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Washington, Saturday, March 14, 1959

Title 3—THE PRESIDENT

Letter of March 12, 1959

[EXCUSING FEDERAL EMPLOYEES IN HAWAII FROM DUTY]

To Heads of Executive Departments and Agencies and Independent Establishments Authorizing That Federal Employees in Hawaii Be Excused From Duty on March 12 and 13, 1959

Employees of the several executive departments, independent establishments, and other governmental agencies in Hawaii, including the General Accounting Office, the Government Printing Office, and the field services of the respective departments, establishments, and agencies of the Government in Hawaii, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from the remaining hours of duty on Thursday, March 12 and all day Friday, March 13, 1959; and such period shall be considered a holiday within the meaning of Executive Order No. 10358 of June 9, 1952, and of all statutes so far as they relate to the compensation and leave of employees of the United States.

This order shall not be construed as excusing from duty those employees of the Department of State, the Department of Defense, or other departments, establishments, or agencies who for national security or other public reasons should, in the judgment of the respective heads thereof, be at their posts of duty.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
March 12, 1959.

[F.R. Doc. 59-2266; Filed, Mar. 13, 1959; 10:34 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

Citizenship

Paragraph (a) of § 2.104 is amended as set out below.

§ 2.104 Citizenship.

(a) No person shall be admitted to competitive examination unless he is a citizen of or owes permanent allegiance to the United States. No person shall be given appointment, except a temporary appointment in the absence of qualified citizens, unless he is a citizen of or owes permanent allegiance to the United States.

(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. 59-2190; Filed, Mar. 13, 1959; 8:48 a.m.]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 160, Amdt. No. 1]

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

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the

(Continued on p. 1857)

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THE PRESIDENT

EXECUTIVE AGENCIES

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.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

CODIFICATION GUIDE—Con.

recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) and (ii) of § 914.460 (Navel Orange Regulation 160, 24 F.R. 1701) are hereby amended to read as follows:

(i) District 1: 619,080 cartons;
(ii) District 2: 720,720 cartons.

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

Dated: March 11, 1959.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-2218; Filed, Mar. 13, 1959; 8:51 a.m.]

[Navel Orange Reg. 161]

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

Limitation of Handling

§ 914.461 Navel Orange Regulation 161.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 12, 1959.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 15, 1959, and ending at 12:01 a.m., P.s.t., March 22, 1959, are hereby fixed as follows:

(i) District 1: 600,600 cartons;
(ii) District 2: 693,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

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

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

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

Dated: March 13, 1959.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-2288; Filed, Mar. 13, 1959; 11:28 a.m.]

[Grapefruit Reg. 305]

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

Limitation of Shipments

§ 933.963 Grapefruit Regulation 305.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos 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.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regula-

tion during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 10, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used in this section have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used in this section, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a.m., e.s.t., March 16, 1959, and ending at 12:01 a.m., e.s.t., March 30, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1 Bronze;

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

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

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

Dated: March 11, 1959.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-2219; Filed, Mar. 13, 1959; 8:52 a.m.]

[Lemon Reg. 782]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.889 Lemon Regulation 782.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 11, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 15, 1959, and ending at 12:01 a.m., P.s.t., March 22, 1959, are hereby fixed as follows:

(i) District 1: 13,950 cartons;

(ii) District 2: 195,300 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: March 12, 1959.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-2258; Filed, Mar. 13, 1959; 9:01 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. U]

PART 221—LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Questions Arising Under Regulation U

§ 221.110 Questions arising under Regulation U.

(a) Regulation U governs "any loan" made by a bank "secured directly or indirectly by any stock for the purpose of purchasing or carrying any stock registered on a national securities exchange", with certain exceptions, and provides that the maximum loan value of such stock shall be a fixed percentage "of its current market value, as determined by any reasonable method."

(b) The Board of Governors has recently had occasion to consider the application of this language to the three following questions:

(1) *Loan secured by stock.* First, is a loan to purchase or carry registered stock subject to Regulation U where made in unsecured form, if stock is subsequently deposited as security with the lending bank, and surrounding circumstances indicate that the parties originally contemplated that the loan should be so secured? The Board answered that in a case of this kind, the loan would be subject to the Regulation, for the following reasons.

(i) The Board has long held, in the closely related "purpose" area, that the original purpose of a loan should not be determined upon a narrow analysis of the technical circumstances under which a loan is made. Instead, the fundamental purpose of the loan is considered to be controlling. Indeed, "the fact that a loan made on the borrower's signature only, for example, becomes secured by registered stock shortly after the disbursement of the loan" affords reasonable grounds for questioning whether the bank was entitled to rely upon the borrower's statement as to the purpose of the loan. 1953 Bull. 951.

(ii) Where security is involved, standards of interpretation should be equally searching. If, for example, the original agreement between borrower and bank contemplated that the loan should be secured by registered stock, and such stock is in fact delivered to the bank when available, the transaction must be regarded as fundamentally a secured loan. This view is strengthened by the fact that the regulation applies to a loan "secured directly or indirectly by any stock".

(2) *Loan to acquire controlling shares.* (i) The second question is whether the Regulation governs a stock-secured loan made for the business purpose of purchasing a controlling interest in a corporation, or whether such a loan would be exempt on the ground that the Regulation is directed solely toward purchases of stock for speculative or investment purposes. The Board answered that a stock-secured loan for the purpose of purchasing or carrying registered stock is subject to the Regulation, regardless of the reason for which the purchase is made.

(ii) This answer is required, in the Board's view, since the language of the Regulation is explicitly inclusive, covering "any loan * * * secured directly or indirectly by any stock for the purpose of purchasing or carrying any stock registered on a national securities exchange." Moreover, the withdrawal in 1945 of the original section 2(e) of the Regulation, which exempted "any loan for the purpose of purchasing a stock from or through a person who is not a member of a national securities exchange * * *" plainly implies that transactions of the sort described are now subject to the general prohibition of section 1.

(3) *Determination of "current market value."* (i) The third question is how to determine the "current market value" of a block of registered stock which represents a controlling interest in a corporation where the block is purchased at a price in excess of the average of bid and asked prices on the Exchange for the day of the purchase, and also in excess of the average price on the Exchange over recent months, while the parties to the loan, on the other hand, believe the purchase to be a bargain and report opportunities to resell at a price which is higher still. In a case of this kind, the Board believes that the current market value of the block is the price at which the actual purchase was made.

(ii) The Supplement to Regulation U states that current market value shall be determined by "any reasonable method". Regulation T, which, while not controlling, may throw some light on the problem, provides that the current market value of a security "throughout the day of its purchase or sale" shall be "total cost or the net proceeds of its sale." The Board is of the opinion that actual sale price in an arm's length transaction provides the best evidence of value. Particularly in circumstances such as those indicated above, it must be assumed that this price reflects intangible factors including control.

(Secs. 3 (a) and (b), 7, 17(b), 48 Stat. 882, 886, 897. Sec. 23(a) as amended by sec. 8, 49 Stat. 1379; 15 U.S.C. 78c, 78g, 78q(b), 15 U.S.C., Supp. 78w(a))

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

[F.R. Doc. 59-2175; Filed, Mar. 13, 1959; 8:45 a.m.]

Title 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board—Federal Aviation Agency

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. ER-262]

PART 205—TEMPORARY SUSPENSION OF SERVICE AUTHORIZED BY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Temporary Interruption of Service

Adopted by the Civil Aeronautics Board at its offices in Washington, D.C., on the 10th day of March 1959.

Contemporaneously herewith, the Board is amending Part 206 of the Economic Regulations to permit the certificated carriers to provide emergency air transportation between points covered by a "closed door" restriction. The title to Part 206 has also been amended to show that it now relates to "Special Authorizations." Since § 206.1 is a clarification of Part 205, rather than a special authorization, the Board deems it appropriate to repeal that provision and incorporate it in Part 205 by the following amendment.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

Accordingly, the Civil Aeronautics Board hereby amends Part 205 of the Economic Regulations (14 CFR Part 205) effective April 12, 1959, as follows:

By adding a new § 205.7 thereto to read as follows:

§ 205.7 Temporary interruption of service.

The temporary interruption of service to or from a point named in a certificate, or included in the holder's approved service plan, caused by adverse weather conditions, or by other conditions which the holder could not reasonably have been expected to foresee or control, shall not be deemed to constitute a temporary suspension of service within the meaning of this part or of the terms, conditions, or limitations of such certificate.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 401, 72 Stat. 754, 49 U.S.C. 1371)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59-2223; Filed, Mar. 13, 1959; 8:52 a.m.]

[Reg. ER-261]

PART 206—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY: SPECIAL AUTHORIZATIONS

Emergency Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of March 1959.

Section 401(a) of the Federal Aviation Act provides that no air carrier shall engage in any air transportation unless such carrier has been issued a certificate of public convenience and necessity authorizing such air transportation. Subsection (e) of section 401 (formerly subsection (f) of section 401 of the Civil Aeronautics Act), authorizes the Board to impose such terms, conditions and limitations on the exercise of the privileges of such certificates as the public interest may require.

Under this authority the Board has prohibited certain air carriers from engaging in local air transportation between certain points on their routes. Such a restriction is frequently referred to as a "closed door" restriction.

The Board is aware that under circumstances involving a medical emergency, a "closed door" restriction may operate contrary to the public interest and in some instances would warrant the Board's granting relief from such restrictions to the carrier involved upon request. This procedure, however, would not be feasible. Furthermore, recognizing that requests for emergency transportation would be made infrequently and that competitive considerations would, thus, be negligible, it is the Board's view that to require the air carriers to secure a modification of their certificates under such circumstances would be an undue burden on such air carriers by reason of the limited extent of, and unusual circumstances affecting their operations and would not be in the public interest.

Accordingly, a notice of proposed rule making was published in the FEDERAL REGISTER on October 28, 1958 (23 F.R. 8298) and circulated to the industry as Economic Regulations Draft Release No. 99, dated October 22, 1958, which proposed to exempt air carriers operating under a certificate containing a "closed door" restriction from the provisions of such restriction to permit them to provide local air transportation between points covered by such restriction to persons in need of emergency medical treatment.

Also, upon further consideration, the Board has modified the proposed regulation to permit the air carriers to provide emergency transportation to attendants accompanying persons in need of emergency treatment. This will relieve the carriers from caring for such persons where they do not have sufficient personnel for this purpose or may not wish to assume the responsibility. Furthermore, for the same reasons that prompted a relaxation of the "closed door" restrictions for persons needing emergency treatment, the final rule permits carriers to transport medical supplies in an emergency between points covered by a "closed door" restriction.

The only comment received by the Board suggested that the proposed rule be modified to establish a reporting requirement to prevent abuses thereunder. The Board does not believe that it should impose a reporting requirement in this instance since it is expected that the carriers' operations under this regulation will be limited. However, if experience under this regulation indicates a need for a reporting requirement, the Board can, at such time, take the appropriate regulatory action.

In addition, this amendment has made it necessary to revise the title to Part 206 in order to better describe the contents of the part. At the same time, the Board is repealing § 206.1 of Part 206 which is a clarification of Part 205 and by a contemporaneous amendment is incorporating that provision in Part 205.

Interested persons have been afforded opportunity to comment on this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 206 of the Economic Regulations (14 CFR Part 206) effective April 12, 1959, as follows:

1. By amending the title of the part to read as set forth above.

2. By repealing present § 206.1 *Temporary interruption of service.*[1]

3. By adding a new § 206.1 to read as follows:

§ 206.1 Emergency transportation.

Notwithstanding the provisions of section 401(a) of the Act, and any term, condition or limitation attached to the exercise of the privileges of an air carrier certificate of public convenience and necessity which prohibits an air carrier from engaging in air transportation between any points on its route, the air carrier may carry between such points (a) any person or persons certified by a physician to be in need of immediate air transportation in order to secure emergency medical or surgical treatment together with any necessary attendant or attendants and (b) any medical supplies certified by a physician as requiring immediate air transportation for the protection of life. Air carriers offering to provide this emergency transportation shall file appropriate tariffs pursuant to section 403 of the Act.

[1] This provision is incorporated in Part 205 of this chapter.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 416(b), 72 Stat. 771; 49 U.S.C. 1386)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 59-2222; Filed, Mar. 13, 1959; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7282]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Regent-Sheffield, Ltd., et al.

Subpart—*Concealing, obliterating, or removing law-required and informative marking;* § 13.515 *Foreign source.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1745 *Source or origin:* Place: *Imported product or parts as domestic; (Misrepresenting oneself and goods)*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious preticketing.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1900 *Source or origin:* Foreign product as domestic.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Regent-Sheffield, Ltd., et al., New York, N.Y., Docket 7282, Feb. 11, 1959]

In the Matter of Regent-Sheffield, Ltd., a Corporation, and Jerome S. Hahn and Bernard Fuller, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors of cutlery in New York City with selling, without disclosure of foreign origin, carving forks assembled from heads manufactured in Japan and stamped on the shank with the word "Japan" which was concealed in the process of assembling with domestic handles, and packaged with carving knives, the blades of which were made in England and so marked and attached to domestic handles; with preticketing their merchandise, and furnishing their customers, with tags bearing fictitious and greatly exaggerated prices represented thereby as regular retail prices; and with representing certain kinds of merchandise falsely as "24 karat gold plated" by catalog sheets, carton imprints, and attached stickers.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on February 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Regent-Sheffield, Ltd., a corporation, and its officers, and Jerome S. Hahn and Bernard Fuller, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of cutlery, or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Offering for sale or selling cutlery or any other product containing parts made in Japan, or in any other foreign country except England, combined with components made in England and bearing a legend asserting or indicating English origin, without affirmatively disclosing the country of origin of such other parts;

2. Offering for sale or selling any product, made in Japan or in any foreign country, without clearly disclosing the foreign origin of such product;

3. Representing by words or symbols on the containers in which cutlery or other products, made in part in Japan, or any other foreign country other than England, are shipped, or in any other manner, that such products are of English origin;

4. Representing through the use of the words "Plant-Upper Allen Street-Sheffield, England" on price lists, advertisements and invoices, or in any other manner, that respondents own, operate, or control a factory in England or any other foreign country in which their products are made;

5. Representing, by preticketing, or in any other manner, that a certain amount is the customary or usual retail price of merchandise when said amount is in excess of the price at which merchandise is customarily and usually sold at retail;

6. Representing that merchandise is gold plated unless it has a surface plating of gold or gold alloy applied by a mechanical process: *Provided, however,* That a product or a part thereof on which there has been affixed by an electrolytic process a coating of gold, or a gold alloy of not less than 10 karat fineness, the minimum thickness of which is equivalent to seven one-millionths of an inch of fine gold may be marked or described as gold electroplate or gold electroplated.

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

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 11, 1959.

By the Commission.

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

[F.R. Doc. 59-2176; Filed, Mar. 13, 1959; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Form for Application for Registration as Broker and Dealer or To Amend or Supplement Such Application

The Securities and Exchange Commission has announced that it has revised its Form BD (§ 249.501), the form of application for registration as a broker or dealer and to amend such an application. The purpose of the revisions, none of which are substantive in nature, was to change the format, to clarify the instructions and questions, and to simplify the use, preparation and processing of the form.

The principal modifications consist of the following: (1) The general instructions are now stated on the first page, and in a more clear and concise form. (2) The identifying information (such as the name under which business will be conducted and the previous name of the applicant or registrant, where the name is being amended) will be stated on the first page. (3) Item (7), which requests information concerning past connections of certain persons with other broker-dealers, has been reworded so that it is clear that each of the persons as to whom the information must be furnished must be listed under this item in the form and the appropriate information furnished as to each; and if any such person has had no such connection the word "none" must be stated with respect to such person. This item has also been reworded to make it clear that "connections" with other broker-dealers in the past includes financial interest in such other broker-dealers. (4) The form as revised makes it clear that it must contain not only true and correct information, but also all the information required to be furnished.

The amended form [1] is expected to be available at regional offices of the Commission and at its principal office in Washington, D.C., on and after March 2, 1959. The amendment is effective March 16, 1959, and the amended form must be used for all applications and amendments filed on and after that date.

Statutory basis. Form BD is hereby amended as provided in copies thereof marked "revised March 2, 1959". Such action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 15(b), 17(a) and 23(a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of its functions under the act. The Commission finds that notice and public procedure pursuant to section 4 of the Administrative Procedure Act are unnecessary, that the amendment does not involve any substantive changes, that it clarifies and simplifies the use of the form, and that it may be and is hereby declared to be effective March 16, 1959.

(Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. 78w)

By the Commission.

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

MARCH 2, 1959.

[F.R. Doc. 59-2183; Filed, Mar. 13, 1959; 8:47 a.m.]

[1] Filed as part of the original document.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27 — CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Pears; Standard of Identity

In the matter of amending the standard of identity for canned pears:

A notice of proposed rule making was published in the FEDERAL REGISTER of November 13, 1958 (23 F.R. 8815), setting forth the proposal of the National Canners Association, 1133 20th Street NW., Washington, D.C., to amend the standard of identity for canned pears. The notice invited all interested persons to submit views and comments on the proposal. Upon consideration of the views and comments received, the information furnished by the petitioner, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the standard of identity for canned pears as proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (23 F.R. 9500): *It is ordered,* That § 27.20 *Canned pears; identity; label statement of optional ingredients* (21 CFR 27.20) be amended as set forth below.

Section 27.20 is amended in the following respects:

a. By deleting the second sentence of the introductory paragraph of paragraph (a) and substituting therefor the statement. "Such food may also contain one or more of the following optional ingredients:".

b. Paragraph (a)(2) is amended by deleting the word "and" at the end thereof.

c. Paragraph (a)(3) is amended by changing the period at the end thereof to a semicolon and adding the word "and".

d. Paragraph (a) is further amended by adding a new subparagraph (4), as follows:

(4) (i) Mint flavoring and harmless artificial green coloring; or

(ii) Spice or spice flavoring and harmless artificial red coloring.

2a. Paragraph (e)(3) is amended by changing the period at the end thereof to a semicolon.

b. Paragraph (e) is further amended by adding a new subparagraph (4), as follows:

(4) "With added flavoring and artificial coloring" or "flavoring and artificial coloring added." The word "flavoring" may be replaced by "mint flavoring," "spice flavoring," or "spice," as is appropriate, or by the common or usual name of the flavoring or spice used. The artificial coloring may be named as "artificial green coloring" or "artificial red coloring," as the case may be.

c. Paragraph (e) is amended by changing the concluding sentence to read as follows:

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) of this section are used, such words may be combined, as for example, "With added cloves and cinnamon oil, artificial red coloring, and seasoned with cider vinegar."

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any of its provisions that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046; 21 U.S.C. 341)

Dated: March 9, 1959.

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

[F.R. Doc. 59-2178; Filed, Mar. 13, 1959; 8:46 a.m.]

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 281—ENFORCEMENT OF THE TEA IMPORTATION ACT

Tea Standards 1959–1960

Pursuant to the authority vested in the Secretary of Health, Education, and

Welfare by the Tea Importation Act (secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42, 50), and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045), the regulations for the enforcement of this act (21 CFR 281.19 (23 F.R. 1171)) are amended by changing § 281.19(a) to read as follows:

§ 281.19 Tea standards.

(a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on February 11, 1959, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1959, and ending April 30, 1960:

(1) Formosa Oolong.

(2) Java Black (all black tea except Formosa and Japan Black and Congou type).

(3) Formosa (Formosa Black and Congou type).

(4) Japan Black.

(5) Japan Green.

(6) Canton type (all Canton type teas including scented Canton and Canton Oolong types).

These standards apply to tea shipped from abroad on or after May 1, 1959. Tea shipped prior to May 1, 1959, will be governed by the standards which became effective May 1, 1958 (23 F.R. 1171).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of experts in teas drawn from the Food and Drug Administration and the tea trade, so as to be representative of the tea trade as a whole.

Effective date. This order shall become effective May 1, 1959.

(Sec. 10, 29 Stat. 607; 21 U.S.C. 50. Applies sec. 2, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42)

Dated: March 9, 1959.

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

[F.R. Doc. 59-2177; Filed, Mar. 13, 1959; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER H—GRAZING

[Circular 2014]

PART 160—GRAZING LEASES

Miscellaneous Amendments

On page 3665 of the FEDERAL REGISTER of May 28, 1958, there was published a notice of proposed rule making to amend §§ 160.12, 160.14, and 160.19 of Title 43 of the Code of Federal Regulations, providing for compensation for improvements; elimination of the lease rate table from the Code of Federal Regulations; termination of lease for nonpayment of rental, and providing that nonpayment of the first year required rental shall render the lease void. Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amended regulations. Comments have been received and considered. The regulations are hereby adopted without change and are set forth below.

FRED A. SEATON,
Secretary of the Interior.

MARCH 10, 1959.

1. The title to § 160.12 and paragraph (a) of that section are revised to read:

§ 160.12 Lease lands subject to disposition; compensation to lessee for loss of improvements.

(a) Lands embraced in a grazing lease are subject to disposition under the provisions of the Act of June 28, 1934 (48 Stat. 1272, 1274), as amended, or other public land laws. Before any application for such disposition is allowed, evidence must be furnished that the applicant has agreed to compensate the lessee and the United States for any grazing improvements placed on the lands under the authority of the lease, permit, or cooperative agreement in an amount and manner to be mutually agreed upon. If the parties are unable to agree as to the amount, manner and time for compensation for such improvements, the amount, manner and time shall be fixed by the authorized officer. The failure of the applicant to comply with the agreement or the conditions fixed by the authorized officer shall be just cause for cancellation of any right or interest in the lands acquired by the applicant by reason of the allowance of his application.

2. Section 160.14 is revised to read:

§ 160.14 Rentals; schedule of grazing fees; billing notices; effect of failure to pay.

(a) The annual rental charge for the use of the leased land will be based on the number of acres under lease, the estimated grazing capacity in AUMs (animal unit months), and the rate per AUM indicated in the then-current schedule of grazing fees established by the Director, Bureau of Land Management. The schedule of grazing fees will be established and may be modified, revised, or amended as the Director may determine from time to time and notice thereof shall be published in the FEDERAL REGISTER. The schedule rate will be effective (1) immediately as to new leases issued after date of publication; (2) 30 days after publication as to existing leases, the rental period of which begins after the 30-day period. The minimum rental on a lease shall not be less than $1 per annum.

(b) Rental groups: (1) Where the rental charge for a new lease is $50 or less for the full term of the lease, the entire amount shall be paid in advance and the rental charges will not be revised during the term of the lease. No part of the rental paid will be refunded because of cancellation, relinquishment or assignment, except as provided in §§ 160.11 and 160.12;

(2) Where the rental for the entire lease term exceeds $50 and the rental for the first three-year period is $100 or less, the total amount for such three-year period shall be paid in advance. No part of the rental paid will be refunded because of cancellation, relinquishment or assignment, except as provided in §§ 160.11 and 160.12. Rental charges may be revised at the end of each three-year period based on the grazing fee schedule then in effect. Billing notices will be issued prior to the termination of each three-year period and the rental is due and payable upon receipt of the billing notice;

(3) Where the amount of the rental charge for the first three-year period would exceed $100, the rental shall be charged and paid annually based on the then effective grazing fee schedule. A billing notice for the amount of such annual rental will be sent each lessee in advance and is due and payable upon receipt. No part of the rental paid will be refunded because of cancellation, relinquishment or assignment, except as provided in §§ 160.11 and 160.12.

(c) Effect of failure to pay: The first rental payment required under a proposed lease in accordance with this section shall be made within 10 days from receipt of the lease form; if not paid within such time the lease shall be null and void and of no effect and all rights of the proposed lessee thereunder or under the application upon which it is based shall be considered as terminated. Subsequent rental payments for succeeding lease periods as required by paragraph (b) (2) or (3) of this section are payable in advance. In any event, if such payment is not received in the proper office by the last day of the current lease period, or within 10 days of lessee's receipt of the billing notice, whichever is the later, then the lease shall be considered as cancelled and all rights thereunder terminated as of the end of such current lease period.

(d) No refund of rentals properly paid in accordance with the regulations in this part and the terms of the lease will be made because of a failure to use the grazing privileges granted by the lease, except that during periods of range depletion due to severe drouth or other natural causes or in case of a general epidemic of disease during the life of the lease the Director will in his discretion remit, refund, reduce in whole or in part, or postpone the payment of rentals for such period of depletion or general epidemic.

3. Section 160.19 is revised to read:

§ 160.19 Cancellation.

Except as otherwise provided in § 160.14, if the lessee shall fail to comply with any of the provisions of the regulations in this part or of the lease or of any cooperative agreement (Form 4-1119) entered into with the Bureau of Land Management for the benefit of the lease, and such default shall continue for 30 days after service of written notice

thereof, or if the lease was issued improperly through error with respect to a material fact or facts, the lease may be terminated and cancelled by the authorized officer.

(Sec. 2, 48 Stat. 1270; 43 U.S.C. 315a)

[F.R. Doc. 59-2180; Filed, Mar. 13, 1959; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Parts 5, 15, and 18 of its rules and regulations; and

It appearing that the Amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 10th day of March 1959, that effective March 20, 1959, Parts 5, 15, and 18 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: March 11, 1959.

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

I. Part 5, Experimental Radio Services, is amended as follows:

1. Amend the title of Part 5 to read as follows: "Experimental Radio Services (Other Than Broadcast)".

2. Paragraph (c) of § 5.107 is amended to read as follows:

(c) Exceptions to paragraphs (a) and (b) of this section may be made: *Provided*, The applicant makes a satisfactory showing that the nature of the proposed program of experimentation precludes compliance therewith.

II. Part 15, Incidental and Restricted Radiation Devices, is amended as follows:

Paragraph (a) of § 15.166 is amended to read as follows:

(a) The radiation limits for community antenna television systems shall be met by all new systems whose construction began on or after October 1, 1956, and by all new sections added to existing systems whose construction began on or after October 1, 1956.

III. Part 18, Industrial, Scientific, and Medical Service, is amended as follows:

1. Change the title of § 18.14 to read "Procedure for type approval.".

2. Delete subparagraph (4) of § 18.14(b).

[F.R. Doc. 59-2197; Filed, Mar. 13, 1959; 8:49 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 76]

STATE GRANTS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of July 7, 1958 (72 Stat. 339, et seq.), and section 2478 of the Revised Statutes (48 U.S.C. 1201), it is proposed to amend 43 CFR, Part 76, as set forth below. The purpose of this amendment is to implement the land-grant provisions of the act of July 7, 1958, by revising existing regulations where necessary because of the new legislation and by providing regulations for the land grants made by the act.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

MARCH 10, 1959.

1. The title to Part 76 is revised to read "Part 76—State grants", and the text of Part 76 is revised to read as follows:

GRANT TO ALASKA FOR COMMUNITY PURPOSES

§ 76.1 Statutory authority.

The act of July 7, 1958 (72 Stat. 339, 340), grants to the State of Alaska the right to select, within 25 years after January 3, 1959, not to exceed 400,000 acres of national forest lands in Alaska which are vacant and unappropriated at the time of their selection and not to exceed 400,000 acres of other public lands in Alaska which are vacant, unappropriated, and unreserved at the time of their selection. The act provides that the selected lands must be adjacent to the established communities or suitable for prospective community centers and recreational areas. The act further provides that such lands shall be selected with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other lands, and that no selection shall be made north and west of the line described in section 10 of the act without approval of the President or his designated representative.

§ 76.2 Applicable regulations.

Unless otherwise indicated therein, the regulations in §§ 76.11–76.18 apply to the grant and selection of lands for community purposes. In addition to the requirements of § 76.13, where the selected lands are national forest, the application for selection must be accompanied by a statement of the Secretary of Agriculture or his delegate showing that he approves the selection.

§ 76.3 Approval of selections outside of national forests.

Selection of lands outside of national forests will be approved by the authorized officer of the Bureau of Land Management if, all else being regular, he finds that approval of a selection of lands adjacent to an established community will further expansion of an established community, or if the lands are suitable for prospective community centers and recreational areas.

GRANT TO ALASKA FOR UNIVERSITY OF ALASKA

§ 76.4 Statutory authority.

The act of January 21, 1929 (45 Stat. 1091), as supplemented July 7, 1958 (72 Stat. 339, 343; 48 U.S.C. 354a), grants to the State of Alaska, for the exclusive use and benefit of the University of Alaska, the unsatisfied portion of 100,000 acres of vacant, surveyed, unreserved public lands in said State, to be selected by the State, under the direction and subject to the approval of the Secretary of the Interior, and subject to the conditions and limitations expressed in the act.

§ 76.5 Applications for selection.[1]

(a) Applications to select lands under the grant made to Alaska by the act of January 21, 1929, will be made by the proper selecting agent of the State and will be filed in the land office of the district in which such selected lands are situated. Such selections must be made in accordance with the law and with the

[1] 18 U.S.C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

applicable regulations governing selection of lands by States as set forth in Part 270 of this chapter and under this part.

(b) Notice of selection and publication is required as provided by §§ 76.16–76.17.

(c) Each list of selections must contain a reference to the act under which the selections are made and must be accompanied by a certificate of the selecting agent showing the selections are made under and pursuant to the laws of the State of Alaska.

(d) The selections in any one list must not exceed 6,400 acres.

(e) Each list must be accompanied by a certification of the selecting agent stating that the acreage selected together with the cumulative acreage total of all prior selection lists pending and finally approved for clear-listing or patenting does not exceed 100,000 acres.

§ 76.6 Statement with application.

Every application for selection under the act of January 21, 1929, must be accompanied by a duly corroborated statement making the following showing as to the lands sought to be selected.

(a) That no portion of the land is occupied for any purpose by the United States and that to the best of his knowledge and belief the land is unoccupied, unimproved, and unappropriated by any person claiming the same other than the applicant; and that at the date of the application no part of the land was claimed under the mining laws.

(b) That the land applied for does not extend more than 160 rods along the shore of any navigable water or that such restriction has been or should be waived. (See § 77.4(b) of this chapter.)

(c) All facts relative to medicinal or hot springs or other waters upon the lands must be stated.

GRANT TO ALASKA FOR MENTAL HEALTH PROGRAM

§ 76.7 Statutory authority.

The act of July 28, 1956 (70 Stat. 709, 711, 712), as supplemented July 7, 1958 (72 Stat. 339; 343; 48 U.S.C. 46–3), referred to in §§ 76.7 to 76.10 as "the act," grants to the State of Alaska the right to select, within 10 years from July 28, 1956, not to exceed the unsatisfied portion of one million acres from the public lands in Alaska which are vacant, unappropriated, and unreserved at the time of selection.

§ 76.8 Lands subject to selection; patents; minerals.

(a) Under the act, the State may select any vacant, unappropriated, and unreserved public lands in Alaska, whether or not they are surveyed and whether or not they contain mineral deposits, except that no lands may be selected that lie north and west of the line described in section 10 of the act without approval of the President or his designated representative. Where the preference provisions of § 76.15(a) do not apply, selections by the State of lands covered by an application filed prior to the State selection will be rejected when and if such application is allowed. Conflicting applications and offers for mineral leases, and permits, except for preference right applications filed pursuant to the mineral leasing acts and the regulations of this chapter, whether filed simultaneously with or prior or subsequent to the filing of a selection of this part, will be rejected if such selection is approved by the authorized officer of the Bureau of Land Management for survey, if applicable, and patenting.

(b) Patents will be issued for all selections approved under the act by the authorized officer of the Bureau of Land Management but such patents will not issue unless or until the lands are officially surveyed.

(c) Patents issued under the act will convey to the State all mineral deposits in the selected lands.

§ 76.9 Applications for selection.[1]

(a) Applications for selection of lands under the act will be made by the proper selecting agent of the State and will be filed, in duplicate, in the land office of the district in which such selected lands are situated. No special form is required but it must be typewritten and must contain the following information:

(1) A reference to the act of July 28, 1956 (70 Stat. 709), as supplemented.

(2) A certificate by the selecting agent showing:

(i) That the selection is made under and pursuant to the laws of the State.

(ii) The acreage selected and the cumulative acreage of all prior selection lists pending and finally approved for clear-listing or patenting.

(iii) His official title and his authority to make the selection on behalf of the State.

(iv) That no portion of the selected land is occupied for any purpose by the United States and that to the best of his knowledge and belief the land is unoccupied, unimproved, and unappropriated by any person claiming the land other than the applicant, and that at the date of the application no part of the land was claimed or occupied under the mining laws.

(v) That the selected land does not extend more than 160 rods along the shore of any navigable water or that such restriction has been waived or should be waived. (See § 77.4(b) of this chapter.)

(vi) All the facts relative to medicinal or hot springs or other waters upon the selected lands.

(3) If the selected lands are surveyed, the legal description of the lands in accordance with official plats of survey.

(4) If the selected lands are unsurveyed and are described by approved protraction diagrams of the rectangular system of surveys, such description is required.

(5) If the selected lands are unsurveyed and are not described by approved protraction diagrams, a description of the lands and a map or maps, in duplicate, sufficient to permit ready identification of the location, boundaries, and area of the lands.

(b) Selections must be accompanied by a filing fee of $10 for each 1,000 acres or fraction thereof in the selection which fee is not returnable.

[1] See footnote on p. 1863.

(c) All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved. A tract will not be considered compact if it excludes oth public lands available for selection within its exterior boundaries.

(d) Segregation, publication. See §§ 76.16 and 76.17.

§ 76.10 Effect of approval of selections.

Following the selection of lands by the State pursuant to the requirements of § 76.9, the State shall be authorized to lease and make conditional sales of such selected lands pending survey of the lands, if necessary, and issuance of patent.

GRANT TO ALASKA FOR GENERAL PURPOSES

§ 76.11 Statutory authority.

(a) The act of July 7, 1958 (72 Stat. 339–343), referred to in §§ 76.11–76.14 as "the act," grants to the State of Alaska the right to select, within 25 years from January 3, 1959, not to exceed 102,550,000 acres from the public lands in Alaska which are vacant, unappropriated and unreserved at the time of selection.

(b) The act further provides that no selection shall be made in the area north and west of the line described in section 10 thereof (72 Stat. 345) without the approval of the President or his designated representative.

§ 76.12 Lands subject to selection; patents; minerals.

(a) The act provides that any lease, permit, license, or contract issued under the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.) as amended, or under the Alaska Coal Leasing Act of 1914 (38 Stat. 741; 30 U.S.C. 432 et seq.), as amended, referred to in this section as "the mineral leasing acts," shall have the effect of withdrawing the lands subject thereto from selection by the State, unless such lease, permit, license, or contract was in effect on July 7, 1958, and unless the State files an application to select such lands within a period of five years after January 3, 1959. Selections of such areas must include the entire area that is subject to each lease, permit, license, or contract.

(b) Under the act, the State may select any vacant, unappropriated, and unreserved public lands in Alaska, whether or not they are surveyed and whether or not they contain mineral deposits. For the purposes of selection, leases, permits, licenses, and contracts issued under the mineral leasing acts of 1914 and 1920 will not be considered an appropriation of lands if the selection conforms to the requirements of paragraph (a) of this section. Where the preference provisions of § 76.15(a) do not apply, selections by the State of lands covered by an application filed prior to the State selection will be rejected to the extent of the conflict when and if such application is allowed. Conflicting applications and offers for mineral leases and permits, except for preference right applicants, filed pursuant to the Mineral Leasing Act, whether filed prior to, simultaneously with, or after the

filing of a selection under this part will be rejected when and if the selection is tentatively approved by the authorized officer of the Bureau of Land Management in accordance with § 76.14.

(c) Patents will be issued for all selections approved under the act by the authorized officer of the Bureau of Land Management but such patents will not issue unless or until the exterior boundaries of the selected area are officially surveyed.

(d) Patents issued under the act will convey to the State all mineral deposits in the selected lands. Any patent for lands subject to a lease, permit, license, or contract issued under the mineral leasing acts of 1914 and 1920 shall vest in the State all right, title, and interest of the United States in and to any such lease, permit, license, or contract that remains outstanding on the effective date of the patent, including the right to all rentals, royalties, and other payments accruing after that date under such lease, permit, license, or contract, and including any authority that may have been retained by the United States to modify the terms and conditions of such lease, permit, license, or contract. Issuance of patent will not affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder.

§ 76.13 Applications for selection.[1]

(a) Applications for selection under the act must conform with the requirements of paragraphs of § 76.9 (a) and (b) with the following modifications of § 76.9(a):

(1) Section 76.9(a)(1) is modified to require a reference to the act of July 7, 1958 (72 Stat. 709).

(2) Section 76.9(a)(2)(ii) is modified to require a statement that the selection, together with other selections under the act pending or approved, does not exceed 102,550,000 acres (400,000 acres where one of the grants for community purposes is involved).

(b) All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved. A tract will not be considered compact if it excludes other public lands available for selection within its exterior boundary. Each tract selected shall contain at least 5,760 acres unless isolated from other tracts open to selection.

(c) If the selected lands are in the area north and west of the line described in section 10 of the act, all selection made or confirmed by the act must be accompanied by a statement of the President or his designated representative showing that he approves the selection.

(d) Lands selected must be described as provided by § 76.9.

§ 76.14 Effect of approval of selections.

Following the selection of lands by the State and the tentative approval of such selection by the authorized officer of the Bureau of Land Management, the State is authorized to execute conditional leases and to make conditional sales of such selected lands pending survey of the exterior boundaries of the selected area, if necessary, and issuance of patent. Said officer will notify the appropriate State official in writing of his tentative approval of a selection after determining that there is no bar to passing legal title to the lands to the State other than the need for the survey of the lands or for the issuance of patent or both.

§ 76.15 State preference right of selection; waivers.

(a) The acts of July 28, 1956 (see § 76.7), and July 7, 1958 (see § 76.11), provide that upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than 90 days before the date on which it otherwise becomes effective during which period the State of Alaska shall have a preferred right of selection under the acts of 1956 and 1958, except as against prior existing valid rights, equitable claims subject to allowance and confirmation, and other preferred rights of application created by section 4 of the act of September 27, 1944 (58 Stat. 749; 43 U.S.C. 282), as amended.

(b) Where the proper selecting agent of the State files in writing in the appropriate land office a waiver of the preference provisions of paragraph (a) of this section in connection with the proposed revocation of an order of withdrawal, the order affecting such revocation will not provide for such preference.

§ 76.16 Segregative effect of applications.

Lands desired by the State under the regulations of this part will be segregated from all appropriations based upon application or settlement and location, including locations under the mining laws, when the State files its application for selection in the appropriate land office properly describing the lands as provided in § 76.9(a) (3), (4), and (5). Such segregation will automatically terminate unless the State publishes first notice as provided by § 76.17 within 60 days of service of such notice by the appropriate officer of the Bureau of Land Management.

§ 76.17 Publication and protests.

(a) The State will be required to publish once a week for five consecutive weeks in accordance with § 106.14 of this chapter, at its own expense, in a designated newspaper, and in a designated form, a notice allowing all persons claiming the land adversely to file in the appropriate office their objections to the issuance of patent or certification for lands selected under the regulations of this part. A protestant must serve on the State a copy of the objections and furnish evidence of service to the appropriate land office.

(b) The State must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

§ 76.18 Appeals.

An appeal pursuant to the Rules of Practice, Part 221 of this chapter, may be taken from the decision under the regulations of this part of the authorized officer of the Bureau of Land Management.

[F.R. Doc. 59-2171; Filed, Mar. 13, 1959; 8:45 a.m.]

[1] See footnote on p. 1863.

Fish and Wildlife Service

[50 CFR Part 31]

COLUMBIA NATIONAL WILDLIFE REFUGE, WASHINGTON

Fishing

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise § 31.54 of Subpart—Columbia National Wildlife Refuge, Washington, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to extend privileges and eliminate conflict with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revision to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: March 10, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

FISHING

§ 31.54 Fishing permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, noncommercial fishing is permitted on the hereinafter described lands and waters of the Columbia National Wildlife Refuge, Washington, subject to the following conditions, restrictions, and requirements:

(a) *Fishing areas.* The following described areas are open to sport fishing:

Area A. The area of the refuge in T. 17 N., R. 28 and 29 E., Grant County, and McMannaman Lake and the north shore of Royal Lake, Adams County, Washington, are open to fishing during such period between April 15 and October 31, inclusive, as may be established by State regulation.

Area B. The area of the refuge in T. 16 N., R. 28 and 29 E., Adams County, Washington, is open to fishing during such period between November 1 and March 15, inclusive, as may be established by State law.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Use of boats.* The use of boats is permitted only for the purpose of fishing in the waters of the refuge, except Royal Lake. Persons may use one outboard motor not to exceed 10 horsepower on each such boat. Water skiing and the use of racing craft, hydroplanes, air thrust craft, or inboard motors is prohibited. Boat launching and landing is

restricted to areas reserved for that purpose as designated by posting.

[F.R. Doc. 59-2179; Filed, Mar. 13, 1959; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

STATEMENTS OF GENERAL POLICY

Rates for Military Traffic

MARCH 10, 1959.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of the attached proposed statement of policy on rates for military traffic, to become effective July 1, 1959.

Interested persons may submit comments regarding the proposed policy, in quintuplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D.C.

All relevant matters in communications received on or before March 31, 1959 will be considered by the Board before taking final action on the proposed policy.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

RATES FOR MILITARY TRAFFIC

Passenger traffic transported by MATS aircraft and by civil carriers under contract to MATS is comprised of military personnel, their dependents, civilian personnel of the Department of Defense and, to a more limited extent, personnel of other government agencies. Such traffic is moved to and from many portions of the globe. While some of the areas involved are not currently serviced on a regularly scheduled basis by commercial air carriers, many of the points, including those which account for the bulk of such transportation, are so served. Although complete data are not currently available to the Board, it is estimated that MATS passenger traffic amounts to more than 600,000 passengers annually. Well over one half of this total is moved between the eastern U.S. seaboard and Europe, and western U.S. coastal points and the Far East.

The Board has always attempted to facilitate the procurement of civil airlift by Defense. Beginning in 1950, the Board granted exemption from section 401 of the Civil Aeronautics Act of 1938 (now the Federal Aviation Act of 1958) to various classes of carriers, including certificated air carriers, certificated Alaskan air carriers, certificated cargo carriers, and supplemental carriers, in order to permit such carriers to perform air transportation of persons and property pursuant to contracts with the Department of Defense. The effect of these exemptions was to make inapplicable to these various classes of carriers restrictions such as those on frequency, regularity, volume, type of traffic, and geographical area of operations, while conducting military "charter" operations of passengers and cargo.[1] Although exempt from section 401, until 1953 they were still required to file tariffs in accordance with section 403 and were also subject to the anti-discrimination provisions of section 404 while engaged in charter operations for the Defense Department.

In 1953 the Board adopted Part 294 of the Economic Regulations (14 CFR Part 294). The effect of this regulation was to relieve the air carriers performing military "charter" services from the tariff provisions of section 403 and other designated requirements of the Act and designated portions of the Board's regulations. This exemption authority in Part 294 is limited in application. It applies only to plane-load operations performed pursuant to a charter agreement covering a period of at least 90 days, and not in excess of one year. Moreover, to qualify for the exemption, such charter agreement must provide for a minimum average of 24 one-way schedules to or from the same point per 30-day period, such schedules to be in conformance with a pre-agreed schedule pattern.

Without here going into a detailed explanation of the circumstances leading up to adoption of Part 294, it should be noted that the Board found that adherence to formal tariff requirements, where service was being purchased on a bid basis, created unwarranted administrative problems. These problems became especially significant and onerous in the light of the fact that the regulated common carriers were faced with the competition of the so-called Part 45 operators, which are not subject to Board economic regulation, and are not, therefore, subject to any tariff filing requirements.[2] In promulgating Part 294, the Board recognized that "the terms and conditions under which the charters are to be performed, together with the commitments of equipment and possible changes therein, make it extremely difficult to devise a charter rate which would be properly applicable to all charters." The Board also noted that " . . . the nature of the contracting organization as well as the contract renegotiation procedure appear to provide adequate protection from excessive charges by the air carriers, while the governmental nature of the activities involved will tend to avoid possible harmful discriminatory effects which might otherwise arise if this type of charter were generally exempt from tariff and rate requirements."

Prior to fiscal year 1959, use by the carriers of Part 294 as the basis for participation in military charter operations was limited. Before October 1958 the Department of Defense made less use of the "firm" type of contract (with a stated minimum frequency of service envisioned in Part 294) than it had of the "call" type of contract. In these latter-type agreements, which constituted 84 percent of Defense's contracting for commercial airlift in 1957, the frequency of service to be performed is not definitely established until a service order is issued; and service commitments are made on a short-term basis and frequently on very short notice. To permit the carriers to bid for these "call" type contracts, the Board has liberally supplemented the scope of the exemptions provided by Part 294.[3] Such action was responsive both to requests from all industry segments and from Defense that such action was essential in obtaining needed airlift on satisfactory terms.

The difficulties with such procedures for governing military charter operations quickly became evident. Competitive bids were declining to an uneconomical level,[4] and the Board instituted an investigation with respect to a possible change in policy (Order No. E-11507, June 28, 1957). The views of interested carriers and Department of Defense were obtained, with the carriers stating that the competitive bidding method presented difficult problems. While considerable disagreement was expressed as to the manner of dealing with the problem, it was clear that a mere withdrawal of the Board's exemptions from the tariff requirements would not resolve the fundamental economic problem inherent in competitive bidding for military traffic under existing conditions. In part, this inadequacy stems from the severely limited rate control powers which the Board possesses with respect to foreign air transportation.[5]

In its most recent statement on the problem of extending carrier exemption for miltary contract traffic, the Board reviewed the entire situation and stated its increasing concern over the possibility that rates would fall to uneconomical levels as a result of the current unrestricted bidding procedure. It announced that it would undertake detailed consultation with the Department of Defense in an effort to find an immediate and sound solution to the problem of allocating needed military augmentation airlift among the civil air carriers (Order No. E-13040, September 30, 1958). Subsequent developments have resulted in the action and policy here presented.

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[1] The present exemption authority terminates September 30, 1959. See Order No. E-13137, dated November 5, 1958.

[2] The Board, as part of its legislative program, has again asked the Congress for legislation which would give it economic regulatory power over these carriers.

[3] The first such exemption was contained in Order No. E-9967 (February 1, 1956). In that order the Board noted the serious difficulties involved if compliance with sections 403 and 404 were required.

[4] Taking the transatlantic route for purposes of illustration, successful bids had fallen from a rate of $165 in January 1952 per passenger to $76.80 per passenger in January 1954. Subsequently, in the last half of calendar 1957, the average rate in firm contracts for the route was in the range of $102-$105 per passenger. And by the summer of 1958 the decline had reached a level where at least one carrier had submitted a successful call bid of $69.80. TWA, which presently holds a major contract for this segment, provides transportation at a rate of $79.50 per passenger. By way of comparison, the comparable common carriage service is furnished at rates ranging as high as $352.00.

[5] Thus, with respect to rates in foreign air transportation, the Board can neither suspend tariffs nor establish fair and reasonable rates.

Before stating our proposed action and the policy which it reflects, it may be pertinent to note that the decision to make this proposal was reached by the Board independently. It was made in full awareness of the limitations on the Board's powers to cope with the serious and adverse consequences to the air transportation industry of unrestricted bidding for military traffic. However, it was apparent, if constructive action was to be taken to resolve these problems, that the Board would have to take the initiative and take such action as was within its power to attempt to preclude further resort to destructive competitive bidding, as well as to provide a more satisfactory framework for greater use of civil air services for MATS augmentation airlift.

We turn now to our proposal. We intend to reinstate the system of filed tariffs, and at the same time to permit the carriers to offer reduced rate transportation for this military passenger traffic without incurring a risk of charging unjustly discriminatory or prejudicial rates and fares. We will terminate the exemptions in Part 294 insofar as they now apply to military passenger traffic in foreign and overseas air transportation, and will no longer follow a policy of granting individual exemptions from sections 403 and 404 in connection with the conduct of military passenger operations in foreign and overseas air transportation. We further will give public notice of appropriate minimum rate levels, as hereinafter indicated, for passenger traffic in overseas and foreign air transportation.[6]

We believe that, as a result of such action on our part, the carriers will not be hampered in their ability to quote reduced rates for the military—which from a practical standpoint they apparently must do if the traffic is to be obtained—and yet the framework for avoiding destructively low rates will have been set. As in hereinafter more fully explained, the limitations on the Board's statutory authority [7] force reliance upon the cooperation of the Defense Department, as well as the acceptability of this proposal to the air carriers, to protect the industry from destructive competitive bidding for military traffic.[8]

Our staff has discussed this proposal with interested staff in the Department and has been given no reason to believe that Defense Department cooperation will not be forthcoming. Unless it becomes evident that the carriers generally prefer to continue to secure military traffic through submission of bids on a competitive price basis, we have no reason to believe that the Defense Department will not favorably consider abandonment of the practice of issuance of invitations to bid for military traffic. Instead, foreign air transportation could be purchased at tariff rates without request for submission of competitive bids. MATS would then be able to program greater use of individually-ticketed and individually waybilled services than has been past practice. In the use of plane-load charters, there is no reason to believe that the practice of a small business set-aside will not be continued as in fiscal year 1959. The extent to which MATS will use regularly scheduled commercial services, as well as the type of service (e.g., passenger, cargo, or convertible) which will be purchased on a plane-load basis will be determined by MATS to meet military requirements. Similarly, MATS will be in position to select the carriers if more than one can provide the service sought.

We are not unaware of the fact that our proposed action does not present a pat solution to the so-called "MATS problem." It is clearly not within the Board's power to do so. As we have heretofore noted, our objective is to provide a basis for avoiding a further deterioration in the rates paid for civil augmentation airlift and to provide the framework for greater use of civil air service for peacetime military traffic. In this connection, one of the principal virtues of the proposal is the encouragement it may offer to the use of individually-ticketed services, in addition to plane-load charters, for military traffic.

There has been in discussion for some time past the question of offering reduced rates for military traffic on the regular commercial service of the civil air carriers. One of the problems in establishing such rates has been the question of whether these rates might be considered to be unjustly discriminatory or unduly preferential and, therefore, illegal. It is equally apparent that another and related factor inhibiting the offer of a discount for individually-ticketed service has been the question of the proper relationship between the individually-ticketed rate and the plane-load rate. Our proposal will serve to resolve these problems and to that extent should serve to encourage use of regularly scheduled commercial services for the transportation of MATS traffic.[9]

The rates herein sanctioned for individually-ticketed and plane-load flights are considerably lower than the carriers charge in providing ordinary commercial services. This is also true for plane-load flights when comparison is made with commercial "on season" charter rates. The determination of whether a reduced fare is or is not unjustly discriminatory, unduly preferential or prejudicial depends on the facts related to each particular situation.

As noted above, the Board's intention here is to review the question of reduced fares for military traffic in the light of available facts and pertinent considerations, and indicate the extent of such reductions which, in our view, would not involve unjust discrimination or undue preference or prejudice. It is recognized that this advance determination does not have legal force and effect as regards any individual tariff which may now be on file or filed in the future, and that the full statutory process would be required in the event that any such tariff might appear to result in unjust discrimination, or undue preference or prejudice. We are at this time only indicating those reduced fares for military traffic which we would not disturb and those with respect to which we would be compelled to take appropriate action.

The Board in the past has permitted reduced fares for military passenger traffic in interstate air transportation. For a number of years the domestic air carriers have entered into agreements with Defense which provide for, among other things, a ten per cent discount for military travel. Such agreements have, of course, been submitted to the Board under section 412 of the Act, and the Board has in the past found such agreements to be in the public interest. In the recent Certificated Air Carrier Military Tender Investigation, Docket No. 9036, the Board again considered the lawfulness of such reduced fares for military traffic in interstate transportation. The Board found that such fares are not unjustly discriminatory, in view of the competitive considerations, cost savings, economic benefits to the industry, and the fact that the Federal Government is the beneficiary of the reduced fares. In addition, the Board has approved IATA agreements providing for reduced fares for emigrants from Europe to the United States on the basis of considerations of national interest and economic benefits to the industry. A discount of 40 per cent from regular fares is applicable in the off-season when there exists a substantial volume of unused space. The Board has also permitted reduced fares for military furlough travel on the basis of national interest considerations.

There are in this present situation many of the same considerations which the Board in the past has found to warrant a reduced rate for a particular type of traffic. On the basis of information available to the Board, it is abundantly clear that the MATS traffic would not be moved via civil air carriers at regular fares. This is particularly true with respect to the scheduled passenger services, but is also true with respect to charter services during a large part of the year. The military estab-

[6] We are aware that MATS procures airlift for military cargo on the same competitive bid basis as presently pertains in military passenger operations. However, the Board is not aware that the problems which currently are involved in MATS-purchased passenger transportation exist to any significant degree in the movement of cargo. Accordingly, the charter of civil aircraft for the movement of cargo will continue as presently constituted. The Board, however, will keep this area under close scrutiny and will be prepared to take action if it appears necessary.

[7] See footnote 5.

[8] The Board has requested the Congress to enact legislation giving the Board rate powers for foreign air transportation comparable to those which it has for domestic air transportation, i.e., the power to suspend tariffs and to establish fair and reasonable rates.

[9] We recognize that for some types of military traffic, there may be sound military reasons, unrelated to possible cost differentials, for use of plane-load charters rather than ordinary commercial services. However, for certain types of traffic, such as that of dependents of military personnel, there does not appear to be any such sound reason for use of plane-load charters. In fact, the transfer to civil carriers of this traffic might, in the long run, result in substantial economies in MATS operation through elimination of services especially provided for dependent traffic.

lishment apparently transports this traffic via military air or sea transportation at rates substantially below prevailing commercial passenger fares and charter rates. Thus, if the commercial carriers are to participate in any significant degree in the transportation of such traffic, it appears that they must offer a "competitive" price.[10]

It is equally clear that it is in the public interest for the civil air carriers to participate in the transportation of this military traffic. The availability of the civil air carriers to the defense establishment will materially increase the total volume of service available to it and should significantly enhance its flexibility of operations. Similarly, the civil air carriers may be enabled to support additional aircraft to handle this traffic, which aircraft would be of great value in time of national emergency. From the standpoint of the industry itself, it is evident that the large scale participation of the civil carriers in this military traffic would be of substantial economic importance. The military traffic being moved in foreign and overseas air transportation involves a large amount of traffic moving, in many instances, in areas already served by the civil carriers. To the extent that some of this traffic can be transported on regularly scheduled flights in space which would otherwise be unused, it is obvious that the civil carriers would realize substantial economic benefits which might eventually be shared in some measure by all classes or all types of traffic. The transportation of the military traffic in plane-load lots would also be to the economic benefit of the civil air carrier industry, provided such traffic is carried at economic rates.

In view, therefore, of the practical necessity to offer a reduced fare to obtain the military traffic, as well as the national interest considerations, and the economic benefits to the industry which would flow from its participation in such transportation, the Board cannot conclude that a reduced fare for military traffic would be, per se, unjustly discriminatory. However, we must also consider whether such reduced rates for military traffic may involve undue preference or prejudice in that other types of traffic may be burdened by such reduced military rates. The degree to which other types of traffic may be burdened by a reduced rate for another type of traffic depends, of course, on the extent of the reduction. The fare levels set forth hereinafter represent our views based on all available data as to the maximum discount from regular commercial fare levels which could be afforded the military traffic without burdening the other types of traffic and thereby involving undue preference or prejudice. Our view as to the minimum fare level for MATS passenger operations is predicated on the assumption that individually-ticketed services on scheduled flights will be performed on a "space available" basis.

The Board believes it should be possible to design a practical and workable system of making otherwise unused space on regularly scheduled flights available to military traffic, which, in turn, would justify reduced fares. In foreign air transportation, most of the reservations for the regular civilian travel are made well in advance of the date of departure in view of the fact that most trips are of considerable length and because of the complexities in foreign travel. Therefore, it appears reasonable to permit the establishment of a cut-off date 72 hours in advance of flight time, at which time seats not previously reserved may be blocked for military passengers. This arrangement should not interfere significantly with regular passengers and at the same time should afford the military a reasonable time to schedule its travel.

Moreover, MATS would actually have a considerable volume of capacity available to it. Thus, although the actual flight would not be assigned more than 72 hours before flight time, it appears that MATS would have sufficient flexibility of operations and sufficient ability to control the flow of traffic to make effective use of such an arrangement.[11]

In this connection the Board anticipates that the military traffic authorities and the civil air carriers may find it desirable to enter into arrangements (embodied in the carriers' tariffs) with respect to the amount of space or capacity which will be furnished and used during specified periods. Presumably, this type of arrangement would apply to space which would be furnished on regularly scheduled flights as well as space to be furnished on a full plane-load basis. With respect to the former, however, such agreements should deal only with the total amount of space to be provided and used within a specified period without reference to the space that would be provided on any individual flights. Moreover, the amount of space so committed in advance must reflect a conservative forecast of unused space in order to insure against displacement of regular traffic.

In developing the minimum rate level which we believe should apply to the military passenger service, the Board has reviewed the reported operating costs of the civil air carriers including both the certificated and supplemental carriers. As a starting point, we have examined the carriers' overall cost experience which reflects the operating cost of passenger and cargo service, regularly scheduled and charter services, long haul and short haul operations, etc. We have also examined reported costs of the principal aircraft types. We have excluded from the reported total operating costs these costs which do not appear to be properly chargeable to the military traffic, such as advertising and promotion expense, related overhead, and agency commissions. Reported passenger food expense has been excluded and we have used in its place a standard cost of 1.0 cent per available ton-mile. Finally, we have disregarded or given less weight to experienced costs which appear to be unrepresentative or influenced by non-recurring factors.

On the assumption that the military traffic would be carried on regularly scheduled flights on a space available basis or in full plane loads, as is presently the case, we believe that the minimum rate level which would not burden other types of traffic should be equivalent to the carriers' operating costs, adjusted as indicated, plus a reasonable return, per available ton-mile. On this basis the military traffic would be charged with a fair share of the costs of the space occupied, but not with the costs of unused space. This result appears consistent with the concept of "space available" travel on scheduled services and full plane-load transportation where there is no unused space.

The unit cost data which the Board has relied upon are set forth for each carrier below. Inasmuch as substantial volumes of the MATS traffic are moved in the transatlantic area, the transpacific area, and between the West Coast of the United States and Hawaii, we have included the data for the carriers operating predominantly within each of these areas. For example, in the case of the transatlantic area, we have analyzed the unit costs of Pan American, TWA, and Seaboard & Western as well as several of the smaller supplemental air carriers.

These data reflect some degree of variation among the various carriers and as among the various types of aircraft. At this stage the Board feels that it is appropriate to specify the minimum rate which it believes should be applicable to the military traffic without reference to any particular carrier or any particular area. Nevertheless, such minimum rate should give due regard to the cost experience of those carriers which operate in the various areas involved and which have carried this traffic in the past and can be expected to participate in such carriage in the future. Accordingly, we have derived an average cost per available ton-mile on the basis of the unit costs of the carriers shown below by weighting each area in relation to the volume of MATS traffic moved in such area and by weighting each carrier within each area by its size in terms of available ton-mile.

The weighted average unit cost, which includes a return on investment equivalent to a profit margin of nine percent,[12] amounts to 34.3 cents per available ton-mile. At ten passengers plus baggage carried per available ton, such cost is equivalent to 3.4 cents per revenue passenger mile.

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[10] The question of the extent to which the government should, in fact, provide services duplicative of those provided by private business is obviously not one which the Board can effectively resolve. We must deal with the situation as we find it.

[11] For example, the military could well in advance advise the individuals to be transported of the approximate date of travel, with the passenger being later given, 72 hours before departure, the name of the carrier, the flight number, and the hour of departure. Further, the administrative means for communication with the passenger could be worked out between the carriers and the military.

[12] Based on a return on investment of approximately nine percent plus provision for income taxes.

With respect to the plane-load service, we have made adjustments to the foregoing costs to reflect on a judgment basis the lower costs which would be associated with transportation on a full plane-load basis. It is the Board's understanding that a significant portion of these plane-load operations are conducted to or from military bases at which ground services are performed by the military, landing fees are eliminated and gasoline may be purchased at reduced prices. All of these factors would tend to produce lower operating costs for the carriers involved. In addition, the plane-load transportation may well produce savings in the reservations cost and other savings stemming from a greater length of hop and better utilization of aircraft. The extent of the potential savings in these areas is not capable of precise measurement and is necessarily a matter of judgment. Moreover, the extent of such cost savings would tend to vary from operation to operation depending on the circumstances relating to each specific instance. On balance, however, we believe that these factors should reduce operating costs by 15 percent and we have accordingly reduced the level previously developed for individually ticketed military travel to that extent.

In this statement the Board is indicating the minimum level of rates which, on the basis of the information and data before it, it believes could properly be established for military traffic moved on individually-ticketed and on plane-load bases. We have expressed these minimums in terms of cents per revenue passenger mile and intend these minimums to have general applicability. At the same time we are, as previously stated, returning to a tariff filing system with respect to the military passenger traffic. Accordingly, in the future it is anticipated that those carriers desiring to participate in the transportation of military passenger traffic will file appropriate tariffs with the Board, which tariffs will form the basis for compensation for such services. The Board's tariff regulations require that the fares for individually-ticketed travel be stated in dollars and cents for each applicable pair of points and that the rates for plane-load or charter transportation be expressed in terms of an amount per airplane mile or hour, or an amount for each applicable pair of points. These rates and fares would be determined by applying the rates per passenger mile specified in this statement to the mileages involved between the points or to the number of seats installed in a given aircraft type.[12]

[12] In developing the minimum rate levels, the Board has assumed that the bulk of the traffic will be carried in accommodations approximating tourist class service. However, some of this traffic may be carried on a plane-load basis in accommodations which are significantly different from tourist class service. Moreover, the individually ticketed travel moving on a space-available basis may be transported in each of the existing classes of regular commercial service. Under these circumstances it may be appropriate that a different rate per passenger mile be charged for transportation in the various classes of service. The desirability and feasibility of developing such minimum rate levels will be further considered by the Board in the light of the comments of the various interested parties.

With respect to military contracts which involve the movement of both cargo and passengers, it is intended that the specified minimum, as converted to an appropriate tariff rate, would apply to the entirety of such contract. A military contract operation which involves the movement of passengers in one direction and the movement of cargo in the other direction, the charter rate per aircraft mile for example, determined from the specified minimum rate for military passenger traffic would apply in both directions.

As regards the military travel on an individually ticketed basis, the minimum rate of 3.4 cents per passenger mile specified herein produces rates of about $117, $124, and $131 to London, Paris, and Frankfurt, respectively; in the Pacific area, the Seattle-Tokyo fare for this traffic would be approximately $167. In other areas, of course, the dollar fare would depend upon the distances involved.

SELECTED CERTIFICATED AND SUPPLEMENTAL CARRIERS COSTS PER REPORTED AVAILABLE TON-MILE ADJUSTED [1] FOR MILITARY TYPE OPERATIONS 12 MONTHS ENDED SEPTEMBER 30, 1958

Area and carrier	Available ton-miles		Costs per reported available ton-mile							
	(000)	Percent of area total	Flying oper. (less rentals) and flight equip. maint.	Allocated grd. and indir. (less food and psgr. supplies) [2]	Estimated psgr. food and supply expense	Sub total	Flight equipment depr. and rentals	Total oper. exp. as adjusted	Estimated profit and taxes [3]	Total
Atlantic:			*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
PAA-Atlantic [4]	280,673	50.4	16.5	10.7	1.0	28.2	4.3	32.5	2.9	35.4
TWA-Foreign [5]	184,551	33.2	18.4	12.6	1.0	32.0	4.9	36.9	3.3	40.2
Seaboard & Western	65,979	11.9	16.4	6.8	1.0	24.2	5.4	29.6	2.3	31.9
Transocean	[6] 8,768	1.6	15.6	[6] 7.0	1.0	23.6	4.9	28.5	2.4	30.0
Overseas National	[6] 12,954	2.3	14.7	7.0	1.0	22.7	4.4	27.1	2.2	29.3
U.S. Overseas	[6] 3,697	0.7	12.3	4.7	1.0	18.0	5.2	23.2	2.0	25.2
Total	556,622	100.0								[6] 36.3
Pacific:										
PAA-Pacific	193,114	62.2	17.5	11.2	1.0	29.7	2.9	32.6	2.9	35.5
NWA-Foreign	83,615	26.9	12.2	10.6	1.0	23.8	3.4	27.2	2.4	29.6
Slick [7]	17,303	5.6	16.8	9.0	1.0	26.8	5.2	32.0	2.8	34.8
Transocean	[6] 14,421	4.6	15.6	[6] 7.0	1.0	23.6	4.9	28.5	2.4	30.9
Overseas National	[6] 1,470	0.5	14.7	7.0	1.0	22.7	4.4	27.1	2.2	29.3
U.S. Overseas	[6] 767	0.2	12.3	4.7	1.0	18.0	5.2	23.2	2.0	25.2
Total	310,690	100.0								[6] 33.6
Hawaii:										
United-Overseas	46,778	70.0	13.2	7.2	1.0	21.4	2.4	23.8	2.1	25.9
Transocean	[6] 15,267	22.8	15.6	[6] 7.0	1.0	23.6	4.9	28.5	2.4	30.9
U.S. Overseas	[6] 4,787	7.2	12.3	4.7	1.0	18.0	5.2	23.2	2.0	25.2
Total	66,832	100.0								[6] 27.0
Grand total										[10] 34.3

SOURCE: C.A.B. Form 41 and Form 242 Reports.

[1] Elimination of commissions, advertising and publicity and general and administrative expense applicable thereto and estimating passenger food and supplies expense (Tourist standard) at one cent per available ton-mile.
[2] In instances when costs of certain aircraft types are excluded, allocation of ground and indirect expenses is based on relative flying operations (less rentals) and flight equipment maintenance costs.
[3] Estimated at 9% of total operating expenses exclusive of aircraft rentals.
[4] Based on DC-6B and DC-7C operations.
[5] Based on L-1049G, L-1049H, and L-1649A operations.
[6] Weighted according to each carrier's available ton-miles.
[7] Experience for six months ended 9/30/58; for purposes of weighting reported available ton-miles have been doubled.
[8] Carrier's total available ton-miles in international services apportioned to areas on basis of trips weighted by typical trip distances in each area.
[9] Estimated in lieu of carrier's experience which does not appear to be representative.
[10] Weighted on basis of estimated relative military requirement as follows: Atlantic 44.4%; Pacific 48.2%; and Hawaii 7.4%.

[F.R. Doc. 59-2224; Filed, Mar. 13, 1959; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

REPORTS OF FOREIGN TRANSACTIONS

Notice of Proposed Rule Making

On September 12, 1958 the Securities and Exchange Commission invited comments on its proposal to adopt § 240.17a-8 (Rule 17a-8) under the Securities Exchange Act of 1934 to require brokers and dealers to report promptly to the Commission transactions with non-residents of the United States involving a significant amount of any security. Many valuable comments and suggestions were received. After further study the Commission has revised its proposal, and now invites comments and suggestions on the revised proposal on or before April 15, 1959.

The earlier proposal would have required a report of each order or transaction with a non-resident involving a "significant amount" of a security, as defined in the rule; and each report would have had to include information about the security, the amount involved, the name and address of the person for whose account the transaction was effected, and, in certain situations, the name and address of the person from

whom the securities were purchased. The comments received pointed out, among other things, that the proposal would have required the disclosure of the names of customers and others participating in many lawful transactions; that by reason of the definition of the words "significant amount" it would have required members, brokers and dealers to maintain extensive additional records on a day to day basis in order to file reports promptly within the time required; that it would have required specific reports with respect to various types of transactions about which there was no reason to require reports; and that sometimes it would not be possible for the broker-dealer filing the report to obtain all the information which had to be included in it.

In the revised proposal the Commission has attempted to eliminate many of the problems and overcome many of the objections expressed in the comments. As revised, the proposal would require members, brokers and dealers subject to the rule to file only one report each month showing the total amount of foreign transactions in each different security during the period covered by the report. In addition, no reports would have to be filed with respect to (1) sales by a member, broker or dealer as part of a distribution of securities registered under the Securities Act of 1933, (2) purchases made in compliance with § 240.10b–7 or § 240.10b–8 (Rules 10b–7 or 10b–8) to facilitate a distribution of securities registered under the Securities Act of 1933, (3) purchases by or on behalf of an issuer to meet sinking fund obligations, (4) "exempted securities" as that term is defined in section 3(a)(12) of the Securities Exchange Act, (5) securities issued by any foreign government or political subdivision thereof, and (6) securities issued by any official international organization or agency thereof. For purposes of the rule, a "foreign transaction" would be defined to mean a purchase or sale (1) in which the order to purchase or sell is received from, or the securities or funds involved are received from or delivered to, any place not subject to the jurisdiction of the United States, or (2) in which the member, broker or dealer knows or has reason to know that the transaction is being effected by, through, or for any person who is outside the jurisdiction of the United States.

In addition to the fact that only one report would have to be filed each month, the reports would not have to furnish the names of the customers or other principals in the transactions. Reports would be required to contain only the name and title of the security, and the total amount of each such security purchased and sold as principal, as agent, and in any other capacity, during the period covered by the report.

As the Commission pointed out in its earlier release, the distribution of securities into the United States by or on behalf of foreign persons and institutions in violation of the registration and anti-fraud requirements of statutes and regulations administered by the Commission has been a source of concern to the Commission for some time, and there is reason to believe that foreign agencies and intermediaries have on occasion been employed to facilitate these violations and to hinder the enforcement of the federal securities laws. It has been suggested that the Commission would be in a position to cope with the problem more effectively if it received from members, brokers and dealers reports from which it could determine the foreign sources of any unusual activity in any particular security.

The text of the proposed rule, which would be adopted pursuant to the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) thereof, is as follows:

§ 240.17a–8 Reports of foreign transactions.

(a) This section shall apply to every member of a national securities exchange, every broker or dealer who transacts a business in securities through the medium of any such member, and every broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934.

(b) Every member, broker or dealer subject to this section shall file, on or before the tenth day of each month, a report showing the total amount of foreign transactions in each different security during the preceding month: *Provided, however,* That no reports need be filed with respect to (1) sales by a member, broker or dealer participating in and as a part of a distribution of securities registered under the Securities Act of 1933, or (2) purchases made in compliance with § 240.10b–7 or § 240.10b–8 (Rules 10b–7 or 10b–8) to facilitate a distribution of securities registered under the Securities Act of 1933, or (3) purchases by or on behalf of an issuer to meet sinking fund obligations, or (4) "exempted securities", as that term is defined in section 3(a)(12) of the Act, or (5) securities issued by any foreign government, or any political subdivision thereof, or (6) securities issued by any official international organization, or agency thereof, created by treaty or convention between sovereign states.

(c) The reports required by paragraph (b) of this section shall state (1) the name of the issuer of the security; (2) the title of the security; (3) the total number of shares or other units of such security purchased (i) as principal, (ii) as agent, and (iii) in any other capacity; and (4) the total number of shares or other units of such security sold (i) as principal, (ii) as agent, and (iii) in any other capacity.

(d) For purposes of this section a "foreign transaction" shall be deemed to mean any transaction (1) in which the order to purchase or sell is received from, or the securities or funds involved are received from or delivered to, any place not subject to the jurisdiction of the United States; or (2) in which the member, broker or dealer knows or has reason to know that the transaction is being effected by, through or for any person who resides in or has his or its principal place of business in any place not subject to the jurisdiction of the United States.

(e) If a member, broker or dealer so requests in a report pursuant to this section, the report shall be deemed confidential, except that it shall be available for official use by any official or employee of the United States or any state, by national securities exchanges and national securities associations of which the person making such report is a member, and by any other person to whom the Commission authorizes disclosure of such information as being in the public interest.

(f) Notwithstanding the foregoing provisions of this section, any non-resident broker or dealer, as that term is defined in § 240.15b–7(d)(4) (paragraph (d)(4) of Rule 15b–7), shall not be required to report any transactions pursuant to this rule unless the securities involved in such transactions are ordered by, or sold or delivered to, a person residing in any place subject to the jurisdiction of the United States.

All interested persons are requested to submit their views and comments on the revised proposal in writing to the Securities and Exchange Commission, Washington 25, D.C., on or before April 15, 1959. Unless a person submitting any comment or suggestion requests in writing that it be held confidential it will be a public record available for public inspection.

By the Commission.

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

MARCH 6, 1959.

[F.R. Doc. 59–2184; Filed, Mar. 13, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC–54]

[49 CFR Part 165a]

CERTIFICATES AND PERMITS

Interpretation of Operating Rights, Alaska

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of February A.D. 1959.

It appearing, that prior to the admission of Alaska as a State, certificates of public convenience and necessity and permits were issued to motor carriers, licenses were issued to brokers of motor transportation, and permits were issued to freight forwarders authorizing the holders, in some instances, to serve "all points in the United States" or "all points in the United States west of the Mississippi River" or containing some other text which, if used in an operating right issued subsequent to January 3, 1959, would be construed as including the right of the holder to serve points in Alaska.

And it further appearing, that the Commission has under consideration the question whether operating rights issued prior to January 3, 1959, which contain a text the same as or similar to that described in the preceding paragraph authorizes the holder to serve the State of Alaska. Therefore:

It is ordered, That, pursuant to section (4)a of the Administrative Procedure Act (5 U.S.C. 1003), and sections 207(a), 208(a), 209, 211, and 410(c) of the Interstate Commerce Act, a rule-making proceeding be, and it is hereby, instituted on the Commission's own motion to determine whether Part 165a should be amended by the addition of Subpart B—Interpretation of Operating Rights, and the following rule or a rule for a similar application should be adopted under § 165a.11:

§ 165a.11 Service to, from, and between points in Alaska.

Certificates and permits issued to motor carriers, licenses issued to brokers of motor transportation, and permits issued to freight forwarders, prior to January 3, 1959, authorizing service from a point or area to "points in the United States" are interpreted as authorizing service from the originating points or area to points in Alaska as well as points in the other 48 States and the District of Columbia; those authorizing service from "points in the United States" to particular destination points or areas are interpreted as authorizing service from points in Alaska to the specified destination points or areas; and those authorizing service "between points in the United States" are interpreted as authorizing service (a) between points in Alaska, on the one hand, and, on the other, points in the other 48 States and the District of Columbia and (b) between points in Alaska; and certificates and permits issued to motor carriers, licenses to brokers of motor transportation, and permits to freight forwarders, issued prior to January 3, 1959, which contain text similar to that described are interpreted in a similar manner.

It is further ordered, That no oral hearing be held with respect to the proposed rule, but that any interested party may file, on or before April 15, 1959, with this Commission, written statements containing data, views, and arguments concerning the proposed rule.

And it is further ordered, That notice of the proceeding shall be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission for public inspection, by serving a copy by regular mail on all motor carriers operating within the State of Alaska, or to or from points in Alaska, and by filing a copy with the Director, Federal Register Division.

By the Commission.

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

[F.R. Doc. 59-2192; Filed, Mar. 13, 1959; 8:48 a.m.]

[49 CFR Part 323]

[Docket 32451]

UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

Notice of Proposed Rule Making

MARCH 6, 1959.

Notice is hereby given pursuant to provisions of section 4(a) of the Administrative Procedure Act that the Commission has under consideration the matter of modifying the Uniform System of Accounts for Maritime Carriers in the following respects:

(1) In § 323.165 *Accounts receivable; miscellaneous*, cancel paragraph (a) and substitute the following provisions in lieu thereof:

(a) This account shall include all accounts receivable from other than related companies for which no other account is specifically provided, and all amounts receivable from officers and employees which are collectible in the ordinary course of business within one year.

(2) In § 323.364 *Notes and accounts receivable from officers and employees*, cancel the first sentence of the text and substitute the following provisions in lieu thereof: "This account shall include all amounts due from officers, directors, and employees other than (a) unpaid subscriptions to capital stock, and (b) amounts collectible in the ordinary course of business within one year."

Any interested person may on or before April 10, 1959 file with the Commission's Secretary written views or comments to be considered in this connection, but it is not presently intended that oral argument will be heard. After consideration of responses so received, and giving effect to such further changes as may be found necessary because of them, the modifications will be ordered pursuant to provisions of section 313(c) of the Interstate Commerce Act, as amended (54 Stat. 946, 49 U.S.C. 916(a); 54 Stat. 944, 49 U.S.C. 913(c)).

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

[F.R. Doc. 59-2193; Filed, Mar. 13, 1959; 8:48 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 59-2]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS AND CHANGE IN NAME AND ADDRESS OF MANUFACTURERS

1. Various items of livesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals and termination of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials specifications have been also prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), and R.S. 4405, as amended, 4462, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, and section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U.S.C. 405, 416, 489, 367, 526p, 1333, 390b), and section 3(c) of the act of August 9, 1954 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I: *It is ordered*, That:

a. All the approvals listed in Part I of this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of 5 years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

b. All the other approvals listed in Part I of this document (which are not covered by paragraph a above) are prescribed and shall be in effect for a period of 5 years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and

c. All the approvals listed in Part II of this document are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in Part II of this document, such equipment in service may be continued in use so long as such

equipment is in good and serviceable condition.

d. The change in name and address of manufacturers shall be made as indicated in Part III of this document.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS OF MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

Approval No. 160.002/66/1, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and P.O. Box 121, Kansas City 17, Kans. (Supersedes Approval No. 160.002/66/0 published in FEDERAL REGISTER November 1, 1957.)

Approval No. 160.002/76/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Burlington Mills, Inc., Burlington, Wis.

Approval No. 160.002/77/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Burlington Mills, Inc., Burlington, Wis.

Approval No. 160.002/80/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, N.J.

Approval No. 160.002/81/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, N.J.

Approval No. 160.002/80/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn.

Approval No. 160.002/83/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn.

Approval No. 160.002/84/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by The Safeguard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Lifo Products Co., 930 York Street, Cincinnati 22, Ohio.

Approval No. 160.002/85/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Lifo Products Co., 930 York Street, Cincinnati 22, Ohio.

BOUYANT APPARATUS

Approval No. 160.010/20/0, 7.5′ x 4.0′ (11″ x 11″ body section), rectangular solid balsa wood buoyant apparatus, 20-person capacity, assembly dwg No. 43053, dated April 30, 1953, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y. (Extension of the approval published in FEDERAL REGISTER December 15, 1953, effective December 15, 1958.)

Approval No. 160.010/27/1, 3.0′ x 2.71′ x 0.83′ buoyant apparatus, wood decking with unicellular plastic foam core, 8-person capacity, dwg. No. G–494, revised October 17, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y. (Supersedes Approval No. 160.010/27/0 published in FEDERAL REGISTER July 4, 1958.)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/6/1, Bullard Supplied Fresh Air Hose Mask No. 1903, Bureau of Mines Approval No. BM–1903, consisting of BM–1903 face piece, BM–1903 blower (both centrifugal type and positive pressure type), BM–1903 harness, and BM–1903 or BM–1903A hose, maximum of two hose lines each originating at the blower and not exceeding 150 feet in length, manufactured by E. D. Bullard Co., 2680 Bridgeway, Sausalito, Calif. (Extension of the approval published in FEDERAL REGISTER December 15, 1953, effective October 2, 1958.)

LIFE FLOATS

Approval No. 160.027/34/0, 9.0′ x 5.08′ (13″ dia. body section) rectangular hollow aluminum life float, 25-person capacity, dwg. No. 3348 dated May 15, 1951, revised September 30, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Extension of the approval published in FEDERAL REGISTER December 15, 1953, effective December 15, 1958.)

DAVITS, LIFEBOAT

Approval No. 160.032/140/1, mechanical davit, straight boom sheath screw, Type 22–25F, approved for a maximum working load of 7,000 pounds per set (3,500 pounds per arm), using 6-part falls, identified by general arrangement dwg. No. 5010–1D, alteration C dated May 15, 1957, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J. (Reinstates and supersedes Approval No. 160.032/140/0 terminated in FEDERAL REGISTER December 31, 1958.)

Approval No. 160.032/141/0, gravity davit, Type GD, size 40, approved for a maximum working load of 12,000 pounds per set (6000 pounds per arm), using 2-part falls, identified by general arrangement dwg. No. G1501–1 dated May 29, 1953, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y. (Extension of the approval published in FEDERAL REGISTER December 15, 1953, effective December 15, 1958.)

LIFEBOATS

Approval No. 160.035/22/3, 24.0′ x 8.0′ x 3.25′ steel, oar-propelled lifeboat, 40-person capacity, identified by general arrangement drawing No. G–2440–T dated June 4, 1952, and revised December 11, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y. (Supersedes Approval No. 160.035/22/2 published in FEDERAL REGISTER December 15, 1953.)

Approval No. 160.035/39/3, 24.0′ x 8.0′ x 3.58′ steel, motor-propelled lifeboat without radio cabin (Class B), 37-person capacity, identified by construction and arrangement dwg. No. 80101 dated April 9, 1956, and revised October 18, 1956, and construction and arrangement dwg. No. 80204 dated April 10, 1958, and revised October 22, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Supersedes Approval No. 160.035/39/2 published in FEDERAL REGISTER January 30, 1957.)

Approval No. 160.035/54/2, 26′ x 8.3′ x 3.6′ aluminum, oar-propelled lifeboat, 49-person capacity, identified by construction and arrangement dwg. No. 2815–A dated March 5, 1953, and revised November 20, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Supersedes Approval No. 160.035/54/1 published in FEDERAL REGISTER March 25, 1954.)

Approval No. 160.035/90/2, 18.0′ x 6.0′ x 2.4′ steel, oar-propelled lifeboat, 15-person capacity, identified by general arrangement dwg. No. 49R–1812 dated October 17, 1950, and revised October 18, 1957, manufactured by Lane Lifeboat and Davit Corp., 8920 26th Avenue, Brooklyn 14, N.Y. (Reinstates and supersedes Approval No. 160.035/90/1 terminated in FEDERAL REGISTER April 10, 1957.)

Approval No. 160.035/179/2, 20.0′ x 6.5′ x 2.67′ steel, oar-propelled lifeboat, 20-person capacity, identified by construction and arrangement dwg. No. 3180 dated December 10, 1952, and revised December 5, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Supersedes Approval No. 160.035/179/1 published in FEDERAL REGISTER December 15, 1953.)

Approval No. 160.035/183/2, 22.0′ x 6.75′ x 2.92′ steel, oar-propelled lifeboat, 25-person capacity, identified by construction and arrangement dwg. No. 3181 dated July 22, 1953, and revised December 6, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Supersedes Approval No. 160.035/183/1 published in FEDERAL REGISTER December 15, 1953.)

Approval No. 160.035/383/0, 24.0′ x 8.63′ x 3.88′ steel, oar-propelled lifeboat, 47-person capacity, identified by construction and arrangement dwg. No. 80201 dated February 8, 1958, and revised January 13, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J.

Approval No. 160.035/384/0, 28′ x 9.79′ x 4.23′ aluminum hand-propelled lifeboat, 69-person capacity, with built-in air tanks, identified by general arrangement dwg. No. 28–9A, Rev. C dated November 20, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J.

BOUYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD MODELS AK, CKM, CKS, AF, CFM, AND CFS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/211/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Protection Products Co., Division of Ero Manufacturing Co., 2637–2669 West Polk Street, Chicago 12, Ill., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/212/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Protection Products Co., Division of Ero Manufacturing Co., 2637–2669 West Polk Street, Chicago 12, Ill., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/213/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Protection Products Co., Division of Ero Manufacturing Co., 2637–2669 West Polk Street, Chicago 12, Ill., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/214/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Burlington Mills, Inc., Burlington, Wis., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/215/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Burlington Mills, Inc., Burlington, Wis., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/216/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Burlington Mills, Inc., Burlington, Wis., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/217/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner, Inc., 225 Belleville Avenue, Bloomfield, N.J., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/218/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner, Inc., 225 Belleville Avenue, Bloomfield, N.J., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/219/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner, Inc., 225 Belleville Avenue, Bloomfield, N.J., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/220/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Hettrick Manufacturing Co., 1401 Summit Street, Toledo 1, Ohio (Plant: Andrews, Ind.)

Approval No. 160.047/221/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Hettrick Manufacturing Co., 1401 Summit Street, Toledo 1, Ohio (Plant: Andrews, Ind.)

Approval No. 160.047/222/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Hettrick Manufacturing Co., 1401 Summit Street, Toledo 1, Ohio (Plant: Andrews, Ind.)

Approval No. 160.047/223/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Coast to Coast Stores, Central Organization, Inc., 7500 Excelsior Boulevard, Minneapolis 26, Minn.

Approval No. 160.047/224/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Coast to Coast Stores, Central Organization, Inc., 7500 Excelsior Boulevard, Minneapolis 26, Minn.

Approval No. 160.047/225/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Coast to Coast Stores, Central Organization, Inc., 7500 Excelsior Boulevard, Minneapolis 26, Minn.

Approval No. 160.047/226/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Mass., for Wallace Manufacturing Co., 273–285 Congress Street, Boston 10, Mass.

Approval No. 160.047/227/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Mass., for Wallace Manufacturing Co., 273–285 Congress Street, Boston 10, Mass.

Approval No. 160.047/228/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Mass., for Wallace Manufacturing Co., 273–285 Congress Street, Boston 10, Mass.

Approval No. 160.047/232/0, Model AK, adult kapok buoyant vest U.S.C.G. Specification Subpart 160.047, manufactured by Protection Products Co., Division of Ero Manufacturing Co., 714–718 West Monroe Street, Chicago 6, Ill., for Voedisch Brothers, Inc., 1639 North Wells Street, Chicago 14, Ill.

Approval No. 160.047/233/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Protection Products Co., Division of Ero Manufacturing Co., 714–718 West Monroe Street, Chicago 6, Ill., for Voedisch Brothers, Inc., 1639 North Wells Street, Chicago 14, Ill.

Approval No. 160.047/234/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Protection Products Co., Division of Ero Manufacturing Co., 714–718 West Monroe Street, Chicago 6, Ill., for Voedisch Brothers, Inc., 1639 North Wells Street, Chicago 14, Ill.

Approval No. 160.047/235/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn 5, New York.

Approval No. 160.047/236/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn 5, New York.

Approval No. 160.047/237/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn 5, New York.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/132/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Protection Products Co., 2637–2669 West Polk Street, Chicago 12, Ill., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.048/133/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Burlington Mills, Inc., Burlington, Wis., for Herter's, Inc., Waseca, Minn.

Approval No. 160.048/134/0, special approval for 13¼" x 21¾" x 2" rectangular kapok buoyant cushion, 25 oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by The Howard Zink Corp., 5550 Paramount Boulevard, Long Beach 5, Calif., for Jack Cole Co., 746 West 17th Street, Costa Mesa, Calif.

Approval No. 160.048/136/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion with heat-sealed seams, 20 oz. kapok, Atlantic-Pacific Mfg. Corp. dwg. dated May 22, 1958, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.048/137/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20 oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by P. J. Gould Co., 440 North Wells Street, Chicago 10, Ill.

Approval No. 160.048/139/0, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushion, 21 oz. kapok, Atlantic-Pacific Mfg. Corp. dwg. No. 72755 dated July 27, 1955, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.048/140/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20 oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Siegmund Werner, Inc., 225 Belleville Avenue, Bloomfield, N.J., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.048/141/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20 oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Coast to Coast Stores, Central Organization, Inc., 7500 Excelsior Boulevard, Minneapolis 26, Minn.

Approval No. 160.048/142/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20 oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Henry Manufacturing Co., 1310 Marquette Avenue, Minneapolis 3, Minn.

Approval No. 160.048/143/0, special approval for 15" x 18" x 2" rectangular kapok buoyant cushion, 24 oz. kapok, dwg. No. BC–102, Sheets 1, 2, and 3, dated November 17, 1958, manufactured by W.L.

Dumas Manufacturing Co., 14 A Street Northwest, Miami, Okla.

Approval No. 160.048/144/0, special approval for 15'' x 15'' x 2'' rectangular kapok buoyant cushion, 20 oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn 5, N.Y.

Approval No. 160.048/145/0, group approval for rectangular or trapezodial kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Mass., for Wallace Manufacturing Co., 273–285 Congress Street, Boston 10, Mass.

Approval No. 160.048/149/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Protection Products Co., Division of Pro Manufacturing Co., 714–718 West Monroe Street, Chicago 6, Ill., for Voedisch Brothers, Inc., 1639 North Wells Street, Chicago 14, Ill.

BOUYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/26/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Acme Products Co., 152–156 Brewery Street, New Haven, Conn.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/17/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y.

Approval No. 160.050/18/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y.

Approval No. 160.050/19/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/19/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.052/20/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.052/21/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.052/22/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio.

Approval No. 160.052/23/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio.

Approval No. 160.052/24/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio.

Approval No. 160.052/25/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Sav-A-Life Industries, Inc., Division of the Land-O-Nod Co., Broadway at Central, Minneapolis 13, Minn.

Approval No. 160.052/26/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Sav-A-Life Industries, Inc., Division of the Land-O-Nod Co., Broadway at Central, Minneapolis 13, Minn.

Approval No. 160.052/27/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Sav-A-Life Industries, Inc., Division of the Land-O-Nod Co., Broadway at Central, Minneapolis 13, Minn.

Approval No. 160.052/31/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C.

Approval No. 160.052/32/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C.

Approval No. 160.052/33/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C.

Approval No. 160.052/34/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.052/35/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.052/36/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.052/37/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.052/38/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.052/39/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.052/40/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Lifo Products Co., 930 York Street, Cincinnati 22, Ohio.

Approval No. 160.052/41/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corp, Box 66, Station B, Cincinnati 22, Ohio, for Lifo Products Co., 930 York Street, Cincinnati 22, Ohio.

Approval No. 160.052/42/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Lifo Products Co., 930 York Street, Cincinnati 22, Ohio.

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/58/0, Telephone station identification panel, 2-circuit, manual reset, splashproof, dwg. No. 28–02, Alt. O, dated June 16, 1958, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N.Y.

Approval No. 161.005/59/0, Telephone station identification panel, 3-circuit, manual reset, splashproof, dwg. No. 28–03, Alt. O, dated June 23, 1958, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N.Y.

Approval No. 161.005/60/0, Sound powered telephone station, selective ringing, common talking, 11 stations maximum, nonwatertight, with self-contained hand generator bell, Model SHD, bulkhead mounting, dwg. No. 57–01, Alt. O, dated July 2, 1958, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N.Y.

Approval No. 161.005/61/0, Telephone station identification panel, single-circuit, manual reset, splashproof, dwg. No. 28–01, Alt. O, dated June 11, 1958, man-

ufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N.Y.

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/75/0, Fire Chex Model FC–10, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. CO–10–A dated December 4, 1952, name plate dwg. No. CO–10–3A, Rev. B dated March 27, 1957 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Fire Chex Corp., 36136 Harper Avenue, Mount Clemens, Mich.

Approval No. 162.005/98/1, Fire Guard Model FF–5 (Symbol GEN), 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 5AKR–2328, Rev. A dated January 31, 1955, name plate dwg. No. 5AKR–2220, Rev. E dated October 8, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill. (Supersedes Approval No. 162.005/98/0 published in FEDERAL REGISTER March 25, 1958.)

Approval No. 162.005/99/1, Fire Guard Model FF–10 (Symbol GEN), 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 10AKR–2280, revised April 2, 1956, name plate dwg. No. 10AKR–2221, Rev. F dated October 8, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill. (Supersedes Approval No. 162.005/99/0 published in FEDERAL REGISTER March 25, 1958.)

Approval No. 162.005/100/1, Fire Guard Model FF–15 (Symbol GEN), 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 15AKR–1688, revised April 24, 1956, name plate dwg. No. 15AKR–2222, Rev. F dated October 13, 1958 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill. (Supersedes Approval No. 162.005/100/0 published in FEDERAL REGISTER March 25, 1958.)

Approval No. 162.005/101/1, General Quick Aid Model 5R (Symbol GE, GEC, GEN, or GEP), 5-lb. carbon dioxide type hand portable fire extinguisher assembly dwg. No. 5AKR–2328, Rev. A dated January 31, 1955, name plate dwg. No. 5AKR–3456, Rev. C dated October 8, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 6801 Rising Sun Avenue, Philadelphia 11, Pa., and 8740 Washington Boulevard, Culver City, Calif. (Supersedes Approval No. 162.005/101/0 published in FEDERAL REGISTER March 25, 1958.)

Approval No. 162.005/102/1, General Quick Aid Model 10R (Symbol GE, GEC, GEN, or GEP), 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 10AKR–2280, revised April 2, 1956, name plate dwg. No. 10AKR–3462, Rev. B dated October 8, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 6801 Rising Sun Avenue, Philadelphia 11, Pa., and 8740 Washington Boulevard, Culver City, Calif. (Supersedes Approval No. 162.005/102/0 published in FEDERAL REGISTER March 25, 1958.)

Approval No. 162.005/103/1, General Quick Aid Model 15R (Symbol GE, GEC, GEN, or GEP), 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 15AKR–1688, revised April 24, 1956, name plate dwg. No. 15AKR–3466, Rev. B dated October 8, 1958 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The General Fire Extinguisher Corp., 6801 Rising Sun Avenue, Philadelphia 11, Pa., and 8740 Washington Boulevard, Culver City, Calif. (Supersedes Approval No. 162.005/103/0 published in FEDERAL REGISTER March 25, 1958.)

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA-ACID TYPE

Approval No. 162.007/40/1, Stop-Fire Model SA–50, 2½-gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. SA50F–0–50 dated December 12, 1951, name plate dwg. Nos. SA50–30–50, Rev. A dated December 19, 1958, and SA50–30A–51 dated August 14, 1958 (Coast Guard classification: Type A, Size II), manufactured by Stop-Fire, Inc., New Brunswick, N.J. (Mailing address: P.O. Box 9, Monmouth Junction, N.J.) (Reinstates and supersedes Approval No. 162.007/40/0 terminated in FEDERAL REGISTER March 25, 1958.)

Approval No. 162.007/54/0, Kidde Model SABS (Symbol SF), 2½-gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. SA50F–0–50 dated December 12, 1951, name plate dwg. Nos. SA50–30K–58 dated August 20, 1958, and SA50–30A–51 dated August 14, 1958 (Coast Guard classification: Type A, Size II), manufactured by Stop-Fire, Inc., New Brunswick, N.J., for Walter Kidde & Co., Inc. Belleville 9, N.J.

FIRE EXTINGUISHERS, PORTABLE, HAND, WATER, CARTRIDGE-OPERATED OR STORED PRESSURE TYPE

Approval No. 162.009/20/0, Elk-Air Model EA–OG, stored pressure water type 2½-gal. hand portable fire extinguished, assembly dwg. No. C–41402 revised May 4, 1956, name plate dwg. No. B–43871 dated January 15, 1959 (Coast Guard classification: Type A, size II), manufactured by Elkhart Brass Manufacturing Co., Inc., Elkhart, Ind.

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/67/0, American LaFrance Model PDC–2A, 2-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 33X–1254, Rev. H dated August 22, 1958, name plate dwg. No. 33X–411, Rev. C dated December 11, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by American LaFrance Corp., Elmira, N.Y.

Approval No. 162.010/68/0, American LaFrance Model Protexall Deluxe 2-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 33X–1334 dated April 16, 1958, name plate dwg. No. 33X–551, Rev. D dated May 21, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by American LaFrance Corp., Elmira, N.Y.

Approval No. 162.010/69/0, Redi-Flo Model DC–2C, 2-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. DC2C–0–57 dated June 9, 1958, name plate dwg. No. DC2C–11–57 dated June 16, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Stop-Fire, Inc., New Brunswick, N.J.

Approval No. 162.010/70/0, Redi-Flo Model DC–2½C, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. DC2C–0–57 dated June 9, 1958, name plate dwg. No. DC2½C–11–57 dated June 16, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Stop-Fire, Inc., New Brunswick, N.J.

Approval No. 162.010/75/0, Fire Guard Model SPS–2½, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP2½–11586, Rev. D dated August 15, 1958, name plate dwg. No. CP2½–11395, Rev. C dated August 8, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill.

Approval No. 162.010/76/0, General (Symbol GE, GEN, or GEP) Model CPS–2½, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP2½–11586, Rev. D dated August 15, 1958, name plate dwg. No. CP2½–11399, Rev. D dated August 8, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 6801 Rising Sun Avenue, Philadelphia 11, Pa., and 8740 Washington Boulevard, Culver City, Calif.

Approval No. 162.010/79/0, Kidde Model 2½ DCP, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 872591, Rev. A dated July 18, 1958, name plate dwg. Nos. 271238, Rev. A dated July 18, 1958, and 242464, Rev. A dated July 18, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J.

Approval No. 162.010/88/0, Kidde Model 5 DCP, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 891219, Rev. A dated July 18, 1958, name plate dwg. Nos. 271239, Rev. A dated July 18, 1958, and 242465, Rev. A dated July 18, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J.

Approval No. 162.010/89/0, Marine Model CG–2½, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP2½–11754 dated December 15, 1958, name plate dwg. No. CP2½–11753, Rev. A dated January 14, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill., for McGinnis Marine Service, 1435 East Northlake, Seattle 5, Wash.

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/37/0, Type 444 backfire flame arrester for carburetors, dwg. Nos. 444 dated July 16, 1958, and FM–6444 dated May 6, 1956, manufactured by Dearborn Marine Engines, Inc., 31465 Stephenson Highway, Royal Oak 4, Mich.

VALVES, PRESSURE VACUUM RELIEF AND SPILL

Approval No. 162.017/65/3, Figure No. 110, pressure-vacuum relief valve, atmospheric pattern, weight-loaded poppets, bronze, Ni-Resist Type 2 (20% Nickel Cast Iron) and stainless steel Type 304, dwg. No. 110–C, Alt. 3 dated July 19, 1955, approved for 4", 5" and 6" sizes, manufactured by Mechanical Marine Company, Inc., 17 Battery Place, New York 4, N.Y. (Supersedes Approval No. 162.017/65/2 published in FEDERAL REGISTER, May 29, 1957.)

VALVES, SAFETY RELIEF, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/47/0, 4" Style JQU safety relief valve for corrosive and liquefied compressed gas, dwg. No. D–41051, revised January 16, 1959, approved for maximum set pressure of 350 p.s.i., discharge capacity 15945 cubic feet per minute of air measured at 60° F., and 14.7 p.s.i.a., manufactured by Crosby Valve and Gage Co., Wrentham, Mass.

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/57/0, #36 Vulcan range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(57–1.1, –2.1, –4.1, –6.1 and –60–1.0).001, manufactured by Vulcan-Hart Manufacturing Co., 3600 North Point Boulevard, Baltimore 22, Md. (Extension of the approval published in FEDERAL REGISTER, December 15, 1953, effective December 15, 1958.)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/90/0, Model 3 Truscale boiler water level indicator, remote reading, 1500 p.s.i., maximum pressure, dwg. No. T–70, Rev. A dated November 17, 1958, dwg. No. T–5, Rev. D dated July 12, 1956, and dwg. No. GD–1102, Alt. 3 dated February 1, 1957, manufactured by Jerguson Gage & Valve Co., Adams Street, Burlington, Mass.

STRUCTURAL INSULATIONS

Approval No. 164.007/25/0, "PC Foamglas" cellulated glass type structural insulation identical to that described in manufacturer's pamphlet No. G2508 revised 10–47, and National Bureau of Standards' letter file 10.2/10.2, FP2628 dated August 25, 1948, and file 10.2 dated October 8, 1948, approved for use without other insulating materials as meeting Class A–60 requirements in a 4-inch thickness and 10 pounds per cubic foot density, manufactured by Pittsburgh Corning Corporation, 1 Gateway Center, Pittsburgh 22, Pa. (Extension of the approval published in FEDERAL REGISTER December 15, 1953, effective October 29, 1958.)

BULKHEAD PANELS

Approval No. 164.008/31/0, hollow steel, asbestos board core, bulkhead panel meeting Class B–15 requirements in a 2¼" thickness with two ¼" asbestos millboard inserts as described in National Bureau of Standards Test Report No. TG10230–16:FP3227 and identified by dwg. No. J–042, revision 1 dated August 20, 1952, manufactured by Martin-Parry Marine Corp., 415 Madison Avenue, New York 17, N.Y. (Extension of the approval published in FEDERAL REGISTER December 15, 1953, effective December 15, 1958.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/56/0, "Isoflex-k20" glass fibrous insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2037:FP3485 dated January 27, 1959, approved in a density of 0.75 pounds per cubic foot, manufactured by Isoflex Sales Company, 1564 Rollins Road, Burlingame, California.

FIRE EXTINGUISHING SYSTEMS, FIXED

Pyrene Marine Air Foam Systems for Passenger, Cargo and Tank Vessels, design data book No. JF–1758, Rev. 3 dated December 5, 1958, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

PART II—TERMINATIONS OF APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

CLEANING PROCESSES FOR LIFE PRESERVERS

Termination of Approval No. 160.006/16/0, Select cleaning process for kapok life preservers, as outlined in letter of September 10, 1958, from the Select Laundry, 2510 Filbert Street, Oakland 7, Calif. (Approved FEDERAL REGISTER December 15, 1953. Termination of approval effective October 29, 1958.)

HAND-PROPELLING GEAR, LIFEBOAT

Termination of Approval No. 160.034/11/0, Type Y, hand-propelling gear, identified by assembly dwg. No. 99–5 dated May 7, 1953, submitted by Marine Safety Equipment Corp., Point Pleasant, N.J. (Approved FEDERAL REGISTER December 15, 1953. Termination of approval effective December 15, 1958.)

LIFEBOATS

Termination of Approval No. 160.035/244/1, 18.0' x 6.0' x 2.5' aluminum, motor-propelled lifeboat without radio cabin (Class B), 14-person capacity, identified by construction and arrangement dwg. No. 49R–1820 dated March 1, 1949, and revised August 15, 1953, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, N.Y. (Approved FEDERAL REGISTER December 15, 1953. Termination of approval effective December 15, 1958.)

Termination of Approval No. 160.035/282/0, 24.0' x 7.63' x 3.21' aluminum, oar-propelled lifeboat, 35-person capacity, identified by construction and arrangement dwg. No. 24–4C dated September 25, 1951, and revised August 14, 1953, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J. (Approved FEDERAL REGISTER December 15, 1953. Termination of approval effective December 15, 1958.)

Termination of Approval No. 160.035/294/0, 24.0' x 7.63' x 3.21' aluminum, motor-propelled lifeboat without radio cabin (Class B), 33-person capacity, identified by construction and arrangement dwg. No. 24–4D dated July 15, 1952, and revised August 29, 1952, manufactured by Marine Safety Equipment Corp., Point Pleastant, N.J. (Approved FEDERAL REGISTER December 15, 1953. Termination of approval effective December 15, 1958.)

Termination of Approval No. 160.035/311/0, 24.0' x 8.0' x 3.5' steel, motor-propelled lifeboat without radio cabin (Class B), 40-person capacity, identified by construction and arrangement dwg. No. 24–9E dated January 12, 1953, and revised October 21, 1953, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J. (Approved FEDERAL REGISTER December 15, 1953. Termination of approval effective December 15, 1958.)

BOILERS, HEATING

Termination of Approval No. 162.003/150/1, Model IDL–30 horizontal fire-tube hot water heating boiler, 2,470,000 B.t.u. per hour, dwg. No. 38–53D–376–5, Rev. 5 dated September 24, 1953, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by The International Boiler Works Co., 1 Birch Street, East Stroudsburg, Pa. (Approved FEDERAL REGISTER December 15, 1953. Termination of approval effective December 15, 1958.)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Termination of Approval No. 162.005/88/0, Moor-Fite (Symbol GA), Swivel Type Model MF–5, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. dated September 8, 1950, name plate dwg. Nos. MF–220 dated February 10, 1954, and GA–99–07A revised July 8, 1953 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured for C. T. Moore Fire Extinguisher Co., 2242 North Figueroa Street, Los Angeles 65, Calif., by General Air Products Corp., 5345 North Kedzie Avenue, Chicago 25, Ill. (Approved FEDERAL REGISTER February 28, 1956.)

Termination of Approval No. 162.005/89/0, Moor-Fite (Symbol GA), Lever Type Model MF–10, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. dated September 8, 1950, name plate dwg. Nos. MF–220 dated February 10, 1954, and GA–99–08A revised July 8, 1953 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured for C. T. Moore Fire Extinguisher Co., 2242 North Figueroa Street, Los Angeles 65, Calif., by General Air Products Corp., 5345 North Kedzie Avenue, Chicago 25, Ill. (Approved FEDERAL REGISTER February 28, 1956.)

Termination of Approval No. 162.005/90/0, Moor-Fite (Symbol GA), Lever Type Model MF–15, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. dated September 8, 1950, name plate dwg. Nos. MF–220 dated February 10, 1954, and GA–99–08A revised July 8, 1953 (Coast Guard classification:

Type B, Size II; and Type C, Size II), manufactured for C. T. Moore Fire Extinguisher Co., 2242 North Figueroa Street, Los Angeles 65, Calif., by General Air Products Corp., 5345 North Kedzie Avenue, Chicago 25, Ill. (Approved FEDERAL REGISTER February 28, 1956.)

FIRE EXTINGUISHERS, PORTABLE, HAND, WATER, CARTRIDGE-OPERATED OR STORED PRESSURE TYPE

Termination of Approval No. 162.009/15/0, Stop-Fire Anti-Freeze, cartridge-operated type 2½-gallon hand portable fire extinguisher, assembly dwg. Nos. WC50-0-49 dated May 9, 1950, and WC50-01-49 dated March 9, 1950, name plate dwg. No. WC50-30A-50 dated April 1, 1951 (Coast Guard classification: Type A, Size II), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn 1, N.Y. (Approved FEDERAL REGISTER December 15, 1953. Termination of approval effective December 15, 1958.)

LOUDSPEAKER SYSTEMS, EMERGENCY

Termination of approval, marine emergency loudspeaker system, manufactured by Communicating Systems, Inc., 130 West 56th Street, New York, N.Y. (Approved 1937.)

Termination of approval, marine emergency loudspeaker system, manufactured by C. C. Galbraith & Son Electric Corp., 450 Avenue of the Americas, New York 11, N.Y. (Approved 1937.)

Termination of approval, Galbraith loudspeaker system, manufactured by C. C. Galbraith & Son Electric Corp., 450 Avenue of the Americas, New York 11, N.Y. (Approved 1937.)

Termination of approval, marine emergency loudspeaker system, manufactured by Guided Radio Corp., New York, N.Y. (Approved 1935.)

Termination of approval, marine emergency loudspeaker system, manufactured by Philco Radio & Television Corp., Tioga and C Streets, Philadelphia, Pa. (Approved 1937.)

Termination of approval, marine emergency loudspeaker system, manufactured by Remler Co., Ltd., 2101 Bryant Street, San Francisco 10, Calif. (Approved 1937.)

Termination of approval, loudspeaker system, Type DM-200, manufactured by Remler Co., Ltd., 2101 Bryant Street, San Francisco 10, Calif. (Approved 1937.)

PART III—CHANGE IN NAMES AND ADDRESSES OF MANUFACTURERS

The address of Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., has been changed to Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and P.O. Box 121, Kansas City 17, Kansas, for Approval Nos. 160.047/92/0, 160.047/93/0, and 160.047/94/0 for kapok buoyant vests published in the FEDERAL REGISTER of July 17, 1956; Approval Nos. 160.047/144/0, 160.047/145/0, and 160.047/146/0 for kapok buoyant vests published in the FEDERAL REGISTER of November 1, 1957; Approval No. 160.048/57/0 for kapok buoyant cushions published in the FEDERAL REGISTER of February 28, 1956; Approval No. 160.048/103/0 for kapok buoyant cushions published in the FEDERAL REGISTER of November 1, 1957; Approval No. 160.002/65/1 for kapok life preservers published in the FEDERAL REGISTER of December 31, 1958; and Approval Nos. 160.052/13/0, 160.052/14/0, 160.052/15/0, 160.052/16/0, 160.052/17/0, and 160.052/18/0 for unicellular plastic foam buoyant vests published in the FEDERAL REGISTER of December 31, 1958.

The address of Universal Match Corp., P.O. Box 191, Ferguson 21, Missouri, has been changed to Universal Match Corp., P.O. Box 5841, St. Louis 21, Missouri, for Approval No. 160.022/6/0 for Model FOS-1 floating orange smoke distress signals published in the FEDERAL REGISTER dated December 8, 1954.

The names and addresses of the Pyrene-C-O-Two Division, The Fyr-Fyter Co., P.O. Box 750, Newark 1, N.J., Buffalo Fire Appliance Corp., Dayton 1, Ohio, Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N.J., and of the C-O-Two Fire Equipment Co., P.O. Box 390, Newark 1, N.J., have all been changed to The Fyr-Fyter Co., Dayton 1, Ohio, for Approval Nos. 162.005/53/2, 162.005/54/2, 162.005/55/2, 162.005/4/1, 162.005/5/1, 162.005/13/2, 162.006/31/0, 162.006/33/1, 162.006/38/1, 162.007/42/0, 162.007/44/1, 162.007/49/0, 162.009/16/0, 162.009/17/0, 162.010/16/0, 162.010/18/0, 162.010/20/0, 162.010/31/0, 162.010/7/1, 162.010/29/0, 162.010/42/0, and all other outstanding unnumbered approvals covering fire protective systems and fixed and semiportable fire extinguishing systems.

Dated: March 10, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral,
U.S. Coast Guard Commandant.

[F.R. Doc. 59-2196; Filed, Mar. 13, 1959; 8:49 a.m.]

DEPARTMENT OF DEFENSE

Department of the Army

ALBERT W. GILMER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 25, 1958.

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

This statement is made as of March 5, 1959.

Dated: March 5, 1959.

ALBERT W. GILMER.

[F.R. Doc. 59-2172; Filed, Mar. 13, 1959; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ALASKAN HOMESTEADERS

Extension of Time To Respond to Requests for Waiver of Claims to Oil and Gas

Pursuant to the authority granted to the Secretary of the Interior by section 2478 of the Revised Statutes (43 U.S.C. 1201), it is hereby ordered that all homesteaders in the State of Alaska who have received or may receive prior to May 6, 1959, a request from the authorized officer of the Bureau of Land Management to file with his office a waiver of claim of rights to the oil and gas deposits in the lands in their homesteads are hereby notified that they have until May 6, 1959, or until 30 days after the receipt of request for said waiver, whichever is later, to take one of the following actions, namely, to file the waiver with the land office, to petition for reclassification of the lands as not oil and gas in character, or to appeal to the Director, Bureau of Land Management, Washington 25, D.C.

ELMER F. BENNETT,
Acting Secretary of the Interior.

MARCH 10, 1959.

[F.R. Doc. 59-2181; Filed, Mar. 13, 1959; 8:46 a.m.]

Office of the Solicitor

[Solicitor's Reg. 5, Amdt. 1]

AUTHORITY RESPECTING CLAIMS

MARCH 9, 1959.

This amendment supersedes the original text of Solicitor's Regulation 5, which is amended to read as follows:

SECTION 1. *Tort claims.* (a) Each Regional Solicitor and Field Solicitor is authorized to determine claims pursuant to the provisions of 28 U.S.C., secs. 2401, 2671-2680 (the Federal Tort Claims Act).

(b) The Regional Solicitor or Field Solicitor who determines the claim shall send to the claimant or his attorney, if the claimant is represented by counsel, a copy of the determination of the claim, and, at the same time, shall notify the claimant of his right to appeal to the Solicitor. A claimant may appeal to the Solicitor by filing with the Regional or Field Solicitor who determined the claim, within 30 days after receipt by the claimant of the determination, a written notice of appeal. The notice of appeal shall set forth the basis for the appeal.

SEC. 2. *Irrigation claims, delegation of authority.* (a) Each Regional Solicitor is authorized

(1) To determine, under the annual Public Works Appropriation Act, claims not exceeding $5,000 for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; and

(a) To determine, under 25 U.S.C., sec. 388, claims not exceeding $5,000 for damages arising out of the survey, construction, operation, or maintenance of irrigation works on Indian irrigation projects.

(b) Each Regional Solicitor shall send to the claimant or his attorney, if the claimant is represented by counsel, and to the Regional or Area Director of the bureau concerned, a copy of the administrative determination of the claim, and, at the same time, shall notify them of their right to appeal to the Solicitor by filing with the Regional Solicitor, within 30 days after receipt of the determination, a written notice of appeal, which shall set forth the basis for the appeal.

SEC. 3. *Irrigation claims, administrative policy.* Neither the act of February 20, 1929 (25 U.S.C., sec. 388), nor the provision recurring in the annual Public Works Appropriation Acts respecting the activities of the Bureau of Reclamation vests in any person a statutory right to compensation.

With relation to the statutory provision regarding reclamation, the Solicitor has stated in pertinent part as follows:

* * * the payment of claims under this statutory provision is discretionary with, and not mandatory upon, the Secretary of the Interior. No claimant has a legal right to demand compensation for property damage arising out of nontortious activities of the Bureau of Reclamation. Congress has merely granted a permissive power to pay such claims if it seems desirable to do so as a matter of policy. Consequently, an important consideration in this case is the view of the administrative officials of the Bureau of Reclamation as to whether, when the various policy considerations are weighed, they believe that the United States should or should not assume the risk of property damage arising out of nontortious activities of the Bureau of Reclamation under circumstances similar to those outlined in your memorandum. Sol's. Op. M-36064, 60 I.D. 451, 454 (1950).

Though the decision of whether a particular claim should be paid is largely discretionary, the following considerations of administrative policy limit this discretion:

(a) Only claims for damages or losses arising out of incidents which are uniquely related to the survey, construction, operation, or maintenance of irrigation or reclamation works, should be considered under these acts. See Marilyn Truscott, 61 I.D. 88, 92 (1953). An operation of a motor vehicle, for example, does not come within this category, and a claim arising out of a collision involving a Bureau of Reclamation truck, for example, should be considered under the Federal Tort Claims Act alone, even though the truck was being used in connection with the construction of a reclamation project.

(b) None of the statutes provides for payment in instances in which the damage or loss has been caused by the negligence or misconduct of Government personnel. Accordingly, even though a claim may have arisen out of the survey, construction, operation, or maintenance of an irrigation project, the claim should be determined under the Federal Tort Claims Act if it appears that negligence or misconduct on the part of a Government employee is present. John C. & Estelle Pond, T-521 (Ir.) (December 4, 1953).

(c) Favorable consideration of a claim is authorized only upon the basis of a factual finding that the damage or loss complained of was a direct result of some nontortious action on the part of personnel of the Bureau of Reclamation, Northern Pacific Railway Company, et al., T-560 (Ir.) (May 10, 1954), or of the Bureau of Indian Affairs.

(d) There is no clear mandate from the Congress in the statutes that this Department should become an insurer and should pay compensation for every type of damage that may result from incidents connected in some manner with the survey, construction, operation, or maintenance of an irrigation project. Accordingly, the following claims have been denied:

C. G. Stephenson, T-75 (Ir.) (May 20, 1948)—Cattle drowned in an irrigation canal;

Luis Guaderrama, T-101 (Ir.) (July 21, 1948)—Damage resulting from a break in an irrigation lateral which was caused by the burrowing of gophers in the canal embankment;

S. Albert Johnson, T-9 (Ir.) (July 17, 1947)—Damage resulting from the act of a third person who had placed a "check board" in an irrigation lateral;

Daryl L. Roberts, T-401 (Ir.) (October 29, 1951)—losses of personal property occurring to federal employees as incidents of their employment; and

Clairemott, Inc., T-442 (Ir.) (September 28, 1954)—Damage resulting from flooding caused by negligence of an independent contractor constructing an irrigation canal for the Bureau of Reclamation.

(e) Claims will be denied if no identifiable property or property right is damaged.

City of Redding, T-440 (Ir.) (August 8, 1952)—Damage to swimming pool used by riparian owner and formed in a stream as a result of the construction of a dam; and

Roxie Thorson and Marie Downs, 63 I.D. 12 (1956)—Dilution of salinity of lake from which claimant, an owner of adjoining property, extracted salts for commercial purposes.

(f) The Department's views on the payment of claims that grow out of damage to a claimant's property as a result of the seepage of water from an irrigation canal or reservoir are expressed in the determination of the claim of James Purdon and Mary Purdon, Solicitor's determination M-34113 (August 6, 1948). The damage to the claimant's property from seepage from an adjacent irrigation canal was held to have resulted from the operation or maintenance of the canal by the Bureau of Reclamation. It was contended that the financial loss to the owner of property damaged by the escape of water from a reservoir or canal may prove equally serious whether such escape was due to a break in an embankment or to seepage. The determination states:

There is an obvious difference between this type of case and those in which claimants seek compensation for damages caused by the escape of irrigation water due to the acts of private persons * * * or due to the burrowing of animals * * *. The previous opinions of the Solicitor's Office treating cases of damage from seepage as controlled by the rulings in cases where the escape of irrigation water was attributable to the burrowing of animals seem to have been based upon an unsound analogy.

(g) Damage was allowed for the seepage of water through the pervious banks of a natural stream when such seepage was directly caused by irrigation works of the Bureau of Reclamation. Bertha Theobald, T-569 (Ir.) (June 30, 1954).

SEC. 4. *Government claims, Bonneville Power Administration.* The regional Solicitor, Portland Region, is authorized to compromise claims and demands of the United States pursuant to section 12 of the act of August 20, 1937, as amended (16 U.S.C., sec. 832k).

(210 DM2.3, 24 F.R. 1349)

GEORGE W. ABBOTT,
Solicitor.

[F.R. Doc. 59-2182; Filed, Mar. 13, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 1558]

MISSISSIPPI VALLEY STOCKYARDS, INC., RESPONDENT

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 February 27, 1958 (17 A.D. 86), authorizing the respondent, Mississippi Valley Stockyards, Inc., St. Louis, Missouri, to assess the current schedule of rates and charges.

By a petition filed on February 26, 1959, the respondent requested authority to modify the current schedule of rates and charges as indicated below:

YARDAGE ON ALL CLASSES OF ORIGINAL RECEIPTS AND RESALES—COMMISSION DIVISION

	Present rate, per head	Proposed rate, per head
* * *	*	*
Cattle (400 pounds or over)	$0.95	$0.98
Calves (less than 400 pounds)	.51	.54
Hogs	.32	.34
Sheep and goats	.20	.22
* * *	*	*

Authority is also requested to add a new section to the current schedule to read:

Charges on regular auction sales of livestock held under the auspices of the market interests, will be the regular yardage charge plus a ring fee of 50 cents per head on cattle, 25 cents per head on hogs and 10 cents per head on sheep.

The modifications, if authorized, will produce additional revenue for the respondent 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 the publication of this notice.

Done at Washington, D.C., this 10th day of March 1959.

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

[F.R. Doc. 59-2220; Filed, Mar. 13, 1959; 8:52 a.m.]

[P. & S. Docket No. 450]

DENVER UNION STOCK YARD CO., RESPONDENT

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 September 18, 1957 (16 A.D. 897), authorizing the respondent, The Denver Union Stock Yard Company, Denver, Colorado, to assess the current schedule of rates and charges to and including December 31, 1959, unless modified or extended by further order before the latter date.

By a petition filed on February 25, 1959, the respondent requested authority to modify the current schedule of rates and charges as indicated below, and to assess the current schedule, as so modified, to and including December 31, 1960.

SECTION 1, YARDAGE

* * * * *

	Present rate, per head	Proposed rate, per head
Cattle (except bulls)	$1.00	$1.15
Bulls (600 pounds and over, except purebreds)	1.37	1.60
Calves (400 pounds and under)	.57	.65

* * * * *

SECTION 2, RESALE OR REWEIGH

* * * * *

Cattle (except purebred cows):		
Resold and/or reweighed through or by commission firms	$1.00	$1.15
Resold and/or reweighed for purposes of sale except through commission firms	.28	.31
Resold and/or reweighed other than through a commission firm for shipment from the stockyards	.14	.15
Bulls (600 pounds and over, except purebred bulls) Resold and/or reweighed through or by commission firms	1.37	1.60
Calves (400 dounds and under):		
Resold and/or reweighed through or by commission firms	.57	.65
Resold and/or reweighed for purposes of sale except through commission firms	.15	.17
Resold and/or reweighed other than through a commission firm for shipment from the stockyards	.06	.07

* * * * *

SECTION 3, DELIVERY DIRECT TO PACKERS

	Present rate, per head	Proposed rate, per head
* * *	*	*
Cattle (except bulls)	$1.00	$1.15
Bulls (600 pounds and over)	1.37	1.60
Calves (400 pounds and under)	.57	.65
* * *	*	*

The modifications, if authorized, will produce additional revenue for the respondent 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 the publication of this notice.

Done at Washington, D.C., this 10th day of March 1959.

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

[F.R. Doc. 59-2221; Filed, Mar. 13, 1959; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10281]

[Order No. E-13597]

AIR TRANSPORT ASSOCIATION OF AMERICA ET AL.

Order Instituting an Inspection and Review

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of March 1959.

In the matter of an inspection and review of the activities of the Air Transport Association of America and its instrumentalities; Docket No. 10281.

The Air Transport Association of America (ATA), an unincorporated, non-profit organization, was formed by a group of airlines in 1936 to deal with mutual problems on a cooperative basis. These airlines form the core of the current membership of the Association, although in recent years membership has expanded to include the bulk of the certificated carriers, including the local service and cargo carriers. The ATA played an active part in the Congressional hearings which led to the passage of the Civil Aeronautics Act of 1938. Subsequent thereto, the Articles of Association were submitted to the Board, as required by section 412 of the Act,[1] and were approved.[2] The order of approval clearly stated that "the Board does not approve or disapprove any subsequent contract or agreement entered into, or any specific action taken pursuant to said Articles of Association," but imposed no specific conditions respecting the filing of actions of the Association, or the maintenance of its records for inspection or review by the Board to ascertain compliance with section 412. Nor have any of the subsequent orders of the Board, approving various revisions to the Articles, required submission to the Board of Association actions, or the maintenance or submission of any record thereof.[3] In addition, there has been no comprehensive review of ATA's activities by the Board since 1940 when ATA's Articles of Association were first approved. Since that time, the Association's activities have grown not only in magnitude, but also in the diversity of areas covered. The Association's organization and professional staff illuminate the range of the Association's present broad interest. Listed below are the many departments, conferences, and committees through which it carries on its functions.[4]

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[1] "(a) Every air carrier shall file with the Board a true copy, or, if oral, a true and complete memorandum, of every contract or agreement (whether enforceable by provisions for liquidated damages, penalties, bonds, or otherwise) affecting air transportation and in force on the effective date of this section or hereafter entered into, or any modification or cancellation thereof, between such air carrier and any other air carrier, foreign air carrier, or other carrier for pooling or apportioning earnings, losses, traffic, service, or equipment, or relating to the establishment of transportation rates, fares, charges, or classifications, or for preserving and improving safety, economy and efficiency of operation, or for controlling, regulating, preventing, or otherwise eliminating destructive, oppressive, or wasteful competition, or for regulating stops, schedules, and character of service, or for other cooperative working arrangements."

[2] Order No. 704, dated October 25, 1940.

[3] Orders Nos. E-5844, dated November 8, 1951; E-6351, dated April 23, 1952; E-7831, dated October 19, 1953; E-9155, dated April 29, 1955; and E-11171, dated March 27, 1957.

[4] Among the departments of the Association are: Traffic, Operations & Engineering, Finance & Accounting, Personnel Relations, Public Affairs, Public Relations, Federal Affairs, Research, Office of ATC Enforcement, Legal, and Treasury. The Association committees include: Nominating, Arbitration, Airport Agreements, Legislative Drafting, Tax Policy, Administrative Procedures, and International. Among the conferences of the Association are: Air Traffic Conference, Airlines' Operations Conference, Engineering & Maintenance Conference, Finance & Accounting Conference, and Personnel Relations Conference.

Some of the functions of, and areas of interest of these various departments, committees and conferences are: Safety regulations; air traffic control; navigation and landing aids; airport development; clearing house for solving communications problems with Aeronautical Radio, Inc.; efficient utilization of air space; problems dealing with engineering, maintenance and purchasing which arise within the industry; the study of

One of these conferences, the Air Traffic Conference, has filed under section 412 a great number of its resolutions which have been approved by the Board. However, the orders of approval have never required the maintenance or filing of records with the Board. In addition, neither the by-laws of this or any other conference have been approved by the Board.[5]

Both air transportation, and the role of ATA in such transportation, have matured since 1940, and it is apparent that a further formal and close review of the practices and the activities of ATA is now clearly warranted. In this connection, there has recently been filed with the Board an amendment of the Association's Articles of Association respecting the proration of dues amongst the operator and associate members. While this amendment sets forth the formula for assessment of dues in unmistakable terms, the Board has no knowledge of the specific contributions by, and assessments upon, each such member under the formula. The dues so paid are intended to cover the actual expenses of the Association. The formula is premised upon the amount of money to be spent under the Association's budget, and the Board has insufficient information concerning this budget. Obviously, information as to past and current Association budgets and individual member contributions thereto will be required by the Board in order to evaluate the amendment. Furthermore, certain carriers may control the policies and decisions of ATA, since the Board understands that voting rights, as well as dues, are determined substantially by annual revenue ton miles flown. Therefore, it is appropriate for the Board to determine to what extent, if any, the large carriers control the actions of all carriers through the instrumentality of ATA and the extent to which this may be affected by the amendment.

For these reasons, the Board finds that it is in the public interest to institute a general inspection and review of the activities and practices of ATA, its instrumentalities, and the members of ATA pertaining to their relationships with, and activities of, ATA to determine whether the Board should continue its approval of the organization of ATA under section 412, and if so, whether such approval should be made subject to further conditions. In view of the Board's limited information about ATA's organizational structure and activities, the first part will be a discovery process—an ascertainment by informal means of facts concerning ATA, its instrumentalities, and the relationship of the members of ATA with each other through ATA and its activities. In order to facilitate the acquisition by the Board of this information, the Board finds that it is reasonably necessary for the administration of this Act and for the conduct of said inspection to require ATA, its instrumentalities and the members of ATA to perform the following acts: First, to preserve and make available for inspection by the Board and its staff, during the pendency of this proceeding, all records of ATA, its instrumentalities, and the members of ATA, relating to the activities and practices of the ATA and its instrumentalities, including but not limited to diaries, minutes, and agendas of all meetings of members, committees, boards of directors, conferences, arbitration boards, etc., all accounts, records and memoranda, including all documents, papers and correspondence, now or hereafter existing, irrespective of whether such materials are those of ATA or of its instrumentalities or of other persons; second, to show cause why they should not:

1. File with the Board a copy of each currently effective resolution adopted by ATA's board of directors and by ATA's membership at general and special meetings and to file with the Board all such future resolutions;

2. File with the Board a list showing the dues and assessments paid by each member of ATA for support of the Association for the period between January 1, 1950 and the date of this order;

3. File with the Board summary statements of the Association's authorized budgets for the years 1950 to 1959, inclusive;

4. Maintain full and complete minutes of meetings of the board of directors of ATA, the general membership of ATA and ATC and such other conferences as now or may hereafter exist;

5. File with the Board the minutes of future meetings of the Board of directors of ATA, of the general membership of ATA and of ATC;

6. File with the Board copies of written opinions and reports submitted by the Director of the ATC Enforcement Office and decisions of the arbitrators thereon, since January 1, 1958 and hereafter, pursuant to Agreement CAB No. 9057 (Resolution on Establishment of Enforcement Office).

7. File with the Board a list, by subject matter, of all files destroyed by ATA and its instrumentalities, if any, and by ATA's members pertaining to ATA's activities and the members' relationships with ATA, between January 1, 1956 and the date of this order;

Therefore, it is ordered:

1. That a general inspection and review of the activities and practices of ATA its instrumentalities, and the members of ATA pertaining to their relationships with, and activities of, ATA be and it hereby is instituted to determine whether the Board should continue its approval of the organization of ATA, and if so, whether the Board should impose further conditions to such approval, and said proceeding is assigned Docket No. 10281;

2. That the carriers specified below be and they hereby are made parties to said proceeding, and that copies of this order shall be served upon them;

3. That ATA, its instrumentalities and the members of ATA shall preserve and make available for inspection by the Board and its staff, during the pendency of this proceeding, all records of ATA, its

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aircraft accidents and recommendation for corrective measures; noise abatement; detailed traffic analyses at key traffic centers; coordination of all international changes in procedures affecting the airline industry with domestic operations; the publication and distribution of industry passenger tariffs; the administration of the sales agency program; the administration and coordination of the industry air mail, air parcel post and military advertising and promotional programs; the administration of the Universal Air Travel Plan; coordination of the industry military traffic program and the routing of military movements; the conduct of continuous no-show studies and analyses of trends; the improvement and refinement of reservations procedures; the gathering, organization, analysis and interpretation of factual material regarding the traffic, finances, and operations of the scheduled airlines, for use in the determination of industry policy; the study and analysis of trends and relationships between the various forms of transportation, particularly as these are likely to affect airline activities; consultation work with boards, committees, panels, and commissions, within the industry and in private business; the channeling of information regarding the air transport industry to the federal, state and municipal legislative bodies; assuring uniformity in account classification through the "Uniform System of Accounts for Air Carriers" and the "Report of Financial and Operating Statistics for Air Carriers;" the publication of airline finance and operating statistics; the exchange of information concerning the latest techniques in the internal audit field generally, and in the airline internal audit field particularly; the periodic examination of the books of account and records of various corporations organized to conduct industry joint ventures; the editing of the industry Air Cargo Claims Manual and rendering insurance services to corporations organized to conduct industry joint ventures; the settlement of accounts arising out of the sale of interline tickets and interline air cargo; the rendering of legal advice and assistance to the various Association committees and conferences; representing the airline industry in proceedings before various Government agencies concerning general air carrier policy; the preparation of agreements between air carriers, and the filing of such agreements with the Board; the furnishing of air transport material to news services, periodicals, and other publications and answering requests from schools, etc.; formulation of industry-wide objectives and the determination of general policies to be followed in promoting air transportation to the public; the promotion of aviation education, and the collection and dissemination of the industry's publications relating to air transportation.

[5] The Air Traffic Conference filed its by-laws with the Board under section 412 of the Act on March 30, 1939. By unnumbered order dated May 23, 1939 (Agreement CAB No. 106), the Board held that the by-laws of the ATC "do not constitute a contract or agreement affecting air transpotration * * * within the meaning of section 412(a) of the Act, and therefore section 412(a) of the Act is not applicable to said by-laws." Subsequently, the then General Counsel of the Board ruled that the by-laws of the Airline Finance and Accounting Conference, a subsidiary organization of the Association, were not fileable under section 412 of the Act. The by-laws of the Airlines Operations Conference have been filed with the Board (Agreement CAB No. 10251). The by-laws, if any, of the Personnel Relations Conference, which became a part of ATA on January 1, 1957, have not been filed with the Board. In the light of subsequent Board decisions, the Board believes that it should re-examine the by-laws of ATA's conferences to determine whether they are fileable under section 412. Cf. Order No. E-5164, March 2, 1951, agreement for establishment of IMATA (Agreement CAB No. 4838); Order No. E-5165, March 2, 1951, agreement for establishment of ACTA (Agreement CAB No. 4839); Order No. E-5379, May 15, 1951, agreement for establishment of Independent Air Carriers Conference (Agreement CAB No. 5067).

instrumentalities and the members of ATA, relating to the activities and practices of the ATA and its instrumentalities, including but not limited to diaries, minutes, and agendas of all meetings of members, committees, boards of directors, conferences, arbitration boards, etc., all accounts, records and memoranda, including all documents, papers and correspondence now or hereafter existing, irrespective of whether such materials are those of ATA or of its instrumentalities or of other persons;

4. That the members of ATA shall cause ATA and its instrumentalities to perform the duties imposed upon them by foregoing paragraph 3;

5. That ATA and the carriers specified in the attached appendix be and they hereby are each directed to show cause why the Board should not issue an order further amending the orders approving the Articles of Association of ATA and the amendments thereof so as to require ATA, its instrumentalities, and the members of ATA to:

a. File with the Board within thirty (30) days a copy of each currently effective resolution adopted by ATA's board of directors and by ATA's membership at general and special meetings and to file with the Board all such future resolutions;

b. File with the Board within thirty (30) days a list showing the dues and assessments paid each year by each member of ATA for support of the Association for the period between January 1, 1950 and the date of this order;

c. File with the Board within thirty (30) days summary statements of the Association's authorized budgets for the years 1950 to 1959, inclusive;

d. Maintain full and complete minutes of meetings of the board of directors of ATA, the general membership of ATA and ATC, and such other conferences as now or may hereafter exist;

e. File with the Board within thirty (30) days thereafter the minutes of future meetings of the board of directors of ATA, of the general membership of ATA and of ATC;

f. File with the Board within thirty (30) days copies of written opinions and reports submitted by the Director of the ATC Enforcement Office and decisions of the arbitrators theron, since January 1, 1958 and hereafter, pursuant to Agreement CAB No. 9057 (Resolution on Establishment of Enforcement Office);

g. File with the Board within thirty (30) days a list, by subject matter, of all files destroyed, between January 1, 1956 and the date of this order, by ATA and its instrumentalities, if any, and by ATA's members pertaining to ATA's activities and the members' relationships with ATA.

6. That any interested person having objection to the issuance of a final order requiring ATA, its instrumentalities and the members of ATA, to file the documents and/or information specified under ordering paragraph 5, above, shall within ten (10) days from the date hereof, file written notice of objection with the Board, and if notice is filed, written answer and supporting documents must be filed within twenty (20) days after the date of service of the order;

7. That if notice of objection is not filed within ten (10) days, or if notice is filed and answer is not filed within twenty (20) days after service of this order, all parties shall be deemed to have waived all further procedural steps before final decision on the matters involved in ordering paragraph 5 above, and the Board may enter a final order requiring ATA, its instrumentalities, and the members of ATA to file the documents and/or information set forth in subparagraphs (a), (b), (c), (d), (e), (f) and (g) of said paragraph 5;

8. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

PARTIES

AAXICO Airlines, Inc.
Alaska Airlines, Inc.
Alaska Coastal Airlines
Allegheny Airlines, Inc.
American Airlines, Inc.
Bonanza Air Lines, Inc.
Braniff Airways, Inc.
Capital Airlines, Inc.
Caribbean Atlantic Airlines, Inc.
Central Airlines, Inc.
Chicago Helicopter Airways, Inc.
Continental Air Lines, Inc.
Cordova Airlines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
Ellis Air Lines
The Flying Tiger Line, Inc.
Frontier Airlines, Inc.
Hawaiian Airlines, Inc.
Lake Central Airlines, Inc.
Los Angeles Airways, Inc.
Mackey Airlines, Inc.
Mohawk Airlines, Inc.
National Airlines, Inc.
New York Airways, Inc.
North Central Airlines, Inc.
Northwest Airlines, Inc.
Northeast Airlines, Inc.
Northern Consolidated Airlines, Inc.
Ozark Air Lines, Inc.
Pacific Air Lines, Inc.
Pacific Northern Airlines, Inc.
Pan American-Grace Airways, Inc.
Pan American World Airways, Inc.
Piedmont Aviation, Inc.
Reeve Aleutian Airways, Inc.
Resort Airlines, Inc.
Riddle Airlines, Inc.
Seaboard & Western Airlines, Inc.
Southern Airways, Inc.
Trans-Caribbean Airways, Inc.
Trans-Texas Airways
Trans World Airlines, Inc.
United Air Lines, Inc.
West Coast Airlines, Inc.
Western Air Lines, Inc.
Wien Alaska Airlines, Inc.

[F.R. Doc. 59-2225; Filed, Mar. 13, 1959; 8:53 a.m.]

[Order No. E-13598]

[Agreement CAB No. 12687]

MEMBERS OF THE AIR TRAFFIC CONFERENCE OF AMERICA

Establishment of a Fly and Drive Promotional Program

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1959.

There has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 and Part 261 of the Board's Economic Regulations a resolution adopted by the members of the Air Traffic Conference of America (ATC) which authorizes the Executive Secretary of ATC to enter into an agreement with the various car rental companies for the purpose of establishing a fly-and-drive promotional program. This resolution will become effective upon Board approval. Under the proposed agreement with the car rental companies, the participating airlines would undertake to use their best efforts to encourage the use of car-rental services by airline passengers and would make car-rental reservations. The participating car-rental companies, on the other hand, would pay $1.00 into a fly-and-drive promotional fund for each rental resulting from a reservation made by an airline party. This fund would be administered by ATC and would be used for the promotion and development of fly-and-drive customers, with particular emphasis on attracting members of the public who might otherwise make trips by private automobile. ATC states that no such agreement has yet been negotiated with any car rental company.

Upon consideration of Agreement CAB No. 12687, the Board finds that although this agreement does not appear to be adverse to the public interest or in violation of the act, its subject matter is such that it may substantially affect the interests of persons who are not parties to it and, therefore, that the public interest requires that such persons be given the opportunity to present their views, either in support of or in opposition to this agreement, before the Board takes final action thereon. The Board will therefore defer action on this agreement, with a view toward eventual approval, pending the receipt of such comments. In order that all interested persons may have official notice of this action, this order shall be published in the FEDERAL REGISTER.

Accordingly, it is ordered:

1. That action on Agreement CAB No. 12687 be, and it hereby is, deferred with a view toward eventual approval.

2. That any party to this agreement, or any interested person, may, within 30 days from the date hereof, submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to this agreement. Such statements should conform to the general requirements of the Board's Rules of Practice in Economic Proceedings.

3. That if no statements in opposition to this agreement are submitted within 30 days, the Board will, by subsequent order, approve this agreement subject to such conditions, if any, that it may deem appropriate.

4. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59-2226; Filed, Mar. 13, 1959; 8:53 a.m.]

[Docket No. 10023]

KOREAN NATIONAL AIRLINES

Notice of Hearing

In the matter of the application of Korean National Airlines for an amendment of its foreign air carrier permit so as to authorize it to engage in off-route charter service.

Notice is hereby given that, pursuant to the Federal Aviation Act of 1958, a hearing in the above-entitled proceeding is assigned to be held on March 20, 1959, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., March 10, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-2227; Filed, Mar. 13, 1959; 8:53 a.m.]

[Docket No. 9175]

FLYING TIGER AIR-TRUCK SERVICE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on March 25, 1959, at 10:00 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 10, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-2228; Filed, Mar. 13, 1959; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

KTAG ASSOCIATES (KTAG-TV) ET AL.

Applications for Modification of Construction Permits, Amended

In re applications of Charles W. Lamar, Jr., J. Warren Berwick, Harold Knox & R. B. McCall, Jr., d/b as KTAG Associates (KTAG-TV), Lake Charles, Louisiana; Docket No. 12176, File No. BMPCT-4682; for modification of construction permit. Evangeline Broadcasting Company, Inc., Lafayette, Louisiana; Docket No. 12177, File No. BPCT-2335; Acadian Television Corporation, Lafayette, Louisiana; Docket No. 12178, File No. BPCT-2351; for construction permits for new television broadcast stations. Camellia Broadcasting Company, Inc., (KLFY-TV) Lafayette, Louisiana; Docket No. 12436, File No. BMPCT-4711; for modification of construction permit.

The Commission's Memorandum Opinion and Order (FCC 59-150), adopted February 25, 1959, in the above entitled proceeding is corrected as follows:

In line 3, part 1 of the ordering clause, add the phrase "and Evangeline Broadcasting Company" after the word "Corporation".

Released: March 11, 1959.

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

[F.R. Doc. 59-2198; Filed, Mar. 13, 1959; 8:49 a.m.]

[Docket No. 12179, etc.; FCC 59-194]

RADIO ST. CROIX, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Radio St. Croix, Incorporated, New Richmond, Wisconsin; Docket No. 12179, File No. BP-10925; (Requests: 1590 kc, 5 kw, Day). Florida East Coast Broadcasting Company, Inc., South St. Paul, Minnesota; Docket No. 12180, File No. BP-11170; (Requests: 1590 kc, 5 kw, Day). Hennepin County Broadcasting Company, Golden Valley, Minnesota; Docket No. 12181, File No. BP-11341; (Requests: 1590 kc, 5 kw, Day). Elmwood Park Broadcasting Corporation, Elmwood Park, Illinois; Docket No. 12786, File No. BP-9104; (Requests: 1540 kc, 250 w, Day). Walter L. Follmer, Hamilton, Ohio; Docket No. 12787, File No. BP-11323; (Requests: 1560 kc, 1 kw, DA-1, U). Charles J. Lanphier, Golden Valley, Minnesota; Docket No. 12788, File No. BP-11629; (Requests: 1570 kc, 500 w, Day). United Broadcasters, Incorporated, Muncie, Indiana; Docket No. 12789, File No. BP-11679; (Requests: 1550 kc, 250 w, DA-1, U). Interstate Broadcasting Company, Inc. (WQXR), New York, New York; Docket No. 12790, File No. BP-11707; (Has: 1560 kc, 50 kw, DA-1, Unl., Class I-B); (Requests: 1560 kc, 50 kw, DA-2 using daytime pattern until sunset at Bakersfield, California). James B. Tharpe & Joseph L. Rosenmiller, Jr., tr/as Delaware County Broadcasters, Muncie, Indiana; Docket No. 12791, File No. BP-11769; (Requests: 1550 kc, 250 w, DA-1, U). Joe Gratz, tr/as Minnesota Radio Company, Hopkins-Edina, Minnesota; Docket No. 12792, File No. BP-11891; (Requests: 1550 kc, 10 kw, Day). Booth Broadcasting Company (WTOD), Toledo, Ohio; Docket No. 12793, File No. BP-12035; (Has: 1560 kc, 1 kw, Day); (Requests: 1560 kc, 5 kw, DA, Day). S. M. Supply Company, Eau Claire, Wisconsin; Docket No. 12794, File No. BP-12039; (Requests: 1550 kc, 5 kw, Day). Rollins Broadcasting, Inc. (WBEE), Harvey, Illinois; Docket No. 12795, File No. BP-12074; (Has: 1570 kc, 1 kw, Day); (Requests: 1550 kc, 50 kw, Day). Courier-Times, Inc., New Castle, Indiana; Docket No. 12796, File No. BP-12292; (Requests: 1550 kc, 250 w, DA-1, U). Eider C. Stangland, Sheldon, Iowa; Docket No. 12797, File No. BP-12317; (Requests: 1550 kc, 500 w, Day). Radio Crawfordsville, Inc., Crawfordsville, Indiana; Docket No. 12798, File No. BP-12330; (Requests: 1550 kc, 250 w, DA-N, U). Sullivan County Broadcasters, Inc., Sullivan, Indiana; Docket No. 12799, File No. BP-12370; (Requests: 1550 kc, 250 w, Day). North Shore Broadcasting Co., Inc., Madison, Wisconsin; Docket No. 12800, File No. BP-12434; (Requests: 1550 kc, 5 kw, DA-1, U). Carl R. Lee and Theodore H. Oppegard, d/b as Somerset Broadcasting Company, Delaware, Ohio; Docket No. 12801, File No. BP-12500; (Requests: 1550 kc, 500 w, DA, Day). Gordon A. Rogers & John Pave, d/b as Skokie Valley Broadcasting Co., Evanston, Illinois; Docket No. 12802, File No. BP-12524; (Requests: 1550 kc, 1 kw, D). Southern Wisconsin Co., Inc., Lake Geneva, Wisconsin; Docket No. 12803, File No. BP-12585; (Requests: 1550 kc, 1 kw, DA, Day). Guy E. McGaughey, Jr., Jacksonville, Illinois; Docket No. 12804, File No. BP-12628; (Requests: 1550 kc, 250 w, 1 kw-LS, DA-2, U). Russell Armentrout & Mildred Armentrout, d/b as Grundy Broadcasting Company, Morris, Illinois; Docket No. 12805, File No. BP-12651; (Requests: 1550 kc, 250 w, Day), for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of March 1959;

The Commission having under consideration the above captioned and described applications for standard broadcast construction permits; and

It appearing, that the proposal of Elmwood Park Broadcasting Corporation (BP-9104) would involve mutual interference with the proposals in applications BP-12524 and BP-12074; would cause interference to the proposal in the application BP-12651; would cause objectionable interference to Stations WTKM, Hartford, Wisconsin, WLOI, LaPorte, Indiana, and KXEL, Waterloo, Iowa; would receive from Stations WTKM, WLOI, and other applications interference which would affect more than 10 percent of the population within its normally protected primary service area in contravention of the provisions of § 3.28(c) of the Commission rules; that the application is more than five years old, and much of the data therein is now obsolete or not in the form required by the present Commission rules; that, on the basis of the information before us, it cannot be determined that the applicant is legally, technically, financially, or otherwise qualified or that the proposal is in compliance with applicable provisions of the Commission rules; and that there has been no recent determination of whether the proposed antenna system would constitute a hazard to air navigation; and the proposal specifies a type of operation listed in § 1.351 of the Commission rules, and, pursuant to the provisions thereof, must be held without final action until the conclusion of proceedings in Docket No. 8333 concerning the daytime skywave matter; and that 2 and 25 mv/m contour overlap with BP-12074 would result; and

It further appearing, that the proposal of Walter L. Follmer (BP-11323) would cause interference to the proposals in

applications BP–12292 and BP–11707; would receive interference daytime from the proposals in applications BP–12035 and BP–12292; and nighttime, from Station WQXR, New York City, New York, and also from the proposal in application BP–11707 (Station WQXR) interference which would affect more than 10 percent of the population in the instant proposal's normally protected primary service area in contravention of the provisions of § 3.28(c) of the Commission rules; that the instant proposal would be limited to its 36.5 mv/m contour (approximately) by the proposal in application BP–11707 (WQXR) during the period of total darkness between New York City and Hamilton, Ohio and, thus, would not provide adequate coverage of Hamilton in accordance with the Commission rules; that the instant proposal would not provide adequate protection to the secondary service area of the proposal in application BP–11707 (WQXR) during the period of darkness when the latter would be operating with its daytime directional antenna pattern; that, in a letter dated February 12, 1959, the instant applicant contends that the said interference to the proposal in application BP–12292 is small and that the instant proposal should be severed from the proceeding herein; but that, we are of the opinion that the instant proposal cannot be so severed because the applicant in BP–12292 has not accepted the said interference, and the interference, in addition to other interference received, may preclude the proposal in BP–12292 from complying with the provisions of § 3.28(c) of the Commission rules; and

It further appearing, that the proposal of Charles J. Lanphier (BP–11629) involves mutual interference with the proposals in applications BP–11170, BP–11341, and BP–11891; that the applicant proposes joint use of the KEVE (Golden Valley, Minnesota) antenna tower; and that, thus, in the event this proposal is favored in the hearing, it appears necessary for the applicant to submit sufficient field intensity measurement data, made before and after the installation and adjustment of the necessary isolation circuits, to prove that the KEVE radiation pattern has not been seriously affected; and to remeasure the common point resistance of the KEVE array after the isolation circuits have been installed and adjusted to prove that no material change has resulted in the KEVE array common point resistance; and

It further appearing, that the proposal of United Broadcasters, Incorporated (BP–11679) would cause objectionable interference to Station WAAY, Huntsville, Alabama, and the proposals in applications BP–11769 and BP–12292; and would receive interference from the proposals in applications BP–11769, BP–12292, BP–12500, BP–12074, and BP–12330; that individual balance sheets of Henry M. Best, Jr., Roy L. Davis, and Richard K. Byers do not show sufficient quick assets to meet their respective stock commitments in addition to their proposed loan to W. B. Burwell, and, accordingly, it cannot be found that this applicant is financially qualified to construct and operate its proposed station; and

It further appearing, that the proposal of Interstate Broadcasting Company, Inc., (BP–11707) specifies a modification of its daytime operation only, utilizing a new daytime directional antenna pattern until local sunset at Bakersfield, California, the location of KPMC, the other U.S. Class I–B assignment on this channel; that, thus, WQXR would be operating during the times when paths of total darkness exist between New York and other Class II assignments on this frequency, as a result of which, the RSS nighttime limitations of Stations KWCO, Chickasha, Oklahoma and WDXR, Paducah, Kentucky would be raised from 4.16 mv/m to 5.85 mv/m and from 7.50 mv/m to 17.3 mv/m, respectively; that, in addition, KWCO, WDXR and the proposed Hamilton operations would not adequately protect the secondary service contour of WQXR during part of the period when the latter uses its proposed daytime pattern from local sunset at the Class II location to local sunset at Bakersfield; that the instant applicant contends that, as a Class I–B station, its proposal complies with the rules and should be granted without a hearing; that by letters dated August 13, 1958 and February 25, 1959, the licensees of Stations KWCO and WDXR, respectively, requested that the WQXR application be designated for hearing; and that, we believe that, due to the extent of interference to existing services, public interest considerations require that it be set for hearing; and

It further appearing, that the proposal of Delaware County Broadcasters (BP–11769) would cause objectionable interference to Station WAAY, Huntsville, Alabama, and the proposals in applications BP–11679 and BP–12292; and would receive interference from the proposals in applications BP–11679, BP–11292, BP–12500, BP–12074, and BP–12330; and

It further appearing, that the proposal of Minnesota Radio Company (BP–11891) would involve mutual interference with the proposals in applications BP–11629, BP–12039, and BP–12317; would involve overlap of the 2 and 25 mv/m contours with the proposal in application BP–11629; that, except with respect to the 25 mv/m contour providing service to both Hopkins and Edina, Minnesota, the applicant does not make the required showing under § 3.30 of the Commission rules in support of its request for dual city operation; and that, in view of the strong signal that would be produced at the Minneapolis Naval Air Station, a grant of this application should contain the condition that second harmonic radiation shall not cause objectionable interference to the government use of 3100, 3102, and 3109 kilocycles at the Naval Air Station; and

It further appearing, that the proposal of Booth Broadcasting Company (BP–12035) would cause objectionable interference to Station WTNS, Coshocton, Ohio and to the proposal in application BP–11323; that interference would be received from WTNS; that a current photograph showing details within the proposed 1000 mv/m contour has not been submitted, and, accordingly, it cannot be determined whether the proposed site is satisfactory and in accordance with § 3.188 of the Commission rules; that the applicant is licensee of seven standard broadcast stations, WIOU, Kokomo, Indiana, WBBC, Flint, Michigan, WJLB, Detroit, Michigan, WJVA, South Bend, Indiana, WSGW, Saginaw, Michigan, WIBM, Jackson, Michigan, and WTOD, Toledo, Ohio, which are located in a centralized area, and a grant of the instant proposal to increase the power of WTOD to 5 kilowatts may be in contravention of § 3.35(b) of the Commission with respect to concentration of control; and that in the event of a grant of this application, the existing tower of WTOD shall be removed; and

It further appearing, that the proposal of S.M. Supply Company (BP–12039) involves mutual interference with the proposal in application BP–11891 and would receive interference from the proposal in application BP–12434; and that the interference received may affect in excess of 10 percent population within the normally protected primary service area of this proposal; and

It further appearing, that the proposal of Rollins Broadcasting, Inc. (BP–12074) would involve mutual interference with Station WTKM, Hartford, Wisconsin, and with the proposals in applications BP–12524, BP–12585, BP–9104, BP–12330, BP–12434, and BP–12651; and would cause interference to the proposals in applications BP–11679, BP–11769, BP–12292 and BP–12370; that it has not been determined whether the proposed antenna system would constitute a hazard to air navigation; that, since the applicant has submitted no recent site photograph showing clearly the area in its proposed 1000 mv/m contour, it cannot be determined whether the site specified is satisfactory pursuant to the requirements of § 3.188 of the Commission rules; that the instant applicant owns or controls seven standard broadcast stations; that G. Russell Chambers, director of engineering for Rollins Broadcasting, Inc., is licensee of 1 standard broadcast station and has interests in applications for two other standard broadcast stations, BP–11293, and BP–11863 (Docket No. 12622); that in Docket No. 12622, there is an issue as to whether the interests of Mr. Chambers and Rollins Broadcasting, Inc., are, in fact, under common control, in contravention of § 3.35 of the Commission rules; and that a grant of the instant proposal may result in concentration of control in contravention of § 3.35 of the Commission rules; and it cannot be found that the programming proposed is in the public interest since it was specified for the applicant's 1 kw operation and is not related to its proposed 50kw operation; and

It further appearing, that the proposal of Courier-Times, Inc. (BP–12292) would cause objectionable interference to Stations WAAY, Huntsville, Alabama; KRES, St. Joseph, Missouri; and WCKY, Cincinnati, Ohio; and to the proposals in applications BP–11769, BP–11679, BP–12628, BP–12330, and BP–11323; and would receive interference from Station CBE, Windsor, Ontario, Canada, and from the proposals in applications BP–

11769, BP–11679, BP–12330, BP–12074, and BP–11323; and

It further appearing, that the proposal of Eider C. Stangland (BP–12317) would involve mutual interference with the proposal in BP–11891; that interference received from BP–11891 may affect more than 10 percent of the population in the normally protected primary service area of the instant proposal; that the proposal to finance this operation through the sale of Station KBRK, Brookings, South Dakota, is not supported by a definite agreement or commitment for sale, as required by paragraph 4, section III, of the application; and that it cannot be found that the applicant has sufficient quick assets to be financially qualified to construct and operate the instant proposal; and

It further appearing, that the proposal of Radio Crawfordsville, Inc. (BP–12330) would involve mutual interference with the proposals in applications BP–12292, BP–12074, and BP–12370; would cause interference to the proposals in applications BP–11679, BP–11769; and would receive interference from the proposal in application BP–12434; and that the interference received daytime within the normally protected primary service area may exceed 10 percent; that concurrent consideration with the proposal in BP–12434 is necessary in view of the possibility that "white areas" of the instant proposal may be involved; and that capital stock subscription agreements for a total of $20,000 (including $1,200 issued) are insufficient to meet total required expenditures of approximately $25,119 for the first year, and, accordingly, it cannot be found that the instant applicant is financially qualified; and

It further appearing, that the proposal of Sullivan County Broadcasters, Inc. (BP–12370) would cause objectionable interference to Station WTAY, Robinson, Illinois, and to the proposal in the application BP–12330; and would receive from WTAY, BP–12330 and BP–12074 interference which may affect more than 10 percent of the population in its normally protected primary service areas in contravention of the provisions of § 3.28(c) of the Commission rules; and

It further appearing, that the proposal of North Shore Broadcasting Co., Inc. (BP–12434) would cause objectionable interference to Stations KRES, St. Joseph, Missouri, and WAAY, Huntsville, Alabama; would receive from Stations KRES, WAAY, and CBE, Windsor, Ontario, Canada, interference which would affect more than 10 percent of the population within the normally protected primary service area of its proposed operation in contravention of the provisions of § 3.28(c) of the Commission rules; would involve mutual interference with the proposals in applications BP–12074, BP–12524, and BP–12585; would cause interference to the proposals in applications BP–12628, BP–12330, and BP–12039; that due to the high degree of radiation suppression, it may not be possible to adjust and maintain the directional antenna system, as proposed; and that, in a letter dated December 23, 1958, relative to the application of North Shore Broadcasting Co., Inc. for renewal of license of Station WEAW–FM, Evanston, Illinois, the Commission raised questions on whether the licensee and instant applicant had abdicated control over programing and whether Commission rules had been violated by eliminating certain announcements from programs transmitted; that these questions still obtain with respect to the qualifications of the instant applicant; that in a letter dated February 6, 1959, the applicant was advised that the financial information on file did not show adequate quick assets available to cover expenditures involved in its three pending applications, i.e., the instant application and applications BP–11768 and BP–12365; and

It further appearing, that the proposal of Somerset Broadcasting Company (BP–12500) would cause interference to the proposals in applications BP–11679 and BP–11769; and would receive interference from the proposals in applications BP–11679 and BP–11769, interference which would affect more than 10 percent of the population in the normally protected primary service area of the instant proposal; and

It further appearing, that the proposal of Skokie Valley Broadcasting Co. (BP–12524) would involve mutual interference with the proposals in applications BP–9104, BP–12074, BJ–12651, BP–12434, and BP–12585; that due to the proximity of Station WNMP, Evanston, Illinois, only 40 kilocycles removed, cross-modulation may result, and, accordingly, in the event that the instant application is granted the construction permit shall contain a condition that the permittee take all necessary corrective action to eliminate any cross-modulation or distortion problems that may so result from said construction; and that due to the proximity of Station WEAW, Evanston, Illinois, serious distortion to the directional antenna pattern of that station may result, and accordingly, in the event that the instant application is granted, the CP shall contain a condition that the permittee take all necessary action to prove that distortion of the WEAW pattern has not resulted from this construction; and that it appears that there would be an overlap of the 2 mv/m and 25 mv/m contours of the instant application and BP–9104, contrary to the provisions of § 3.37 of the Commission's rules; and

It further appearing, that the proposal of Southern Wisconsin Co., Inc. (BP–12585) would involve mutual interference with Station WTKM, Hartford, Wisconsin, and the proposals in applications BP–12074, BP–12434, BP–12524, and BP–12651; and that this interference received may affect in excess of 10 percent of the population within the proposed normally protected primary service area; [1] and

It further appearing, that the proposal of Guy E. McCaughey, Jr. (BP–12628) would receive interference from the proposals in applications BP–12434 and BP–12292; that by amendment filed on February 26, 1959, the applicant avers that no white areas are involved in the interference from BP–12434 and BP–12292; but that said applicant has submitted no statement accepting the interference from the proposals in applications BP–12434 and BP–12292; and that interference would be caused to Stations WAAY and KRES; and

It further appearing, that the proposal of the Grundy Broadcasting Company (BP–12651) would involve mutual interference with the proposals in applications BP–12074, BP–12524, and BP–12585; and would receive from the proposal in application BP–9104 interference that would affect more than 10 percent of the population in the normally protected primary service area of the instant proposal; and that, in a letter dated January 26, 1959, the applicant was advised that the balance sheets of the two partners showed insufficient quick assets to cover the cost of $19,500 involved in its instant proposal and a proposal for a new station at Princeton, Illinois, BP–12135, but that, in an amendment filed on February 13, 1959, the applicant submitted bank loans totalling $20,000 and is found financially qualified to construct and operate its instant proposal; and

It further appearing, that, except as indicated by the issues specified below, each of the instant applicants, except Elmwood Park Broadcasting Corporation, is legally and technically qualified, that each of the instant applicants, except North Shore Broadcasting Co., Inc., United Broadcasters, Incorporated, Eider C. Stangland, Radio Crawfordsville, Inc. and Elmwood Park Broadcasting Corporation is financially qualified; and that each of the instant applicants, except Rollins Broadcasting, Inc., Elmwood Park Broadcasting Corporation, and Booth Broadcasting Company is otherwise qualified; to construct and operate its instant proposals; and

It further appearing, that by an Order adopted on September 25, 1957 (released on September 30, 1957) the Commission designated for hearing in a consolidated proceeding (Docket Nos. 12179 et al.) the above-captioned applications of Radio St. Croix, Incorporated, Florida East Coast Broadcasting Company, Inc., and Hennepin County Broadcasting Company; that on October 9, 1957, the above-referenced application of Charles J. Lanphier was filed; that this application was mutually exclusive with those in Docket Nos. 12179 et al.; that the application of Charles J. Lanphier was filed within ten days of the release of the Order designating for hearing the applications in Docket Nos. 12179 et al., and was, therefore, entitled to be consolidated in said hearing, pursuant to § 1.724(b) of the Commission rules, which was then in effect; and

It further appearing, that pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applicants and other applicants herein were advised by letter dated January 26, 1959, of the aforementioned deficiencies with respect to their applications; that the Commission was unable to conclude that a grant of any one of the

[1] On February 25, 1959, the applicant amended to specify a directional antenna, and it has not been determined whether the proposed towers would constitute a hazard to air navigation.

applications herein would be in the public interest; and that the instant proposals should be consolidated in the hearing proceeding in Docket Nos. 12179, et al.; and

It further appearing, that timely replies were received from the above-captioned applicants, but that no replies were received from four other applicants herein, Lake Shore Broadcasting Company (BP-4750, D-7629, 1520 kc, 5 kw, Day, Evanston, Illinois), Lake States Broadcasting Company (BP-5359, D-8119, 1520 kc, 5 kw, DA-1, Unl., Milwaukee, Wisconsin), Waukegan Broadcasting Corporation (BP-5781, 1550 kc, 250 w, Day, Waukegan, Illinois), and Lake County Broadcasting Corp. (BP-6152, 1520 kc, 5 kw, DA, Day, Hammond, Indiana); and that, accordingly, the said four applications should be dismissed, pursuant to § 1.312(b) of the Commission rules, for failure to prosecute; and

It further appearing, that Florida East Coast Broadcasting Co. by petition filed on November 12, 1957, requested that the Commission dismiss or withhold action on the application of Charles J. Lanphier on the ground that it is a contingent application, and, also, was not filed within 10 days of the date on which the application of Florida East Coast Broadcasting was designated for hearing and, therefore, was not timely filed to be entitled to consolidation; but that, since the application of Charles J. Lanphier was not, as a matter of fact, contingent, and was filed within 10 days of the release of the Order designating for hearing the applications of Florida East Coast Broadcasting Co. and others, it is, as stated above, entitled to consolidation pursuant to § 1.724(b) of the Commission rules, which was then in effect; and that, accordingly, the said petition should be denied; and

It further appearing, that Booth Broadcasting Company has requested an extension of time to reply to the Commission's above-referenced letter of January 26, 1959, and certain other applicants have indicated that further data will be filed; but we are of the opinion that the public interest, proper dispatch of the Commission's administrative responsibility, and the equities of the other applicants herein require our consolidating the said applications without delay; and that, after the applications are designated for hearing, the applicants may petition for leave to amend their applications pursuant to § 1.311(b) of the Commission rules which provides that such petition may be granted if good cause is shown; and

It further appearing, that, in view of the foregoing, the Commission is of the opinion that a consolidated hearing on the instant applications is necessary;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, that the last twenty above-captioned applications are consolidated in the hearing proceeding with the first three above-captioned applications in Docket Nos. 12179 et al. 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 Stations WQXR, WTOD and WBEE as proposed herein, 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 each of the other proposals herein and the availability of other primary service to such areas and populations.

3. To determine whether objectionable interference would be caused by the proposed operation of the Elmwood Park Broadcasting Corporation (BP-9104) to Stations WTKM, Hartford, Wisconsin, WLOI, La Porte, Indiana, and KXEL, Waterloo, Iowa; by the proposed operation of United Broadcasters, Incorporated (BP-11679) to Station WAAY, Huntsville, Alabama; by the proposed operation of the Interstate Broadcasting Company, Inc. (WQXR) (BP-11707) to Stations KWCO, Chickasha, Oklahoma, and WDXR, Paducah, Kentucky; by the proposed operation of Delaware County Broadcasters (BP-11769) to Station WAAY, Huntsville, Alabama; by the proposed operation of the Booth Broadcasting Company (WTOD) (BP-12035) to Station WTNS, Coshocton, Ohio; by the proposed operation of Rollins Broadcasting, Inc. (WBEE) (BP-12074) to Station WTKM, Hartford, Wisconsin; by the proposed operation of Courier-Times, Inc. (BP-12292) to Stations WAAY, Huntsville, Alabama, KRES, St. Joseph, Missouri, and WCKY Cincinnati, Ohio; by the proposed operation of Sullivan County Broadcasters, Inc. (BP-12370) to Station WTAY, Robinson, Illinois; by the proposed operation of the North Shore Broadcasting Co., Inc. (BP-12434) to Stations WAAY, Huntsville, Alabama, and KRES, St. Joseph, Missouri; by the proposed operation of the Southern Wisconsin Co., Inc. (BP-12585) to Station WTKM, Hartford, Wisconsin; by the proposed operation of Guy E. McGaughey, Jr. (BP-12628) to Stations WAAY, Huntsville, Alabama, and KRES, St. Joseph, Missouri; and to any other existing standard broadcast stations, and, if so, the nature and extent thereof 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 operations proposed in the above-entitled applications 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, because of interference received, the proposed operations of the Elmwood Park Broadcasting Corporation (BP-9104); Walter L. Follmer (BP-11323); S. M. Supply Company (BP-12039); Eider C. Stangland (BP-12317); Radio Crawfordsville, Inc. (BP-12330); Sullivan County Broadcasters, Inc. (BP-12370); the North Shore Broadcasting Co. Inc. (BP-12434); Somerset Broadcasting Company (BP-12500); the Southern Wisconsin Co., Inc. (BP-12585); and the Grundy Broadcasting Company (BP-12651), would comply with § 3.28(c) of the Commission 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.

6. To determine whether overlap of the proposed 2 and 25 mv/m contours would occur between the proposed operation of the Elmwood Park Broadcasting Corporation (BP-9104) and the respective proposed operations of Rollins Broadcasting, Inc. (WBEE) (BP-12074) and the Skokie Valley Broadcasting Co. (BP-12524) in contravention of the provisions of § 3.37 of the Commission rules.

7. To determine whether overlap of the proposed 2 and 25 mv/m contours would occur between the proposed operation of Charles J. Lamphier (BP-11629) and the respective proposed operations of Radio St. Croix, Incorporated (BP-10925), the Florida East Coast Broadcasting Company, Inc. (BP-11170), the Hennepin County Broadcasting Company (BP-11341) and the Minnesota Radio Company (BP-11891) in contravention of the provisions of § 3.37 of the Commission rules.

8. To determine whether the transmitter site proposed by the Hennepin County Broadcasting Company (BP-11341); by Booth Broadcasting Company (BP-12035); and by Rollins Broadcasting, Inc. (BP-12074), would be satisfactory in accordance with the provisions of § 3.188 of the Commission rules.

9. To determine whether the Elmwood Park Broadcasting Corporation (BP-9104) is legally, financially, technically and otherwise qualified to construct and operate its proposed station and whether its instant proposal is in compliance with applicable provisions of the Commission rules, with particular reference to the requirements of §§ 3.24, 3.33 and 3.188 of the rules.

10. To determine whether the antenna systems proposed by the Southern Wisconsin Co., Inc. (BP-12585), Elmwood Park Broadcasting Corporation (BP-9104), and Rollins Broadcasting, Inc. (WBEE) (BP-12074) would constitute hazards to air navigation.

11. To determine whether, because of the nighttime interference which would be received from the proposed operation of Station WQXR, the proposed operation of Walter L. Follmer (BP-11323) would provide adequate coverage of the city sought to be served in accordance with the requirements of § 3.188 of the Commission rules.

12. To determine whether Elmwood Park Broadcasting Corporation (BP-9104); United Broadcasters, Incorporated (BP-11679); Eider C. Stangland (BP-12317); North Shore Broadcasting Co., Inc. (BP-12434); and Radio Crawfordsville, Inc. (BP-12330), are financially qualified to construct and operate their proposed stations.

13. To determine whether the application of the Minnesota Radio Company includes a sufficient showing under the requirements of § 3.30 of the Commission rules to warrant an authorization for dual city operation.

14. To determine if the transmitter site proposed by the Booth Broadcasting Company (WTOD) (BP-12035) and by Rollins Broadcasting, Inc. (WBEE) (BP-

12074) is satisfactory with particular regard to any obstructions that may exist in the immediate vicinity of the antenna system which would distort the proposed directional antenna radiation pattern.

15. To determine whether a grant of the application of the Booth Broadcasting Company (WTOD) (BP–12035) and of Rollins Broadcasting, Inc. (WBEE) (BP–12074) would be in contravention of § 3.35(b) of the Commission rules.

16. To determine the type and character of the program service proposed by Rollins Broadcasting, Inc. (WBEE) (BP–12074) and whether said program service would be in the public interest.

17. To determine whether, due to the high degree of radiation suppression proposed, North Shore Broadcasting Co. Inc. (BP–12434), will be able to adjust and maintain its directional antenna system as specified.

18. 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 best provide a fair, efficient and equitable distribution of radio service.

19. To determine, on a comparative basis, in the event that, pursuant to the foregoing issue, Golden Valley, Minnesota, or Muncie, Indiana, is, or are, considered to have the greater need or needs for a new standard broadcast station, which of the proposals of Hennepin County Broadcasting Company (BP–11341) and Charles J. Lanphier (BP–11629) for Golden Valley, and of United Broadcasters, Incorporated (BP–11679) and Delaware County Broadcasters (BP–11769) for Muncie, would best serve the public interest, convenience and necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the applicants for the same city to own and operate its proposed station.

(b) The proposals of each of the applicants for the same city with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the said applications specifying the same town.

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

It is further ordered, That this Order supersedes with respect to the issues only, the Commission's Order of September 25, 1957, designating for hearing the first three above-captioned applications.

It is further ordered, That KRES Radio Corporation; Smith Broadcasting, Inc.; L. B. Wilson, Incorporated; LaPorte County Broadcasting Co. Inc.; Ann Broadcasting Corporation; Times-Press Radio, Inc.; Coshocton Broadcasting Co.; Jack L. Pink tr/as Washita Valley Broadcasting Company; and Cy N. Bahakel, licensees of Stations KRES, St. Joseph, Missouri; WAAY, Huntsville, Alabama; WCKY, Cincinnati, Ohio; WLOI, LaPorte, Indiana; WTAY, Taylorville, Illinois; WTKM, Hartford, Wisconsin; WTNS, Cochocton, Ohio; KWCO, Chickasha, Oklahoma; and KXEL, Waterloo, Iowa; respectively, and E. Weaks McKinney-Smith, permittee of Station WDXR, Paducah, Kentucky, ARE MADE PARTIES to the proceeding.

It is further ordered, That, if the proposal of Elmwood Park Broadcasting Corporation is favored in the hearing, it will be held without final action pursuant to the provisions of § 1.351 of the Commission rules.

It is further ordered, That, in the event of a grant of the proposal by Charles J. Lanphier, the construction permit shall contain a condition that the permittee must submit sufficient field intensity measurement data, made before and after the installation and adjustment of the necessary isolation circuits, to prove that the radiation pattern of Station KEVE, Golden Valley, Minnesota, has not been seriously affected; and remeasure the common point resistance of the KEVE array after the isolation circuits have been installed and adjusted to prove that no material change has resulted in the KEVE array common point resistance.

It is further ordered, That, in the event the instant proposal of North Shore Broadcasting Co., Inc. is favored in the hearing, it will be held without final action pending Commission action on applications by the said applicant for renewal of licenses of Stations WEAW, File No. BR–2993, and WEAW–FM, File No. BRH–85, Evanston, Illinois.

It is further ordered, That, in the event of a grant of the proposal of Minnesota Radio Company, the construction permit shall contain a condition that second harmonic radiation must not cause objectionable interference to the government use of 3100, 3102, and 3109 kilocycles at the Minneapolis Naval Air Station.

It is further ordered, That, in the event of a grant of the proposal of Booth Broadcasting Company (BP–12035), the construction permit shall contain a condition that the permittee remove the existing tower of Station WTOD.

It is further ordered, That, in the event of a grant of the proposal of Skokie Valley Broadcasting Co. (BP–12524), the construction permit shall contain a condition that the permittee must (a) take all necessary corrective action to eliminate any cross-modulation or distortion problems that may result from its operation to Station WNMP, Evanston, Illinois, and (b) prove that distortion of the directional antenna pattern of Station WEAW, Evanston, Illinois, has not resulted from the construction.

It is further ordered, That, pursuant to § 1.312(b) of the Commission rules, the above-referenced applications for new standard broadcast stations by Lake Shore Broadcasting Company (BP–4750, Docket No. 7629, requesting 1520 kc, 5 kw, Day, Evanston, Illinois); Lake States Broadcasting Company (BP–5359, Docket No. 8119, 1520 kc, 5 kw, DA–1, Unl., Milwaukee, Wisconsin); Waukegan Broadcasting Corporation (File No. BP–5781, 1550 kc, 250 w, Day, Waukegan, Illinois); and Lake County Broadcasting Corp. (BP–6152, 1520 kc, 5 kw, DA Daytime, Hammond, Indiana), are dismissed for lack of prosecution.

It is further ordered, That the above-referenced request by Booth Broadcasting Company for an extension of time to reply to the Commission's letter of January 26, 1959, is denied.

It is further ordered, That the above-referenced petition by Florida East Coast Broadcasting Co. to dismiss, or hold without further action on, the instant proposal of Charles J. Lanphier (BP–11629) is denied.

It is further ordered, That, to avail themselves of the opportunity to be heard, any applicants and parties respondent herein shall (except with respect to the first three above-captioned applications), pursuant to § 1.140 of the Commission rules, in person or by attorney, within 20 days from 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 this preceeding 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: March 10, 1959.

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

[F.R. Doc. 59–2199; Filed, Mar. 13, 1959; 8:49 a.m.]

[Docket Nos. 12556, 12557; FCC 59M–289]

BERKSHIRE BROADCASTING CO., INC. (WSBS) AND NAUGATUCK VALLEY SERVICE, INC.

Order Scheduling Hearing

In re applications of Berkshire Broadcasting Co., Inc. (WSBS), Great Barrington, Massachusetts; Docket No. 12556, File No. BP–11546; Naugatuck Valley Service, Inc., Naugatuck, Connecticut; Docket No. 12557, File No. BP–11962; for construction permits.

The Hearing Examiner having under consideration a motion filed February 19, 1959, on behalf of Naugatuck Valley Service, Inc., requesting that a hearing date be established; and

It appearing that no opposition to the motion has been filed and that a granting thereof will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 6th day of March 1959, that the above motion is granted, and that the hearing of evidence in this

proceeding shall be commenced at 10:00 a.m. on Tuesday, March 24, 1959.

Released: March 9, 1959.

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

[F.R. Doc. 59-2200; Filed, Mar. 13, 1959; 8:49 a.m.]

[Docket No. 12560; FCC 59M-293]

LAKESIDE BROADCASTERS

Order Continuing Hearing

In re application of Edward J. Jansen and Keith Jack Rudd, d/b as Lakeside Broadcasters, Sparks, Nevada; Docket No. 12560, File No. BP-11656; for construction permit.

The Hearing Examiner has before him a Petition for Continuance of the hearing in the above-entitled proceeding from March 6, 1959, to March 19, 1959, filed by Lakeside Broadcasters on March 6, 1959;

It appearing that counsel for the Broadcast Bureau, the only other party to the proceeding, has no objection to grant of the petition;

It is ordered, This 6th day of March 1959, that the above-described petition for continuance is granted; and the hearing now scheduled for March 6, 1959, is continued to March 19, 1959, at 9:30 a.m.

Released: March 9, 1959.

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

[F.R. Doc. 59-2201; Filed, Mar. 13, 1959; 8:49 a.m.]

[Docket Nos. 12654, 12655; FCC 59M-297]

OLD BELT BROADCASTING CORP. (WJWS) AND JOHN LAURINO

Order Continuing Hearing

In re applications of Old Belt Broadcasting Corporation (WJWS), South Hill, Virginia; Docket No. 12654, File No. BP-11412; John Laurino, Scotland Neck, North Carolina; Docket No. 12655, File No. BP-12109; for construction permits.

The Hearing Examiner having under consideration a "Motion for Continuance" filed by Old Belt Broadcasting Corporation on March 6, 1959, requesting that each of the various dates now applicable to the further proceedings in the above-captioned matter be continued for a period of approximately 30 days; and

It appearing, that the applicants are seeking to resolve the conflict between their respective applications and that there is prospect of the early consummation of an agreement between them which would achieve such result; and

It further appearing, that the continuances requested are necessary to afford sufficient time for the parties to work out the final details of an agreement and to prepare any papers, amendments and further pleadings to be filed in this proceeding or with the Commission; and

It further appearing, that counsel for the other parties herein have consented to the continuances requested, and have also waived the 4-day requirement of § 1.43 of the Commission's rules so as to permit prompt action on the subject motion; and

It further appearing, that good cause has been shown for granting the "Motion for Continuance" in all respects by adoption of the new dates proposed in the opening paragraph thereof;

Accordingly, it is ordered, This 6th day of March 1959 that the above-described motion of Old Belt Broadcasting Corporation is granted, and that the dates heretofore fixed for the further proceedings specified below are continued as follows:

	From—	To—
Exchange of engineering exhibits among counsel	Mar. 10, 1959	Apr. 10, 1959
Exchange of non-technical exhibits among counsel	Mar. 17, 1959	Apr. 17, 1959
Copies of all proposed exhibits to be supplied to the Hearing Examiner	Mar. 17, 1959	Apr. 17, 1959
Commencement of the formal hearing	Mar. 31, 1959	[1] Apr. 28, 1959

[1] Notification of necessity for production of witnesses for cross-examination will be given on or before April 21, 1959, instead of March 24, 1959.

Released: March 9, 1959.

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

[F.R. Doc. 59-2202; Filed, Mar. 13, 1959; 8:50 a.m.]

[Docket No. 12696; FCC 59M-303]

BOOTH BROADCASTING CO. (WBBC)

Order Continuing Hearing

In re application of Booth Broadcasting Company (WBBC), Flint, Michigan; Docket No. 12696, File No. BP-11661; for construction permit.

The Hearing Examiner having under consideration an oral request on behalf of the applicant for a continuance of the hearing now scheduled to commence on March 13, 1959;

It appearing that there is no opposition to the requested continuance and good cause having been stated;

It is ordered, This 10th day of March 1959 that the hearing is continued from March 13 to March 20, 1959.

Released: March 10, 1959.

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

[F.R. Doc. 59-2203; Filed, Mar. 13, 1959; 8:50 a.m.]

[Docket Nos. 12697, 12698; FCC 59M-302]

CONTINENTAL BROADCASTING CORP. (WHOA) AND JOSE R. MADRAZO

Order Scheduling Prehearing Conference

In re applications of Continental Broadcasting Corporation (WHOA), San Juan, Puerto Rico, Docket No. 12697, File No. BP-10489; Jose R. Madrazo, Guaynabo, Puerto Rico, Docket No. 12698, File No. BP-11480; for construction permits.

It is ordered, This 10th day of March 1959 that a further prehearing conference will be held in the above-entitled proceeding at 2:00 p.m. on Wednesday, March 11, 1959.

Released: March 10, 1959.

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

[F.R. Doc. 59-2204; Filed, Mar. 13, 1959; 8:50 a.m.]

[Docket Nos. 12726, 12727; FCC 59M-301]

BRINKLEY BROADCASTING CO. AND TRI-COUNTY BROADCASTING CO.

Order Continuing Hearing

In re applications of Sam W. Anderson tr/as Brinkley Broadcasting Company, Brinkley, Arkansas, Docket No. 12726, File No. BP-11719; Mason W. Clifton tr/as Tri-County Broadcasting Company, Brinkley, Arkansas, Docket No. 12727, File No. BP-11919; for construction permits.

Pursuant to prehearing conference held in the above-entitled proceeding on March 5, 1959: *It is ordered*, This 9th day of March 1959, that hearing herein, which is presently scheduled to commence on March 20, 1959, be, and the same is hereby, continued to April 28, 1959, at 10:00 o'clock a.m. in the offices of the Commission, Washington, D.C.

Released: March 10, 1959.

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

[F.R. Doc. 59-2205; Filed, Mar. 13, 1959; 8:50 a.m.]

[Docket No. 12735 etc.; FCC 59M-308]

TEMPE BROADCASTING CO., ET AL.

Order Continuing Hearing

In re applications of W. H. Hansen, Robert William Hansen, and Clyde J. Barnes, d/b as Tempe Broadcasting Company, Tempe, Arizona, Docket No. 12735, File No. BP-11283; Richard B. Gilbert, Tempe, Arizona, Docket No. 12736, File No. BP-11887; David V. Harman, Tempe, Arizona, Docket No. 12737, File No. BP-12388; for construction permits.

Pursuant to prehearing conference held in the above-entitled proceeding on this date: *It is ordered*, This 9th day of March 1959, that hearing herein, which is presently scheduled to commence on March 25, 1959, be, and the same is hereby, continued to May 12, 1959, at 10:00 o'clock a.m. in the offices of the Commission, Washington, D.C.

Released: March 11, 1959.

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

[F.R. Doc. 59-2206; Filed, Mar. 13, 1959; 8:50 a.m.]

[Docket Nos. 12753, 12754; FCC 59M-285]

LOUIS W. SKELLY AND MON-YOUGH BROADCASTING CO. (WMCK)

Order Continuing Hearing

In re applications of Louis W. Skelly, Conneaut, Ohio, Docket No. 12753, File No. BP-11725; Mon-Yough Broadcasting Company (WMCK), McKeesport, Pennsylvania, Docket No. 12754, File No. BP-12263; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding and agreements reached by the parties at the prehearing conference held herein on March 4, 1959;

It is ordered, This 4th day of March 1959, that the hearing presently scheduled for April 6, 1959, is continued until June 1, 1959, at 10:00 a.m.

Released: March 5, 1959.

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

[F.R. Doc. 59-2207; Filed, Mar. 13, 1959; 8:50 a.m.]

[Docket No. 12768; FCC 59M-291]

TEXAS TRAWLERS, INC.

Order Scheduling Hearing

In the matter of Texas Trawlers, Inc., P.O. Box 330, Brownsville, Texas, Docket No. 12768; order to show cause why there should not be revoked the License for Radio Station WF-5985 aboard the vessel "Kashwer," or, in the alternative, why a Cease and Desist Order should not be issued.

It is ordered, This 6th day of March 1959, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 23, 1959, in Washington, D.C.

Released: March 9, 1959.

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

[F.R. Doc. 59-2210; Filed, Mar. 13, 1959; 8:50 a.m.]

[Docket No. 12755; FCC 59M-288]

QUAD CITIES BROADCASTING CO.

Order Continuing Hearing

In re application of Gilbert E. Metzger, Louis O. Mitzlaff, John R. Ax and Dennis J. Keller, d/b as Quad Cities Broadcasting Company, Brazil, Indiana, Docket No. 12755, File No. BP-11831; for construction permit.

Upon informal request of counsel for Quad Cities Broadcasting Company, and with the consent of counsel for the other parties thereto: *It is ordered*, This 6th day of March 1959, that the prehearing conference in this matter now scheduled for the instant date, and the hearing now scheduled for April 6, 1959, respectively, are continued indefinitely pending disposition by the Commission of a request of Quad Cities for reconsideration of the Order released February 6, 1959, designating its subject application for hearing.

Released: March 9, 1959.

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

[F.R. Doc. 59-2208; Filed, Mar. 13, 1959; 8:50 a.m.]

[Docket No. 12767; FCC 59M-292]

KUTCHER CONSTRUCTION CO.

Order Scheduling Hearing

In the matter of Kutcher Construction Company, 828 Wells Avenue, Reno, Nevada, Docket No. 12767; order to show cause why there should not be revoked the license for Special Industrial Radio Stations KPE-69, KOK-481, and KD-6523.

It is ordered, This 6th day of March 1959, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 27, 1959, in Washington, D.C.

Released: March 9, 1959.

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

[F.R. Doc. 59-2209; Filed, Mar. 13, 1959; 8:50 a.m.]

[Docket No. 12770, etc.; FCC 59-192]

MOYER RADIO ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Keith Moyer and Roger L. Moyer d/b as Moyer Radio, Providence, Rhode Island, Docket No. 12770, File No. BP-11140; Requests: 990 kc, 50 kw, DA-D; Golden Gate Corporation, Providence, Rhode Island, Docket No. 12771, File No. BP-11945; Requests: 990 kc, 50 kw, DA-D; Lorraine S. Salera, Arthur L. Movsovitz and Edson E. Ford d/b as Bristol County Broadcasting Co., Warren, Rhode Island, Docket No. 12772, File No. BP-11407; Requests: 990 kc, 500 w Daytime; Radio Rhode Island, Inc., Providence, Rhode Island, Docket No. 12773, File No. BP-12383; Requests: 990 kc, 50 w, DA-D; Camden Broadcasting Company, Inc., Providence, Rhode Island, Docket No. 12784, File No. BP-12836; Requests: 990 kc, 50 kw, DA-D; for construction permits for new standard broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of March 1959;

The Commission having under consideration the above captioned and described applications; and

It appearing that the Commission, by Order adopted on February 18, 1959, designated for hearing the applications of Moyer Radio, Golden Gate Corporation, Bristol County Broadcasting Co., and Radio Rhode Island, Inc. because the proposals therein involve mutually destructive interference; and that on February 17, 1959, the mutually exclusive application of Radio Providence, File No. BP-11990, was amended to specify the same engineering but a new applicant, Camden Broadcasting Company, Inc., and new financing and programming, and said application was given a new file number, BP-12836, pursuant to § 1.354(h) of the Commission rules; and

It further appearing that, except as indicated by the issues specified below, Camden Broadcasting Company, Inc., is legally, financially, technically, and otherwise qualified to operate the proposed station but that the proposed operation is mutually exclusive with the operations proposed in the four applications mentioned above and that the application of Camden Broadcasting Company, Inc., was substantially complete and tendered for filing on the day before the Commission designated for hearing the other above-captioned applications and, therefore, is entitled to consolidation therewith pursuant to § 1.106 (b)(1) of the Commission's rules; and

It further appearing that, the proposal of Camden Broadcasting Company, Inc. appears to be in contravention of the provisions of the proposed Bilateral Agreement between the United States and Canada concerning the assignment of Class II stations on Class I-A channels by virtue of an objection by the Canadian authorities with respect to the secondary lobe radiation in the approximate directions of N. 8.5° E. and N. 29° E., and, therefore, in the event of favorable consideration of the proposal in a hearing, final action will be withheld, pending conclusion of the proceedings in Docket 10453; that Radio Providence, of which Camden Broadcasting Company, Inc., is the successor, was notified of the aforementioned in a letter dated December 10, 1958; and

It further appearing that Camden Broadcasting Company, Inc., by letter of February 20, 1959, expressly waived its right under section 309(b) of the Communications Act of 1934, as amended, to be advised by letter of any new deficien-

cies in the said application, in order to save time in processing the application; that a copy of the said letter was served on the other applicants herein; and that the other applicants filed no objection to the said waiver; and

It further appearing that the public interest would be served by allowing said notice to be waived as requested by the instant applicant, see Niagara Frontier Amusement Corp., 10 Pike and Fischer, R.R. 57, 58; and that no other party will be prejudiced thereby, since the applicant is the only party entitled under section 309(b) to reply to a letter advising it of the deficiencies found; and

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

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the application of Camden Broadcasting Company, Inc., is consolidated in the hearing proceeding on the above-captioned applications on the following issues:

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

2. To determine whether the directional antenna system of Moyer Radio can be adjusted and maintained as proposed.

3. To determine whether the proposal of Bristol County Broadcasting Co. can be expected to achieve minimum radiation efficiency for this class of station as required by § 3.189 of the Commission rules.

4. To determine whether the 0.005 mv/m contour of Bristol County Broadcasting Co. overlaps the Canadian border in contravention of the provisions of the North American Regional Broadcasting Agreement.

5. To determine whether the proposal of Bristol County Broadcasting Co. contravenes the provisions of the proposed Bilateral Agreement between Canada and the United States with respect to assignment of Class II stations on Class I–A channels.

6. To determine whether Bristol County Broadcasting Co. is financially qualified to construct and operate its proposed station.

7. To determine whether the proposal of Camden Broadcasting Company, Inc. contravenes the provisions of the proposed Bilateral Agreement between the United States and Canada with respect to assignment of Class II stations on Class I–A channels.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, whether the proposal for Warren, Rhode Island or one of the proposals for Providence, Rhode Island would better provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the event that it is concluded pursuant to the foregoing issues that one of the proposals for Providence, Rhode Island should be favored, which of the proposals of Radio Rhode Island, Inc., Golden Gate Corporation, Moyer Radio, and Camden Broadcasting Company, Inc. would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the four as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

10. To determine, pursuant to the evidence adduced under the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That, in the event of favorable action on the proposal of Camden Broadcasting Company, Inc., final action will be withheld pending conclusion of the proceedings in Docket 10453.

It is further ordered, That this order shall supersede, with respect to the issues only, the Commission's order of February 18, 1959, designating for hearing the first four above-captioned applications.

It is further ordered, That, to avail itself of the opportunity to be heard, Camden Broadcasting Company, Inc., pursuant to § 1.140 of the Commission's rules, by attorney or appropriate corporate officer, 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 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: March 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–2211; Filed, Mar. 13, 1959; 8:50 a.m.]

[Docket No. 12781; FCC 59M–290]

GULF MARINE SERVICE CORP.

Order Scheduling Hearing

In the matter of Gulf Marine Service Corporation, P.O. Box 330, Brownsville, Texas, Docket No. 12781; order to show cause why there should not be revoked the License for Radio Station WH–5094 aboard the vessel "Four Brothers," or, in the alternative, why a Cease and Desist Order should not be issued.

It is ordered, This 6th day of March 1959, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 23, 1959, in Washington, D.C.

Released: March 9, 1959.

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

[F.R. Doc. 59–2212; Filed, Mar. 13, 1959; 8:51 a.m.]

[Docket No. 12783; FCC 59–189]

SUSSEX COUNTY BROADCASTERS (WNNJ)

Order Designating Application for Hearing on Stated Issues

In re application of Robert A. Mensel, William Fairclough, Simpson C. Wolfe, Jr. and Naomi E. Wolfe, d/b as Sussex County Broadcasters (WNNJ), Newton, New Jersey. Has: 1360 kc, 500 w, Day; Req: 1360 kc, 1 kw, Day, Docket No. 12783, File No. BP–11716; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of March 1959;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, said applicant is legally, financially, technically, and otherwise qualified to operate Station WNNJ as proposed, but that the proposal would cause objectionable interference to Stations WKOP (1360 kc, 500 w, 5 kw-LS, DA–2), Binghamton, New York; and WPPA (1360 kc, 500 w, 1 kw-LS, DA-N), Pottsville, Pennsylvania; that the interference from Stations WKOP and WPPA would affect more than ten percent of the population within the proposed normally protected primary service area of the instant proposal in contravention of § 3.28(c) of the Commission rules; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicant and the licensees of Stations WKOP and WPPA were advised by letter dated November 18, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude at the time that a grant of said application would be in the public interest; and

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

It further appearing that, by letters dated June 12, 1958, and December 4, 1958, the licensees of Stations WPPA and WKOP, respectively, requested a hearing on said application; 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 instant application is designated for hearing at a time

[1] Commissioner Lee absent; dissenting statement of Commissioner Ford filed as part of original document.

and place to be specified in a subsequent order, upon the following issues:

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

2. To determine whether the proposed operation of Station WNNJ would involve objectionable interference with Stations WKOP, Binghamton, New York, and WPPA, Pottsville, Pennsylvania, 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.

3. To determine whether, because of interference received from Stations WKOP and WPPA, the proposed operation of WNNJ would comply with § 3.28(c) of the Commission rules, and, if compliance is not achieved, whether circumstances exist which would warrant a waiver of said Section of the rules.

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

It is further ordered, That Binghamton Broadcasters, Inc., and A. V. Tidmore, tr/as Pottsville Broadcasting Company, licensees of Stations WKOP and WPPA, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the parties respondent 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.

Released: March 10, 1959.

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

[F.R. Doc. 59-2213; Filed, Mar. 13, 1959; 8:51 a.m.]

[Canadian List No. 131]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

FEBRUARY 27, 1959.

Notifications under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian broadcast stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		560 kilocycles				
New	Corner Brook, Nfld.	1 kw	DA-N	U	III	EIO 2-15-60.
		580 kilocycles				
CKY (PO: 580 kc 5 kw DA-2 III).	Winnipeg, Manitoba	50 kw	DA-2	U	III	Do.
CKUA (PO: 580 kc 1 kw DA-2 III).	Edmonton, Alberta	10 kw	DA-2	U	III	Do.
		790 kilocycles				
CK8O (PO: 790 kc 5 kw DA-N III-A).	Sudbury, Ontario	10 kw D/5 kw N	DA-2	U	III	Do.
		800 kilocycles				
New	Fort William, Ontario	5 kw	DA-1	U	II	Do.
		950 kilocycles				
CKBB (PO: 950 kc 5 kw D/2.5 kw N DA-1).	Barrie, Ontario	10 kw D/2.5 kw N	DA-2	U	III	Do.
		1,240 kilocycles				
New (location: 47 27 42 N 72 46 32 W).	La Tuque, P. Q.	1 kw D/0.25 kw N	ND	U	IV	Do.
		1,320 kilocycles				
New	Vancouver, B. C.	10 kw	DA-1	U	III	Do.
CKNW	New Westminster, B. C.	5 kw	DA-1	U	III	Delete assign.
		1,410 kilocycles				
CHLP (PO: 1,410 kc 1 kw DA-1 III).	Montreal, P.Q.	10 kw	DA-1	U	III	EIO 2-15-60.
		1,450 kilocycles				
CHEF (PO: 1,450 kc 0.25 kw ND IV).	Granby, P. Q.	1 kw D/0.25 kw N	ND	U	IV	Do.

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

[F.R. Doc. 59-2216; Filed, Mar. 13, 1959; 8:51 a.m.]

[Docket No. 12783; FCC 59M-304]

SUSSEX COUNTY BROADCASTERS (WNNJ)

Order Scheduling Hearing

In re application of Robert A. Mensel, William Fairclough, Simpson C. Wolfe, Jr., and Naomi E. Wolfe, d/b as Sussex County Broadcasters (WNNJ), Newton, New Jersey, Docket No. 12783, File No. BP-11716; for construction permit.

It is ordered, This 11th day of March 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 27, 1959, in Washington, D.C.

Released: March 11, 1959.

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

[F.R. Doc. 59-2214; Filed, Mar. 13, 1959; 8:51 a.m.]

[Docket No. 12806]

A & B AUTO SUPPLY, INC.

Order To Show Cause

In the matter of A & B Auto Supply, Inc., 4950 NE. Union, Portland, Oregon, Docket No. 12806; order to show cause why there should not be revoked the license for Radio Station WK-6059 aboard the vessel "June E."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Notice of violation mailed September 3, 1958, to Mr. Clint Butler, Secretary of licensee corporation, alleging that on August 26, 1958, the subject radio station had been observed in violation of the Commission's rules as follows:

Section 8.156: Failure of operator to have operator license or verification card posted or on person.

Section 8.102(a): Failure to post valid station license.

Section 8.109(d): Failure to measure carrier frequencies at time transmitter was placed in service initially.

Section 8.367(a): Failure to maintain radiotelephone station log.

It further appearing that, the above-named licensee having failed to make satisfactory reply thereto, the Commission, by letter sent by Certified Mail, Return Receipt Requested (No. 5446938), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen (15) days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee

that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, June Butler, on October 10, 1958, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen (15) days have elapsed since the licensee's receipt of the Commission's letter, no response thereto has been received; and

It further appearing that, in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 10th day of March 1959, pursuant to section 312 (a) (4) and (c) of the Comunications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested to the said licensee.

Released: March 11, 1959.

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

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty (30) days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. If the licensee fails to file such an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty (30) days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty (30) days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[F.R. Doc. 59-2215; Filed, Mar. 13, 1959; 8:51 a.m.]

[Mexican List No. 214]

MEXICAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

JANUARY 26, 1959.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying the appendix containing assignments of Mexican broadcast stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		560 kilocycles				
XEUY (change call letters from XEUG).	San Christobal de Las Casas, Chiapas.	500 w		U	III-B	1-26-59.
		570 kilocycles				
XEAR (change call letters from XERR).	Monterrey, Nuevo Leon.	5 kw D/100 w N	ND	U	IV	1-26-59.
		790 kilocycles				
XERC (increase day power).	Mexico, D.F	5 kw D/1 kw N	ND	U	III-A	4-26-59.
		860 kilocycles				
XENW (delete assignment—vide 1450 kc.)	Culiacan, Sinaloa	1 kw D/250 w N	ND	U	II	Upon commencement of operation on 1450 kc.
		960 kilocycles				
XEHA (new—now on 1440 kc.).	Ciudad Camargo, Chihuahua.	250 w D/100 w N	ND	U	IV	7-26-59.
		1110 kilocycles				
XESX (new)	Saltillo, Coahuila	0.50 kw	ND	D	II	7-26-59.
		1260 kilocycles				
XEOG (now in operation).	Ojinaga, Chihuahua	500 w D/100 w N	ND	U	IV	1-26-59.
		1430 kilocycles				
XEUP (change location from Cozumel, Q.R.).	Puerto Juarez, Quintana Roo.	250 w		U	IV	7-26-59.
		1450 kilocycles				
XEDY (delete assignment).	Merida, Yucatan	250 w		U	IV	Upon commencement of operation at Progreso, Yucatan XEPY.
		1580 kilocycles				
XELI (new)	Chilpancingo, Guerrero.	1 kw D/0.25 kw N	ND	U	II	7-26-59.
		1600 kilocycles				
XENY (new)	Nogales, Sonora	1000 w D	ND	D	III	7-26-59.
XECW (commenced operation Nov. 3, 1958).	Los Mochis, Sinaloa	1 kw D/0.20 kw N	ND	U	IV	11-3-58.

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

[F.R. Doc. 59-2217; Filed, Mar. 13, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17924]

DEAN A. DRAPER

Order for Hearing and Suspending Proposed Change in Rate

MARCH 9, 1959.

Dean A. Draper (Draper) on February 11, 1959, tendered for filing a proposed change in his presently effective rate schedule for the sale 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, undated.

Purchaser: Colorado Interstate Gas Company.

Rate schedule designation: Supplement No. 4 to Draper's FPC Gas Rate Schedule No. 2.

Effective date: March 14, 1959 (stated effective date is the first day after the required 30 days' notice).

In support of the renegotiated rate increase, Draper states that he would not

have committed the gas for a long term without provisions for increases in the price to assure that he would receive the market price therefor and denial of the increase would be discriminatory. The buyer, he says, benefits by taking gas ratably rather than on a take or pay basis for allowables. He submits cost of service data purportedly showing ¼ of 1% return on investment. Draper requests a waiver of notice to permit the increase to become effective on February 11, 1959.

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. 4 to Draper's FPC Gas Rate Schedule No. 2 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. 4 to Draper's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is suspended and the use thereof deferred until August 14, 1959, and thereafter 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(c) 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. 59-2173; Filed, Mar. 13, 1959; 8:45 a.m.]

[Docket No. G-17925]

TEXAS GULF PRODUCING CO.

Order for Hearing and Suspending Proposed Change in Rate

MARCH 9, 1959.

Texas Gulf Producing Company (Texas Gulf) on February 11, 1959, 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, February 5, 1959.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 3 to Texas Gulf's FPC Gas Rate Schedule No. 26.

Effective date: March 14, 1959 (stated effective date is that proposed by Texas Gulf).

In support of the proposed favored-nation rate increase, Texas Gulf submits copies of favored-nation letter from the buyer, Transcontinental Gas Pipe Line Corporation, and cites the contract provisions. Additionally, Texas Gulf states that their contract was negotiated at arm's length and the proposed price does not exceed the value of the gas.

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 Texas Gulf's FPC Gas Rate Schedule No. 26 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 Texas Gulf's FPC Gas Rate Schedule No. 26.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 14, 1959, 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 1.8 and 1.37(f)).

By the Commission.

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

[F.R. Doc. 59-2174; Filed, Mar. 13, 1959; 8:45 a.m.]

[1] Present rate is in effect subject to refund in Docket No. G-15729.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3767]

MONONGAHELA POWER CO.

Notice of Proposed Issue and Sale at Competitive Bidding Principal Amount of First Mortgage Bonds

MARCH 9, 1959.

Notice is hereby given that Monongahela Power Company ("Monongahela"), an electric utility company and an exempt sub-holding company which is also a subsidiary of The West Penn Electric Company, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof and Rule 50 thereunder as applicable to the proposed transaction, which is summarized as follows:

Monongahela proposes to issue and sell at competitive bidding, pursuant to Rule 50, $16,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1984. Each bid shall specify the coupon rate (a multiple of ⅛ percent) to be borne by the bonds, and the price (not less than 100 percent nor more than 102¾ percent of the principal amount, plus accrued interest) to be paid to the company therefor.

The bonds will be issued under the Indenture dated August 1, 1945 between Monongahela and First National City Trust Company, Trustee, as heretofore supplemented and as to be further supplemented by a Seventeenth Supplemental Indenture dated as of April 1, 1959.

The net proceeds will be used in connection with the 1959 construction program of Monongahela and its subsidiaries, estimated at $19,474,000.

It is stated that no other regulatory commission has jurisdiction over the proposed transaction.

Monongahela's expenses in connection herewith are estimated as follows:

Independent accountants		$1,500
Legal fees:		
Sullivan & Cromwell	$10,000	
Steptoe & Johnson	500	
		10,500
Printing and engraving		15,000
Trustee's fee and expenses		8,000
Federal stamp tax, and recording, registration and Blue Sky fees		21,264
Miscellaneous		3,736
Total		60,000

The fee of Cahill, Gordon, Reindel & Ohl, counsel for the successful bidders, estimated at $7,500, is to be paid by such bidders.

Notice is further given that any interested person may, not later than March 23, 1959 at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Wash-

ington 25, D.C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may except such transaction as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

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

[F.R. Doc. 59-2185; Filed, Mar. 13, 1959; 8:47 a.m.]

[File No. 70-3766]

GULF POWER CO.

Notice of Proposed Issuance and Sale at Competitive Bidding of First Mortgage Bonds; Issuance of First Mortgage Bonds for Sinking Purposes

MARCH 9, 1959.

Notice is hereby given that Gulf Power Company ("Gulf"), a public-utility subsidiary of The Southern Company, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions, which are summarized as follows:

Gulf proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $7,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1989. The interest rate (to be a multiple of ⅛ of 1 percent) and the price to be paid to Gulf (to be not less than 99 percent nor more than 102¾ percent of the principal amount thereof and accrued interest) will be determined by competitive bidding. The bonds will be issued under an Indenture dated as of September 1, 1941, between Gulf and The Chase Manhattan Bank, successor to The Chase National Bank of the City of New York, and The Citizens & Peoples National Bank of Pensacola, as Trustees, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated April 1, 1959.

The proceeds from the sale of bonds are to be applied toward the construction or acquisition of permanent improvements, extensions and additions to Gulf's utility plant and to the payment of short-term bank loans incurred for such purpose.

Gulf also proposes to issue, on or prior to June 1, 1959, $358,000 principal amount of First Mortgage Bonds, 3¼ percent Series due 1984, under the provisions of the above described indenture, and to surrender such bonds to the Trustee in accordance with the sinking fund provisions thereof. The bonds are to be identical with those authorized June 14, 1954 (File No. 70-3252) and are to be issued on the basis of property additions thus making available for construction purposes cash which would otherwise have to be used to satisfy sinking fund requirements or to purchase bonds for such purpose.

The fees and expenses to be incurred in connection with the proposed issuance and sale of bonds at competitive bidding are to be supplied by amendment. The fees and expenses to be paid in connection with the issuance of bonds for sinking fund purposes are estimated as follows: $650 charges of Trustee, $500 fee of company counsel and $400 miscellaneous.

Gulf has applied to the Florida Railroad and Public Utilities Commission for approval of the proposed transactions and a copy of the order entered in respect thereof is to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 24, 1959 at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may exempt such transactions as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

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

[F.R. Doc. 59-2186; Filed, Mar. 13, 1959; 8:48 a.m.]

[File No. 70-3769]

CENTRAL POWER AND LIGHT CO.

Notice of Filing of Declaration Regarding Proposal To Issue and Sell Bonds Pursuant to Competitive Bidding

MARCH 6, 1959.

Notice is hereby given that Central Power and Light Company ("Central Power"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions.

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

Central Power proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $11,000,000 principal amount of First Mortgage Bonds, Series I, maturing April 1, 1989. The bonds are to be issued under and secured by Central Power's Mortgage Indenture, dated November 1, 1943, to The First National Bank of Chicago and Coll Gillies, Trustees, as heretofore supplemented, and as to be further supplemented by a supplemental indenture dated April 1, 1959. The rate of interest on the bonds (which will be a multiple of ⅛ of 1 percent), the redemption prices thereof, and the price, exclusive of accrued interest, to be paid the company for the bonds (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The net proceeds received from the sale of the bonds will be used to pay part of the company's construction expenditures for the year 1959, estimated at $23,450,000, and to pay or repay the Company's loans, presently outstanding in the aggregate amount of $4,800,000, incurred for like purposes.

The declaration states that the nature and estimated amounts of the fees and expenses to be incurred in connection with proposed issue and sale of bonds are as follows:

	Approximate amount
Securities and Exchange Commission, filing fee	$1,144
Federal original stamp tax	12,100
Printing of registration statement, prospectus, supplemental indenture, bidding documents, etc	7,000
Preparation of bonds	3,000
Fees of accountants (Arthur Andersen & Co.)	1,800
Fees of trustee (The First National Bank of Chicago)	5,650
Recordation of supplemental indenture	1,000
Reimbursement of underwriters for expenses and counsel fees in connection with qualification or registration under state securities laws	2,000
Fees of Middle West Service Company, Chicago, Ill	*4,000
Fees of Stevenson, Dendtler, Bailey & McCabe, Chicago, Ill	* 6,000
Miscellaneous and incidental expenses, including traveling, telephone, mimeographing, postage, etc	1,306
Total (approximate)	45,000

*Allocated portion of annual retainer.

It is further stated that the fees and expenses of Isham, Lincoln & Beale, independent counsel for the underwriters, to be paid by the successful bidder for the bonds, are estimated at $5,500 and $250, respectively.

It is also stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 25, 1959, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request and the issues of fact or law which he desires to contro-

vert, or he may request that he be notified should the Commission order a hearing in respect of such matters. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the Commission may permit the declaration, as filed or as it may be amended, to become effective, as provided by Rule 23 under the Act, or the Commission may grant exemption from its rules under the Act, as provided by Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

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

[F.R. Doc. 59-2187; Filed, Mar. 13, 1959; 8:48 a.m.]

[File No. 811-664]

WOMAN'S INCOME FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 9, 1959.

Notice is hereby given that Woman's Income Fund, Inc. (Applicant), a registered open-end investment company, has filed an application pursuant to section 8(f) of the Investment Company Act of 1940 for an order of the Commission declaring that it has ceased to be an investment company.

The application states that Applicant, incorporated under the laws of the State of Maryland on May 25, 1954, entered into an Agreement and Plan of Exchange with Mutual Shares Corporation ("Mutual") on May 24, 1956 which Agreement and Plan was approved by Applicant's stockholders on June 29, 1956, Pursuant to such agreement Applicant received 6,279 shares of Mutual at net asset value in exchange for substantially all of its assets, subject to substantially all of its liabilities and has distributed these shares to its shareholders.

Section 8(f) of the Act provides, in part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 23, 1959 at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O-5 of the rules and regulations promulgated under the Act.

By the Commission.

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

[F.R. Doc. 59-2188; Filed, Mar. 13, 1959; 8:48 a.m.]

[File No. 2-10703]

GROWERS CONTAINER CORP.

Notice of Application for Exemption

MARCH 10, 1959.

Notice is hereby given that Growers Container Corporation, a California corporation, has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 (Act) (17 CFR 240.15d-20) for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed fifty persons and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption from the reporting requirements of section 15(d) of the Act, as follows:

1. The only outstanding securities of the issuer are 3,137,422 shares of its capital stock; and

2. That all of the outstanding shares of the issuer are owned of record and beneficially by St. Regis Paper Company.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary, or appropriate may be issued by the Commission at any time on or after March 25, 1959, unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than March 20, 1959, at 5:30 p.m., e.s.t., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

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

[F.R. Doc. 59-2189; Filed, Mar. 13, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 11, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35289: *Export and import rates to and from southern Gulf ports.* Filed by Southern Ports Foreign Freight Committee, Agent (No. 59), for interested rail carriers. Rates on various commodities moving on export and import class and commodity rates from and to stations in Illinois and Indiana on the Chesapeake and Ohio Railway Company, on the one hand, and southern ports, on the other.

Grounds for relief: Operation through higher-rated intermediate groups in official territory.

Tariffs: Supplement 120 to Southern Ports Foreign Freight Committee tariff I.C.C. 136 and three other supplemental schedules listed in the application.

FSA No. 35290: *Newsprint paper—Alabama and Tennessee points to Houston, Tex.* Filed by O. W. South, Jr., Agent (SFA No. A3779), for interested rail carriers. Rates on newsprint paper, carloads from Childersburg and Coosa Pines, Ala., and Calhoun, Tenn., to Houston, Tex.

Grounds for relief: Barge competition from Calhoun, Tenn., and market competition with Calhoun from the Alabama origins.

Tariff: Supplement 20 to Southern Freight Tariff Bureau tariff I.C.C. 1576.

FSA No. 35291: *Styrene—Texas points to Massachusetts points.* Filed by Southwestern Freight Bureau, Agent (No. B-7492), for interested rail carriers. Rates on styrene, tank-car loads from Big Spring and Odessa, Tex., to Acton and West Concord, Mass.

Grounds for relief: Market competition.

Tariff: Supplement 560 to Southwestern Freight Bureau tariff I.C.C. 4139.

FSA No. 35292: *Rice bran—Southwestern points to the south.* Filed by Southwestern Freight Bureau, Agent (No. B-7507), for interested rail carriers. Rates on rice bran, in bulk or bags, carloads from points in Arkansas, Louisiana

and Texas to points in southern territory, Mississippi River crossings, and destinations in Virginia.

Grounds for relief: Short-line distance formula.

Tariffs: Supplement 35 to Southwestern Lines Tariff I.C.C. 4299 and two other schedules.

FSA No. 35293: *Petroleum and products—Iowa and Nebraska to Missouri.* Filed by Western Trunk Line Committee, Agent (No. A-2038), for interested rail carriers. Rates on petroleum and petroleum products, carloads from Council Bluffs, Iowa and Omaha, Nebr., to specified points in Missouri on the Chicago, Burlington & Quincy Railroad Company.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 18 to Western Trunk Line Committee tariff I.C.C. A-4198.

By the Commission.

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

[F.R. Doc. 59-2194; Filed, Mar. 13, 1959; 8:49 a.m.]

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