmission line between the powerhouse and Cordele, and the construction of an operators' village within the project area for operating personnel, and to provide for the exclusion from the project area of 4.7 acres of land on which a steam-electric plant is to be constructed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is May 8, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2963; Filed, Apr. 12, 1957; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ASSISTANT COMMISSIONER FOR ADMINISTRATION ET AL.

DELEGATIONS OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

Section II, Delegations of Final Authority, is amended as follows:

A. Paragraph E3 is amended to read as follows:

3. To execute or approve contracts and amendments thereto for materials, equipment, supplies, space, services other than personal services, and the sale or transportation of personal property; to exe-

cute Certificates of Release (Standard Form 97) in connection with the disposition of motor vehicles; to order the publication of advertisements in accordance with General Accounting Office General Regulation No. 109, Revised; and to issue Government Bills of Lading (Standard Form 1103).

Assistant Commissioner for Administration.
Director of the Office Services Branch.
Regional Directors.
Chiefs of the Office Services Sections.

B. Paragraph E4 is hereby revoked.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

Date approved: April 8, 1957.

E. F. GUSTAVSON.

[F. R. Doc. 57-2966; Filed, Apr. 12, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562 Taylor's I. C. C. Order 77, Amdt. 2]

ARCADE AND ATTICA RAILROAD CORP.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 77 and good cause appearing therefor:

It is ordered, That: Taylor's I. C. C. Order No. 77 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., May 31, 1957, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., April 14, 1957, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 9, 1957.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 57-2794; Filed, Apr. 12, 1957; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1861]

"SHELL" TRANSPORT AND TRADING CO., LTD.

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

APRIL 8, 1957.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in "Shell" Transport and Trading Company, Limited, New York shares; File No. 7-1861.

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

Upon receipt of a request, on or before April 23, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-2968; Filed, Apr. 12, 1957; 8:48 a. m.]

[File No. 7-1860]

ST. JOSEPH LEAD CO.

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

APRIL 8, 1957.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in St. Joseph Lead Company common stock; File No. 7-1860.

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

Upon receipt of a request, on or before April 23, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-2969; Filed, Apr. 12, 1957; 8:48 a. m.]

[File No. 7-1858]

UNITED STATES HOFFMAN MACHINERY CORP.

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

APRIL 8, 1957.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in United States Hoffman Machinery Corporation common stock; File No. 7-1858.

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

Upon receipt of a request, on or before April 23, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-2970; Filed, Apr. 12, 1957; 8:48 a. m.]

[File No. 7-1859]

MINUTE MAID CORP.

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

APRIL 8, 1957.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Minute Maid Corporation common stock; File No. 7-1859.

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

Upon receipt of a request, on or before April 23, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing

on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F. R. Doc. 57-2971; Filed, Apr. 12, 1957; 8:48 a. m.]

[File No. 24D-1575]

DESERT QUEEN URANIUM CO.

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

APRIL 8, 1957.

I. Desert Queen Uranium Company (a Utah corporation), 506 Judge Building, Salt Lake City, Utah, filed with the Commission on January 26, 1955, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 150,000 shares of its 2 cents per value common stock at $1.00 per share for an aggregate of $150,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that:

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

1. The notification failed to contain the information required by Item 3 with respect to unregistered securities of the issuer sold on its behalf and on behalf of affiliates of the issuer;

2. The offering circular failed to state the direct and indirect material interests of the issuer's officers, directors, promoters and affiliates in the issuer by security holdings; and

3. The issuer has failed to file reports on Form 2-A as required by Rule 224; and

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made not misleading, concerning, among other things:

1. The stock of the issuer owned by the incorporators; and

2. The intentions of the incorporators with respect to the distribution of the stock of the issuer which they were said to own; and

C. The use of the offering circular, which contains false and misleading statements of material facts as specified hereinabove and which fails to disclose: (1) What action, if any, was taken with respect to an option of the issuer's to purchase by a date which has long since passed certain mining claims described in the offering circular; and (2) that the underwriter named in the offering circular has ceased doing business and has withdrawn its registration with the Commission as a broker-dealer in securities, would operate as a fraud and deceit upon the purchasers.

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

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

By the Commission.

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

[F. R. Doc. 57-2972; Filed, Apr. 12, 1957; 8:48 a. m.]

[File No. 24NY-4161]

UNDERWRITERS FACTORS CORP.

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

APRIL 9, 1957.

I. Underwriters Factors Corporation, a Delaware corporation, 51 Vesey Street, New York, N. Y., having filed with the Commission on December 7, 1955, a Notification on Form 1-A and subsequently filed amendments thereto, relating to a proposed public offering through New York and American Securities Company of 29,500 shares of 6⅜ percent Participating Convertible Preferred Stock, $10 par value, at $10 a share and 2,950 shares of Common Stock, 1 cent par value, at 1 cent a share or $295,029.50 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder; and

II. The Commission having reasonable cause to believe that:

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

1. In connection with the offering use has been made of written communications which were not filed with the Commission as required;

2. The notification failed to state therein each of the jurisdictions in which the securities were to be offered as required by Item 1; and

3. The offering circular fails to disclose the correct address of the issuer.

B. The notification, offering circular and other sales literature contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made not misleading, concerning, among other things;

1. The direct and indirect interest of Stephen C. Lamb in the issuer, the underwriter and the offering;

2. The profits of the issuer;

3. The profitable nature of the factoring business;

4. The dividend record of such businesses;

5. The safety of investments in such businesses;

6. The resistance of such businesses to adverse business conditions; and

7. The comparative position of the issuer with respect to other concerns in the same and similar businesses.

C. In connection with, and in furtherance of, the offering materially false and misleading statements were made orally in representing, among other things, that:

1. The market price of the stock would advance shortly;

2. The market price of the stock would double in two or three months;

3. A twenty to thirty percent increase in value in the first twelve months was assured;

4. The business was very profitable—no financing or factoring business ever failed; and

5. The stock should continue to pay good dividends for years to come.

D. The employment of the oral representations, the offering circular and other sales literature above referred to in connection with the offering of Underwriters Factors Corporation's shares to which the notification related would and did operate as a fraud and deceit upon the purchasers.

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

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

By the Commission.

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

[F. R. Doc. 57-2973; Filed, Apr. 12, 1957; 8:48 a. m.]

[File No. 70-3547]

GEORGIA POWER CO.

ORDER RELEASING JURISDICTION OVER PAYMENT OF FEES AND EXPENSES

APRIL 8, 1957.

The Commission having, by order dated February 27, 1957 (Holding Company Act Release No. 13398), granted an amended application filed by Georgia Power Company ("Georgia"), an electric utility subsidiary of The Southern Company, a registered holding company, regarding the acquisition by Georgia of all the assets, properties and business of Georgia Power and Light Company ("Light"), a non-affiliate, together with a 47.46-mile transmission line owned by Light's parent Florida Power Corporation, and in connection therewith the assumption of the mortgage indebtedness on Light's properties amounting to $7,705,000 and the issuance and sale by Georgia of short-term notes to certain banks to raise the balance of the required consideration, estimated at not over $11,000,000; and

Said order having contained a reservation of jurisdiction with respect to the fees and expenses of Georgia's counsel; and

The application having been further amended to show a revised statement of all the fees and expenses paid and to be paid in connection with said transaction, as follows:

Preparation of applications to regulatory commissions and exhibits thereto	$2,900.00
System service company	1,000.00
Fees and disbursements of counsel—	
Troutman, Sams, Schroder & Lockerman:	
Fee	20,000.00
Disbursements	497.30
Winthrop, Stimson, Putnam & Roberts:	
Fee	28,000.00
Disbursements, not to exceed	1,200.00
	49,697.30
Travelling and miscellaneous expenses	7,500.00
Total	61,097.30

The Commission having examined the record as amended and finding that the payment of the fees and expenses in the amounts proposed therein is not unreasonable, and deeming it appropriate in the public interest to release jurisdiction with respect thereto:

It is ordered, That jurisdiction heretofore reserved with respect to the payment of fees and expenses in this matter be, and hereby is, released.

By the Commission.

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

[F. R. Doc. 57-2974; Filed, Apr. 12, 1957; 8:49 a. m.]

No. 72——6

[File No. 1-872]

LACLEDE-CHRISTY CO.

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

APRIL 9, 1957.

American 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 a result of acquisitions from time to time, H. K. Porter Company, Inc. has come to own 316,605 shares of Laclede-Christy Company common stock. 5,376 shares are held in the Treasury of Laclede-Christy Company. The remaining publicly-held shares amount to only 10,248, which are held by about 160 stockholders. The public holdings have become so reduced as to make inadvisable further dealings therein upon the Exchange, in the opinion of its Committee on Securities.

Upon receipt of a request, on or before April 24, 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. 57-2975; Filed, Apr. 12, 1957; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 5714]

IOWA

LOAN ANNOUNCEMENT

MARCH 15, 1597.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 40P Marion	$320,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-2909; Filed, Apr. 11, 1957; 8:52 a. m.]

[Administrative Order 5715]

NEBRASKA

LOAN ANNOUNCEMENT

MARCH 15, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 4 "U" Polk District—Public	$417,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-2910; Filed, Apr. 11, 1957; 8:52 a. m.]

[Administrative Order 5716]

TEXAS

AMENDMENT TO LOAN ANNOUNCEMENT

MARCH 21, 1957.

I hereby amend: (a) Administrative Order No. 4761, dated November 1, 1954, by reducing the loan of $50,000 therein made for "Texas 80Y Collingsworth" by $26,754.96 so that the reduced loan shall be $23,245.04.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-2911; Filed, Apr. 11, 1957; 8:52 a. m.]

[Administrative Order 5717]

FLORIDA

LOAN ANNOUNCEMENT

MARCH 25, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 25R Lee	$1,000,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-2912; Filed, Apr. 11, 1957; 8:52 a. m.]

[Administrative Order 5718]

OKLAHOMA

LOAN ANNOUNCEMENT

MARCH 25, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the

following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 28R Pawnee	$1,090,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2913; Filed, Apr. 11, 1957; 8:52 a. m.]

[Administrative Order 5719]

ILLINOIS

LOAN ANNOUNCEMENT

MARCH 25, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 46P Madison	$646,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2914; Filed, Apr. 11, 1957; 8:52 a. m.]

[Administrative Order 5720]

WISCONSIN

LOAN ANNOUNCEMENT

MARCH 25, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 40V Barron	$429,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2915; Filed, Apr. 11, 1957; 8:53 a. m.]

[Administrative Order 5721]

NORTH CAROLINA

LOAN ANNOUNCEMENT

MARCH 25, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 25Y Rutherford	$725,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2916; Filed, Apr. 11, 1957; 8:53 a. m.]

[Administrative Order 5722]

MINNESOTA

LOAN ANNOUNCEMENT

MARCH 25, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 85S Todd	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2917; Filed, Apr. 11, 1957; 8:53 a. m.]

[Administrative Order 5723]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

MARCH 25, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 18H Clark	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2918; Filed, Apr. 11, 1957; 8:53 a. m.]

[Administrative Order 5724]

LOUISIANA

LOAN ANNOUNCEMENT

MARCH 26, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 7W Grant	$775,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2919; Filed, Apr. 11, 1957; 8:53 a. m.]

[Administrative Order 5725]

TEXAS

LOAN ANNOUNCEMENT

MARCH 26, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 85S Wise	$155,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2920; Filed, Apr. 11, 1957; 8:53 a. m.]

[Administrative Order 5726]

MINNESOTA

LOAN ANNOUNCEMENT

MARCH 26, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 75U Red Lake	$100,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2921; Filed, Apr. 11, 1957; 8:53 a. m.]

[Administrative Order 5727]

ARKANSAS

LOAN ANNOUNCEMENT

MARCH 26, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 13AB Johnson	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2922; Filed, Apr. 11, 1957; 8:54 a. m.]

[Administrative Order 5728]

NEW MEXICO

LOAN ANNOUNCEMENT

MARCH 26, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 19P Colfax	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2923; Filed, Apr. 11, 1957; 8:54 a. m.]

[Administrative Order 5729]

OKLAHOMA

LOAN ANNOUNCEMENT

MARCH 26, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 24W Lincoln	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2924; Filed, Apr. 11, 1957; 8:54 a. m.]

[Administrative Order 5730]

NEW MEXICO

LOAN ANNOUNCEMENT

MARCH 26, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 20W Socorro	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2925; Filed, Apr. 11, 1957; 8:54 a. m.]

[Administrative Order 5731]

NEW MEXICO

LOAN ANNOUNCEMENT

MARCH 27, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 8AC Roosevelt	$785,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F R. Doc. 57-2926; Filed, Apr. 11, 1957; 8:54 a. m.]

[Administrative Order 5732]

MICHIGAN

LOAN ANNOUNCEMENT

MARCH 27, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Michigan 42S Mason	$600,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-2927; Filed, Apr. 11, 1957; 8:54 a. m.]

[Administrative Order 5733]

OHIO

LOAN ANNOUNCEMENT

MARCH 27, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administration of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 1AA Miami	$520,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-2928; Filed, Apr. 11, 1957; 8:54 a. m.]

[Administrative Order 5734]

IOWA

LOAN ANNOUNCEMENT

MARCH 27, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 43V Greene	$375,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-2929; Filed, Apr. 11, 1957; 8:54 a.m.]

[Administrative Order 5735]

PENNSYLVANIA

LOAN ANNOUNCEMENT

MARCH 27, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Pennsylvania 13AB Tioga	$204,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-2930; Filed, Apr. 11, 1957; 8:55 a. m.]

[Administrative Order 5736]

KANSAS

LOAN ANNOUNCEMENT

MARCH 27, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 34Y Barton	$750,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-2931; Filed, Apr. 11, 1957; 8:55 a. m.]

[Administrative Order 5737]

MINNESOTA

LOAN ANNOUNCEMENT

MARCH 27, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 87K Marshall	$270,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-2932; Filed, Apr. 11, 1957; 8:55 a. m.]

[Administrative Order 5738]

MISSISSIPPI

LOAN ANNOUNCEMENT

MARCH 28, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 21X Coahoma	$660,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2933; Filed, Apr. 11, 1957; 8:55 a. m.]

[Administrative Order 5739]

ARKANSAS

LOAN ANNOUNCEMENT

MARCH 28, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Arkansas 26AF Fulton---------- $250,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2934; Filed, Apr. 11, 1957; 8:55 a. m.]

[Administrative Order 5740]

MICHIGAN

LOAN ANNOUNCEMENT

MARCH 28, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Michigan 46B Newaygo------- $3,186,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2935; Filed, Apr. 11, 1957; 8:55 a. m.]

[Administrative Order 5741]

ILLINOIS

LOAN ANNOUNCEMENT

MARCH 28, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Illinois 32N McDonough---------- $531,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2936; Filed, Apr. 11, 1957; 8:55 a. m.]

[Administrative Order 5742]

COLORADO

LOAN ANNOUNCEMENT

MARCH 28, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Colorado 14V Alamosa---------- $208,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2937; Filed, Apr. 11, 1957; 8:55 a. m.]

[Administrative Order 5743]

ARKANSAS

AMENDMENT TO LOAN ANNOUNCEMENT

MARCH 29, 1957.

I hereby amend: (a) Administrative Order No. 5360, dated April 19, 1956, by reducing the loan of $1,435,000 therein made for "Arkansas 12R Miller" by $70,000 so that the reduced loan shall be $1,365,000.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2938; Filed, Apr. 11, 1957; 8:56 a. m.]

[Administrative Order 5744]

KANSAS

LOAN ANNOUNCEMENT

MARCH 29, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Kansas 47K Trego---------- $300,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2939; Filed, Apr. 11, 1957; 8:56 a. m.]

[Administrative Order 5745]

ARIZONA

LOAN ANNOUNCEMENT

MARCH 29, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Arizona 14X Cochise---------- $1,584,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2940; Filed, Apr. 11, 1957; 8:56 a. m.]

[Administrative Order 5746]

WISCONSIN

LOAN ANNOUNCEMENT

MARCH 29, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Wisconsin 27K Buffalo---------- $356,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2941; Filed, Apr. 11, 1957; 8:56 a. m.]

[Administrative Order 5747]

TEXAS

LOAN ANNOUNCEMENT

MARCH 29, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Texas 7V Bell---------- $50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2942; Filed, Apr. 11, 1957; 8:56 a. m.]

[Administrative Order 5748]

MINNESOTA

LOAN ANNOUNCEMENT

MARCH 29, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Minnesota 1X Kanabec---------- $1,526,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2943; Filed, Apr. 11, 1957; 8:56 a. m.]

[Administrative Order 5749]

COLORADO

LOAN ANNOUNCEMENT

MARCH 29, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Colorado 32H La Plata---------- $452,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2944; Filed, Apr. 11, 1957; 8:56 a. m.]

[Administrative Order 5750]

ALABAMA

LOAN ANNOUNCEMENT

MARCH 29, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Alabama 23P Pike	$423,900

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2945; Filed, Apr. 11, 1957; 8:57 a. m.]

[Administrative Order 5751]

GEORGIA

LOAN ANNOUNCEMENT

MARCH 29, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 78H Habersham	$415,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2946; Filed, Apr. 11, 1957; 8:57 a. m.]

[Administrative Order 5752]

MISSOURI

LOAN ANNOUNCEMENT

MARCH 29, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 41X Platte	$405,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2947; Filed, Apr. 11, 1957; 8:57 a. m.]

[Administrative Order 5753]

TEXAS

LOAN ANNOUNCEMENT

MARCH 29, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 77T Johnson	$249,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2948; Filed, Apr. 11, 1957; 8:57 a. m.]

[Administrative Order 5754]

ILLINOIS

LOAN ANNOUNCEMENT

MARCH 29, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Illinois 18AP Pike	$240,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2949; Filed, Apr. 11, 1957; 8:57 a. m.]

[Administrative Order 5755]

MINNESOTA

LOAN ANNOUNCEMENT

MARCH 29, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 73L Pipestone	$145,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-2950; Filed, Apr. 11, 1957; 8:57 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 126, Amdt. 1]

TERRITORY OF HAWAII

AMENDMENT TO DECLARATION OF DISASTER AREA

Declaration of Disaster Area 126, dated March 15, 1957, for the Territory of Hawaii, is hereby amended as follows:

By including in paragraph 1 thereof the District of Hilo, Island of Hawaii.

Dated: March 29, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-2977; Filed, Apr. 12, 1957; 8:49 a. m.]

[Declaration of Disaster Area 128]

TEXAS

DECLARATION OF DISASTER AREA

Whereas it has been reported that beginning on or about April 2, 1957, because of the disastrous effects of tornado, damage resulted to residences and business property located in certain areas in the State of Texas;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in Dallas County (including any areas adjacent to Dallas County) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Tex.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1957.

Dated: April 3, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-2978; Filed, Apr. 12, 1957; 8:49 a. m.]

[Declaration of Disaster Area 129]

OKLAHOMA

DECLARATION OF DISASTER AREA

Whereas it has been reported that beginning on or about April 2, 1957, because of the disastrous effects of tornado, damage resulted to residences and business property located in certain areas in the State of Oklahoma;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties: Bryan, Haskell, and Carter.
Offices:
Small Business Administration Regional Office, 1114 Commerce Street, Dallas, Tex.
Small Business Administration Branch Office, Bankers Service Life Building, Room 616, 114 North Broadway, Oklahoma City, Okla.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1957.

Dated: April 3, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-2979; Filed, Apr. 12, 1957; 8:50 a. m.]