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FEDERAL REGISTER

VOLUME 23 NUMBER 111

Washington, Friday, June 6, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (7) of § 6.342 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-4277; Filed, June 5, 1958; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.3]

PART 333—PROCESSING SUBSEQUENT LOANS

EXECUTING VARIABLE-PAYMENT AGREEMENT

Section 333.2 (b) (3), Title 6, Code of Federal Regulations (21 F. R. 5553), is revised to authorize the County Supervisor to execute Form FHA-165 and to read as follows:

§ 333.2 *Subsequent direct loans* * * *

(b) *Refinancing of existing Farm Ownership debts not required.* * * *

(3) Each borrower whose initial loan was approved prior to November 1, 1946, will execute Form FHA-165, "Variable-Payment Agreement," for his initial loan at the time he receives a subsequent loan if he has not previously done so. The County Supervisor is authorized to execute Form FHA-165 on behalf of the United States. Execution of Form FHA-165 will change the repayment plan, eliminate the 90-day grace period, and establish December 31 as the installment due date. However, if a prior subsequent loan has been made with a March 31 installment due date, the installment due date for the new subsequent loan also will be March 31.

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: June 2, 1958.

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

[F. R. Doc. 58-4295; Filed, June 5, 1958; 8:53 a. m.]

TITLE 7—AGRICULTURE

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

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

PLUMS; STANDARD PACK; DIAMETER; EQUIVALENT SIZES

Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches, grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation of the Control Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), and upon other available information, it is hereby found that the amendment of the rules and regulations (7 CFR Part 936.100 et seq.; Subpart—Rules and Regulations), as hereinafter set forth, is in accordance with provisions of said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The said rules and regulations are hereby amended by deleting therefrom § 936.142 *Plums; standard pack; diameter; equivalent sizes.*

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U. S. C.

(Continued on next page)

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FEDERAL REGISTER

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CODIFICATION GUIDE

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

1001 et seq.) in that (1) the United States Standards for Plums and Prunes (Fresh) were revised effective May 29, 1958 (§§ 51.1520–51.1537 of this title; 23 F. R. 3509), and the definitions of "standard pack" and "diameter" as set forth in said § 936.142 (a) and (b), respectively, were changed; (2) research on equivalent sizes of plums during the past two years by the Plum Commodity Committee on shipments in the special plum box and in other containers other than the standard basket has revealed that the "equivalent sizes" set forth in paragraph (c) of said § 936.142 do not conform with current packing methods

and are obsolete; and (3) the 1958 shipping season for California plums is now underway and it is necessary that this amendatory action be immediately placed in effect in order to avoid conflicting requirements pertaining to "equivalent sizes."

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

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

Dated: June 3, 1958.

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

[F. R. Doc. 58-4293; Filed, June 5, 1958; 8:53 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 697—INDUSTRIES IN AMERICAN SAMOA, MINIMUM WAGE ORDER

Pursuant to section 5 of the Fair Labor Standards Act, of 1938, as amended (52 Stat. 1062, as amended; 29 U. S. C. 205), the Secretary of Labor by Administrative Order No. 502 (23 F. R. 1604), appointed, convened, and gave notice of the hearing of Special Industry Committee No. 2 for American Samoa to recommend the minimum wage rate or rates to be paid under section 6 (a) (3) of that act (70 Stat. 1118, 29 U. S. C., Supp. V, 206 (a) (3)) to employees in American Samoa, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Acting Administrator a report containing its findings with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended, (52 Stat. 1064, as amended; 29 U. S. C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, the recommendations of the Committee are published in this order amending Part 697 of Title 29 of the Code of Federal Regulations, effective June 21, 1958, to read as follows:

Sec.
697.1 Definitions of industries in American Samoa.
697.2 Wage rates.
697.3 Notices.

AUTHORITY: §§ 697.1 to 697.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U. S. C. 205, 206.

§ 697.1 *Definitions of the industries in American Samoa.* The industries in American Samoa to which this part shall apply are hereby defined as follows:

(a) *Fish canning and processing industry.* This industry shall include the canning, freezing, preserving or other processing of any kind of fish, shellfish, or other aquatic forms of animal life and the manufacture of any by-product thereof.

(b) *Shipping and transportation industry.* This industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including, but not by way of limitation, the operation of air terminals, piers, wharves and docks, including stevedoring, storage, and lighterage operations, and the operation of tourist bureaus and travel ticket agencies: *Provided, however,* That this definition shall not include bunkering of petroleum products.

(c) *Petroleum marketing industry.* This industry shall include the wholesale marketing and distribution of gasoline, kerosene, lubricating oils, diesel and marine fuels, and other petroleum products, including bunkering operations in connection therewith, and repair and maintenance of storage facilities.

(d) *Miscellaneous industries.* Miscellaneous industries shall include all operations and activities not included in the shipping and transportation industry, the petroleum marketing industry, or the fish canning and processing industry, as defined herein.

§ 697.2 *Wage rates.* (a) Wages at a rate of not less than 52 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the fish canning and processing industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the shipping and transportation industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 52 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the petroleum marketing industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 38 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the miscellaneous industries in American Samoa, who is engaged in commerce or in the production of goods for commerce.

§ 697.3 *Notices.* Every employer subject to the provisions of § 697.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 697.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 2d day of June 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-4280; Filed, June 5, 1958; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1641]

[Fairbanks 013669]

ALASKA

WITHDRAWING LANDS FOR USE OF DEPARTMENT OF THE ARMY, FOR MILITARY PURPOSES

Correction

In Federal Register Document 58-4007, published at page 3716 in the issue for Thursday, May 29, 1958, section 26 of the land description should read as follows: "Sec. 26, N½NW¼, SW¼NW¼, NW¼SE¼NW¼, NW¼NE¼ and N½ NE¼NE¼;".

[Public Land Order 1649]

[1811067]

ALASKA

ADDING LANDS TO CHUGACH NATIONAL FOREST; RESERVING PORTION OF LANDS FOR PUBLIC RECREATION PURPOSES; REVOKING EXECUTIVE ORDER NO. 1919½ OF APRIL 21, 1914, IN PART, AND EXECUTIVE ORDER NO. 8505 OF AUGUST 7, 1940, IN ITS ENTIRETY

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473) and the act of March 12, 1914 (38 Stat. 305, 307; 48 U. S. C. 304), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Orders No. 8505 of August 7, 1940, and No. 1919½ of April 21, 1914, so far as they reserved lands within the following-described area for townsite purposes are hereby revoked:

PLACER CREEK

Beginning at a point 2 miles due west and ½ mile due north of the highest point of the most northerly knob, about 50 feet in height, on the well-defined glaciated spur between Passage Canal (Portage Bay) and Portage Glacier, this knob being approximately 1¼ miles southwest of the head of Passage Canal in approximate latitude 60°46' N., longitude 148°45' W.; thence east ½ mile, north ¼ mile, east ¼ mile, north ½ mile, east ¼ mile, north ¾ mile, west 2 miles, south 1½ miles, east 1 mile to the place of the beginning.

The area described contains approximately 1,760 acres.

2. The lands described in paragraph 1 of this order are hereby added to and made a part of the Chugach National Forest, and the boundaries of the said Forest are adjusted accordingly.

3. Subject to valid existing rights, the following-described area, which is a part of the area described in paragraph 1 of this order, is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved under jurisdiction of the Forest Service, Department of Agriculture, as a recreation area:

PORTAGE LAKE RECREATION AREA

Beginning at a point 2 miles due west and ½ mile due north of the highest point of the most northerly knob, about 50 feet in height, on the well-defined glaciated spur between Passage Canal (Portage Bay) and Portage Glacier, this knob being approximately 1¼ miles southwest of the head of Passage Canal in approximate latitude 60°46' N., longitude 148°45' W.; thence east ½ mile, north ¾ mile, west 1½ miles, south ¾ mile, east 1 mile to the place of beginning.

The area described contains approximately 720 acres.

4. The withdrawal made by paragraph 3 of this order shall take precedence over but not otherwise affect the withdrawal for national forest purposes made by paragraph 2.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 29, 1958.

[F. R. Doc. 58-4258; Filed, June 5, 1958; 8:45 a. m.]

[Public Land Order 1650]

[Idaho 05884]

IDAHO

CORRECTING PUBLIC LAND ORDER NO. 1567 OF DECEMBER 19, 1957, AND WITHDRAWING ADDITIONAL LANDS TO THOSE WITHDRAWN BY THAT ORDER

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. In Federal Register Document 57-10688, appearing at pages 10957-58 of the issue for Saturday, December 28, 1957, the land description under T. 36 N., R. 12 E., in connection with Lochsa River (Lewis and Clark Forest Highway 16) Roadside Zone, so far as such description refers to sec. 10, W½SE¼, is hereby corrected to read "sec. 10, W½SW¼".

2. Subject to valid existing rights, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved as an addition to those withdrawn by Public Land Order No. 1567 in connection with the Lochsa River (Lewis and Clark Forest Highway 16) Roadside Zone:

BOISE MERIDIAN

NEZ PERCE NATIONAL FOREST

A strip of land 200 feet in width on each side of the center line of the Lewis and Clark Forest Highway No. 16 through the following legal subdivisions, or so much of said width as may be situated within said subdivisions:

T. 33 N., R. 7 E.,
Sec. 28, lots 1, 5, and NW¼SE¼;
Sec. 33, lots 3, 6, and 9.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 29, 1958.

[F. R. Doc. 58-4259; Filed, June 5, 1958; 8:46 a. m.]

[Public Land Order 1651]

[78855]

ARKANSAS

POWER SITE RESTORATION NO. 544; PARTIALLY REVOKING EXECUTIVE ORDER OF DECEMBER 18, 1915, CREATING POWER SITE RESERVE NO. 514

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of December 18, 1915, creating Power Site Reserve No. 514, is hereby revoked so far as it affects the following-described lands:

FIFTH PRINCIPAL MERIDIAN

T. 19 N., R. 15 W.,
Sec. 2, NW¼NW¼SW¼ and S½NW¼SW¼;
Sec. 3, NE¼SE¼.

The areas described aggregate 70 acres.

2. The lands are located on the left bank of the White River.

3. The NE¼NW¼SW¼, section 2, is occupied by a transmission line under permit issued to the Arkansas Power and Light Company by the Department of the Army. This land is also included in the Executive order of December 18, 1915 (Power Site Reserve No. 514), but is not included in the revocation made by this order. It is included in the opening made by paragraph 5 of this order, however, but subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818).

4. The restored lands shall be subject until 10:00 a. m., on August 28, 1958, to application by the State of Arkansas under any statute or regulation applicable thereto for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

5. This order shall not become effective to change the status of the lands described until 10:00 a. m., on July 4, 1958. At that time, the said lands, including those described in paragraph 3, shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, the 90-day preference right period of selection afforded the State of Arkansas by paragraph 4 of this order, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

6. In DA-56-Arkansas, issued March 14, 1958, the Federal Power Commission vacated the power withdrawals created pursuant to the filing of applications for preliminary permit for Project No. 1 on October 20, 1920, and for license for Project No. 654 on October 3, 1925, so far as those projects affect the lands described in paragraphs 1 and 3 of this order.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained from the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D. C.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 29, 1958.

[F. R. Doc. 58-4260; Filed, June 5, 1958; 8:46 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

MISCELLANEOUS AMENDMENTS

The following amendments are made, to take effect thirty days after publication in the FEDERAL REGISTER. Notice and public procedure are deemed unnecessary as the changes relate to a minor adjustment of fee items.

1. Paragraph (n) of § 1.21 is amended to read as follows:

(n) Search of Patent Office records for purposes not otherwise specified in this section, per hour of search or fraction thereof $3.00

2. Paragraph (o) of § 1.21 is deleted.

(Sec. 1, 66 Stat. 793; 35 U. S. C. 6. Interprets or applies sec. 1, 66 Stat. 796; 35 U. S. C. 41)

[SEAL] ARTHUR W. CROCKER,
Acting Commissioner of Patents.

Approved: May 29, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-4281; Filed, June 5, 1958; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

COOPERATIVE PAYMENTS; NOTICE OF MEETING

Pursuant to provisions of § 927.81 of the order, as amended (7 CFR Part 927; 22 F. R. 4643), regulating the handling of milk in the New York-New Jersey marketing area, and of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), notice is hereby given of a meeting to be held on June 12, 1958, at 10 a. m., e. d. s. t., at the office of the Market Administrator, 205 East 42d Street, New York, New York, for consideration of amendments to the regulations issued pursuant to said § 927.81 of the order. Interested persons will be afforded an opportunity at the meeting to be heard through the submission of data, views, or arguments orally or in writing. All material presented in writing should be in quintuplicate. Copies of the said proposed rules and regulations, as hereinafter set forth may be procured from the Market Administrator, 205 East 42d Street, New York 17, New York.

The proposed amendments to the regulations to be considered at said meeting are as follows:

By the Metropolitan Cooperative Milk Producers Bargaining Agency, Inc.:

1. Amend § 927.402 by adding a new paragraph (f) as follows:

(f) Amount per hundredweight received from any members who are not dairy farmers as defined in § 927.6.

2. Amend § 927.403 by changing the period to a comma at the end of subdivision (i) thereof and adding the following words: "together with the method of reimbursement for services, if any, to such organization."

3. Amend § 927.405 by adding a new paragraph (f) as follows:

(f) Performing services for dairy farmer members who are not producers as defined in § 927.6 or affiliated organizations, if any, and the nature and expense of such services.

4. Amend § 927.420 by adding a new paragraph (d) as follows:

(d) A qualified co-operative or federated co-operative shall file evidence of any change in its operations as originally reported under §§ 927.402 (f), 927.403 (i) and 927.405 (f) not later than the end of the month following the month in which such change is made.

5. Add a new § 927.428 as follows:

§ 927.428 *Activities of a federation not market-wide in character.* (a) Each federated co-operative shall pay to any federation which performs activities that are not market-wide in character the sum of one-quarter of one cent per hundredweight of milk received by it.

By Eastern Milk Producers Cooperative Association, Inc.:

1. Amend § 927.418 of the cooperative payments regulations by adding a new paragraph (d):

(d) The following principles should govern publications of qualified cooperatives and federated cooperatives:

(1) Published material should never contain deliberate falsehoods.

(2) When published material is based upon differences of opinion or policy and both sides of a disputed question or topic are stated, such divergent viewpoints must be fairly presented.

(3) Fair comment or criticism of another cooperative's policies should be limited to editorials or signed columns and not in "news columns" of a publication unless attributed.

(4) Such comment or criticism of another cooperative organization should be limited to the policies of the other organization and should not be directed at individuals.

(5) Privacy of individuals or corporate bodies should be respected in matters of internal business such as salaries paid and received, physical operations and nonmarketwide policies. The published material should not contain scurrilous references direct or indirect to any cooperative organization or individual who is an official member or employee, or other representative of a qualified cooperative or federation.

(6) There should be no issuance of anonymous articles or distribution of any printed material anonymously. In the event of the appearance in the milkshed of any such anonymous material, the Market Administrator is authorized upon the request of any qualified cooperative or federation adversely affected or attacked by such anonymous material, to investigate all cooperatives to ascertain if any of them are responsible for the publication of such material.

2. Amend § 927.421 *Verification of reports and receipts of milk from members,* by including a new paragraph (c) to read as follows:

(c) The market administrator shall compile an annual report and a financial statement covering the activities of each qualified cooperative association and each qualified federation of cooperatives and shall publish a condensation of such report each year in the Market Administrator's Bulletin.

3. Add the following note under the heading, "Application," preceding § 927.400:

NOTE: Applicants for qualification for cooperative payments provided in § 927.81 should include in reports accompanying applications, and in subsequent reports requisite to continue qualification all information indicated in §§ 927.400 to 927.408 of the cooperative payments regulations.

4. Add new paragraph (f) to § 927.405 to read as follows:

(f) The program and activities of its field force including a detailed report of its contact with and services to producers who are members of such qualified cooperatives or federations and with respect to producers who are members of other cooperatives or are not members of any cooperative.

By the Market Administrator:

1. In addition to the regulations proposed by Eastern Milk Producers Cooperative Association, Inc. with respect to relationship between qualified cooperatives or federations of cooperative associations, the meeting shall be open to consideration of regulations with respect to such relationships, including membership solicitation of one organization among members of another organization.

2. Any person claimed as a member, who immediately prior to such claimed membership, was a member of another qualified organization shall be deemed not to be a member with respect to cooperative payments.

3. Any cooperative or federated cooperative which makes patronage payments to its members resulting in a net receipt from the member of less than one cent per hundredweight shall be subject to disqualification for payment.

4. As an alternative to proposal No. 5 of the Metropolitan Cooperative Milk Producers Bargaining Agency, Inc. provide for the payment by a federated cooperative to the federation regardless of whether the federation purports to be engaged in activities not market-wide in character.

Issued at New York, N. Y., this 28th day of May 1958.

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

[F. R. Doc. 58-4292; Filed, June 5, 1958; 8:52 a. m.]

[7 CFR Part 969]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1958-59 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Avocado Administrative Committee established under the marketing agreement, as amended, and Order No. 69 (7 CFR Part 969) regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $9,153.00 will be necessarily incurred by said committee during the fiscal year April 1, 1958, through March 31, 1959, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which

each handler who first handles avocados shall pay during the fiscal year in accordance with the aforesaid amended marketing agreement and order, the rate of assessment of $0.04 per bushel, or equivalent quantity of avocados handled by such handler during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

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.

Dated: June 2, 1958.

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

[F. R. Doc. 58-4253; Filed, June 5, 1958; 8:45 a. m.]

[7 CFR Part 1001]

HANDLING OF LIMES GROWN IN FLORIDA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1958-59 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Florida Lime Administrative Committee established under the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $8,953.00 will be necessarily incurred by said committee during the fiscal year April 1, 1958, through March 31, 1959, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles limes shall pay during the fiscal year in accordance with the aforesaid amended marketing agreement and order, the rate of assessment of $0.04 per bushel, or equivalent quantity of limes handled by such handler during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

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.

Dated: June 2, 1958.

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

[F. R. Doc. 58-4254; Filed, June 5, 1958; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 779]

RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

AUTOMOTIVE TIRE TRADE

The Administrator has conducted an investigation of the sales practices of the automotive tire trade with a view to determining the types of sales and the types of establishments recognized in the industry as retail and the types not recognized as retail within the meaning of sections 13 (a) (2) and 13 (a) (4) of the Fair Labor Standards Act of 1938. The investigation indicates that the following classifications of sales and establishments in the automotive tire trade reflect the recognition in the industry.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614), notice is hereby given that I propose to amend Part 779 of Title 29 of the Code of Federal Regulations as follows:

1. Delete the center heading preceding § 779.34 which reads as follows: "Application of the 13 (a) (2) Exemption to Certain Trades".

2. Immediately following § 779.36 add § 779.37 to read as follows:

§ 779.37 *Application of the 13 (a) (2) and 13 (a) (4) exemptions to the automotive tire trade.* (a) It is the purpose of this section to show generally how the 13 (a) (2) exemption applies to establishments engaged in the sale of tires, tubes, accessories and repair services on tires, and how the 13 (a) (4) exemption applies to establishments engaged in retreading and recapping tires.

(b) In applying the tests of the exemption under section 13 (a) (2), all sales of tires, tubes, accessories and tire repair services, including retreading and recapping, are recognized as retail in the industry, except those set out in subparagraphs (1) through (6) of this paragraph:

(1) Sales for resale: For example, sales of tires, tubes, accessories or services to garages, service stations, repair shops, tire dealers and automobile dealers, to be sold or to be used in reconditioning vehicles for sale are sales for resale.

(2) Sales made pursuant to a formal invitation to bid: Such sales are made under a procedure involving the issuance by the buyer of a formal invitation to bid on certain merchandise for delivery in accordance with prescribed terms and specifications. Sales to the Federal, state, and local governments are typically made in this manner.

(3) Sales to "national accounts" as known in the trade:

(4) Sales to fleet accounts at wholesale prices: As used in this section, a "fleet account" is a customer operating five or more automobiles or trucks for business purposes. Wholesale prices are prices equivalent to, or less than, those typically charged on sales for resale. If the establishment makes no sales of passenger car tires for resale, the wholesale price of such tires will be taken to be the price typically charged in the area on sales of passenger car tires for resale. If the establishment makes no sales of truck tires for resale, the wholesale price of such tires will be taken to be the price charged by the establishment on sales of truck tires to fleet accounts operating 10 or more commercial vehicles or, if the establishment makes no such sales, the wholesale price will be taken to be the price typically charged in the area on sales of truck tires to fleet accounts operating 10 or more commercial vehicles.

(5) Sales of a tire rental service on a mileage basis known in the trade as "mileage contracts": This is a leasing arrangement under which a tire dealer agrees to provide and maintain tires for a customer's fleet of motor vehicles.

(6) Sales of servicing and repair work performed under a fleet maintenance arrangement on tires for trucks and other automotive vehicles whereby the establishment undertakes to maintain the tires on a customer's fleet at a price below the prevailing retail price.

(c) If more than 50 percent of the establishment's annual dollar volume of sales is made within the State in which the establishment is located and if 75 percent or more of the establishment's annual dollar volume of sales consists of sales which are not for resale and are recognized as retail sales of goods or services in the industry, the exemption under section 13 (a) (2) will apply to all employees employed by the establishment except those employees who are engaged in the recapping or retreading of tires for sale or in other manufacturing or processing of goods for sale.

(d) The retreading or recapping of a customer's tires constitutes a service which may be recognized as retail in the industry in accordance with the above tests. However, where the recapping or retreading work is performed on tires which the establishment expects to sell in their reconditioned form, such activities are not performed as a service for a customer but constitute manufacturing goods for sale. Employees performing such work may be exempt only if they are employed by the establishment and all of the following tests of the section 13 (a) (4) exemption are met:

(1) The establishment must qualify as an exempt retail establishment under section 13 (a) (2), as explained above.

(2) More than 85 percent of the establishment's annual dollar volume of sales of the tires which it retreads or recaps for sale must be made within the state in which the establishment is located.

(3) The retreaded or recapped tires which the establishment sells must be processed at the establishment which sells them.

(4) The establishment must be recognized as a retail establishment in the industry.

An establishment engaged in retreading or recapping of tires is recognized as a retail establishment in the industry if it does not derive from the sale of tires retreaded or recapped for sale more than 50 percent of the annual dollar volume of its sales resulting from its retreading or recapping operations.

Prior to final adoption of this amendment, consideration will be given to any data, views, or arguments submitted in writing within 30 days from the date of publication.

Signed at Washington, D. C., this 29th day of May 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-4214; Filed, June 5, 1958; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 316, Arizona]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 29, 1958.

1. Pursuant to authority delegated by BLM Order No. 541 dated April 21, 1954 (19 F. R. 2473), as amended, notice is hereby given that the plats of survey accepted April 15, 1958, of T. 3 S., R. 10 W., and T. 3 S., R. 11 W., G&SRM, Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 3 S., R. 10 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼, (All);
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 18, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 19, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 30, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 8, (All);
Sec. 9, (All);
Sec. 10, (All);
Sec. 11, (All);
Sec. 12, (All);
Sec. 13, (All);
Sec. 14, (All);
Sec. 15, (All);
Sec. 16, (All);
Sec. 17, (All);
Sec. 20, (All);
Sec. 21, (All);
Sec. 22, (All);
Sec. 23, (All);
Sec. 24, (All);
Sec. 25, (All);
Sec. 26, (All);
Sec. 27, (All);
Sec. 28, (All);
Sec. 29, (All);
Sec. 32, (All);
Sec. 33, (All);
Sec. 34, (All);
Sec. 35, (All);
Sec. 36, (All).
T. 3 S., R. 11 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼, (All);
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 18, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 19, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 30, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 8, (All);
Sec. 9, (All);
Sec. 10, (All);
Sec. 11, (All);
Sec. 12, (All);
Sec. 13, (All);
Sec. 14, (All);
Sec. 15, (All);
Sec. 16, (All);
Sec. 17, (All);
Sec. 20, (All);
Sec. 21, (All);
Sec. 22, (All);
Sec. 23, (All);
Sec. 24, (All);
Sec. 25, (All);
Sec. 26, (All);
Sec. 27, (All);
Sec. 28, (All);
Sec. 29, (All);
Sec. 32, (All);
Sec. 33, (All);
Sec. 34, (All);
Sec. 35, (All);
Sec. 36, (All).

Within the above described areas are 43,447.70 acres of public lands.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of Arizona upon the acceptance of the above mentioned plats of survey:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 3 S., R. 10 W.,
Sec. 16, (All);
Sec. 32, (All);
Sec. 36, (All).

The areas described aggregate 1,920 acres.

3. The following described lands are open to application, location, selection, and petition as outlined below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

GILA AND SALT RIVER MERIDIAN

T. 3 S., R. 10 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼, (All);
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 18, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 19, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 30, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 8, (All);
Sec. 9, (All);
Sec. 10, (All);
Sec. 11, (All);
Sec. 12, (All);
Sec. 13, (All);
Sec. 14, (All);
Sec. 15, (All);
Sec. 17, (All);
Sec. 20, (All);
Sec. 21, (All);
Sec. 22, (All);
Sec. 23, (All);
Sec. 24, (All);
Sec. 25, (All);
Sec. 26, (All);
Sec. 27, (All);
Sec. 28, (All);
Sec. 29, (All);
Sec. 33, (All);
Sec. 34, (All);
Sec. 35, (All).
T. 3 S., R. 11 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼, (All);
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 18, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 19, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 30, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 8, (All);
Sec. 9, (All);
Sec. 10, (All);
Sec. 11, (All);
Sec. 12, (All);
Sec. 13, (All);
Sec. 14, (All);
Sec. 15, (All);
Sec. 16, (All);
Sec. 17, (All);
Sec. 20, (All);
Sec. 21, (All);
Sec. 22, (All);
Sec. 23, (All);
Sec. 24, (All);
Sec. 25, (All);
Sec. 26, (All);
Sec. 27, (All);
Sec. 28, (All);
Sec. 29, (All);
Sec. 32, (All);
Sec. 33, (All);
Sec. 34, (All);
Sec. 35, (All);
Sec. 36, (All).

The areas described aggregate 43,447.70 acres.

4. Available data indicates the land in T. 3 S., R. 10 W., is nearly level with a few low isolated hills. The soil is generally a light sandy loam, becoming

rocky around the scattered hills. The land in T. 3 S., R. 11 W., is principally level, with drainage toward the Gila River. The soil is principally a rich sandy loam, with numerous rock outcroppings.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 3 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on July 4, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 3, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on October 3, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

7. Persons claiming veterans' preference rights under paragraph 6 (a) (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

THOS. F. BRITT,
Manager.

[F. R. Doc. 58-4203; Filed, June 5, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 383]

MARKET AGENCIES AT ST. LOUIS NATIONAL STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on May 26, 1958, continuing in effect to and including June 30, 1958, an order issued on May 1, 1956 (15 A. D. 548), which authorized the respondents, Market Agencies at St. Louis National Stock Yards, National Stock Yards, Illinois, to assess the current schedule of rates and charges.

On May 28, 1958, a petition was filed on behalf of the respondents requesting authority to make certain modifications in their current schedule of rates and charges to become effective on July 1, 1958. The petition also requests that the respondents be authorized to assess the current temporary schedule, as so modified, to and including May 31, 1959. The modifications requested in the petition are indicated below.

SELLING CHARGES

CATTLE

Consignments of one head and one head only	$1.45 per head.
Consignments of more than one head:	
First 5 head in each consignment	1.25 per head.
Next 10 head in each consignment	1.20 per head.
Each head over 15 in each consignment	1.15 per head.

HOGS

Consignments of one head and one head only	.55 per head.
Consignments of more than one head:	
First 10 head in each consignment	.44 per head.
Next 15 head in each consignment	.39 per head.
Each head over 25 in each consignment	.34 per head.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C. this 2d day of June 1958.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 58-4294; Filed, June 5, 1958; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF AMERICAN WEST AFRICAN FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

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

Agreement No. 7680–7, between the member lines of the American West African Freight Conference, modifies the basic agreement of that conference (No. 7680, as amended), which presently covers the trade, both eastbound and westbound, between Atlantic and St. Lawrence ports of Canada/United States Atlantic and Gulf ports and West African ports (Dakar to Mossamedes inclusive), including the Atlantic Islands of the Azores, Madeira, and Cape Verdes, also the Islands of Fernando Po, Principe, and San Thome in the Gulf of Guinea. The purpose of the modification is to enlarge the range of West African ports covered by the agreement so as to include all ports between the southerly border of Rio de Oro (Spanish Sahara) and the northerly border of Southwest Africa.

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

Dated: June 2, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4278; Filed, June 5, 1958; 8:50 a. m.]

ALLTRANSPORT, INC., AND HARPER ROBINSON & CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

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

Agreement No. 8306 between Alltransport, Incorporated, New York, New York, and Harper, Robinson & Co., San Francisco, California, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the

agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 2, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4279; Filed, June 5, 1958; 8:50 a. m.]

REDERIET OCEAN A/S AND WEST COAST LINE, INC.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

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

(1) Agreement No. 8309, between Rederiet Ocean A/S and West Coast Line, Inc., the carriers comprising the West Coast Line joint service, and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Chile, Ecuador, Peru and Colombian Pacific Coast ports to Puerto Rico, with transshipment at New York or Baltimore.

(2) Agreement No. 8311, between Rederiet Ocean A/S and West Coast Line, Inc., the carriers comprising the West Coast Line joint service, and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Chile, Ecuador, Peru and Colombian Pacific Coast ports to the Virgin Islands, with transshipment at New York or Baltimore.

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

Dated: June 2, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4257; Filed, June 5, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9252]

SEABOARD & WESTERN AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a prehearing conference on the above-entitled application is assigned to be held on June 10, 1958, at 10:00 a. m., e. d. s. t., in Room 5859, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., June 2, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4282; Filed, June 5, 1958; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12107, 12222; FCC 58M-555]

RIVERSIDE CHURCH IN THE CITY OF NEW YORK AND HUNTINGTON-MONTAUK BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of the Riverside Church in the City of New York, New York, New York, Docket No. 12107, File No. BPH-2174; Huntington-Montauk Broadcasting Co., Inc., Huntington, New York, Docket No. 12222, File No. BPH-2233; for construction permits.

The Hearing Examiner having under consideration a petition filed on May 27, 1958, on behalf of Huntington-Montauk Broadcasting Co., Inc., as corrected by a letter from the same party dated May 28, 1958, requesting that the hearing in the above-entitled proceeding now scheduled to be held on June 17, 1958, be continued until July 1, 1958, and that the date for the exchange of exhibits and related information be continued from June 9, 1958, until June 24, 1958; and

It appearing that there is no opposition to a grant of the relief requested in the said petition by The Riverside Church in the City of New York or the Commission's Broadcast Bureau, the only other parties to the proceeding;

It is ordered, This 29th day of May 1958, that the above petition be, and it is hereby granted; that the date for the exchange of exhibits and related information in the above-entitled proceeding is hereby continued from June 9, 1958 until June 24, 1958; and that the date for the commencement of the hearing in the said proceeding is hereby continued until 10:00 o'clock a. m., on Tuesday, July 1, 1958, in the offices of this Commission, Washington, D. C.

Released: June 2, 1958.

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

[F. R. Doc. 58-4283; Filed, June 5, 1958; 8:51 a. m.]

[Docket No. 12348; FCC 58M-559]

OTTAWAY STATIONS, INC. (WDOS)

ORDER CONTINUING HEARING

In re application of Ottaway Stations, Inc. (WDOS), Oneonta, New York, Docket No. 12348; File No. BP-11119; for construction permit.

The Hearing Examiner having under consideration a motion, filed on June 2, 1958, by Ottaway Stations, Inc., the applicant in the above-entitled proceeding, requesting that the hearing therein now scheduled to be held on June 2, 1958, be postponed until June 5, 1958; and

It appearing that sufficient good cause has been set forth in the said petition to justify a grant of the relief requested therein; and

It further appearing, that Radio Anthracite, Inc., and the Commission's Broadcast Bureau, the only other parties to the proceeding, have agreed to the proposed continuance;

It is ordered, This 2d day of June 1958, that the above motion be, and it is hereby, granted, and that the hearing in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Thursday, June 5, 1958, in the offices of this Commission, Washington, D. C.

Released: June 3, 1958.

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

[F. R. Doc. 58-4284; Filed, June 5, 1958; 8:51 a. m.]

[Docket Nos. 12390, 12391; FCC 58M-561]

KWG BROADCASTING CO. AND VALLEY BROADCASTERS, INC.

ORDER CONTINUING HEARING

In re applications of KWG Broadcasting Company, Stockton, California, Docket No. 12390, File No. BPH-2348; Valley Broadcasters, Inc., Stockton, California, Docket No. 12391, File No. BPH-2354; for construction permits.

It is ordered, This 2d day of June 1958, that instead of a hearing, as now scheduled, a prehearing conference will be held on June 16, 1958, and that the scheduled hearing is continued to a date to be set. No evidence will be taken on June 16.

Released: June 3, 1958.

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

[F. R. Doc. 58-4285; Filed, June 5, 1958; 8:51 a. m.]

[Docket Nos. 12451, 12452; FCC 58-501]

UNICOI BROADCASTING CO. (WEMB) AND MACE, GROVES AND MACE

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Max M. Blakemore tr/as Unicoi Broadcasting Company (WEMB), Erwin, Tennessee, Docket No. 12451, File No. BP-11216; Earl O. Mace, A. Clay Groves and Glen F. Mace d/b as Mace, Groves and Mace, South Gastonia, North Carolina, Docket No. 12452, File No. BP-11653; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration the above-captioned applications of Max M. Blakemore tr/as Unicol Broadcasting Company for a construction permit to increase the power of Station WEMB, Erwin, Tennessee, from one kilowatt to 5 kilowatts and to continue operation on the presently assigned frequency of 1420 kilocycles, daytime only; and of Earl O. Mace, A. Clay Groves and Glen F. Mace d/b as Mace, Groves and Mace for a construction permit for a new standard broadcast station to operate on 1420 kilocycles with a power of 500 watts, daytime only, at South Gastonia, North Carolina;

It appearing, that except as indicated by the issues specified below, both applicants are legally, technically, financially and otherwise qualified to operate the stations as proposed but that the proposed operation of WEMB would cause interference to the proposed operation of Mace, Groves and Mace and to the existing operations of Stations WLET, Toccoa, Georgia (1420 kc, 5 kw, Day), and WMNC, Morganton, North Carolina (1430 kc, 5 kw, Day); that, on the basis of measurement data filed by the licensee of Station WEGO, Concord, North Carolina (1410 kc, 1 kw, Day), on January 21, 1958, the proposed operation of Mace, Groves and Mace would result in mutual interference with Station WEGO; that the proposed operation of Mace, Groves and Mace would also result in mutual interference with Station WCRE, Cheraw, South Carolina (1420 kc, 1 kw, Day); and that because of interference received the loss in population to the Mace, Groves and Mace proposal may be excessive under the provisions of § 3.28 (c) of the Commission's rules; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 9, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants filed timely replies to the Commission's letter; and

It further appearing that in a reply dated May 8, 1958, Mace, Groves and Mace contended that the measurement data submitted by WEGO do not constitute an adequate basis upon which to find that their proposed operation would not comply with § 3.28 (c) of the rules and that the operation of their proposal would result in mutual interference with WEGO, but stated that if the Commission should conclude that interference received would be excessive, then a waiver of § 3.28 (c) of the rules is requested; and

It further appearing that the Commission finds that the measurement data submitted by WEGO are sufficient to indicate that the proposed Mace, Groves and Mace operation may be involved in mutual interference with WEGO and that the proposal may suffer a population loss in excess of the ten percent permitted under the provisions of § 3.28 (c) of the rules; and

It further appearing that the licensees of Stations WEGO and WMNC have requested that the above-captioned applications be designated for hearing by letters filed April 28 and May 6, 1958, respectively; and

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

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the 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 may be expected to gain or lose primary service from the operation of Station WEMB as proposed and the availability of other primary service to such areas and populations.

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

3. To determine whether the proposed operation of Station WEMB would cause objectionable interference to Stations WLET, Toccoa, Georgia, and WMNC, Morganton, North Carolina, 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.

4. To determine whether the proposed operation of Mace, Groves and Mace would cause objectionable interference to Stations WEGO, Concord, North Carolina, and WCRE, Cheraw, South Carolina, 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 the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

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

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

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

It is further ordered, That R. G. LeTourneau, Evelyn LeTourneau and Virgle E. Craig d/b as Radio Station WLET; Nathan J. Cooper; the Pee Dee Broadcasting Company and the Concord-Kannapolis Broadcasting Company, licensees of Stations WLET, WMNC, WCRE and WEGO, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondents herein, pursuant to § 1.140 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.

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

Released: June 3, 1958.

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

[F. R. Doc. 58-4286; Filed, June 5, 1958; 8:51 a. m.]

[Docket No. 12453, etc.; FCC 58-502]

ALFRED RAY FUCHS (KTJS) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Alfred Ray Fuchs (KTJS), Hobart, Oklahoma, Docket No. 12453, File No. BP-11045; KGFL, Incorporated (KGFL), Roswell, New Mexico, Docket No. 12454, File No. BP-11273; Bob Garrison and H. H. Huntley d/b as Garrison-Huntley Enterprises, Lubbock, Texas, Docket No. 12455, File No. BP-11538; Joseph S. Lodato, Santa Rosa, New Mexico, Docket No. 12456, File No. BP-11721; Clarence Wilson, Hobbs, New Mexico, Docket No. 12457, File No. BP-11817; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration the above-captioned applications for construction permits by Alfred Ray Fuchs to increase the power of Station KTJS, Hobart, Oklahoma (1420kc, 250w, Day), to 1 kilowatt; by KGFL, Incorporated to change the facilities of Station KGFL, Roswell, New Mexico (1400kc, 250w, Unlimited time), to operation on 1430 kilocycles with a power of 1 kilowatt nighttime and 5 kilowatts daytime, utilizing directional antenna nighttime, unlimited time; by Bob Garrison and H. H. Huntley, d/b as Garrison-Huntley Enterprises, for a new standard broadcast station at Lubbock, Texas to operate on 1420 kilocycles with a power of 500 watts, daytime only; by

Joseph S. Lodato for a new standard broadcast station at Santa Rosa, New Mexico to operate on 1420 kilocycles with a power of 1 kilowatt, daytime only; and by Clarence Wilson, for a new standard broadcast station to operate at Hobbs, New Mexico on 1430 kilocycles with a power of 5 kilowatts, daytime only; and

It appearing that except as indicated by issues below, KGFL, Incorporated, Alfred Ray Fuchs, Joseph S. Lodato, and Clarence Wilson are legally, technically, financially, and otherwise qualified, and Garrison-Huntley Enterprises is legally, technically, and otherwise qualified, to construct and operate their proposals, but that the proposals of Clarence Wilson and KGFL, Incorporated, involve mutually destructive interference; that the proposals of Alfred Ray Fuchs and Garrison-Huntley Enterprises involve mutual interference; that the proposal of Garrison-Huntley Enterprises involves interference from and objectionable interference to Station KPEP, San Angelo, Texas; that interference from the proposals of Alfred Ray Fuchs, Joseph S. Lodato, and Clarence Wilson, and from Station KPEP may affect more than ten percent of the population in the normally protected primary service area of the proposal of Garrison-Huntley Enterprises in contravention of § 3.28 (c) of the Commission rules; and

It further appearing that Garrison-Huntley Enterprises failed to supply the information requested by the Commission in letters dated January 14 and April 2, 1958, in order to determine whether the applicant is financially qualified, its programming is in the public interest, its proposed antenna would constitute a hazard to air navigation, its 25 mv/m contour would encompass the business district of the city sought to be served as required by § 3.188 of the Commission rules, and its antenna would, because of proximity, involve any problem of cross modulation or reradiation with Station KDAV, Lubbock, Texas, or any other existing station; 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 April 2, 1958, 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 apearing that each of the instant applicants filed a timely reply; and

It further appearing that after consideration of the foregoing, the Commission is of the opinion that a hearing on these 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 instant proposals of Garrison-Huntley Enterprises, Joseph S. Lodato, and Clarence Wilson, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would gain or lose primary service from each of the instant proposals of Alfred Ray Fuchs (KTJS) and KGFL, Incorporated (KGFL), and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal of Garrison-Huntley Enterprises would involve objectionable interference with Station KPEP, San Angelo, Texas, 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 the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Garrison-Huntley Enterprises is in compliance with § 3.28 (c) of the Commission rules; and whether, if compliance is not achieved, circumstances exist which would warrant a waiver of § 3.28 (c).

6. To determine whether Garrison-Huntley Enterprises is financially qualified to construct and operate its proposed station.

7. To determine the type and character of the programming proposed by Garrison-Huntley Enterprises in its instant application and whether such programming would be in the public interest.

8. To determine whether the antenna system herein proposed by Garrison-Huntley Enterprises would constitute a hazard to air navigation.

9. To determine whether the 25 mv/m contour of the instant proposal of Garrison-Huntley Enterprises would provide adequate signal over the business and factory areas of the city sought to be served, as required by § 3.188 (b) (1) of the Commission rules.

10. To determine whether the antenna system proposed by Garrison-Huntley Enterprises would involve cross modulation or reradiation with Station KDAV, Lubbock, Texas, or any other existing station.

11. To determine, in the light of § 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.

12. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That the Concho Broadcasting Company, licensee of Station KPEP, San Angelo, Texas, is made a party to the hearing; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondent herein, pursuant to § 1.140 of the Commission 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 the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 2, 1958.

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

[F. R. Doc. 58-4287; Filed, June 5, 1958; 8:52 a. m.]

[Docket No. 12453, etc.; FCC 58M-563]

ALFRED RAY FUCHS (KTJS) ET AL.

ORDER SCHEDULING HEARING

In re applications of Alfred Ray Fuchs (KTJS), Hobart, Oklahoma, Docket No. 12453, File No. BP-11045; KGFL, Incorporated (KGFL), Roswell, New Mexico, Docket No. 12454, File No. BP-11273; Bob Garrison and H. H. Huntley, d/b as Garrison-Huntley Enterprises, Lubbock, Texas, Docket No. 12455, File No. BP-11538; Joseph S. Lodato, Santa Rosa, New Mexico, Docket No. 12456, File No. BP-11721; Clarence Wilson, Hobbs, New Mexico, Docket No. 12457, File No. BP-11817; for construction permits.

It is ordered, This 2d day of June 1958, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 28, 1958, in Washington, D. C.

Released: June 3, 1958.

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

[F. R. Doc. 58-4288; Filed, June 5, 1958; 8:52 a. m.]

[Docket Nos. 12458, 12459; FCC 58-506]

ANNAPOLIS BROADCASTING CORP. AND BELVEDERE BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Annapolis Broadcasting Corporation, Annapolis, Maryland, Docket No. 12458, File No. BPH-2402; Belvedere Broadcasting Corp., Baltimore, Maryland, Docket No. 12459, File No. BPH-2410; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration the above-captioned applications

of the Annapolis Broadcasting Corporation and the Belvedere Broadcasting Corp. for construction permits for new Class B FM broadcast stations to operate on 107.9 megacycles, Channel No. 300, in Annapolis and Baltimore, Maryland, respectively;

It appearing that both of the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 24, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants replied, indicating that they would appear at a hearing on their applications; and

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

It further appearing that the Annapolis Broadcasting Corporation proposes to side-mount the FM antenna on the antenna structure of Station WANN (AM); and

It further appearing that the Belvedere Broadcasting Corp. proposes to mount the FM antenna on top of the present antenna structure of Station WWIN (AM) increasing its overall height;

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 within the 50 uv/m and 1 mv/m contours of the operations proposed, respectively, by the Annapolis Broadcasting Corporation and the Belvedere Broadcasting Corp. and the availability of other such FM broadcast service to the said areas and populations.

2. To determine, in the light of the nature of the respective operations proposed and of the areas and populations to be served, together with the other evidence presented under issue 1, whether considerations with respect to section 307 (b) of the Communications Act of 1934, as amended, are applicable to the above-entitled proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon and if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of service to the communities involved.

3. To determine, in the event it is concluded that a choice between the two applications cannot be made on considerations relating to section 307 (b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

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

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

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

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

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 (c) of the Commission's rules, in person or by an 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.

It is further ordered, That in the event of a grant of the application of the Annapolis Broadcasting Corporation, the construction permit shall contain a condition requiring that Station WANN shall receive permission from the Commission to determine power of WANN by the indirect method during the installation of the FM antenna and rechecking resistance of the tower after the installation has been completed, and submitting Forms 302 for WANN in the event of a change in resistance of the tower.

It is further ordered, That in the event of a grant of the application of the Belvedere Broadcasting Corp., the construction permit shall contain a condition requiring the submission and approval of an application for construction permit to modify the WWIN antenna system to accommodate the FM antenna.

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

Released: June 2, 1958.

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

[F. R. Doc. 58-4289; Filed, June 5, 1958; 8:52 a. m.]

[Docket Nos. 12458, 12459; FCC 58M-562]

ANNAPOLIS BROADCASTING CORP. AND BELVEDERE BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re applications of Annapolis Broadcasting Corporation, Annapolis, Maryland, Docket No. 12458, File No. BPH-2402; Belvedere Broadcasting Corp., Baltimore, Maryland, Docket No. 12459, File No. BPH-2410; for construction permits.

It is ordered, This 2d day of June 1958, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 2, 1958, in Washington, D. C.

Released: June 3, 1958.

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

[F. R. Doc. 58-4290; Filed, June 5, 1958; 8:52 a. m.]

[Docket No. 12460; FCC 58-512]

DURHAM BROADCASTING ENTERPRISES, INC. (WTVD)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Durham Broadcasting Enterprises, Inc. (WTVD), Durham, North Carolina, Docket No. 12460, File No. BMPCT-4812; for modification of construction permit.

1. The Commission has before it for consideration (1) a "Protest" filed on May 2, 1958, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Fayetteville Broadcasters, Inc. (protestant), permittee of Television Station WFLB-TV (Channel 18), Fayetteville, North Carolina,[1] and directed against the Commission's action of April 2, 1958, granting without hearing the above-captioned application of Durham Broadcasting Enterprises, Inc. (Durham) for modification of its construction permit for Television Station WTVD (Channel 11), Durham, North Carolina, to change transmitter location and increase antenna height above average terrain; (2) an "Opposition to Protest" filed by Durham on May 12, 1958; and (3) a "Reply" to such opposition filed by protestant on May 19, 1958.

2. The protestant claims standing as a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended, as the permittee of an existing UHF television broadcast station, WFLB-TV, serving the Fayetteville, North Carolina, area, which will receive for the first time a Grade A or better signal from the operation of Television Station WTVD as proposed. Protestant states that its station has been in operation since August 1955, and is the only UHF television station in North Carolina, serving an area with a radius of approximately 25 miles in all directions; that an estimated eighty percent of the television sets in this area are capable of receiving the programs of WFLB-TV, which operates about 57 hours weekly; that three VHF stations located at Wilmington, Raleigh, and Chapel Hill, North Carolina, respectively, now provide Grade B or better signals

[1] WFLB-TV has been in operation since August 29, 1955.

to Fayetteville (1950 population, 34,715 persons); that Station WFLB–TV is affiliated with all three national television networks and carries approximately 15 hours per week of NBC programs obtained by an "off-the-air pickup" from Raleigh Station WRAL–TV, about 10 hours weekly of CBS programs (4 hours "picked up" from the Durham station and 6 hours from Greensboro Station WMFY–TV), and 1 hour per week of ABC kinescope programs; and that it has been protestant's experience that its station provides a more acceptable signal to the Fayetteville area viewers than any other station except WRAL–TV, so that they tend to prefer protestant's station over the other stations, with the exception of WRAL–TV, when a given network program is being telecast by both its (protestant's) station and another outlet. Protestant asserts further that the commencement of operation of WTVD pursuant to the subject grant would provide a stronger signal to the Fayetteville area than is now provided by any existing VHF station, and would have an even greater adverse economic effect on its UHF station than resulted from the advent of the Raleigh Station WRAL–TV signal in December, 1956, which caused a significant loss to protestant of local revenue and also some network revenue. Thus, protestant claims, its station would experience severe loss of local, as well as network, revenues and would be economically injured as a result of the operation of WTVD as authorized in the modification grant to Durham.

3. In support of its protest, Fayetteville alleges, in substance, that the grant of the Durham application would not be in the public interest for the following reasons: First, the proposed operation of WTVD would seriously endanger the continued operation of WFLB–TV as the only local television station in Fayetteville since the latter facility is now operating at a substantial loss and is in a difficult financial position after having recently effected a "thorough overhaul of its operation" for the purpose of reducing operating costs. In this regard, protestant points out that the entry of WTVD into the Fayetteville area would provide the viewing public there with a high quality substitute for the CBS programs now carried by WFLB–TV, and adds that the resultant demise of Fayetteville's station would mean the loss of the only television outlet for self-expression which WTVD would not replace. Secondly, it is alleged that a total of more than 5,000 persons to the north and east of Durham would be deprived of their only Grade B or better television signal; that the area which would have only one Grade B or better signal after the WTVD move is substantially larger than the area to which WTVD would provide a first choice of service; and that the more than 400,000 persons who would lose their reception from WTVD are for the most part located closer to Durham than those persons residing in the area which would for the first time receive a Grade B signal from WTVD. In view of these allegations, based on WTVD's engineering statements filed with the Commission, protestant argues that the proposed change in WTVD facilities will result in a downgrading of television service to areas and populations presently dependent on WTVD. Finally, protestant contends that although the avowed purpose of moving the WTVD transmitter from a point nine miles north of Durham to a site about thirty miles southeast thereof is to make WTVD more competitive with WRAL–TV, the net effect of the change would be to deprive Durham of its only outlet for local self-expression in favor of providing Raleigh with an additional television outlet despite less need therefor.

4. In view of the foregoing, the protestant requests that the Commission designate the instant application for an evidentiary hearing on four specified issues and on such additional issues as the Commission may specify; place the burden of proof as to each of the issues on Durham; make the protestant a party to the proceeding; and, pending final decision in this matter after hearing, stay the effective date of the grant in question.

5. In its opposition to the above-described protest, Durham states preliminarily that by proper application it sought permission to change its transmitter location by a move to a point 30 miles southeast of the city of Durham; and that the Commission, before acting on the subject application, directed a letter on February 12, 1958 to Durham containing the following three questions concerning the changes proposed therein: (1) whether the move was for the purpose of converting WTVD into a Raleigh station; (2) whether a diminution of service areas would result, contrary to the public interest; and (3) the effect of a grant of the application upon the operation of WFLB–TV (protestant's station) at Fayetteville. Durham asserts that every question and issue posed by the instant protest was encompassed in the matters raised by the Commission in its aforementioned letter to the applicant; that on March 4, 1958, Durham submitted a complete response to the Commission's inquiry in which each question was dealt with thoroughly; that the applicant's full response, which equally applies to the questions now being raised in the protest, was before the Commission when, on April 2, 1958, it found the application to be in the public interest and consequently granted it; and that all matters set forth in that response are incorporated in Durham's opposition by reference. In addition, Durham points out that the subject protest does not involve the protest of a station threatened with the inauguration of a new and additional station in its community, nor with the move of a competing station to a nearby transmitter location; that WTVD presently operates with its transmitter some 72 miles from Fayetteville and the new WTVD transmitter site will be some 47 miles from Fayetteville, which is not in a contiguous market but instead is 65 miles removed from Durham and 53 miles from Raleigh; that Fayetteville presently receives service from at least four VHF television stations rendering Grade B or better signals; and the consequent effect of the grant to Durham is not the destruction of a "UHF Island," as claimed by protestant, but the addition of another VHF signal to the multiplicity of signals now rendering service to the Fayetteville areas.

6. In challenging the protest, Durham asserts also that the protestant lacks standing to protest since section 309 (c) of the Communications Act provides that it can be invoked only by one who has set forth "allegations of fact" showing the protestant to be a "party in interest," and Fayetteville's allegations do not present the requisite factual matters. In essence, according to Durham, protestant's allegations with respect to standing consist in general of pleas of adversity, an irrelevant claim of being the only UHF station in its state, and discussions of tendencies of local viewers, and the conclusion stated by protestant that it will be "economically injured" is given no factual support by data regarding station income and losses suffered. Durham urges that, in the absence of the allegations of specific facts required under the Communications Act for a showing as to standing, the protest be summarily dismissed.

7. Durham contends, moreover, that the protestant has also failed to specify with particularity facts showing that the grant of the above-captioned application was improperly made or otherwise not in the public interest; and that protestant has merely restated those matters which were thoroughly considered by the Commission before the grant to Durham, and has relied entirely on speculation and unsupported conclusions. Durham discusses in detail protestant's claims (i. e., that WTVD will favor service to Raleigh, that a grant will result in degraded service to areas now dependent on WTVD, and that economic injury will result to WFLB–TV) and argues that no factual allegations in support thereof have been advanced. With reference to protestant's claim of economic injury, Durham submits that this issue is "beyond the purview of the Commission" and should, therefore, not be considered. Finally, Durham urges denial of the request for postponement of the effective date of the grant for the following alleged reasons: (1) The public interest in the improved service to be provided by WTVD; (2) the safety to air navigation to be derived from the change in transmitter site; (3) the lack of reasonable likelihood that protestant could prevail on the merits of its protest; and (4) the absence of a showing of irreparable injury to protestant resulting from the grant remaining in effect.

8. In its reply, the protestant asserts that Durham's position as to the lack of standing to protest, is untenable, and reiterates some of the allegations advanced in the protest in support of the claim that protestant herein is a "party in interest." Also, protestant controverts Durham's contention that the protest is lacking in factual allegations to establish the impropriety of the subject grant, and again sets forth in substance the allegations of its protest which purport to demonstrate why the grant would not be in the public interest. In addi-

tion, protestant asserts that the Commission has consistently considered economic matters in the context of the situation presented in the instant protest, namely, the impact of a VHF station on a UHF operation in a different city, and the Commission does have to consider the impact of the proposed location of the WTVD transmission facilities on UHF operations in Fayetteville. In renewing its request for a stay, protestestant argues that the claim that the modified facilities will serve additional viewers is offset by the circumstances that the changes will deprive more than 400,000 persons of an existing service, deprive Durham of an outlet for local expression, and seriously endanger the only station in Fayetteville. Furthermore, protestant asserts that there is no factual basis for Durham's claim that air safety considerations require the grant to remain in effect. Additionally, protestant asserts that the emphasis placed by Durham on the great strides it has made towards completion of the new facilities and the sums spent thereon, has no bearing on the stay question, and that this status of construction only about five weeks after the grant raises a question of premature construction. Accordingly, an additional issue in that regard is requested by protestant. In conclusion, protestant states that the stay is also needed to protect its station and the city of Fayetteville from irreparable loss of revenues and service. The protestant urges, too, that since the issues requested by it are essentially those originally set forth in the Commission's letter of February 12, 1958 (see paragraph 5, above), and a hearing ordered thereon would have placed the burden of proof on Durham, the Commission should at this time adopt the issues and place the burden on said applicant.

9. In view of the fact that the protestant is the permittee of Television Station WFLB–TV in Fayetteville, North Carolina, and has alleged that as a result of the grant of the above-captioned application it will be injured competitively through the proposed change in transmitter site and antenna height by the loss of advertising revenues and television audience, 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 Brothers Radio Station 309 U. S. 470; In re T. E. Allen & Sons, Inc., 9 Pike & Fischer RR 197; Versluis Radio and Television, Inc., 9 Pike & Fischer RR 102. We further find that the protestant has specified with sufficient particularity the facts relied on to warrant designating the instant application for hearing upon the issues specified in the protest.[2] The initial question to be determined is what type of hearing is to be held.

10. In substance, the issues specified by protestant concern (a) the competitive injury which protestant's UHF station will allegedly suffer in the Fayetteville area as a result of the grant of Durham's subject modification application, (b) the alleged loss to the city of Durham of its only local television service as well as the deprivation of service that assertedly would be experienced by a very substantial number of persons in the areas to the north and east of Durham, and (c) the alleged effect of the move as creating a Raleigh or a Raleigh-Durham station in place of a Durham station. We believe that the problems raised by the protest as to the competitive impact of additional VHF service on a UHF station and as to the effect of the move on service to the Durham area in relation to the additional service to be provided to other areas, are of the type which do not lend themselves to demurrer. In re Application of Dispatch, Inc. (WICU), Erie, Pennsylvania, 15 Pike & Fischer RR 896; In re Application of Triangle Publications, Inc. (WNHC), New Haven, Connecticut (FCC 57–1402). We shall, accordingly, designate the protest for evidentiary hearing. However, we are not adopting such issues, and the burden of proceeding with the introduction of evidence as well as the burden of proof will be upon the protestant.

11. We turn now to the question of whether we should stay the effective date of a grant of the above-captioned application pending a final decision in the hearing ordered below. Section 309 (c) provides in pertinent part that "the effective date of the Commission's action to which the 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 * * *." It is obvious that the modification authorization in question is not essential to the conduct of an existing service. Moreover, the Commission is of the view that the reasons advanced by the applicant in opposition to the stay do not suffice to warrant an affirmative finding that the public interest requires that the grant remain in effect. Accordingly, in the absence of compelling reasons for continuing the grant in force, the effective date of the Commission's action here in question will be postponed pending a final decision in the hearing hereinafter ordered.

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 grant is granted; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues:

(1) To determine the effect upon the operation of UHF station WFLB–TV, operating on Channel 18 in Fayetteville, North Carolina, of the operation of station WTVD as authorized in BMPCT–4812.

(2) To determine the areas and populations which would gain or lose signals of Grade A or Grade B intensity from WTVD, the programming of WTVD to serve those areas and populations, the other television signals available to those areas and populations and the programming provided by them, and the relative needs of those areas and populations for the signals to be gained and lost.

(3) To determine whether operation by station WTVD as authorized in BMPCT–4812 would tend to make it a Raleigh-Durham station rather than a Durham station, and, if so, to determine whether this change would better meet the needs of the viewing public than does the present operation of WTVD.

(4) To determine in the light of the facts developed under the above issues whether the grant of BMPCT–4812 was proper and would serve the public interest.

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 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 June 12, 1958.

Adopted: May 28, 1958.

Released: June 3, 1958.

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

[F. R. Doc. 58–4291; Filed, June 5, 1958; 8:52 a. m.]

[2] Protestant's request in its Reply for an additional issue to determine whether construction was commenced prior to the grant of the subject modification application, is based on mere speculation and does not merit any further consideration.

FEDERAL POWER COMMISSION

[Docket No. G–14856]

BERKSHIRE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 2, 1958.

Take notice that the Berkshire Gas Company (Applicant), a public utility engaged in the distribution of natural gas within the Commonwealth of Massachusetts, having its principal place of business in Pittsfield, Massachusetts, filed an application on April 10, 1958, for an order, pursuant to section 7 (a) of the Natural Gas Act, directing Tennessee Gas Transmission Company (Tennessee) to establish physical connection of its facilities with those which Applicant proposes to construct and to sell and deliver to Applicant certain volumes of natural gas for distribution and sale in the community of Greenfield, Massachu-

setts and to other customers adjacent to its proposed transmission lines, as hereinafter described, all as more fully represented in the application which is on file with the Commission and open to public inspection.

The application states that Applicant presently sells and distributes natural gas in other communities in the State of Massachusetts, including the communities of Pittsfield, Lenox, Dalton and others, which it purchases from Tennessee. The application further states that Applicant acquired the assets of Greenfield Gas Light Company, which had been engaged in distributing manufactured gas in the towns of Greenfield and Montague in Franklin County, Massachusetts.

The application states that Greenfield Gas Light Company was unable to meet its financial obligations and was adjudicated insolvent by the United States District Court for the District of Massachusetts and its gas business was sold and transferred to Applicant on March 28, 1958. Applicant is presently operating said distribution system and distributing low B. t. u. manufactured gas in that community. Because of the high cost of making such gas and the large investment that would be required to repair and maintain the existing gas manufacturing facilities, Applicant proposes to convert from the uneconomical distribution of manufactured gas to the more advantageous distribution of natural gas in Greenfield. For that purpose, Applicant proposes to construct and operate approximately 22 miles of 6-inch transmission pipeline extending from a connection with Tennessee's existing 6-inch lateral near Northhampton, Massachusetts, to a proposed meter and regulator station in the community of Greenfield. In addition, Applicant also proposes to serve customers along the route of its proposed 6-inch pipeline including the towns of Whately, South Deerfield and Old Deerfield, which are within its franchise area.

After conversion from manufactured to natural gas, Applicant proposes to convert the present manufactured gas facilities to high B. t. u. oil gas for peak-shaving and stand-by use.

Based on a survey of existing and potential customers in the Greenfield service area, Applicant estimates the natural gas requirements as follows:

Type of service	Requirements in Mcf									
	1959		1960		1961		1962		1963	
	Annual	Peak day	Annual	Peak day	Annual	Peak day	Annual	Peak day	Annual	Peak day
Residential	32,700	112	34,300	118	36,700	126	38,400	132	40,400	138
Residential heat	26,900	281	36,800	382	49,700	519	63,200	673	75,100	782
Commercial	23,400	165	25,700	186	27,200	199	30,000	219	22,400	238
Industrial	67,650	264	67,600	264	67,600	264	67,600	264	67,600	264
Indus. interruptible	155,400	.....	182,600	.....	223,800	.....	270,100	.....	303,500	.....
Company use and lost	12,200	33	14,000	38	16,200	44	19,000	51	21,000	57
Total	318,200	855	361,000	988	421,200	1,152	488,900	1,339	540,000	1,479

To meet these requirements, Applicant requests an allocation of 1479 Mcf per day from Tennessee, its estimated fifth year requirement.

Applicant states that converting the Greenfield distribution operation to natural gas will result in a definite reduction in rates to all customers. The present rates for 530 B. t. u. manufactured gas range from $6.05 per Mcf for residential general service to $2.68 per Mcf for firm industrial service. The rates which Applicant proposes to charge for 1000 B. t. u. natural gas range from $3.50 per Mcf for residential service to 53 cents per Mcf for interruptible industial service.

Applicant estimates the total capital cost of constructing its proposed facilities at $420,000 plus $54,000, for conversion of customers' appliances.

On May 2, 1958, Tennessee filed its answer to the application herein, stating that it believes it will be able to deliver the relatively small volumes of natural gas requested by Applicant without impairing its ability to meet its contractual obligations to other customers. However, Tennessee states that due to the uncertainties regarding rates caused by the "Memphis decision" it is willing to enter only into short-term service agreements with new as well as existing customers for additional quantities of gas. Therefore, Tennessee and Applicant have entered into a short-term contract dated April 30, 1958, providing for the delivery of a maximum of 838 Mcf per day to Applicant, which is approximately its first year requirement for a period ending November 1, 1959. On May 8, 1958, Tennessee filed a supplement to its answer, stating that it is willing to render the service requested by Applicant, provided that the "gas sales contract referred to above is accepted for filing by the Commission as an initial rate schedule and hence not subject to suspension".

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 June 30, 1958, at 10:00 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 filed herein.

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 June 23, 1958.

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

[F. R. Doc. 58-4261; Filed, June 5, 1958; 8:46 a. m.]

[Docket No. G-15179]

F. A. CALLERY, INC., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 2, 1958.

F. A. Callery, Inc., et al. (Callery), on May 5, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 2, 1958.

Purchaser: Texas Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 6 to Callery's FPC Gas Rate Schedule No. 1.

Effective date: June 5, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Callery cites the contract provision providing for the increased price which Callery states resulted from arm's-length bargaining. Callery also states that the pricing provisions are really an installment method for payment of the contract rate over the 20-year contract term.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Callery's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Callery's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12682.

(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

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

[F. R. Doc. 58-4262; Filed, June 5, 1958; 8:46 a. m.]

[Docket No. G-15180]

HUMBLE OIL AND REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 2, 1958.

Humble Oil and Refining Company (Humble) on May 5, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Letter,[2] dated July 25, 1957. (2) Letter,[3] dated July 29, 1957. (3) Notice of Change, dated April 25, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 7 to Humble's FPC Gas Rate Schedule No. 35. (2) Supplement No. 8 to Humble's FPC Gas Rate Schedule No. 35. (3) Supplement No. 9 to Humble's FPC Gas Rate Schedule No. 35.

Effective date: June 5, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Humble states that the proposed price is reasonable and in line with going prices in the area and cites other prices ranging from 22.5 cents to 23.9 cents per Mcf (initial service rates). Humble also states that the proposed price was agreed upon by experienced parties after arm's-length bargaining.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 7, 8 and 9 to Humble's FPC Gas Rate Schedule No. 35, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 7, 8 and 9 to Humble's FPC Gas Rate Schedule No. 35.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until November 5, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

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

[F. R. Doc. 58-4263; Filed, June 5, 1958; 8:46 a. m.]

[Docket No. G-14877]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 2, 1958.

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 April 14, 1958, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities for the sale and delivery of 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 seeks authority to construct and operate a tap on its existing 12-inch Lewiston-Clarkston lateral located about 1700 feet south of Endicott, Whitman County, Washington, together with metering and regulating facilities to enable it to sell and deliver natural gas to Eastern Washington Natural Gas Company, Inc. (Eastern Washington) for resale in and around Endicott.

The application states that Eastern Washington is an existing customer of Applicant at Ritzville, Washington, and has obtained a franchise from the town of Endicott and a certificate from the Washington Public Service Commission authorizing it to construct and operate a natural gas distribution system in and around Endicott. Eastern Washington will construct about 1700 feet of transmission line to bring the gas south from Applicant's pipeline to the town of Endicott. Applicant estimates the natural gas requirements for the first three years of service to Endicott to be as follows:

Years of service	1	2	3
Peak day (Mcf)	20	70	100
Annual (Mcf)	2,420	8,740	12,60

Applicant states that the proposed sale and delivery of the relatively small volume of firm gas as proposed herein would have no appreciable effect on its gas reserves nor its ability to serve existing customers. No additional main line capacity is required to serve the quantity of gas involved.

The total estimated cost of Applicant's proposed facilities to render service to Eastern Washington is $11,790.

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 July 8, 1958, 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 June 26, 1958. 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. 58-4264; Filed, June 5, 1958; 8:47 a. m.]

[Docket No. G-9385 etc.]

AMERADA PETROLEUM CORP. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 2, 1958.

In the matter of Amerada Petroleum Corporation, Docket Nos. G-9385, G-10999, G-11882, G-11883, G-12882, G-13401, G-13897, G-13899, G-13900, G-13916, G-14421, G-14618; Amerada Petroleum Corporation (Operator) et al., Docket No. G-13901.

Upon consideration of the motion filed May 21, 1958, by Counsel for Amerada Petroleum Corporation for postponement of the hearing now scheduled for June 23, 1958 in the above-designated matters;

The hearing now scheduled for June 23, 1958, is hereby postponed to Septem-

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. 13609.

[2] Parties agree to redetermination of base rate from 20.6 cents to 21.2 cents per Mcf.

[3] Buyer's acknowledgement and clarification of seller's letter dated July 25, 1957.

ber 23, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

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

[F. R. Doc. 58-4265; Filed, June 5, 1958; 8:47 a. m.]

[Docket No. G-14801]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 2, 1958.

Take notice that the Manufacturers Light and Heat Company (Applicant) a Pennsylvania corporation with its principal place of business in Pittsburgh, Pennsylvania, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and for permission and approval to abandon certain natural gas facilities 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 seeks authority:

(1) To construct and operate approximately 5.6 miles of 26-inch replacement gas transmission pipeline between Applicant's Hickory Gate Nest and its Primrose Nest in Washington county, Pennsylvania, near Pittsburgh.

(2) To abandon a 5.6 mile section of its 20-inch transmission line No. 1 which would be replaced by the proposed 26-inch line.

The application states that Applicant's existing line No. 1 together with its 12-inch line No. 135 serves to carry gas from the Hickory Gate Nest to the Primrose Gate Nest serving markets along the Ohio River principally in the Pittsburgh area. The area concerned in this application is served principally by lines No. 1 and No. 135. It lies along the Ohio River between Pittsburgh, Pennsylvania and Weirton, West Virginia, and includes more than 50,000 customers in 73 communities in Pennsylvania, Ohio and West Virginia.

Applicant estimates that the market requirements for this area will exceed by 18,900 Mcf per day the 1958–1959 maximum day capacity. The present 20-inch line No. 1 is leaky and has a pressure limitation of 200 pounds. The proposed new 26-inch line will be capable of carrying over 200 psia and will enable Applicant to meet expected deliveries on this portion of its system at least through the 1959–1960 winter, thereby enabling Applicant to keep pace with the growing requirements of this particular service area. No service will be abandoned as a result of the abandonment of facilities as proposed herein.

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 July 8, 1958, 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 June 26, 1958. 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. 58-4267; Filed, June 5, 1958; 8:47 a. m.]

[Docket No. G-13734]

PHILLIPS PETROLEUM CO.

ORDER DENYING MOTION FOR DISMISSAL OF FILING AND AMENDING ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 2, 1958.

On October 21, 1957, Phillips Petroleum Company (Phillips), tendered for filing a proposed change in rate which was designated Supplement No. 11 to its Rate Schedule No. 10 and pertained to sales of natural gas to El Paso Natural Gas Company (El Paso). Phillips stated that it was filing for a favored-nations increase which had been triggered by an increase filed by Warren Petroleum Corporation (Operator), et al., for gas sold to El Paso in Lea County, New Mexico, and which had been suspended in Docket No. G-12767 by the Commission until November 22, 1957, by order issued June 20, 1957.

By Commission order issued November 20, 1957, Phillips' proposed increased rate was suspended in Docket No. G-13734 effective November 22, 1957, until April 22, 1958.

On February 3, 1958, El Paso formally protested the continuation of the suspension in Docket No. G-13734 and urged that Phillips' filing be dismissed and the proceedings terminated. In support of the protest El Paso invited the Commission's attention to a letter by Warren dated December 2, 1957, and submitted to the Commission asking permission to withdraw its filing suspended in Docket No. G-12767. The Commission, by order issued December 31, 1957, permitted Warren to withdraw the filing and file a superseding change which would have no "triggering" effect upon Phillips' contract with El Paso.

On February 28, 1958, Phillips filed with the Commission an answer to El Paso's formal protest reciting that by order of the Commission issued July 12, 1957, in Docket No. G-12841 a proposed increased rate tendered by Sun Oil Company (Sun) was suspended until December 14, 1957. This filing pertained to sales of natural gas to El Paso and was made effective as of December 14, 1957, upon Sun's filing an undertaking and agreement in accordance with the Commission's order issued January 16, 1958. The amount of Sun's increase in rate is identical on a percentage basis to the increase in rate contained in the Phillips' increase in rate suspended in Docket No. G-13734. Phillips further stated that the Sun increase has triggered its contract with El Paso and that therefore El Paso's request for termination of its filing should be denied.

The Commission finds:

(1) That the order for hearing and suspending proposed change in rates issued November 21, 1957, in Docket No. G-13734 should be amended to: (i) change the effective date of the proposed change in rates from November 22, 1957, to December 14, 1957; and (ii) change the termination of the suspension period from April 22, 1958, until May 14, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(2) That the motion by El Paso to dismiss Phillips' filing in, and to terminate the proceedings in Docket No. G-13734 should be denied.

The Commission orders:

(A) That the order for hearing and suspending proposed change in rates issued November 21, 1957, in Docket No. G-13734 is hereby amended to: (i) Change the effective date of the proposed change in rates from November 22, 1957, to December 14, 1957; and (ii) change the termination of the suspension period from April 22, 1958, until May 14, 1958, and until such other time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) That the motion by El Paso to dismiss Phillips' filing in, and to terminate the proceedings in Docket No. G-13734, is hereby denied.

By the Commission.

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

[F. R. Doc. 58-4268; Filed, June 5, 1958; 8:47 a. m.]

[Docket No. G-9520 etc.]

GULF OIL CORP. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 2, 1958.

In the matters of Gulf Oil Corporation, Docket Nos. G-9520, G-11106, G-11335, G-11442, G-11443, G-11444, G-11847, G-12315, G-12634, G-12955, G-12956, G-13495, G-13518, G-13519, G-13526, G-13581, G-13772, G-13841, G-

13983, G–13984, G–14092, G–14262, G–14410, G–14416; Gulf Oil Corporation (Operator) et al., Docket Nos. G–11851, G–13100, G–13494.

Upon consideration of the motion filed May 23, 1958, by Counsel for Gulf Oil Corporation for postponement of the hearing now scheduled for July 7, 1958, in the above-designated matters;

The hearing now scheduled for July 7, 1958, is hereby postponed to November 17, 1958, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

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

[F. R. Doc. 58–4266; Filed, June 5, 1958; 8:47 a. m.]

[Docket No. G–15177]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 2, 1958.

Sunray Mid-Continent Oil Company (Sunray) on May 5, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 30, 1958.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 135.

Effective date: June 5, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Sunray mentions arm's-length bargaining, and states that the proposed rate is in line with the market value of gas in the area, and that the value of the gas is 51 cents per Mcf based upon prices of crude oil and Btu values.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 135 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 135.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission (Commissioners Digby and Kline dissenting).

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

[F. R. Doc. 58–4269; Filed, June 5, 1958; 8:48 a. m.]

[Docket No. G–14955]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 2, 1958.

Take notice that Hope Natural Gas Company (Applicant), a West Virginia corporation, having its principal place of business in Clarksburg, West Virginia, filed an application on April 22, 1958, for permission and approval to abandon natural gas facilities, pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the following described facilities:

(1) Centerville Compressor Station located in Tyler County, West Virginia and consisting of two 500 horsepower gas driven compressor units.

(2) Coburn Compressor Station located in Wetzel County, West Virginia consisting of two 165 horsepower gas driven compressor units.

(3) Five 400 horsepower gas driven compressor units at its Marts Compressor Station located in Harrison County, West Virginia.

The application states that the above-described facilities were used to compress locally produced gas in fields that are now practically depleted.

The application further states that the engines at the Centerville station were purchased in 1917 and have become obsolete. The station itself has not been operated for the past three years. The Coburn Station facilities were first used by Applicant in 1926 when the station was purchased from Carter Oil Company. This station also has not been operated for over three years. At the Marts Station a small volume of field gas from the area surrounding the station is still being gathered and pumped to Applicant's Hastings Station. However, one remaining 500 horsepower unit at Marts Station will be adequate to continue the service required. The five engine units proposed to be abandoned are now obsolete, having been purchased in 1911.

Applicant states that the field lines formerly feeding both Centerville and Coburn stations are now connected into suction lines of nearby stations so that any remaining gas supplies in fields to which these stations are attached, are still available to Applicant. No abandonment or curtailment of any service will result from the proposed abandonment of facilities.

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 July 1, 1958, 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 June 23, 1958. 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. 58–4270; Filed, June 5, 1958; 8:48 a. m.]

[Docket No. G–14918]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 2, 1958.

Take notice that on April 18, 1958, Northern Natural Gas Company (Applicant) filed in Docket No. G–14918 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and continued operation of an existing tap and appurtenances in Dakota County, Minnesota,

south of Minneapolis, on Applicant's 16-inch main transmission line in order to render firm retail natural gas service directly to the Valley Highlands Housing Addition for residential purposes, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The cost of the subject facilities was $7,100, and the estimated natural gas requirements for the first and third years of service to the housing addition are:

	First year	Third year
Annual (Mcf)	4,980	9,960
Peak day (Mcf)	48	96

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 June 30, 1958, at 9:30 a. m., e. d. 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 noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for 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 June 20, 1958. 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. 58-4271; Filed, June 5, 1958; 8:48 a. m.]

[Projects Nos. 177, 682]

FLORIDA POWER CORP.

NOTICE OF APPLICATIONS FOR AMENDMENT OF LICENSES

JUNE 2, 1958.

Public notice is hereby given that Florida Power Corporation, of St. Petersburg, Florida, has filed applications under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the licenses for water-power Projects Nos. 177, located on the Oklawaha River in Marion County, Florida, and 682, located on the Ochlockonee River in Gadsden and Leon Counties, Florida. The applications seek amendment of the licenses to change the language of the amortization reserve provision inserted in the licenses pursuant to section 10 (d) of the act to conform with that presently included by the Commission in licenses for such projects.

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 July 2, 1958. The applications are on file with the Commission for public inspection.

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

[F. R. Doc. 58-4272; Filed, June 5, 1958; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32417]

HUDSON & MANHATTAN RAILROAD CO.

NEW JERSEY INTRASTATE PASSENGER FARES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 29th day of May A. D. 1958.

It appearing that by petition filed April 24, 1958, with the Interstate Commerce Commission, Herman T. Stichman, Trustee of the Hudson & Manhattan Railroad Company, a common carrier operating an interurban rapid transit electric railroad transporting passengers between and with the States of New York and New Jersey, seeks authority to increase its local passenger fare from 12 cents to 15 cents for rides, in either direction, between any two of the following stations in the State of New Jersey: Exchange Place (Jersey City), Grove and Henderson Streets (Jersey City), Journal Square (Jersey City), Erie (Jersey City), and Hoboken; and that the Board of Public Utility Commissioners of the State of New Jersey answered the petition by letter, dated May 14, 1958, which has been considered;

It further appearing that on August 20, 1957, the Hudson & Manhattan Railroad Company filed tariffs with the Interstate Commerce Commission for an increase in local interstate fares from 20 cents to 25 cents; with the New York Public Service Commission for an increase in the New York intrastate fares from 10 cents to 15 cents, and with the Board of Public Utility Commissoners of the State of New Jersey for an increase in New Jersey intrastate fares from 10 cents to 15 cents; that the tariffs filed with this Commission and the New York Commission went into effect without suspension and without hearing, but on August 27, 1957, the New Jersey Board ordered suspension of the proposed increase in the New Jersey fares. On March 12, 1958, the New Jersey Board authorized an increase in petitioner's New Jersey intrastate fare to 12 cents, but refused to approve the 15 cent rate. Petitioner avers that by reason of the increased interstate fares, the intrastate fare now in effect causes undue, unreasonable and unjust discrimination against and imposes undue burden upon interstate commerce in violation of section 13 (4) of the Interstate Commerce Act;

And it further appearing that there has been brought in issue by the said petition passenger fares made or imposed by authority of the State of New Jersey:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held for the purpose of giving the respondent hereinafter designated and any other persons interested an opportunity to present evidence to determine whether the present New Jersey local intrastate passenger fare of 12 cents made or imposed by the State of New Jersey, causes, or will cause, any undue or unreasonable advantage, preference or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce in violation of section 13 of the Interstate Commerce Act; and to determine what fares and charges, if any, or what maximum or minimum, or maximum and minimum, fares and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That the Hudson & Manhattan Railroad Company be, and it is hereby, made the respondent to this proceeding; that a copy of this order be served upon such respondent; and that the State of New Jersey be notified of this proceeding by sending copies of this order and of the said petition by registered mail to the Governor of said State and to the Board of Public Utility Commissioners of the State of New Jersey at Trenton, N. J.;

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

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on June 25, 1958, at 9:30 o'clock a. m., U. S. standard time (or 9:30 a. m. local daylight saving time, if that time is observed) at the offices of the Board of Public Utility Commissioners of New Jersey, Room 214 Newark Center Building, 1100 Raymond Boulevard, Newark, N. J., before Examiner W. J. Kane.

By the Commission, Division 2.

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

[F. R. Doc. 58-4274; Filed, June 5, 1958; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 3, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of prac-

tice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34728: *Gravel—Dickason Pit, Ind., to Illinois points.* Filed by Illinois Freight Association, Agent (IFA No. 10), for the Chicago & Eastern Illinois Railroad Company. Rates on gravel, road surfacing, carloads, as described in the application from Dickason Pit, Ind., to Holland and Moccasin, Ill.

Grounds for relief: Truck competition from wayside pit to jobsite.

Tariff: Supplement 100 to Chicago & Eastern Illinois Railroad Company's tariff I. C. C. 144.

FSA No. 34729: *Substituted service—Motor and rail, B&M et al.* Filed by Midwest Haulers, Inc., Agent (No. 6), for interested rail and motor carriers. Rates on general commodities, loaded in highway trailers and transported on railroad flat cars between East Cambridge, Holyoke, and Worcester, Mass., on the one hand, and Chicago and East St. Louis, Ill., Hammond and Indianapolis, Ind., Louisville, Ky., Detroit, Mich., Cincinnati, Cleveland, and Toledo, Ohio, and Pittsburgh, Pa., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 4 to Midwest Haulers, Inc., tariff MF–I. C. C. 21.

FSA No. 34730: *Toluene—Aliquippa, Pa., to Chattanooga, Tenn.* Filed by O. E. Schultz, Agent (ER No. 2440), for interested rail carriers. Rates on toluene (toluol), tank-car loads from Aliquippa, Pa., to Chattanooga, Tenn.

Grounds for relief: Competition of water carriers.

Tariff: Supplement 80 to Trunk Line Territory Tariff Bureau, I. C. C. A–1079.

FSA No. 34731: *Coal—Wisconsin points to points in Minnesota.* Filed by Western Trunk Line Committee, Agent (WTL No. A–1987), for interested rail carriers. Rates on anthracite and bituminous coal, carloads from Allouez, Ashland, Central Ave., (Superior), Itasca, Superior, Superior East End, and Washburn, Wis., to specified points in Minnesota.

Grounds for relief: Market competition with Duluth, Minn.

Tariff: Supplement 38 to Chicago and North Western Railway Company's tariff I. C. C. 4876 and other schedules listed in the application.

FSA No. 34732: *TOFC service—Class rates between St. Louis, Mo., group and points in Arkansas and Tennessee.* Filed by The St. Louis-San Francisco Railway Company for itself (No. 231). Rates on various commodities moving on class rates loaded in trailers and transported on railroad flat cars between St. Louis, Mo., and East St. Louis, Ill., on the one hand, and points in northeastern Arkansas and Memphis, Tenn., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 44 to Southwestern Freight Bureau tariff I. C. C. 4274.

FSA No. 34733: *Asphalt—St. Louis, Mo., and related points to southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3674), for interested rail carriers. Rates on asphalt (asphaltum), carloads from St. Louis, Mo., East St. Louis and Wood River, Ill., groups, and intermediate points to points in southern territory.

Grounds for relief: Short-line distance formula, grouping, and relief line arbitraries.

Tariffs: Supplement 13 to Illinois Freight Association tariff I. C. C. 880. Supplement 33 to TEA–ER tariff I. C. C. 4796.

FSA No. 34734: *Scoria or slag—Twin Mountain, N. Mex., to Kansas and Missouri points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B–7298), for interested rail carriers. Rates on volcanic scoria or slag, carloads from Twin Mountain, N. Mex., to points in Kansas and Missouri.

Grounds for relief: Short-line distance formula.

Tariffs: Supplement 30 to Southwestern Freight Bureau Tariff I. C. C. 4257. Supplement 37 to Southwestern Freight Bureau Tariff I. C. C. 4259.

FSA No. 34735: *Roofing and building material from Chaison and Dumont, Tex.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B–7299), for interested rail carriers. Rates on roofing and building material and slab roofing, carloads, from Chaison and Dumont, Tex., to Mississippi River crossings, Memphis, Tenn., and South, Helena and West Helena, Ark., and points in southern territory described in the application.

Grounds for relief: Short-line distance formulas.

Tariff: Supplement 13 to Southwestern Freight Bureau tariff I. C. C. 4264.

FSA No. 34736: *Cores—From, to and within the Southwest.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B–7303), for interested rail carriers. Rates on cores, printing paper and newsprint paper winding, carloads from, to, and between points in the Southwest.

Grounds for relief: Short-line distance formulas, among others.

Tariff: Supplement 7 to Southwestern Freight Bureau tariff I. C. C. 4075 and other schedules listed in the application.

FSA No. 34737: *Gravel—Cayuga, Ind., to Neoga, Ill.* Filed by Illinois Freight Association, Agent (IFA No. 11), for interested rail carriers. Rates on gravel road surfacing, screened, carloads from Cayuga, Ind., to Neoga, Ill.

Grounds for relief: Motor truck competition from wayside pit to jobsite.

Tariff: Supplement 51 to New York, Chicago and St. Louis Railroad Company's tariff I. C. C. 6210.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34727: *Cement or concrete mix—Texas points to James Spur, Tex.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 324), for interested rail carriers. Rates on cement or concrete mix, carloads from Dallas and Orange, Tex., to James Spur, Tex.

Grounds for relief: Not disclosed.

Tariff: Supplement 60 to Texas-Louisiana Freight Bureau, Agent, tariff I. C. C. 865.

By the Commission.

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

[F. R. Doc. 58-4273; Filed, June 5, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER WITHDRAWING REGISTRATION OF SECURITY ON NATIONAL SECURITIES EXCHANGE

JUNE 2, 1958.

Proceedings having been instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months, or to withdraw, the registration of the common stock of Bellanca Corporation on the American Stock Exchange, a national securities exchange;

Hearings having been held after appropriate notice, the parties having waived a recommended decision by the hearing examiner and proposed findings and briefs, respondent having consented that the Division of Corporation Finance may assist in the preparation of the Commission's decision, and oral argument having been heard;

The Commission having this day issued its findings and opinion; on the basis of said findings and opinion

It is ordered, That the registration of the common stock of Bellanca Corporation on the American Stock Exchange be, and it hereby is, withdrawn, effective upon the expiration on June 8, 1958, of the Commission's outstanding order under section 19 (a) (4) of the Securities Exchange Act of 1934 suspending trading in such stock through that date.

By the Commission.

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

[F. R. Doc. 58-4275; Filed, June 5, 1958; 8:49 a. m.]

[File No. 1-2113]

CABLE ELECTRIC PRODUCTS, INC.

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

JUNE 2, 1958.

In the matter of Cable Electric Products, Inc. common stock; File No. 1-2113.

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:

American Insulated Wire Corporation has come to own over seven-eighths of the 256,047 outstanding shares and there has been no transaction in the stock on the Exchange since October 15, 1957.

Upon receipt of a request, on or before June 18, 1958, 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. 58-4276; Filed, June 5, 1958; 8:49 a. m.]