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Washington, Tuesday, June 9, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (22) is added to § 6.302(a) as set out below.

§ 6.302 Department of State.

(a) *Office of the Secretary.* * * *

(22) One Private Secretary to the Special Assistant to the Secretary for International Cultural Relations.

(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. 59-4760; Filed, June 8, 1959; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

National Aeronautics and Space Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (b) is added to § 6.347 as set out below.

§ 6.347 National Aeronautics and Space Administration.

* * * * *

(b) One Aeronautical Information Specialist.

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

UNITED SATAES CIVIL SERVICE COMMISSION.

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-4759; Filed, June 8, 1959; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

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

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 1]

PART 481—RICE

Subpart—Rice Export Program; Payment in Kind (GR-369); Terms and Conditions

MISCELLANEOUS AMENDMENTS

The Terms and Conditions of the Rice Export Program — Payment in Kind (GR-369) (23 F.R. 9656) are amended as follows:

1. Section 481.128 is amended by adding the following new paragraph at the end of paragraph (a):

If the rough rice purchased was delivered to the purchaser in the Arkansas milling area (Arkansas, Mississippi, Missouri and Tennessee), the equivalent milled rice or brown rice exported shall have been moved to export position from a mill point in the Arkansas milling area, or the identical rough rice purchased shall have been moved to a mill point outside of the Arkansas milling area, on or after the date of purchase of the rough rice and prior to submission of evidence of export. As evidence of compliance with this provision, the purchaser shall furnish a copy of the bill of lading covering such movement, properly identified with the lot of rice moved, together with the required evidence of export.

2. Section 481.130 is amended to read as follows:

§ 481.130 Adjusted sales price.

(a) Sales of rough rice under this announcement are made at prices below the statutory minimum required under section 407 of the Agricultural Act of 1949, as amended, for sales for unrestricted use upon condition that all provisions of § 481.128 and § 481.129 are complied with. In the event of failure

(Continued on p. 4649)

CONTENTS

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

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

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.

to comply with such condition, the sales prices with respect to the quantity of rough rice involved shall be the highest of the following prices in effect on the date of sale or the date of default as determined by CCC:

(1) CCC's statutory minimum sales price for unrestricted use for the same kind, class, grade and quality of the rough rice, as determined by CCC, or

(2) The sales price, announced by CCC, for sale for unrestricted use of the same kind, class, grade and quality of the rough rice, or

(3) If no such sales price has been announced, the highest domestic market price at the point where CCC delivered the rough rice, as determined by CCC.

(b) The total amount of any upward adjustment in sales price arising under this section (which is in excess of any amount representing financial arrangements made by the purchaser pursuant to § 481.125(c) if the letter of credit has not been reduced or if the cash has not been refunded) shall be paid in cash by the purchaser to CCC promptly upon demand. An upward adjustment in sales price will not be made to the extent that the Vice President, CCC, or his designated representative, determines that

(1) The milled rice or brown rice has not been exported or has been reentered or transshipped to a country excluded by § 481.150 due to causes beyond the control, and without the fault or negligence of the purchaser and that the quantity of milled rice or brown rice involved in default (other than milled rice or brown rice transshipped to a country excluded by § 481.150) is, pursuant to written approval of CCC, subsequently exported to an eligible country within the period specified by CCC, or with respect to any milled rice or brown rice reentered if, as the result of its loss, damage, destruction, or deterioration, the physical condition thereof is such that its entry into domestic market channels will not impair CCC's price support operations, or

(2) Rough rice or equivalent milled rice or brown rice, required by § 481.128 (a) to be moved from the Arkansas milling area, was not moved due to causes beyond the control, and without the fault or negligence of the purchaser.

(Secs. 481.101 to 481.156 issued under sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 407, 63 Stat. 1051, as amended; sec. 201(a), 70 Stat. 188; 7 U.S.C. 1427, 1851)

Issued this 3d day of June 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-4758; Filed, June 8, 1959; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 621, 2d Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREA

Pursuant to § 301.52-2 of the regulations supplemental to the pink bollworm quarantine (7 CFR, 1957 Supp., 301.52-2), issued under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Administrative instructions appearing as 7 CFR, 1957 Supp., 301.52-2a are hereby revised to read as follows:

§ 301.52-2a Administrative instructions designating regulated area, eradication area, and generally infested area under the pink bollworm quarantine.

(a) Infestations of the pink bollworm have been determined to exist, in the quarantined States, in the civil divisions and premises or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, the localities listed are hereby designated as the pink bollworm regulated area within the meaning of the provisions in this subpart:

Arizona. Counties of Cochise, Graham, Greenlee, Maricopa, Pima, Pinal, Santa Cruz, and Yavapai.

Arkansas. All counties or parts of counties lying west of a line beginning in Ashley County at a point on the Arkansas-Louisiana boundary, 2½ miles west of the intersection of the Missouri Pacific Railway and the Arkansas-Louisiana state line, the intersection lying southwest of Wilmot, said line extending north along the east line of R. 6 W. to the intersection of the southern boundary of Lincoln County, thence due west along the southern boundary of Lincoln County and a westward prolongation of said boundary into Cleveland County to a point where it intersects State Highway 15, thence north along Highway 15 to the southern city limits of Pine Bluff, thence along the eastern city limits to their intersection with the Arkansas River, thence northwest along the Arkansas River to the city limits of Little Rock, thence along the east corporate limits of Little Rock to their intersection with the Missouri Pacific Railway, thence northeast along said railroad to the city of Bald Knob, thence north along State Highway 11 to the southern boundary of Independence County, thence west and north along the Independence County line to its intersection with the White River, thence northwest along the White River to the Missouri state line.

That portion of the State bounded by a line beginning at the northeast corner of Clay County and extending south along the Arkansas-Missouri state line to the intersection of that line with the northern boundary of Craighead County, thence east along the Arkansas-Missouri state line to the intersection with Little River, thence south along the east side of the Big Lake National Wildlife Refuge and along the right hand chute of the Little River Floodway to the southeast corner of Craighead County, thence west along the southern boundary of Craighead County to its intersection with the St. Francis River, thence north along the St. Francis River to State Highway 18, thence west along State Highway 18 to its intersection with State Highway 135, thence north along State Highway 135 to its intersection with U.S. Highway 62, thence west along U.S. Highway 62 to Black River, thence northeast along Black River to the Arkansas-Missouri state line, thence east along the Arkansas-Missouri state line to the point of beginning. All incorporated towns and cities or unincorporated towns or villages located on any highway used as a boundary line shall be within the regulated area.

Louisiana. Parishes of Allen, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Cameron, Claiborne, De Soto, Grant, Iberia, Jefferson Davis, Lafayette, Lincoln, Natchitoches, Rapides, Red River, Sabine, Saint Martin, Union, Vermilion, Vernon, Webster, and that portion of Ouachita lying west of the Ouachita River.

New Mexico. All counties in the State.

Oklahoma. All counties in the State.

Texas. All counties in the State.

(b) *Eradication area.* All regulated area within the States of Arizona, Arkansas, and Louisiana is hereby designated as eradication area.

(c) *Generally infested area.* All regulated area within the States of New Mexico, Oklahoma, and Texas is hereby designated as generally infested area.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended, 7 U.S.C. 161, 19 F.R. 74, as amended; 7 CFR, 1957 Supp., 301.52-2)

These administrative instructions shall become effective June 9, 1959, when they shall supersede P.P.C. 621, Revised, 7 CFR, 1957 Supp., 301.52-2a, which became effective December 10, 1957.

The purpose of this revision is to add to the regulated area the counties of Maricopa, Pinal, Yavapai, and part of Pima County in Arizona; a north-south strip of territory through the center of Arkansas and portions of four counties in the northeastern corner of the State; and the parishes of Grant, Lincoln, Rapides, and Union, and part of Ouachita, in Louisiana.

This revision imposes restrictions supplementing pink bollworm quarantine regulations already effective. It must be

made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of June 1959.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 59-4776; Filed, June 8, 1959; 8:50 a.m.]

PART 330—FEDERAL PLANT PEST REGULATIONS

Holding of Means of Conveyance Arriving in the United States

Section 330.105(a) of the Federal Plant Pest Regulations (7 CFR 330.105(a), 23 F.R. 8174) provides that means of conveyance arriving in the United States from any place outside thereof for entry into or movement through the United States shall be subject to inspection by a Federal plant quarantine inspector at the port of first arrival and will not be released by the Customs officers until released by such an inspector, unless local arrangements have been made by the Plant Quarantine Division of the Agricultural Research Service with the Collector of Customs, for the release by Customs officers of any class of means of conveyance on behalf of the inspector, or unless the class of means of conveyance has been exempted from such inspection and release requirements by published administrative instructions. Section 330.107 of the regulations (7 CFR 330.107) provides that all costs incident to the inspection, handling, cleaning, safeguarding, treating, or other disposal of means of conveyance under the regulations, except for the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner, or his agent (including a carrier), having responsible custody of a means of conveyance.

Notice is hereby given that effective at 12:01 a.m., local time, July 1, 1959, means of conveyance subject to such inspection and release requirements and arriving at any port of entry outside the regularly assigned hours of duty of the Federal plant quarantine inspector, will be held for such inspection and release, until the regularly assigned hours of duty. However, notice is also hereby given that pursuant to the provisions of the Act of August 28, 1950 (5 U.S.C. 576) such inspection service outside of the regularly assigned hours of duty may be made available to any interested person, upon a reimbursable basis and in accordance with applicable regulations, upon request to the Plant Quarantine Inspector in Charge at such port.

Information concerning regularly assigned hours of duty for Federal plant quarantine inspectors at each port where such inspection is available may be obtained locally by application to the Plant Quarantine Inspector in Charge at such port.

(Sec. 106, 71 Stat. 33, 64 Stat. 561; 7 U.S.C. 150ee, 5 U.S.C. 576)

Done at Washington, D.C., this 4th day of June 1959.

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

[F.R. Doc. 59-4777; Filed, June 8, 1959; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket 20]

CHANGE OF REFERENCES FROM TERM "CIVIL AIRWAY" TO "FEDERAL AIRWAY"

While the Civil Aeronautics Act of 1938, as amended, defined and referred to the term "Civil airway," the new Federal Aviation Act of 1958 utilizes the term "Federal airway." In order to reflect this change of terminology, it is necessary to amend all the Civil Air Regulations and Special Civil Air Regulations which refer to a civil airway by specifying therein the term "Federal airway."

Since this amendment is required for conformance with the Federal Aviation Act and imposes no additional burden upon any person, it may be made effective immediately and without prior notice to the public.

In consideration of the foregoing, all pertinent regulations contained in Chapter I are amended as follows: Whenever the term "Civil airway" is used in the caption or text of the foregoing regulations substitute the words "Federal airway" and such other words as the context of the regulations shall require.

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

(Secs. 313(a) and 307, 72 Stat. 752, 749; 49 U.S.C. 1354, 1348)

Issued in Washington, D.C., on June 3, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-4729; Filed, June 8, 1959; 8:45 a.m.]

Chapter III—Federal Aviation Agency

[Reg. Docket 19]

CHANGE OF REFERENCES FROM TERM "CIVIL AIRWAY" TO "FEDERAL AIRWAY"

While the Civil Aeronautics Act of 1938, as amended, defined and referred to the term "Civil airway," the new Federal Aviation Act of 1958 utilizes the term "Federal airway." In order to reflect this change of terminology, it is necessary to amend all of the Regulations of the Administrator which refer to a civil airway by specifying therein the term "Federal airway."

Since this amendment is required for conformance with the Federal Aviation Act and imposes no additional burden upon any person, it may be made effective immediately and without prior notice to the public.

In consideration of the foregoing, all pertinent regulations contained in Chapter III (formerly Chapter II) are amended as follows:

1. Whenever the term "Civil airway" is used in the caption or text of the foregoing regulations substitute the words "Federal airway" and such other words as the context of the regulations shall require.

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

(Secs. 313(a) and 307, 72 Stat. 752, 749; 49 U.S.C. 1354, 1348)

Issued in Washington, D.C., on June 3, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-4728; Filed, June 8, 1959; 8:45 a.m.]

[Reg. Docket 21, Amdt. 23]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

This amendment to Part 507 contains the Airworthiness Directives amended or issued during April 1959. Individual notice of the Airworthiness Directives contained herein has been given to operators and other interested persons who are subscribers to a Federal Aviation Agency mailing service.

In the interest of safety, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and therefore, is not required.

Section 507.10(a) is amended as follows:

1. 58-3-2 Hamilton Standard 4U18 and 5U18 governors as it appeared in 23 F.R. 1719 is amended by adding the following sentence to the fourth paragraph: "In lieu of replacing the P/N 60912 gaskets, the control body solenoid may be permanently vented by milling grooved channels in the boss face in accordance with Hamilton Standard Service Bulletin No. 536B." The last sentence in parentheses is also amended by adding "536B".

2. 58-5-2 Viscount 700 series aircraft as it appeared in 23 F.R. 2568 is revised by changing item D. to read as follows: "D. *Life Limitation of Flap Gear Universal Joint Trunnions P/N's 60903-1655 and 70184-403.* Flap gear universal joint tunnion P/N 60903-1655 is limited to a life of 1500 flights due to the possibility of fatigue cracks developing. Trunnions

P/N 60903–1655 exceeding this life should be replaced within the next 50 flights with replacement parts to Modification D.2188 standard, or removed and inspected for cracks in accordance with PTL 153, issue 3, and if found serviceable may be replaced provided they are inspected at intervals not exceeding 200 flights. When a universal joint trunnion to Modification D.2188 standard is used as a replacement, it is essential to use a universal joint block to the same modification standard. The safe life of the revised universal joint trunnion P/N 70184–403 to Modification D.2188 standard is now limited to 3000 flights. Vickers-Armstrongs PTL 153, issue 3, and Modification D.2188 cover this subject."

3. 58–7–3 Viscount 700 series aircraft as it appeared in 23 F.R. 3585 is revised by changing the last paragraph to read "Vickers-Armstrongs has issued PTL 179, issue 2, and Modification D.2581 covering this same subject. The British Air Registration Board considers this mandatory. The FAA concurs with this action and considers compliance therewith mandatory."

4. 59–6–3 Mooney Models M20 and M20A Serial Numbers 1002 through 1364 aircraft as it appeared in 24 F.R. 3755 is revised by changing the second paragraph to read "Within the next five flight hours, inspect the welds which attach the hinge bearing housing (⅞ inch O.D. x 0.058 inch 4130 steel tube) to the fixed surface hinge bearing channel (P/N 4002). Bearing bracket assemblies (P/N 4003) are installed as aileron, elevator, and rudder hinges. The inspection shall be conducted as follows:"

5. The following new airworthiness directives are added:

59–7–1 Curtiss Propellers. Applies to Curtiss C634S–C400 and C634S–C500 Series Propellers.

Compliance required as indicated.

Excessive wear of power unit motor and mating speed reducer splines in Curtiss C634S–C400 and C634S–C500 series propellers has been observed at a time short of a full overhaul period. Accordingly:

(1) Inspect rotor assembly P/N 113330 and drive sleeve P/N 102664 splines, and rear motor shaft bearing fit at each 500–600 hours flying time.

(2) Discontinue mixture of Molybdenum Disulfide in spline lubricant. Use only Lubriplate 315.

Inspect as directed in Curtiss-Wright Corporation Propeller Division letters to all operators of Lockheed 749 and 1049 series aircraft dated December 5, 1958, and March 20, 1959. Worn parts must be replaced.

This supersedes AD 58–25–2.

59–7–2 Curtiss-Wright. Applies to all L. B. Smith C46/CW20T aircraft not having this modification incorporated.

To be accomplished not later than August 1, 1959.

Service experience has indicated that the auxiliary hydraulic pump is unsatisfactory for use in compliance with the minimum gear retraction time.

To provide reliable continuous hydraulic pressure during landing gear retraction, the auxiliary hydraulic pump and motor must be removed from the hydraulic system and replaced by a hydraulic by-pass system in accordance with L. B. Smith Aircraft Corporation Report No. R–5.130.01 dated April 16, 1958, or an equivalent system. Airplane Flight Manual Revision, dated July 11, 1958, is required with this modification.

(L. B. Smith Service Modification No. SM20T–6 dated June 23, 1958, covers this same subject.)

59–7–3 Lockheed. Applies to all Model 049, 149, 649, 749 and 1049 Series aircraft incorporating Cleveland Pneumatic Tool Company struts P/N 9040 Series, 9092 Series, 9106 Series, 9184, 9185, 9186, 9187, 9291 Series.

Compliance required as indicated.

The following inspections have been established as a result of several main landing gear cylinder cap weld failures and are to be accomplished on those struts which are not identified as having been X-rayed prior to delivery.

Within the next 200 flight hours and thereafter at intervals not to exceed 200 flight hours inspect, with weight of aircraft on main landing gear, the entire periphery of the weld for leaks using dye penetrant or a soap check.

Within the next 1,000 flight hours perform a radiographic inspection on the rear-most 90° of weld periphery.

At the next landing gear overhaul or within the next 8,000 hours, whichever occurs first, but in no event later than May 1, 1961, perform a radiographic inspection of the complete periphery of the weld.

Any cylinder exhibiting a cracked or faulty weld shall be immediately removed from service and replaced with a cylinder that has passed, without indication of fault, a radiographic inspection of the entire periphery of the weld.

If no indication of a fault is found as a result of the radiographic inspection of the complete periphery of the weld, no further special inspections are necessary.

(Lockheed Service Letter FS/233354 covers this same subject.)

59–7–4 Lockheed. Applies to all Model 049, 149, 649, 749 and 1049 Series aircraft.

Compliance required as indicated.

Several nose landing gear actuating cylinder attach bolt failures have been determined to have resulted from fatigue.

The following must be accomplished at the next block overhaul, or 4,000 hours, whichever occurs first, and thereafter at intervals not to exceed 10,000 flight hours on all aircraft which have accumulated 10,000 or more flight hours.

The two forward bolts, P/N 307403 and P/N 307404, which attach the forward end of the actuating cylinder to the fuselage structure via a universal joint, must be replaced with new unused bolts.

Similarly, the aft bolt, P/N 307402 which attaches the actuating cylinder rod to the drag strut pivot must be replaced with new unused bolts.

59–7–5 Piper. Applies to Piper PA 24–180 Comanche Aircraft.

Compliance required not later than June 1, 1959.

Inspection has shown the clearance between oil cooler lines and exhaust stack is not adequate on some aircraft. Clearance between the lines and the stack should be a minimum of three-eighths of an inch. In the event inadequate clearance exists, the oil cooler lines should be reformed or the fittings in the cooler should be repositioned slightly so that proper clearance can be obtained. If necessary, adapters Piper P/N 451 855 (Weatherhead No. 3200 x 6) can be installed between the oil cooler and the oil cooler line fittings.

When providing for the proper clearance make certain there is no interference between the oil cooler lines and the cowl.

(Piper Service Bulletin No. 167 dated January 6, 1959, covers this item.)

59–8–1 Beech. Applies to Beech Models A35, B35, C35; Serial Numbers D–1501 through D–2800.

Compliance required prior to July 1, 1959.

Several cases of landing gear actuation failure have been attributed to malfunctioning of the landing gear limit switches due to oil accumulation in the switch. Inspect the switches in the gear box area and if they are located under the gear box they must be:

(1) Cleaned and sealed at the switch case parting surfaces with polyethelene, vinyl or rubber cement and reinstalled in the same location (use minimum cement to assure that none gets inside switch); or

(2) Replaced with new switches installed in a location to preclude oil contamination. Beechcraft Service Bulletin 35–21, A35–14, B35–7, and C35–5, dated June 1, 1953, and Supplement dated August 15, 1953, provide an acceptable procedure for relocation of the switches.

59–8–2 Boeing. Applies to all Model 707–100 Series aircraft with Bendix Flux Gate Compass System.

Compliance required as indicated.

Reports have indicated that excessive indicator errors can be introduced in the Bendix remote compass system when it is in the slaving mode and when the aircraft is exposed to wing oscillations resulting from rough air, spoiler operation, etc. As an interim safety measure pending further investigation and development by the manufacturer of an improved Bendix flux valve installation, the following aircraft operating limitation is required for all aircraft incorporating the Bendix system:

Whenever heading information is required by the pilots, the two Bendix systems (two RMI and two CDI indicators) should be frequently checked against each other and against the magnetic standby compass to detect obvious errors in indication.

This information must be included, within the next 10 hours flight time, on a placard adjacent to the RMI and CDI indicators until an approved Airplane Flight Manual revision covering this subject is available.

The foregoing limitation applies to any affected aircraft whether the Bendix flux valves are installed in the wings or in the fuselage.

59–8–3 Piper. Applies to Model PA–23, Serial Numbers 23–1502 to 23–1558 inclusive, 23–1560 to 23–1562 inclusive and 23–1565 to 23–1567 inclusive.

Compliance required by May 1, 1959.

Install an operating limitations placard on the instrument panel stating "This airplane must be operated as a normal category airplane in compliance with the airplane flight manual. Acrobatic maneuvers including spins prohibited".

(Piper Service Bulletin No. 169 covers this subject.)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 3, 1959.

E. R. Quesada,
Administrator.

[F.R. Doc. 59–4731; Filed, June 8, 1959; 8:45 a.m.]

[Reg. Docket 24, Amdt. 24]

PART 507—AIRWORTHINESS DIRECTIVES

Unsafe Conditions

As a result of seven recent incidents of spalling of the propeller shaft roller bearing of Allison 501–D13 and –D13A

engines, I find that an unsafe condition exists with respect to these engines requiring a daily continuity check of the reduction gear magnetic drain plug.

As a result of a recent failure of the strap in the spar weight assembly of the forward rotor blade on Vertol Model 44 helicopters, I find that all straps (P/N 42R1011–1) having 600 hours or more service must be replaced within the next 20 hours of operation and inspected daily in the interim.

In the interest of safety, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and therefore is not required.

Accordingly § 507.10(a) is amended by adding the following:

59–11–1 ALLISON. Applies to Model 501–D13 and –D13A engines.

Compliance required daily.

As a result of seven recent cases of spalling of the propeller shaft roller bearing P/N 6784484, a daily continuity check of the reduction gear magnetic drain plug using a probe must be made. Check for non-continuity of the probe type magnetic drain plug in the reduction gear. This check is necessary due to high bearing loads caused by the propeller during various aircraft flight conditions. If metal chips are found, the gearbox should be removed and the propeller shaft roller bearing inspected as described in Allison Maintenance Manual, section 72–0, paragraph 8B, page 219.

59–11–2 VERTOL. Applies to all Vertol Model 44 Series helicopters.

As temporary precautionary measure due to a recent failure of the strap in the spar weight assembly of the forward rotor blade, all straps P/N 42R1011–1 of spar weight assembly P/N 42R1009–1 in all metal forward rotor blades having 600 hours or more service must be replaced within the next 20 hours operation. In addition, they must be X-ray inspected daily during such 20 hours operation. The X-ray of the spar must be accomplished at a point 1 5/16 inches inboard of the outboard tube of the No. 4 box and at a point 7 inches outboard of the socket through bolt. X-ray photograph must be taken in an opening perpendicular to the spar chord with an iridium source equivalent to 300 KV or a 200 KV X-ray covering an area 8 by 10 inches. Straps found with crack indications are to be replaced immediately.

This amendment shall become effective immediately.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 3, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–4732; Filed, June 8, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6344]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Allen V. Tornek Co.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.130 *Manufacture or preparation.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.*

(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, Allen V. Tornek Company, New York, N.Y., Docket 6344, May 13, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City distributor of "Tornay" watches with preticketing the watches with tags bearing fictitious prices greatly in excess of usual retail prices and with representing falsely in advertisements and on the face of the watches that said watches contained "21 Jewels" each of which served a mechanical purpose as a frictional bearing, and that the "Resevoil" device in the watches provided "twice as much oil to the vital parts", thus assuring longer life expectancy.

After the usual hearings, the hearing examiner filed his initial decision and order to cease and desist from which both counsel filed cross-appeals. Having heard the matter, the Commission in effect set aside the initial decision and on May 13 issued its own decision in lieu thereof.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Allen V. Tornek, individually and trading as Allen V. Tornek Company, or under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of watches in commerce, as "commerce" is defined in the Act, do forthwith cease and desist from:

1. Representing in any manner that certain amounts are the usual and regular retail prices of respondent's merchandise when such amounts are in excess of the prices at which such merchandise is usually and regularly sold at retail;

2. Making any false statement or representation or engaging in any deceptive practice or plan which would provide retailers of respondent's merchandise with a means of misrepresenting their usual and regular retail prices;

3. Representing, directly or by implication, that the Resevoil device in his watches, or any other device of the same or similar construction or operation, provides twice as much oil to the vital parts of the watch; and

4. Representing, directly or by implication that his watches, sold under the name "Tornay" or any other name or names, contain a designated number of jewels such as "21 Jewels", unless said watches actually contain the stated number of jewels, each and every one of which serves a mechanical purpose as a frictional bearing.

It is further ordered, That the allegation of the complaint, that respondent falsely represented that his device significantly increased the amount of oil to vital parts of the watch and assured longer life expectancy thereof, be, and it hereby is, dismissed.

It is further ordered, That respondent's motions to strike certain testimony from the record and to dismiss paragraphs five through ten, inclusive, of the complaint, and a general motion to dismiss the entire complaint, all filed July 15, 1958, be, and they hereby are, denied.

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

Issued: May 13, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–4737; Filed, June 8, 1959; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER V—TERMINATION OF FEDERAL-INDIAN RELATIONSHIPS

PART 242—CALIFORNIA RANCHERIAS AND RESERVATIONS—DISTRIBUTION OF ASSETS

Establish Regulations for Distribution of Assets of California Rancherias and Reservations

On page 1466 of the FEDERAL REGISTER of February 27, 1959, there was published a notice of intention to add a new part to Title 25 of the Code of Federal Regulations. The purpose of this part is to establish regulations and provide policies and procedures for the distribution of the assets of the rancherias and reservations listed in the Act of August 18, 1958 (72 Stat. 619), known as the "Rancheria Act".

Interested persons were given an opportunity to submit their comments, suggestions or objections in writing concerning the proposed amendment of the regulations to the Commissioner, Bureau of Indian Affairs, Washington 25, D.C., within 30 days from the date of publication of the notice in the FEDERAL REGISTER.

Two suggestions were received requesting that the proposed regulations be changed or amended. One suggestion dealt with an addition to the regulations to define when beneficial interest became vested in the distributees. The other suggestion concerned itself with enlarging on the definitions of formal assignment and informal assignment. These suggestions were thoroughly considered since the expiration of the 30-day period. As a result of such consideration, it was decided to add a new section that would make provision for beneficial interest. Paragraphs (d) and (e) of § 242.2 were revised by the insertion of

"/or" to come immediately after the word "and" in both definitions.

Part 242 will appear under Subchapter V which up to this time has held a reserved status in Title 25 of the Code of Federal Regulations. The proposed amendment to the regulations, as so changed, is hereby adopted and is set forth below. This amendment is effective upon publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

JUNE 2, 1959.

Sec.
242.1 Purpose and scope.
242.2 Definitions.
242.3 Plan of distribution.
242.4 General notice.
242.5 Objections to plan.
242.6 Referendum.
242.7 Beneficial interest.
242.8 Organized rancheria or reservation.
242.9 Rancheria or reservation business corporation.
242.10 Proclamation.

AUTHORITY: §§ 242.1 to 242.10 issued under sec. 12 of the Act of August 18, 1958 (72 Stat. 619).

§ 242.1 Purpose and scope.

The purpose of this part is to provide policies and procedures governing the distribution of the assets of the following rancherias and reservations in the State of California: Alexander Valley, Auburn, Big Sandy, Big Valley, Blue Lake, Buena Vista, Cache Creek, Chicken Ranch, Chico, Cloverdale, Cold Springs, Elk Valley, Guidiville, Graton, Greenville, Hopland, Indian Ranch, Lytton, Mark West, Middletown, Montgomery Creek, Mooretown, Nevada City, North Fork, Paskenta, Picayune, Pinoleville, Potter Valley, Quartz Valley, Redding, Redwood Valley, Robinson, Rohnerville, Ruffeys, Scotts Valley, Smith River, Strawberry Valley, Table Bluff, Table Mountain, Upper Lake and Wilton.

§ 242.2 Definitions.

As used in this part, terms shall have the meanings set forth in this section.

(a) "Adult Indian" means any Indian who is an adult under the laws of the State in which he is domiciled.

(b) "Distributee" means any Indian who is entitled to receive, under a plan prepared pursuant to section 2 of the Act of August 18, 1958 (72 Stat. 619), any assets of a rancheria or reservation.

(c) "Dependent members", as used in the phrase "dependent members of their immediate families", includes all persons for whose support the distributee is legally liable according to the laws of the State of California and who are related by blood or adoption or by marriage, including common law or customary marriage, who are domiciled in the household of the distributee, and who receive more than one-half of their support from such distributee.

(d) "Formal assignment" means any privilege of use and/or occupancy of the real property of a rancheria or reservation which is evidenced by a document in writing.

(e) "Informal assignment" means any privilege or claim of privilege of use and/or occupancy of the real property of a rancheria or reservation, not based on an instrument in writing.

§ 242.3 Plan of distribution.

The plan of distribution to be prepared under section 2 of the Rancheria Act shall be in writing and may be prepared by those Indians who hold formal or informal assignments on the rancheria or reservation involved, or by those Indians who have or claim to have some special relationship to the particular rancheria or reservation involved, not shared by Indians in general, or may be prepared by the Secretary of the Interior after consultation with such Indians. Any such plan must be approved by the Secretary before submission to the distributees for approval. Such plan shall provide for a description of the class of persons who shall be entitled to participate in the distribution of the assets and shall identify, by name and last known address, those persons to be distributees under the plan and dependent members of their immediate family.

§ 242.4 General notice.

When the Secretary has approved a plan for the distribution of the assets of a rancheria or reservation, a general notice of the contents of such plan shall be given in the following manner:

(a) Service by regular mail, or in person, of a copy of the plan to those who participated in the drafting of the plan, and to the distributees named in the plan.

(b) Service by regular mail, or in person, of a copy of the plan to all other persons who have indicated by a letter addressed to the Area Director that they claim an interest in the assets of the rancheria or reservation involved.

(c) Posting a copy of the plan in a public place on the rancheria or reservation, and in the Post Office serving the rancheria or reservation.

§ 242.5 Objections to plan.

Any Indian who feels that he is unfairly treated in the proposed distribution of the property of a rancheria or reservation as set forth in a plan prepared and approved under § 242.3 may, within 30 days after the date of the general notice, submit his views and arguments in writing to the Area Director, Bureau of Indian Affairs, P.O. Box 749, Sacramento, California. The Area Director shall act for persons who are minors or non compos mentis if he finds that such persons are unfairly treated in the proposed distribution of the property. Such views and arguments shall be promptly forwarded by the Area Director for consideration by the Secretary.

§ 242.6 Referendum.

After consideration by the Secretary of all views and arguments, the plan or a revision thereof, and a notice of a referendum meeting, shall be sent by registered mail, return receipt requested, to each distributee. Thereafter, the Secretary shall cause a referendum to be held at a general meeting of the distributees, at the time and place set forth in the notice of the meeting. Any adult Indian distributee may indicate his acceptance or rejection of the plan by depositing his ballot in a ballot box at the meeting place or by mailing his ballot to the Area Director, Bureau of Indian Affairs, P.O. Box 749, Sacramento, California, clearly marked on the envelope the rancheria or reservation referendum for which the ballot is being submitted. All ballots which are mailed shall be posted so as to be received at least two days before the date set for the referendum meeting. Ballots received thereafter shall not be accepted. At the close of the meeting all ballots shall be counted; and if the plan is approved by a majority of the adult Indian distributees, it shall be final and shall take effect on the date approved.

§ 242.7 Beneficial interest.

Upon approval of a plan or a revision thereof by the Secretary of the Interior, and acceptance by a majority of the adult Indian distributees, the distributees listed in the plan shall be the final list of Indians entitled to participate in the distribution of the assets of the rancheria or reservation and the rights or beneficial interests in the property of each person whose name appears on this list shall constitute vested property which may be inherited or bequeathed but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such property.

§ 242.8 Organized rancheria or reservation.

When a plan for the distribution of the assets of a rancheria or reservation organized under section 16 of the Indian Reorganization Act (25 U.S.C. 476) shall have been approved and adopted at a referendum held for the purpose, the governing body of such constitutional rancheria or reservation shall cause a final financial statement to be prepared, including a certificate that all the obligations and debts of said rancheria or reservation have been liquidated or adjusted and that all the assets have been or are simultaneously therewith conveyed to persons or groups authorized by law to receive them which may include any organization under State law. The constitution of the group shall upon receipt of a satisfactory certificate of completion be revoked by the Secretary.

§ 242.9 Rancheria or reservation business corporation.

When a plan for the distribution of the assets of a tribal business corporation has been approved and adopted by a referendum held for the purpose, the Board of Directors, or equivalent, of such Indian business corporation shall cause a final financial statement to be prepared and submitted to the Area Director, including a certificate that all the obligations and debts of said corporation have been liquidated or adjusted and that all the assets of such corporation have been or are simultaneously therewith conveyed to persons or corporations authorized by law to receive them. The charter of the group shall upon receipt of a satisfactory certificate of completion be revoked by the Secretary.

§ 242.10 Proclamation.

When the provisions of a plan have been carried out to the satisfaction of the Secretary, he shall publish in the FEDERAL REGISTER a proclamation declaring that the special relationship of the United States to the rancheria or reservation and to the distributees and the dependent members of their immediate families is terminated. The proclamation shall list the names of the distributees and dependent members of their immediate families who are no longer entitled to any services performed by the United States for Indians because of their status as Indians.

[F.R. Doc. 59-4738; Filed, June 8, 1959; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Regulation 1]

OIL IMPORT REGULATION

Revision

There was published in the FEDERAL REGISTER of May 30, 1959 (24 F.R. 4379) a notice and text of proposed amendments of Oil Import Regulation 1, prescribing regulations governing the importation of crude oil, unfinished oils, and finished products into the United States. Interested persons were requested to present written comments, objections or suggestions with respect to the proposed amendments by June 4, 1959.

As a result of the comments received the proposed amendments to: (1) paragraph (d) of section 4 has been further revised to clarify the eligibility of controlling persons; (2) section 5 has been further revised to change the time for filing applications for allocations from 45 to 60 days prior to the beginning of an allocation period; (3) sections 17 and 18 have been further revised to incorporate the language of and supersede Oil Import Administration Bulletin No. 2, dated March 24, 1959 (24 F.R. 2361).

Several objections were received regarding the use in paragraph (b) of sections 10 and 11 of a graduated scale formula for determining allocations. Also, several suggestions were received proposing changes in both the "incremental steps" under the "average B/D inputs" and in the percentages. However, it has been determined that no fundamental changes in those respects should be made at this time. All other comments were fully considered.

A new section 7 "Small quantities", which was inadvertently omitted from the notice of proposed rule making, has been added. This section was added to conform to the provision of section 2 of Proclamation 3290, authorizing the entries, without a license, of small quantities of crude oil, unfinished oils, or finished products.

In the notice of proposed rule making, paragraph (b) of section 16 erroneously referred to imports of crude oil and unfinished oils. This has been corrected to refer to residual fuel oil to be used as fuel or finished products other than residual fuel oil to be used as fuel.

Since three sections are to be revoked, a new section added, and amendments made to various sections, it is desirable to revise and publish the regulation in full. Accordingly, Oil Import Regulation 1 is revised in its entirety to read as set forth below. Because allocations must be made and licenses issued before the beginning of the new allocation period on July 1, 1959, Oil Import Regulation 1—Revision 1, shall become effective immediately.

Sec.

AUTHORITY: Sections 1 to 22 issued under Proclamation 3279, as amended 24 F.R. 1781, 3527; sec. 2, 68 Stat. 360, as amended, 72 Stat. 678; 19 U.S.C. 1352a.

Section 1. Purpose.

These regulations implement Presidential Proclamation 3279, "Adjusting Imports of Petroleum and Petroleum Products into the United States," dated March 10, 1959 (24 F.R. 1781), as amended, by providing for the discharge of the responsibilities imposed upon the Secretary of the Interior.

Sec. 2. Oil Import Administration.

There is established in the Department of the Interior an Oil Import Administration under the direction of an Administrator designated by the Secretary of the Interior. The Administrator is hereby empowered to exercise, pursuant to this regulation, all of the authority conferred upon the Secretary by Proclamation 3279, as amended, and the Administrator may redelegate such authority.

Sec. 3. Allocation periods.

Allocations of imports of crude oil and unfinished oils will initially be made for the period March 11, 1959 through June 30, 1959. Allocations of imports of finished products will initially be made for the period April 1, 1959 through June 30, 1959. Thereafter, allocations will be made for periods of six months—that is, July 1 through December 31; January 1 through June 30.

Sec. 4. Eligibility for allocations.

(a) To be eligible for an allocation of imports of crude and unfinished oils in Districts I–IV or in District V, a person must (1) have refinery capacity in the respective districts and (2) in respect of an allocation for the allocation period March 11, 1959 through June 30, 1959 have had refinery inputs in the respective districts for the calendar year 1958 and (3) in respect of the allocation period July 1, 1959 through December 31, 1959, and each successive allocation period thereafter have had refinery inputs in the respective districts for the year ending three months prior to the beginning of the allocation period for which the allocation is requested.

(b) To be eligible for an allocation of imports of crude oil and unfinished oils for Puerto Rico, a person must have refinery capacity in Puerto Rico and must have had refinery inputs in Puerto Rico during the months of July, August, and September of the year 1958.

(c) (1) To be eligible for an allocation of imports of finished products, other than residual fuel oil to be used as fuel, in Districts I–IV or District V, a person must have imported such products into the respective districts during the calendar year 1957.

(2) To be eligible for an allocation of imports of residual fuel oil to be used as fuel in Districts I–IV or District V, a person must have imported residual fuel oil used as fuel into the respective districts during the calendar year 1957.

(3) To be eligible for an allocation of imports of finished products, other than residual fuel oil used as fuel, in Puerto Rico, a person must have imported such products into Puerto Rico during the last half of the calendar year 1958.

(4) To be eligible for an allocation of imports of residual fuel oil to be used as fuel in Puerto Rico, a person must have imported residual fuel oil used as fuel into Puerto Rico during the last half of the calendar year 1958.

(d) A person is not eligible individually for an allocation of crude oil and unfinished oils or finished products if the person is a subsidiary or affiliate owned or controlled, by reason of stock ownership or otherwise, by any other individual, corporation, firm or other business organization or legal entity. The controlling person and the subsidiary or affiliate owned or controlled will be regarded as one. Allocations will be made to the controlling person on behalf of itself and its subsidiary or affiliate but, upon request, licenses will be issued to the subsidiary or affiliate.

Sec. 5. Applications for the allocation period January 1, 1960, through June 30, 1960, and successive periods.

With respect to the allocation period January 1, 1960, through June 30, 1960, and each successive allocation period thereafter, an application for allocations of imports of crude oil and unfinished

oils or finished products must be filed with the Administrator, in such form as he may prescribe, not later than sixty calendar days prior to the beginning of the allocation period for which the allocation is required, except that if the sixtieth day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day.

Sec. 6. Licenses.

(a) When an allocation has been made to a person under this regulation, the Administrator shall, upon application in such form as he may prescribe, issue a license or licenses based on the allocation, specifying the amount of crude oil and unfinished oils or finished products which may be imported, the period of time such license shall be in effect, and the districts (Districts I–IV, District V, or Puerto Rico) into which the importation may be made. The Administrator may amend such licenses.

(b) No license issued pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 7. Small quantities.

(a) Collectors of Customs are authorized to permit without a license baggage entries, and entries for consumption of small quantities of crude oil, unfinished oils, or finished products which are certified as samples for testing or analysis and which do not exceed 110 gallons per entry.

(b) Persons desiring to import small quantities not covered by paragraph (a) of this section should file with the Administrator a request for an authorization for entry without a license for each shipment describing the oil and quantity to be imported and listing the port of entry.

Sec. 8. [Reserved]

Sec. 9. Determination of quantities available for allocation; Districts I–IV, District V.

(a) Prior to the beginning of each allocation period the Administrator shall determine in accordance with the limitations imposed by section 2 of Proclamation 3279, as amended, the quantities of imports of crude oil and unfinished oils which are available for allocation in Districts I–IV and in District V, respectively, and the quantities of imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel which are available for allocation in such districts.

(b) After each such determination the Administrator shall as provided by these regulations make allocations to eligible applicants for the appropriate allocation period.

Sec. 10. Allocations of crude oil and unfinished oils; Districts I–IV.

(a) The quantity of imports of crude oil and unfinished oils determined to be available for allocation in Districts I–IV for the allocation period July 1, 1959, through December 31, 1959, shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending March 31, 1959, and computed according to the following schedule:

Average B/D input:	Percent of input
10–20,000	10.4
20–30,000	9.5
30–60,000	8.5
60–100,000	7.6
100–150,000	6.6
150–200,000	5.7
200–300,000	4.7
300,000 plus	3.8

(c) If an eligible applicant has been importing crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 75.7 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall nevertheless receive an allocation under this section equal to 75.7 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 11. Allocations of crude oil and unfinished oils; District V.

(a) The quantity of imports of crude oil and unfinished oils determined to be available for allocation in District V for the allocation period July 1, 1959, through December 31, 1959, shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending March 31, 1959, and computed according to the following schedule:

Average B/D input:	Percent of input
0–10,000	37.5
10–20,000	30.0
20–30,000	22.5
30–60,000	15.0
60–100,000	12.0
100–150,000	11.0
150–200,000	10.0
200,000 plus	8.0

(c) If an eligible applicant has been importing crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 80 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall nevertheless receive an allocation under this section equal to 80 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) Allocations made pursuant to this section shall not permit the importation of unfinished oils in excess of 10 percent of the permissible imports of crude oil and unfinished oils. With respect to any allocation made pursuant to this section, the Administrator upon request shall issue a license permitting the importation of unfinished oils in an amount not in excess of 10 percent of the allocation. If the total quantity of unfinished oils applied for is less than 10 percent of the permissible imports of crude and unfinished oils, the Administrator may to that extent increase the percentage amount of unfinished oils specified in licenses of persons who request such increases. Each person making such a request shall receive an increase in the proportion that his allocation bears to the total of allocations made to all persons requesting increases.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 12. [Reserved]

Sec. 13. Allocations of finished products; Districts I–IV, District V.

(a) The quantity of imports of finished products determined to be available for allocation in Districts I–IV and in District V for any particular allocation period shall be allocated by the Administrator to each eligible applicant in the proportion that the applicant's imports of finished products during the calendar year 1957 bore to the imports of such products during that year by all eligible applicants. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and for imports of finished products other than residual fuel oil to be used as fuel.

(b) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 14. Determination of maximum level of imports; Puerto Rico.

(a) Pursuant to section 2 of the Proclamation 3279, it is determined (1) that the average barrels per day of imports of crude oil and unfinished oils into Puerto Rico during any particular allocation period shall not exceed the average barrels per day, as determined by the Administrator, during the months of July, August, and September of the year 1958 of imports of such commodities into Puerto Rico, and (2) that the average barrels per day, as determined by the Administrator, of imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel into Puerto Rico during any particular allocation period shall not exceed the average barrels per day of imports of such products, respectively into Puerto Rico during the last half of the calendar year 1958.

(b) The Administrator shall from time to time review the determinations set forth in paragraph (a) of this section and shall recommend to the Secretary of the Interior that the level of imports be increased or decreased as may be required to meet increases or decreases in local demand in Puerto Rico or in demand for export to foreign areas.

Sec. 15. Allocation of crude oil and unfinished oils; Puerto Rico.

(a) For the allocation period July 1, 1959, through December 31, 1959, the

Administrator shall allocate to each eligible applicant for an allocation for Puerto Rico quantities of imports of crude oil and unfinished oils equal to the applicant's average barrels daily of refinery input (adjusted by the Administrator for downtime) in Puerto Rico during the months of July, August, and September of the year 1958.

(b) In the event that the maximum levels of imports of crude oil and unfinished oils are increased or decreased pursuant to paragraph (b) of section 14, the Administrator shall increase or decrease individual allocations in the proportion that each allocation bears to the total allocations of crude oil and unfinished oils.

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 16. Allocations of finished products; Puerto Rico.

(a) For the allocation period July 1, 1959, through December 31, 1959, the Administrator shall allocate to each eligible applicant for an allocation for Puerto Rico a quantity of imports of finished products equal to the applicant's average barrels daily of imports of such products during the last 6 months of the calendar year 1958. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel.

(b) In the event that the maximum level of imports of residual fuel oil to be used as fuel or of finished products other than residual fuel oil to be used as fuel is increased or decreased pursuant to paragraph (b) of section 14, the Administrator shall increase or decrease individual allocations in the proportion that each allocation bears to the total allocations of residual fuel oil to be used as fuel or of finished products other than residual fuel oil to be used as fuel, respectively.

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 17. Use of imported crude oil and unfinished oils.

(a) Each person who imports crude oil or unfinished oils under a license issued pursuant to an allocation made under sections 10, 11, or 15 of this regulation must process the oils so imported in his own refinery, except that foreign crude oil may be exchanged for either domestic crude oil or domestic unfinished oils and foreign unfinished oils may be exchanged for either domestic unfinished oils or domestic crude oil for processing in such refinery if:

(1) The exchange is not otherwise unlawful;

(2) The exchange is effected on a current basis—that is, not more than ninety days elapse between the delivery of foreign and domestic oil under the exchange agreement; and

(3) The proposed exchange agreement is reported to the Administrator before it is acted upon.

(b) All exchanges must be on an oil-for-oil basis and any exchange involving adjustments, settlements, or accounting on a monetary basis is not permissible and will not be approved by the Administrator.

Sec. 18. Reports.

(a) Each person who imports crude oil, unfinished oils, or finished products under a license issued under this regulation shall report to the Administrator the quantities in barrels corrected to 60° F. of crude oil, unfinished oils, and finished products so imported. Each report shall state through which port of entry the importation was made and shall specify the kinds of unfinished oils and finished products imported. Each report should be filed with the Administrator within fifteen days of the end of a particular month.

(b) Each person who exchanges oil pursuant to section 17 of this regulation shall report to the Administrator identifying all parties to the exchange agreement, stating the types and quantities of foreign and domestic oil involved, and describing the basis on which the exchange rests. Such reports must show that not more than ninety days will elapse between the delivery of the foreign and domestic oil. Such reports will be available for public inspection. In addition, any changes occurring during an allocation period in the types of oils or the exchange ratio shall be reported. If an exchange agreement continues beyond the allocation period during which it was consummated, a new report should be filed at the beginning of each new allocation period.

Sec. 19. False statements.

Persons concealing material facts or making false statements in or in connection with any applications or reports filed with the Administrator or in connection with any license presented to or statements made to a Collector of Customs with respect to imports of crude oil, unfinished oils, or finished products, are guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

Sec. 20. Revocation or suspension of allocations or licenses.

The Administrator may, after a hearing, revoke or suspend any allocation or license issued under this regulation, on grounds relating to the national security, or the violation of the terms of Proclamation 3279, this regulation, or licenses issued pursuant thereto.

Sec. 21. Appeals.

(a) There is hereby established an Oil Import Appeals Board, comprised of one representative each from the Departments of Commerce, Defense, and Interior, designated respectively, by the Secretaries of such Departments. The Board shall elect a Chairman from its own membership.

(b) The Appeals Board shall hear and consider petitions and appeals by persons affected by this regulation and may, on grounds of hardship, error, or other relevant special consideration, but within the limits of the maximum levels of imports established in section 2 of Proclamation 3279:

(1) Modify any allocation made to any person under this regulation;

(2) Grant allocations of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under this regulation; and

(3) Review the revocation or suspension of any allocation or license.

The decisions of the Appeals Board on petitions and appeals shall be final.

(c) The Appeals Board may adopt, promulgate, and publish such rules of procedure as it deems necessary for the conduct of its hearings.

Sec. 22. Definitions.

As used in this regulation:

(a) "Person" includes an individual, a corporation, firm, or other business organization or legal entity, and an agency of a state, territorial, or local government, but does not include a department, establishment, or agency of the United States;

(b) "Districts I–IV" means the District of Columbia and all of the States of the United States except those States within District V;

(c) "District V" means the States of Arizona, Nevada, California, Oregon, Washington, Alaska, and the Territory of Hawaii;

(d) "Crude oil" means crude petroleum as it is produced at the wellhead;

(e) "Finished products" means any one or more of the following petroleum oils, or a mixture or combination of such oils, which are to be used without further processing except blending by mechanical means:

(1) Liquefied gases—hydrocarbon gases recovered from natural gas or produced from petroleum refining and kept under pressure to maintain a liquid state at ambient temperatures;

(2) Gasoline—a refined petroleum distillate which, by its composition, is suitable for use as a carburant in internal combustion engines;

(3) Jet fuel—a refined petroleum distillate used to fuel jet propulsion engines;

(4) Naphtha—a refined petroleum distillate falling within a distillation range overlapping the higher gasoline and the lower kerosenes;

(5) Fuel oil—a liquid or liquefiable petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil, such as kerosene, range oil, distillate fuel oils, gas oil, diesel fuel, topped crude oil, residues;

(6) Lubricating oil—a refined petroleum distillate or specially treated petroleum residue used to lessen friction between surfaces;

(7) Residual fuel oil—a topped crude oil or viscous residuum which, as obtained in refining or after blending with other fuel oil, meets or is the equivalent of Military Specification MIL–F–859 for Navy Special Fuel Oil and any other more viscous fuel oil, such as No. 5 or Bunker C;

(8) Asphalt—a solid or semi-solid cementitious material which gradually liquefies when heated, in which the predominating constituents are bitumins,

and which is obtained in refining crude oil.

(f) "Unfinished oils" means one or more of the petroleum oils listed in paragraph (e) of this section, or a mixture or combination of such oils, which are to be further processed other than by blending by mechanical means.

(g) "Administrator" means Administrator, Oil Import Administration, Department of the Interior, or his duly authorized representative;

(h) The words, "importation," "importing," "import," "imports," and "imported," include both entry for consumption and withdrawal from warehouse for consumption;

(i) "Refinery inputs" include all crude oil, imported unfinished oils, natural gasoline mixed in crude oil, and plant and field condensates mixed in crude oil, which are further processed, other than by blending by mechanical means, but do not include unfinished oils which have not been imported;

(j) "Refinery capacity" means a plant which, by further processing crude oil or unfinished oils, other than by blending by mechanical means, manufactures finished petroleum products.

ELMER F. BENNETT,
Acting Secretary of the Interior.

JUNE 6, 1959.

[F.R. Doc. 59-4819; Filed, June 8, 1959; 9:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

[Circular 2020]

PART 76—STATE GRANTS

On pages 1863—1865 of the FEDERAL REGISTER of March 14, 1959, there was published a notice of proposed rule making to implement the land grant provisions of the act of July 7, 1958 (72 Stat. 339 et seq.). Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

No objections have been received, but comments submitted indicate that the number "1,000" in paragraph (b) of § 76.9 should be changed to "5,760."

The proposed regulations are hereby adopted with the above-mentioned revision and are set forth below. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

JUNE 3, 1959.

The title to Part 76 is revised to read as set forth above and the text of Part 76 is revised to read as follows:

GRANT TO ALASKA FOR COMMUNITY PURPOSES

Sec.
76.1 Statutory authority.
76.2 Applicable regulations.
76.3 Approval of selections outside of national forests.
76.4 Statutory authority.
76.5 Applications for selection.
76.6 Statement with application.
76.7 Statutory authority.
76.8 Lands subject to selection; patents; minerals.
76.9 Applications for selection.
76.10 Effect of approval of selections.
76.11 Statutory authority.
76.12 Lands subject to selection; patents; minerals.
76.13 Applications for selection.
76.14 Effect of approval of selections.
76.15 State preference right of selection; waivers.
76.16 Segregative effect of applications.
76.17 Publication and protests.
76.18 Appeals.

AUTHORITY: §§ 76.1 to 76.18 issued under R.S. 2478; 43 U.S.C. 1201.

§ 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 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,"

[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.

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 5,760 acres or fraction thereof in the selection which fee is not returnable.

(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 other 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).

[1] See footnote on p. 4657.

(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. 59-4740; Filed, June 8, 1959; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1868]

UTAH

Withdrawing Lands for Reclamation Purposes (Upper Colorado River Project—Dixie Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Utah are hereby withdrawn in the first form from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws and reserved for use of the Bureau of Reclamation, Department of the Interior, for reclamation purposes in connection with the Upper Colorado River Project and the Dixie Project, as indicated:

[Utah 031037]

SALT LAKE MERIDIAN

DIXIE PROJECT

T. 41 S., R. 13 W.,
Sec 25, S½SE¼.

The area described contains 80 acres.

[Utah 033654]

SALT LAKE AND BASE MERIDIAN

UPPER COLORADO RIVER PROJECT

T. 2 N., R. 20 E.,
Sec. 3, H.E.S. 126 (NE¼NE¼ and S½NE¼).

The area described contains 119.95 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 3, 1959.

[F.R. Doc. 59-4739; Filed, June 8, 1959; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12028; FCC 59-533]

PART 11—INDUSTRIAL RADIO SERVICES

One-Way Signaling on Mobile Service Frequencies

In the matter of petition of Motrel, Incorporated for amendment of Part 11 of the Commission's rules to permit electric utilities in the Power Radio Service to engage in one-way signaling on mobile service frequencies to indicate electric line outages; Docket No. 12028.

1. In its Report and Order of July 25, 1957 (FCC 57-823—released July 29, 1957) in the above-entitled proceeding, the Commission amended § 11.253 of Part 11—Rules Governing the Industrial Radio Services to permit mobile service licensees in the Power Radio Service to operate Operational Fixed Stations on any mobile service frequency above 25 Mc already assigned to the licensee, where such fixed operations are for the sole purpose of automatically indicating failures in electric power transmission or distribution systems.

2. Now before the Commission is a Petition for Reconsideration in Part, filed on August 8, 1957 by National Committee for Utilities Radio (NCUR). In substance, NCUR's petition requests that the above § 11.253 be further amended to afford the same privileges to gas, water and steam licensees seeking to locate failures in their transmission or distribution systems.[1]

3. On the basis of the representations made by NCUR, the Commission concludes that there is as much a need by gas, water and steam licensees for the above fixed operations as by electric power licensees, and that the public interest, convenience and necessity would be aided by the amendment sought. The authority for the amendment is set forth in sections 4(i) and 303 of the Communications Act of 1934 as amended.

4. In view of the foregoing; *It is ordered*, This 3d day of June 1959, (a) that the Petition for Reconsideration in Part filed on August 8, 1957, by the National Committee for Utilities Radio, is granted; (b) that the Petition for Reconsideration, filed on September 24, 1957, by American Gas Association, is dismissed; and (c) that, effective July 15, 1959, Part 11 of the Commission's rules is amended in the manner set forth below.

---

[1] To the same effect is a Petition for Reconsideration filed on September 24, 1957 by American Gas Association (AGA). Because this petition was filed beyond the thirty-day period provided for by § 1.191(c) of the Commission's rules, it must be dismissed; it should be noted, however, that the relief sought by AGA has been provided for in the disposition of the NCUR petition.

(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: June 4, 1959.

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

Paragraph (d) of § 11.253 is amended to read as follows:

§ 11.253 Frequencies available for operational fixed stations.

* * * * *

(d) A mobile service licensee in the Power Radio Service may be authorized to operate an Operational Fixed Station on any mobile service frequency above 25 Mc already assigned to the licensee, where such fixed operation is for the sole purpose of automatically indicating failures in transmission or distribution systems. All such fixed operations are subject to the condition that no harmful interference be caused to any station in the mobile service operating on the same frequency, and are further subject to the following limitations, requirements and exemptions:

(1) The plate power input to the final radio frequency stage of any transmitter shall not exceed fifty watts.

(2) Without the necessity of the showing specified by § 11.103(b), and notwithstanding the other provisions of § 11.103, authorizations will be issued for types A1, A2 or F2 emission with a maximum authorized bandwidth not to exceed that permissible for mobile service use of the frequency involved.

(3) With respect to a particular failure an Operational Fixed Station licensed pursuant to this paragraph is limited to a total of five transmissions of up to three seconds each, no two transmissions to commence in the same sixty-second period.

(4) No transmitter shall transmit its call letters or geographical location except by means of special code.

(5) All Operational Fixed Stations licensed pursuant to this paragraph are exempt from the requirements of §§ 11.54(e)(2), 11.107(c), 11.152 and 11.154: *Provided, however,* That all transmitter adjustments or tests having potential effect upon the proper operation of such Stations shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph.

[F.R. Doc. 59-4767; Filed, June 8, 1959; 8:49 a.m.]

PART 12—AMATEUR RADIO SERVICE

Deletion of List of Radio Districts

The Commission having under consideration the desirability of making certain editorial changes in Part 12 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 4th day of June 1959, that, affective June 4, 1959, Appendix 1 of Part 12 is amended to detete the list of Radio Districts therein.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: June 4, 1959.

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

[F.R. Doc. 59-4768; Filed, June 8, 1959; 8:49 a.m.]

PART 13—COMMERCIAL RADIO OPERATORS

Eligibility for New License

The Commission having under consideration an amendment of its Commercial Radio Operator rules; and

It appearing, that the endorsement placed on Commercial Radio Operator Licenses of the diploma form issued to certain physically handicapped operators pursuant to § 13.5(c) of the rules, is worded as follows:

This license is not valid for the performance of any operating duties, other than installation, service and maintenance duties, at any station licensed by the Federal Communications Commission which is required, directly or indirectly, by any treaty, statute or rule or regulation pursuant to statute, to be provided for safety purposes.

It further appearing, that the radiotelephone and radiotelegraph third-class operator permits issued by the Commission are non-technical licenses and are not valid under present rules for "installation, service and maintenance duties" and that the endorsement should be modified to omit reference to such duties when it is applied to third-class operator permits; and

It further appearing, that the amendment herein ordered is editorial and not substantive and, therefore, compliance with the public rule-making procedures by sections 4(a) and 4(b) of the Administrative Procedure Act is not required.

It is ordered, This 4th day of June 1959, pursuant to authority of section 0.341 of the Commission's Statement of Delegation of Authority and to authority contained in sections 4(i), 303(l) and 303(r) of the Communications Act of 1934, as amended, § 13.5(c)(1) of the Commission's rules is amended as set forth below, effective June 30, 1959.

(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: June 4, 1959.

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

Section 13.5(c)(1) is amended to read as follows:

§ 13.5 Eligibility for new license.

* * * * *

(c) * * *

(1) If the applicant is afflicted with uncorrected physical handicap which would clearly prevent the performance of all or any part of the duties of a radio operator, under the license for which application is made, at a station under emergency conditions involving the safety of life or property, he may be issued the license for which he is found qualified: *Provided,* That any license so received, if of the diploma-form (as distinguished from such document of the card-form), shall bear a restrictive endorsement as follows:

This license is not valid for the performance of any operating duties, other than installation, service and maintenance duties, at any station licensed by the Federal Communications Commission which is required, directly or indirectly, by any treaty, statute or rule or regulation pursuant to statute, to be provided for safety purposes.

Provided further, That in the case of a diploma-form license for which no examination in technical radio matters is required, the endorsement will be modified by deleting the reference therein to installation, service, and maintenance duties.

[F.R. Doc. 59-4769; Filed, June 8, 1959; 8:49 a.m.]

[Docket No. 12811; FCC 59-532]

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

Accounting for Certain Installations of Specially Designed or Costly Station Equipment

1. On March 25, 1959, the Commission adopted a Notice of Proposed Rule Making which was published in the FEDERAL REGISTER on April 2, 1959 (24 F.R. 2562) in accordance with section 4(a) of the Administrative Procedure Act. The proposals presented for comment were for amendment of Part 31 to provide for the inclusion in account 234, "Large private branch exchanges," of the investment in certain equipment used in providing service to the United States Air Force and also in certain other specially designed and costly station equipment. The present Rules require the cost of materials to be included in account 231, "Station apparatus," and the cost of installation and wiring in account 232, "Station connections." Certain other clarifying amendments with respect to station accounting were also proposed.

2. The time for filing comments regarding the above-mentioned proposed rule making has expired. The Commission received timely comments from American Telephone and Telegragh Company (AT&T) on behalf of itself and its associated telephone companies, General Telephone Service Corporation on behalf of the General System, Hawaiian Telephone Company, and United States Independent Telephone Association. No comments or briefs in reply to the original comments were received.

3. The comments received all favored adoption of the amendments as proposed. The principal justification for the proposed amendments is contained in AT&T's letter of October 16, 1958, requesting that the amendments be made. This letter was summarized in the Notice of Proposed Rule Making.

4. At the request of AT&T the Notice proposed that carriers be given the option of placing any amendments adopted in this proceeding into effect as of January 1, 1959. When making such request in its letter of October 16, 1958, AT&T expected that the amendments would actually be accomplished before December 31, 1958 or, at the latest, shortly thereafter. In view of the delay in taking action, AT&T in its comments requested that the amendments be made effective January 1, 1960. Accordingly, the Commission is fixing the effective date of the amendments ordered herein as January 1, 1960.

It appearing, that the proposed rule making in this matter has indicated the desirability of amendment of Part 31 of the Commission's rules and regulations as proposed;

It is ordered, That under authority contained in sections 4(i) and 220(a) of the Communications Act of 1934, as amended, Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) is hereby amended as set forth below;

It is further ordered, That the amendments ordered herein be effective January 1, 1960.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 220, 48 Stat. 1078, 47 U.S.C. 220)

Adopted: June 3, 1959.

Released: June 4, 1959.

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

§ 31.231 [Amendment]

1. In the item list of § 31.231, amend items 24, 25 and 27 to read as follows:

Private branch exchange equipment—nonmultiple manual and cordless switchboards and dial equipment of types designed to accommodate fewer than 100 lines and which cannot normally be expanded to more than 99 lines.

Program supply equipment—other than television.

Station switching and signaling devices, including apparatus cabinets, keys, key cabinets, and other devices used as parts of intercommunicating systems. (See also account 234.)

§ 31.232 [Amendment]

2. Amend § 31.232 as follows:

a. Amend paragraph (b) to read as follows:

(b) When station apparatus is installed, except as part of a replacement or an inside move, the cost of installation shall be charged to this account. The original cost (actual or estimated average unit cost) of any portion of the station connections which is thereby returned to service shall also be charged to this account and credited to account 171, "Depreciation reserve."

b. Amend paragraph (d) to read as follows:

(d) When a station (or other item of station apparatus with which station connections are associated in the company's retirement practices) is physically removed, except as part of a replacement or an inside move, the original cost (actual or estimated average unit cost) of the associated station connections carried in this account shall be credited hereto and charged to account 171, "Depreciation reserve."

c. Amend Note A to read as follows:

NOTE A: Costs chargeable to this account in connection with inside cabling are restricted to small cables used in station installations instead of wires, such as those run from wall outlets or floor terminals to the station apparatus, and to cables used in installing small private branch exchanges. The cost of cables used in installing equipment includible in account 234, "Large private branch exchanges," shall be included in that account. The cost of other inside cables, including riser and distributing cables in buildings, which by their physical character, method of installation, and permanence constitute house cables, is chargeable to account 242:1, "Aerial cable."

d. Amend Note C to read as follows:

NOTE C: The cost of disconnecting or removing station apparatus and station connections, except when done as part of a replacement or an inside move, shall be charged to account 171, "Depreciation reserve." However, provisional denials of service to stations for nonpayment shall not be treated as stations disconnected unless the denials become final. Similarly, restoration of service to such stations subjected to provisional denials which have not become final shall not be treated as stations reconnected. The cost of disconnecting and reconnecting customers' lines at customers' premises to effect such provisional denials and restorations shall be charged to account 605, "Repairs of station equipment." If the disconnection and reconnection are made in central offices, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

§ 31.234 [Amendment]

3. Amend § 31.234 as follows:

a. Amend the text to read as follows:

§ 31.234 Large private branch exchanges.

This account shall include the original cost, including cost of installation, of multiple manual private branch exchanges, and of dial system private branch exchanges of types designed to accommodate 100 or more lines or which can normally be expanded to 100 or more lines, installed either for customers' or the company's use. This account shall also include the original cost of other large installations of station equipment (a) which do not constitute stations, (b) which require special or individualized treatment because of their complexity, special design, or other distinctive characteristics, and (c) for which individual or other specialized cost records are appropriate. (See also account 231.)

b. In the item list amend items 2 and 8 to read as follows:

Dial system private branch exchanges of types designed to accommodate 100 or more lines or which can normally be expanded to 100 or more lines, including any nonmultiple manual switchboards used as attendants' positions in connection with such dial system exchanges.

Switching equipment at switching or relay centers of large private line teletypewriter systems.

c. In the item list insert the following new items:

Switching and signaling devices in large installations, such as certain key systems for governmental agencies, including relay rack equipment, apparatus cabinets, key cabinets, key boxes, and other components of such systems.

Television program supply equipment and other television equipment on customers' premises except portable equipment subject to use in central offices.

§ 31.605 [Amendment]

4. Amend the item list in § 31.605 as follows:

a. Revise items 1 and 14 to read as follows:

Changing type of telephone, such as from nondial to dial or from one color to another.

Replacing one small private branch exchange by another.

b. Insert a new item to read as follows:

Replacing defective station apparatus.

[F.R. Doc. 59-4770; Filed, June 8, 1959; 8:50 a.m.]

[Docket No. 12760; FCC 59-531]

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

Deletion of Telephone Plant Account 207, Right of Way

1. On February 11, 1959, the Commission adopted a Notice of Proposed Rule Making which was published in the FEDERAL REGISTER on February 18, 1959 (24 F.R. 1257) in accordance with section 4(a) of the Administrative Procedure Act. The proposals for amendment of Part 31 presented for comment provided (1) for the deletion of account 207, "Right of way," (2) for the inclusion in account 211, "Land," of the cost of all land held in fee and devoted to telephone service, and (3) for the inclusion of all other rights and permits, currently included in account 207, in the appropriate accounts for the physical plant for which the rights and permits were acquired. The Notice proposed amendment of Part

31 only. However, it also stated that any person who believed that Part 33 (Uniform System of Accounts for Class C Telephone Companies), Part 34 (Uniform System of Accounts for Radiotelegraph Carriers), or Part 35 (Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers) should be amended as to right of way accounting could so indicate in his comments.

2. The time for filing comments regarding the above-mentioned proposed rule making has expired. The Commission received comments from General Telephone Service Corporation (General), RCA Communications, Inc. (RCA), United States Independent Telephone Association (USITA), North Carolina Utilities Commission (N.C.), New Jersey Department of Public Utilities (N.J.) and Wyoming Board of Equalization and Public Service Commission (Wyo.). American Telephone and Telegraph Company originally requested the amendments proposed and its views in support thereof were summarized in the Notice of Proposed Rule Making. No comments or briefs in reply to the original comments were received.

3. General, RCA, USITA and Wyo. favored adoption of the amendments as proposed. N.C. did not oppose the proposed change in accounting but suggested that should the proposal be adopted, the estimated service life of the plant in the accounts into which it is proposed to transfer account 207, "Right of way," should be lengthened or adjusted and such changes given effect by using depreciation rates which will reflect the alleged new greater life expectancy for the plant as combined to a greater extent than at present with the associated right of way. This comment regarding depreciation is somewhat similar to the comment of N.J., which is summarized in the next paragraph.

4. N.J. stated in its comments that the proposed accounting transfer appears to carry with it an increase in depreciation expense, but that the justification for the rule change does not appear to be based upon a need for higher depreciation charges but rather that the transfer would produce simplification of accounting procedures. Reference was made to the fact that no estimate was made of the amount of savings in accounting costs that may be realized as a result of the proposed transfer. Accordingly, N.J. stated that from the information contained in the Notice of Proposed Rule Making it was not in a position to reach any conclusion as to the overall justification of the proposed accounting transfer. While it appears to us that some savings will result because of simplification of the procedures involved, no estimate of such savings was made and it would be very difficult to estimate the dollar value of such savings. It is to be noted that if there is an immediate increase in depreciation expense it will be offset by lower-than-otherwise depreciation expense later due to earlier removal of right of way from the plant accounts upon which depreciation is based.

5. RCA stated in its comments that, although it has only a relatively small investment in rights of way, it was in accord with the principle of treating such items as part of the physical plant to which they relate which would simplify plant accounting and decrease the possibility of overlooking such costs upon the removal or abandonment of physical plant associated therewith. Accordingly, to promote uniformity in the application of improved accounting procedures it suggested that the Commission also consider revising the applicable provisions of Part 34. No other carrier subject to Parts 33, 34 or 35 filed comments and RCA is the only carrier subject to either Part 34 or Part 35 that has any investment recorded in the accounts in which right of way is includible. It does not appear that there would be any measurable savings in accounting costs to RCA or to any other telegraph carrier in the foreseeable future if Parts 34 and 35 were amended. In view of the foregoing, and without prejudice to any future request for rule making with respect to right of way, we have decided not to amend Parts 33, 34 and 35 in this proceeding. Taking no action now will provide opportunity for us to look further into right of way accounting practices and problems which may differ as between large telephone companies, on the one hand, and small telephone companies and all telegraph companies, on the other.

6. The amendments adopted herein are exactly the same as those proposed in the Notice of Proposed Rule Making except that in paragraph (a) of account 211, for the purpose of clarification of meaning, the words "all land in fee" have been changed to read "all land held in fee,".

It appearing, that the proposed rule making proceeding in this matter has indicated the desirability of amendment of Part 31 of the Commission's rules and regulations as proposed;

It further appearing, that there is good reason for not amending Parts 33, 34 and 35, with respect to the accounting for right of way, in this proceeding;

It is ordered, That under authority contained in sections 4(i) and 220(a) of the Communications Act of 1934, as amended, Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) is hereby amended as set forth below;

It is further ordered, That the amendments ordered herein be effective January 1, 1960: *Provided, however*, That any telephone company so desiring may make them effective in its accounts retroactively to January 1, 1959.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interprets or applies sec. 220, 48 Stat. 1078; 47 U.S.C. 220)

Adopted: June 3, 1959.

Released: June 4, 1959.

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

1. In §§ 31.01–3 (j and (x), 31.02–82, and 31.2–20(a) delete the reference to "right of way." Also move the "and" in §§ 31.01–3 (j) and (x) as appropriate.

2. In paragraph (a) of § 31.2–22 delete the phrase "privileges and permits" and substitute therefor "privileges and permits and rights of way."

3. Change paragraph (b) (7) of § 31.2–22 to read as follows:

(7) "Cost of privileges and permits and rights of way" includes payments for and expenses incurred in securing privileges, permits, rights, or rights of way in connection with construction work, such as for use of private property, streets, or highways. The cost of such items shall be included in the cost of the work for which they are secured, except for costs includible in account 202, "Franchises," and account 211, "Land."

4. Delete in its entirety § 31.207.

5. Change paragraph (a) of § 31.211 to read as follows:

(a) This account shall include the original cost of all land held in fee, and of leaseholds, easements, and similar rights in land having a term of more than 1 year used for purposes other than the location of outside plant (see accounts 241 through 244) or externally mounted central office equipment (see account 221). It shall also include special assessments upon lands for the construction of public improvements. (Note also § 31.2–25(d).)

6. Add a Note F to § 31.211 as follows:

NOTE F: The original cost of leaseholds, easements, rights of way, and similar rights in land having a term of more than one year and not includible in account 211 shall be included in the accounts for the outside plant or externally mounted central office equipment in connection with which the rights were acquired.

7. Add a new item in the item list in § 31.221 to read:

Permits and privileges and rights of way for installation of externally mounted central office equipment. (Note also § 31.2–22 (b) (7) and Note F to account 211.)

8. In the item lists in §§ 31.241, 31.242:3, and 31.242:4 change the item relating to permits and privileges for construction to read:

Permits and privileges and rights of way for construction. (Note also § 31.2–22(b) (7) and Note F to account 211.)

9. In the item lists in §§ 31.242:1, 31.242:2, and 31.243 change the item relating to permits and privileges for construction to read:

Permits and privileges for construction. (Note also § 31.2–22(b) (7).)

10. Change the second and third sentences of § 31.244 to read as follows: "It shall include the cost of opening trench and repaving in the construction of such plant and the cost of permits and privileges and rights of way for construction. (Note also § 31.2–22(b) (7) and Note F to account 211.)"

11. In the item lists in §§ 31.602:1, 31.602:4, 31.602:5 and 31.602:7 delete the item reading "Right of way adjustments, cost of, when no additional rights are acquired."

12. At the end of paragraph (a) of § 31.671 add the following sentence: "It shall also include annual or more fre-

quent payments for the use of land, either as right of way or for other operating purposes."

13. Change the first sentence of paragraph 2(b) of Appendix B to Part 31 to read as follows: "With respect to land classifiable in account 211, 'Land,' the property-record unit to be set forth in the continuing property record shall be a parcel of land."

[F.R. Doc. 59-4771; Filed, June 8, 1959; 8:50 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Basis and purpose. Following public procedure pursuant to notice of proposed rule making published in the FEDERAL REGISTER on November 14, 1958 (23 F.R. 8874), as modified by a supplemental notice published on November 26, 1958 (23 F.R. 9144), the regulations under Subchapter F—Alaska Commercial Fisheries were revised in their entirety to prescribe conditions and restrictions appropriate to commercial fishing activities generally in Alaska for the 1959 season. The revision of the subchapter was adopted by the Secretary of the Interior on March 7, 1959, and was published in the FEDERAL REGISTER on March 19, 1959 (24 F.R. 2053), to be effective at the beginning of the 30th day following such publication. Supplemental regulations under Part 104—Bristol Bay Area were published on April 28, 1959 (24 F.R. 3265), and certain amendments to the part were published on May 30, 1959 (24 F.R. 4378).

Among the proposals submitted by various segments of the fishing industry in response to the notice of proposed rule making was one which advocated a change in the regulations applicable to the Bear River Section, North Central District, Alaska Peninsula Area (Part 105), to accomplish a more equitable distribution of the allowable salmon catch among purse seine fishermen and drift net fishermen who compete with one another in the local fishery. No change in the prior existing regulations for this area was effected in the revision of the Subchapter adopted on March 7, 1959, principally because the dispute arose from organizational factors and from intense competition between two forms of fishing gear.

Subsequent to the adoption of the revision published on March 19, 1959, representatives of the operators of the two competing forms of fishing gear resolved their differences and urged that further controversy be avoided during the 1959 season by amending the regulations for the Bear River Section to allow purse seines and drift nets to fish on alternate days on either side of a line dividing the area in controversy. Since management and conservation of the resource will be benefited by forestalling further increases in fishing effort which otherwise almost certainly would occur in this small section, it has been determined to be in the public interest to amend the regulations accordingly.

Further study of the recent revision of Subchapter F has disclosed a number of inadvertent omissions and the need for minor corrections for clarification and consistency in the text to facilitate administration and promote better understanding on the part of the affected public. Accordingly, acting pursuant to authority delegated to the Commissioner of Fish and Wildlife by the Secretary of the Interior in Order 2821 (22 F.R. 5778) and redelegated to the Director, Bureau of Commercial Fisheries by Commissioner's Order 3 (22 F.R. 8126), the regulations under Subchapter F are amended as follows:

PART 105—ALASKA PENINSULA AREA

§ 105.5 [Amendment]

Paragraph (b) of § 105.5 is amended to read as follows:

(b) *North Central District.* (1) Prior to June 21, fishing is permitted in all sections with gill nets having a mesh size of not less than 8½ inches stretched measure.

(2) Nelson Lagoon section and General section, from 6 a.m. June 22 to noon September 30.

(3) In the Bear River section (i) purse seines and gill nets may be used throughout the section from 6 a.m. June 22 to 6 p.m. June 25 and from 6 a.m. July 22 to noon September 30; (ii) on June 29 and July 1, 7, 9, 13, 15, and 21, only purse seines may be used northeast of the church located near the beach about two miles northeast of the mouth of Bear River, and only drift nets may be used southwest of the church; and (iii) on June 30 and July 2, 6, 8, 14, 16, and 20, only drift nets may be used northeast of the church and only purse seines may be used southwest of the church.

Paragraph (d) of § 105.5 is amended by substituting "6 a.m." in lieu of "noon" immediately preceding "August 17."

PART 107—CHIGNIK AREA

A new section designated § 107.18 is added to read as follows:

§ 107.18 Maximum length of seine boats.

No boat used in operating any purse seine shall be longer than 50 feet, official registered length.

§ 107.34 [Amendment]

Paragraph (g) of § 107.34 is amended to read as follows:

(g) *Chiginagak Bay.* Within 1,000 yards of all salmon streams entering the Bay.

PART 108—KODIAK AREA

§ 108.5 [Amendment]

Paragraph (a) of § 108.5 is amended by revising the proviso to read as follows: *Provided*, That fishing is prohibited from 6 p.m. July 17 to 6 a.m. July 27 in the Inner Karluk section.

PART 109—COOK INLET AREA

§ 109.28 [Amendment]

Paragraph (c) of § 109.28 is amended by deleting the proviso at the end of the opening sentence.

§ 109.90 [Amendment]

The proviso in § 109.90 is amended by substituting the words "upstream from" in lieu of the word "above" immediately preceding the words "the town of Alexander."

§ 109.92 [Amendment]

Paragraph (d) of § 109.92 is amended by substituting the words "upstream from" in lieu of the word "above" and in lieu of the words "north of," wherever they appear.

PART 115—SOUTHEASTERN ALASKA AREA

§ 115.34 [Amendment]

Subparagraphs (17) and (21) of paragraph (c), § 115.34, are amended to read as follows:

(17) Seymour Canal: All waters lying either west of the longitude or north of the latitude of the tip of King Salmon Peninsula, including Windfall Harbor.

(21) Hobard Bay: East of 133°23'05'' W. long.

§ 115.34 [Amendment]

Paragraph (e) of § 115.34 is amended by deleting subparagraphs (6) to (12) inclusive, as well as subparagraph (20), and by modifying subparagraph (26) to substitute "southwest" in lieu of "west" immediately preceding the words "by the latitude of Boulder Point."

Subparagraph (5) of paragraph (f), § 115.34, is amended by changing the period to a coma and adding the words "except for trolling."

The foregoing amendments constitute relatively minor modifications of the revision of Subchapter F adopted on March 7, 1959 (24 F.R. 2053), following public procedure pursuant to notice of proposed rule making as previously described. Since the prompt adoption of the necessary above amendments is to correct omissions and discrepancies, clarify meanings, and otherwise to carry out more effectively the proposals for regulations to govern the commercial fisheries of Alaska during the 1959 season as submitted in response to the earlier notice of proposed rule making, additional notice and public procedure on the present amendments would not be in the public interest. Since immediate action is necessary to effectuate desirable modifications in the conditions to govern fishing operations during seasons which open as early as June 22, defer-

ment of the effective date for the amendments is impracticable and they shall become effective immedaitely upon publication in the FEDERAL REGISTER (60 Stat. 237, 5 U.S.C. 1001, et seq.).

(Sec. 1, 43 Stat. 464, as amended (48 U.S.C. 221), and sec. 6(e), 72 Stat. 340)

Dated: June 8, 1959.

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-4820; Filed, June 8, 1959; 10:49 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 9]

COLOR CERTIFICATION

Specifications for FD&C Red No. 1

In F.R. Doc. 59-4415, published in the FEDERAL REGISTER of May 27, 1959 (24 F.R. 4264), paragraph 5 is corrected to read as follows: "It is proposed to delete from § 9.60 the specifications for the certification of FD&C Red No. 1 and to add to § 9.60 the following new specifications for the certification of FD&C Red No. 1:"

Dated: June 2, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-4757; Filed, June 8, 1959; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition for Issuance of Regulation Establishing Tolerances for Maleic Hydrazide in Raw Onions, Raw Potatoes, and Potato Chips

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), the following notice is issued:

A petition has been filed by United States Rubber Company, Naugatuck, Connecticut, proposing the issuance of a regulation to establish tolerances for maleic hydrazide, as follows:

15.0 parts per million (0.0015 percent) as a sprout inhibitor in raw onions.

50.0 parts per million (0.005 percent) as a sprout inhibitor in raw potatoes.

160.0 parts per million (0.016 percent) in potato chips prepared from raw potatoes treated with maleic hydrazide.

Dated: June 3, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-4756; Filed, June 8, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Announcement 30]

COLUMBIA BASIN PROJECT, WASHINGTON; SOUTH COLUMBIA BASIN IRRIGATION DISTRICT

Sale of Full-Time Farm Units

MAY 19, 1959.

Columbia Basin Project, Washington; South Columbia Basin Irrigation District. Public announcement of the sale of full-time farm units.

LANDS COVERED

SECTION 1. *Offer of farm units for sale.*

It is hereby announced that certain farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications for certificates of qualification to purchase farm units may be submitted beginning at 2:00 p.m., June 8, 1959.

In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the Act of August 13, 1953 (67 Stat. 566).

a. *Farm units presently owned.* The farm units which are presently owned by the United States, and hereby offered for sale, are described as follows:

(1) *Group A.* Farm units for which the purchase price combined with the estimated cost of development is moderate:

Irrigation block No.	Farm unit No.	Gross acres	Tentative irrigable acreage				Non-irrigable	Price
			Total	Class 1	Class 2	Class 3		
20	8	122.5	111.2	----------	91.3	19.9	11.3	$2,006.80
	58	96.6	86.6	23.6	63.0	----------	10.0	5,973.80
	124	88.7	82.5	66.1	16.1	0.3	6.2	2,073.20
	132	86.3	78.0	36.5	41.5	----------	8.3	1,581.80
	133	172.9	91.1	68.9	11.8	10.4	81.8	2,098.10
	168	93.7	87.5	78.3	9.2	----------	6.2	3,068.70
	169	155.5	94.3	51.3	35.1	7.9	61.2	3,395.10
13	93	141.0	114.7	----------	106.7	8.0	26.3	3,512.30

(2) *Group B.* Farm units for which the purchase price combined with the estimated cost of development is relatively high: (Some of the units in this group have a lower combined price and cost of development but are substantially limited to the production of hay and pasture.)

Irrigation block No.	Farm unit No.	Gross acres	Tentative irrigable acreage				Non-irrigable	Price
			Total	Class 1	Class 2	Class 3		
13	96	215.5	122.3	20.7	76.9	24.7	93.2	$3,185.40
15	225	197.8	131.8	----------	75.1	56.6	66.0	1,886.00
	226	251.1	113.4	----------	23.2	90.2	137.7	2,023.30
16	294	261.9	140.2	----------	65.4	74.8	121.7	3,268.70
19	144	143.5	125.9	18.4	58.5	49.0	17.6	4,530.30
	145	126.9	112.4	30.4	52.2	29.8	14.5	4,615.80
	146	135.5	117.2	34.8	43.8	38.6	19.3	5,390.50
20	6	133.5	109.6	----------	78.1	31.5	23.9	2,070.60
	38	123.2	96.2	16.2	52.1	27.9	27.0	1,558.20
	65	106.0	97.4	20.7	68.5	8.2	8.6	6,370.20
	67	105.3	81.5	68.1	11.2	2.2	23.8	6,643.30
	73	147.5	77.6	----------	63.3	14.3	69.9	3,344.80
	74	134.0	109.1	----------	48.2	60.9	24.9	2,375.20
	122	94.2	82.7	69.9	12.4	0.4	11.5	2,136.60
	147	270.9	130.5	----------	68.2	62.4	140.4	3,148.20
	152	183.7	93.4	----------	71.8	21.6	90.3	2,219.40
	154	145.8	122.8	14.2	55.4	53.2	23.0	1,992.80
	155	112.4	105.5	36.2	59.4	9.9	6.9	4,639.00
	166	100.3	87.8	79.6	8.2	----------	12.5	13,854.70
	167	134.2	123.2	56.5	56.2	10.5	11.0	6,184.50
	196	115.8	97.3	71.7	25.6	----------	18.5	7,988.00
	197	107.6	97.9	54.9	39.5	3.5	9.7	7,240.30
	198	113.7	101.5	73.7	27.8	----------	12.2	7,803.90

b. *Additional farm units.* It is expected that as a result of pending plat revisions and the operation of its land acquisition program, the United States will have available for sale 15 or more additional farm units in the South Columbia Basin Irrigation District, similar in size, land quality, and price to those described above, which are scheduled to receive water before the close of the 1959 irrigation season. Any such units that become available for sale after the date of this announcement and prior to the date on which the first farm unit is offered for selection to an applicant under the provisions hereof may be offered for sale under the terms of this announcement.

The official plats of these irrigation blocks are on file in the office of the County Auditor of Franklin County in Pasco, Washington, and copies are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho. The prices of the farm units are subject to minor changes which may result from adjustments in the irrigable acreages due to changes in rights of way or other causes.

SEC. 2. *Limit of acreage which may be purchased.*

The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average size family at a suitable level of living. The law provides that no application for a certificate of qualification shall be received from (1) anyone who then has outstanding a certificate of qualification to select a farm unit on the Columbia Basin Project, (2) anyone who owns another farm unit on that project, or (3) any person who, or a member of whose family, has theretofore purchased or entered into a contract to purchase a farm unit under the Columbia Basin Project Act, except those whose farm units have been acquired by the United States for exchange purposes. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.*

Except for a prior preference given plicants for exchange under the provisions of the Act of August 13, 1953 (67 Stat. 566), who are hereinafter called "exchange applicants", preference right to purchase the farm units described above will be given to veterans (and in some cases to their husbands or wives or guardians of minor children) who submit applications during a 45-day period beginning at 2:00 p.m., June 8, 1959, and ending at 2:00 p.m., July 23, 1959, and who, at the time of making application, are in one of the following five classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940, and the official termination of the Korean conflict, and who have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States during the period prescribed in subsection a. of this section, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right and submits written proof of such consent with the application. (See subsection 7d of this announcement regarding the provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section or, in the case of the death or marriage of such spouse, the minor child or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a of this section or, in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.*

An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veteran's preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 5. *Examining board.*

An examining board of three members has been appointed by the Regional Director, Region 1, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The Board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a farm unit.

SEC. 6. *Minimum qualifications.*

Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants, unless qualified exchange applicants, must, in the judgment of the examining board, meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum.

The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the Board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* To qualify for Group A farms listed in section 1, applicants must either (1) possess assets amounting to at least $5,500 in excess of liabilities, of which at least $3,500 must be in cash; or (2) possess at least $5,000 in cash. In addition, at the time he moves to the Project to take possession of the farm unit selected and prior to execution of the land sale contract, the applicant must be prepared to reestablish to the satisfaction of the Project Manager that he possesses in cash or in cash and property useful in developing the farm the minimum net worth required under either of the above alternates.

To qualify for Group B farms listed in section 1, applicants must either (1) possess assets amounting to at least $8,500 in excess of liabilities, of which at least $5,000 must be in cash; or (2) possess at least $7,500 in cash. In addition, at the time he moves to the Project to take possession of the farm unit selected and prior to execution of the land sale contract, the applicant must be prepared to reestablish to the satisfaction of the Project Manager that he possesses in cash or in cash and property useful in developing the farm the minimum net worth required under either of the above alternates.

Assests must consist of cash and property readily convertible into cash or property such as livestock or farm machinery and equipment which, in the opinion of the Board and the Project Manager, will be useful in the development and operation of a new, irrigated farm. When considering farm machinery, the Board and the Project Manager will credit only that equipment which is

adapted for use on the Columbia Basin Project. No value will be allowed for a passenger car or household goods. Property not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form. This conversion can be made before execution of the earnest money agreement or the land sale contract, whichever the Board believes appropriate.

Before executing a land sale contract and acquiring the right of possession of the farm unit, the purchaser must establish, to the satisfaction of the Project Manager, that he has moved to the Project to take possession of the farm unit selected and reestablish his net worth as required above, except that the amount paid as an earnest money deposit can be credited as part of the assets making up the applicant's net worth.

SEC. 7. *Other qualifications required.* Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. In addition to the limitations in section 2, not own outright, or be acquiring under a contract to purchase, more than 10 acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. Not previously have purchased a farm unit from the United States under provisions of the Reclamation Law, excepting therefrom actions under the Act of August 13, 1953.

d. Not have outstanding a certificate of qualification for the purchase of a farm unit on the Columbia Basin Project.

e. Not own outright, or be acquiring under a contract to purchase, a farm unit on the Columbia Basin Project.

f. If a married woman or a person under 21 years of age who is not eligible for veteran's preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 8. *Filing application blanks.* Any person desiring to apply for a certificate of qualification to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Bureau of Reclamation, Ephrata, Wash., in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Wash.; Post Office Box 937, Boise, Idaho; or Washington, D.C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 9. *Priority of applications.* All applications except those received from qualified exchange applicants prior to 2:00 p.m., July 23, 1959, which shall be given prior preference, will be classified for priority purposes as follows:

a. *First priority group.* All complete applications filed prior to 2:00 p.m., July 23, 1959, by applicants who claim veteran's preference. Such applications will be treated as simultaneously filed.

b. *Second priority group.* All complete applications filed prior to 2:00 p.m., July 23, 1959, by applicants who do not claim veteran's preference. Such applications will be treated as simultaneously filed.

c. *Third group.* All complete applications filed after 2:00 p.m., July 23, 1959. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 10. *Public drawing.* After the priority classification, the Board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9a of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the Board to determine whether the applicants meet the minimum qualifications prescribed in this announcement and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board will notify each applicant of his respective standing as a result of the drawing.

SEC. 11. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veteran's preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 12. *Examination and interview.* After the information outlined in section 11 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purpose of: (1) Affording the Board any additional information it may desire relative to his qualifications; (2) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (3) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

SEC. 13. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted

to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the Board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the Board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the Project Manager, Columbia Basin Project, Bureau of Reclamation, may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of section 10 of this announcement.

SEC. 14. *Failure to select.*

If any applicant, except a qualified exchange applicant, refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 15. *Execution of earnest money agreement and land sale contract.*

When a farm unit is selected by an applicant as provided in section 13 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish an earnest money agreement together with instructions concerning its execution and return. In that notice, the Project Manager will inform the applicant of the amount of his down payment and the amount of the irrigation charges assessed by the irrigation district or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the irrigation district.

The earnest money agreement will require the applicant to deposit $200 or 5 percent of the purchase price of the farm, whichever amount is greater, with the Project Manager. The amount deposited with the earnest money agreement will be applied to the down payment if the applicant (1) submits proof that he has moved to the Columbia Basin Project before February 1, 1960, or within six months of the earnest money agreement, whichever is later, and possesses the minimum capital assets required under subsection 6d, (2) pays the irrigation charges assessed by the irrigation district or estimated for the first full irrigation season of the development period following the date of the contract, (3) pays the remainder of the required down payment on the purchase price of the farm unit, and (4) executes a land sale contract in accordance with the Project Manager's instructions. If the applicant fails to comply with any of the four requirements described in this paragraph, he will forfeit his right to purchase the farm unit and the amount he has deposited as earnest money will be retained by the United States as liquidated damages.

When the applicant submits proof to the Project Manager or his representative that he has moved to the Project to take possession of the farm unit and that he possesses the minimum capital assets required under subsection 6d, the Project Manager will promptly furnish the applicant the necessary land sale contract, together with instructions concerning its execution and return. Such proof shall be in the form of an affidavit that he has actually moved to the project area, a current financial statement, and, where appropriate, a personal inspection of farm equipment by a representative of the Project Manager.

If the purchase is made subsequent to July 1 of any year during the development period, a deposit may be required to cover payment of water charges for the balance of that year as well as for the year following the purchase.

SEC. 16. *Terms of sale.*

Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of $400 or 10 percent of the purchase price of the lands being purchased from the United States, whichever is larger, will be required. Larger proportions or the entire amount of the price may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years, and the Project Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments which will be established by the Project Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below and to maintain in crops thereafter the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year.)			
	2d year	3d year	4th year	5th year
10 to 40	75	----------	----------	----------
41 to 60	50	75	----------	----------
61 to 80	50	65	75	----------
81 to 100	40	60	65	75
101 to 160	35	50	65	75

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within one year from the date of his contract or by March 1 of the year water is first declared available to the irrigation block in which the farm unit is located, whichever is later, he must initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the land sale contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the Project Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above.

e. *Speculation and landholding limitations.* Land sale contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable lands; (2) continued conformance of land to the area and boundaries of the farm unit plat

for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the Project, whether as lessee or as owner or both.

f. *Possession.* The purchaser may take possession of the lands being purchased when he has complied with the requirements described in section 15 and the land sale contract has been executed by the Project Manager for the United States, except that if a farm unit is under lease when sold possession may not be taken until the end of the period for which the unit is leased. Such leases occur infrequently and are of not more than one year's duration.

g. *Sales, assignments, leases.* Each purchaser shall be required to agree that he, his heirs and assigns, will not, except with the approval of the Project Manager, sell, assign, lease, or otherwise dispose of, or contract to sell, assign, lease, or otherwise dispose of his land during a period ending five years from the date of his purchase contract.

h. *Copies of contract form.* The terms listed above and all other standard contract provisions are contained in the land sale contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 17. *Water rental charges.* In Irrigation Block 20, some construction activities will be continuing and the system will be tested during the irrigation season of 1959. However, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 18. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the South Columbia Basin Irrigation District in the Columbia Basin Project, the Secretary of the Interior will announce a development period of ten years during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1960 for Irrigation Block 20. The development period began in 1955 for Irrigation Block 15, in 1956 for Irrigation Blocks 13 and 16, and in 1957 for Irrigation Block 19.

During the development period, water rental charges will average an estimated $6 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year by the Regional Director, who has the responsibility for fixing charges.

The present plans of the Regional Director are (1) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (2) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (3) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water, to be specified by the Regional Director, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the irrigation district will levy an additional charge to cover administrative costs and probable delinquencies in collections.

SEC. 19. *Construction period repayment charges*—a. *Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the Project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the irrigation districts. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The contract between the United States and the South Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire Project will be $2.12 per year. Thus, the total construction charge payment will average $85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed $280,782,180, as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 19, 1959.

[F.R. Doc. 59-4741; Filed, June 8, 1959; 8:46 a.m.]

Office of the Secretary

IMPORTS OF RESIDUAL FUEL OIL TO BE USED AS FUEL; DISTRICTS I–IV

Adjustment in Maximum Level

Pursuant to paragraph (e) of section 2 of Presidential Proclamation 3279 (24 F.R. 1781), the maximum level of imports into Districts I–IV of residual fuel oil to be used as fuel shall be 365,000 barrels daily for the allocation period July 1, 1959 through December 31, 1959. This action constitutes an adjustment upward of the maximum level (344,241 barrels daily) now in effect in those Districts. Neither the present level nor the adjusted level includes residual fuel oil withdrawn from bonded warehouse for ships' supplies or for exportation.

The Bureau of Mines has estimated that demand for residual oil in Districts I–IV for the six month period beginning July 1, 1959 will exceed domestic supply by an average of 330,000 barrels daily. The estimate of domestic supply includes production from domestic refinery runs, transfers from crude oil, and receipts from both District V and Puerto Rico.

The estimated requirement of 330,000 barrels per day is based upon normal weather conditions, and with no change in stock level. Inasmuch as unusually cold weather may increase demand substantially, and inasmuch as it is considered desirable that year-end stocks should be somewhat higher than the inventory at the end of June 1959, allowable imports have been established at the 365,000 barrel daily figure mentioned above.

Assuming that the conditions upon which the Bureau of Mines estimates have been made will in fact prevail, the allowable of 365,000 barrels daily will permit a stock buildup of 35,000 barrels daily, or an increase of approximately 6,300,000 barrels for the six month period from July 1, 1959 to December 31, 1959. This increase, added to the estimated stocks as of June 30, 1959 of 27,200,000 barrels, would give a year-end closing inventory of 33,500,000 barrels, a level that corresponds closely to closing stocks at the end of 1957 and that is somewhat higher than such stocks at the end of 1958.

The increased allowable should permit the filling of tanks and the accumulation of stocks in preparation for the heavy seasonal demand in the last quarter of this calendar year and the first quarter of 1960.

In accordance with Proclamation 3279, however, the situation with respect to supply of and demand for residual fuel oil will be kept under surveillance, and if warranted, the allocation may be increased. Conversely, if demand is less

than estimated, and stock levels appear to be burdensome, compensation may be made in the allocation period beginning January 1, 1960.

ELMER F. BENNETT,
Acting Secretary of the Interior.

JUNE 5, 1959.

[F.R. Doc. 59-4818; Filed, June 8, 1959; 9:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

STOCKHOLMS REDERIAKTIEBOLAG SVEA ET AL.

Notice of Agreements Filed for Approval

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

(1) Agreement No. 7918-2, between Stockholms Rederiaktiebolag Seva, Rederiaktiebolaget Fredrika and Eckert Steamship Corp., modifies the approved joint service agreement of the parties (No. 7918, as amended), covering the trade between Canadian and United States Atlantic and United States Gulf ports, on the one hand, and ports of Spain, Portugal and the Mediterranean, on the other hand. The purpose of the modification is to provide that (1) the trade name of the joint service be changed from Eckert Line to Fresco Line, and that for not more than one year the trade name may be designated as Fresco Line formerly Eckert Line; (2) the participation of Eckert Steamship Corp. as to the number of sailings shall be limited to those sailings approved by the other two parties to the agreement; (3) no notice of cancellation of the agreement shall become effective prior to twelve (12) months from the date of approval of this modification; (4) the trade name Eckert Line shall not be used by any of the parties to Agreement No. 7918, as amended, during the period the agreement is in force, except for a period of not more than one year from the effective date of this modification, such trade name may be used in connection with the new trade name Fresco Line; and (5) the trade name Fresco Line or the variation thereof, Fresco Line formerly Eckert Line, shall be the property of Svea and Fredrika for the duration of this agreement, and thereafter.

(2) Agreement No. 8251-1, between Rederiet Ocean A/S and West Coast Line, Inc. (carriers comprising the West Coast Line joint service), and Bull Insular Line, Inc., modifies approved Agreement No. 8251, which covers a through billing arrangement in the trade from Chile, Ecuador, Peru and Colombian Pacific Coast to Puerto Rico with transhipment at New York, Baltimore or Philadelphia. The purpose of the modification is to include Mobile, Ala., and New Orleans, La., as ports of transhipment under the agreement.

(3) Agreement No. 8388, between Ostberg Line (Central American Line), and Americana Shipping Corporation (The Caribbean Line), provides for the establishment and maintenance of a joint cargo service in the trade from New York, Baltimore and/or Philadelphia to certain designated ports on the East Coast of Central America, operating alternate weekly sailings under the trade names "Central American Line" and "The Caribbean Line."

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

Dated: June 4, 1959.

By order of the Federal Maritime Board.

[SEAL] GEORGE A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-4762; Filed, June 8, 1959; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-10]

COMMONWEALTH EDISON CO.

Notice of Hearing on Application for License

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Part 2, 10 CFR, "Rules of Practice," notice is hereby given that a hearing will be held to consider the issuance of a facility license for a utilization facility to the above-named applicant under section 104b of the Atomic Energy Act of 1954, as amended. The hearing will commence at 10:30 a.m. on Thursday, July 9, 1959 and will be held in the Auditorium of the AEC Headquarters, Germantown, Maryland. The application is available for public inspection at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

The issues to be considered at the hearing will be the following:

1. Whether the utilization facility authorized for construction by Construction Permit No. CPPR-2, dated May 4, 1956, as amended by Amendment No. 1 thereto, dated March 31, 1958, issued to Commonwealth Edison Company, has been constructed in compliance with the terms and conditions of the construction permit and will operate in conformity with the application as amended, the construction permit, the Act and rules and regulations of the Commission;

2. Whether there is reasonable assurance that the facility can be operated without endangering the health and safety of the public;

3. Whether Commonwealth Edison Company is technically and financially qualified to operate the facility, to assume financial responsibility for payment of Commission charges for special nuclear material, to undertake and carry out the proposed use of such material for a reasonable period of time, and to engage in the proposed activities in accordance with the Commission's regulations;

4 Whether Commonwealth Edison Company has furnished to the Commission proof of financial protection in accordance with 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements;"

5. Whether the issuance of a license to operate the facility will be inimical to the common defense and security or to the health and safety of the public.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or in the AEC Public Document Room, 1717 H Street NW., Washington, D.C., not later than thirty days after publication of this notice in the FEDERAL REGISTER, or in the event of a postponement of the hearing date specified above at such time as the Presiding Officer may provide.

Answers to this notice shall be filed by Commonwealth Edison Company pursuant to § 2.736 of the rules of practice on or before June 24, 1959. In the absence of good cause shown to the contrary, the AEC staff proposes to recommend at the hearing that the AEC issue a facility license to the applicant substantially in the form set forth below as Annex "A".

Papers required to be filed with the AEC in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file twenty copies of each such paper with the AEC and where service of papers is required on other parties shall serve five copies of each.

Pursuant to section 182b of the Atomic Energy Act of 1954, as amended, notice is hereby given that the report of the Advisory Committee on Reactor Safeguards in this matter is available for public inspection at the Commission's Public Document Room. Copies may be obtained by request to the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C.

The Commission designated Samuel W. Jensch, Esq., as the Presiding Officer to conduct the hearing and to render a decision pursuant to § 2.751(a) of the Commission's "rules of practice."

Dated at Germantown, Md., this 4th day of June 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

ANNEX "A"

PROPOSED LICENSE

1. This license applies to the dual-cycle, boiling water type reactor designated by Commonwealth Edison Company (hereinafter referred to as "Commonwealth Edison") as the "Dresden Nuclear Power Station" (hereinafter referred to as "the facility") which is owned by Commonwealth Edison

and located in Grundy County, Illinois, and described in Commonwealth Edison's application attested March 31, 1955 and amendments to the application attested June 24, 1955, February 1, 1956, March 9, 1956, March 15, 1956, June 6, 1957, June 12, 1957, July 26, 1957, September 3, 1957, November 5, 1957, December 17, 1957, May 26, 1958, June 5, 1958, August 25, 1958, December 26, 1958, December 30, 1958, January 6, 1959, February 6, 1959, April 3, 1959, and May 15, 1959 (hereinafter collectively referred to as "the application"), and for which Construction Permit No. CPPR–2 was issued by the Atomic Energy Commission (hereinafter referred to as "the Commission") on May 4, 1956 and amended on March 31, 1958.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Commonwealth Edison:

a. Pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and Title 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the facility as a utilization facility;

b. Pursuant to the Act and Title 10 CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use 2280 kilograms of contained uranium 235 as fuel for operation of the facility; and

c. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the facility.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

a. *Operating requirements.* (1) Commonwealth Edison shall not operate the facility at a steady state power level in excess of 630,000 kilowatts (thermal).

(2) Subject to the provisions of this paragraph 3, Commonwealth Edison shall operate the facility only in accordance with the design and performance specifications and operating limits and procedures described in the application and Appendix "A"[1] to this license.

(3) In any case where the procedures or specifications described in the application are not consistent with the requirements of this paragraph 3 and Appendix "A" to this license, the requirements contained in this paragraph 3 and Appendix "A" shall govern.

(4) Commonwealth Edison shall not change or modify the design or performance specifications or operating limits or procedures described in Appendix "A" to this license unless authorized by amendment to this license.

(5) Except with respect to the specifications, limits and procedures contained in Appendix "A", Commonwealth Edison may change or modify the design or performance specifications or operating limits or procedures described in the application only in accordance with the following procedures:

(a) The Commonwealth Edison Safeguards Review Board shall evaluate the hazards involved in the proposed change and the effect of such change on the postulated accidents analyzed in the Hazards Summary Report.

(b) (i) If the Review Board determines that the proposed change involves hazards not greater than and not different from those analyzed in the Hazards Summary Report, and that the proposed change does not involve a material alteration of the facility, Commonwealth Edison may make such change without further approval from the Commission.

(ii) If the Review Board determines that the hazards involved are or may be greater than or different from those analyzed in the Hazards Summary Report or if the Review Board determines that the proposed change may involve a material alteration of the facility, Commonwealth Edison shall provide the Commission with a description and hazards evaluation report of the proposed change. If, within fifteen days after the date of acknowledgement by the Division of Licensing and Regulation of receipt of such report, the Commission does not issue any notice to Commonwealth Edison to the contrary, Commonwealth Edison may make such change without further approval. If, within fifteen days after the date of acknowledgement by the Division of Licensing and Regulation of receipt of such report, the Commission notifies Commonwealth Edison that the hazards involved may be greater than or materially different from those analyzed in the Hazards Summary Report, or that the proposed change involves a material alteration of the facility, the change shall not be made until after such change has been authorized in writing by the Commission. If a license amendment is necessary to authorize the proposed change, the report submitted by Commonwealth Edison shall be deemed to constitute an application for a license amendment. As used in this paragraph 3, a proposed change shall be deemed to involve "hazards not greater than, and not different from, those analyzed in the Hazards Summary Report" if (1) the probability of the types of accidents analyzed in the Hazards Summary Report would not be increased, and (2) the possible consequences of the types of accidents analyzed in the Hazards Summary Report would not be increased, and (3) such change would not create a credible probability of an accident of a type different from, and the possible consequences of which would be equal to or greater than any of the accidents analyzed in the Hazards Summary Report. A proposed change shall be deemed to involve hazards which may be "greater than, or different from, those analyzed in the Hazards Summary Report" if (1) the probability of any type of accident analyzed in the Hazards Summary Report might be increased, or (2) the possible consequences of any type of accident analyzed in the Hazards Summary Report might be increased, or (3) such change might create a credible probability of an accident of a type different from, and the possible consequences of which would not be of a lesser magnitude than each of, the accidents analyzed in the Hazards Summary Report. The "Hazards Summary Report" as used in this paragraph 3 is defined as the "Enclosure Section" attested June 12, 1957, the "Preliminary Hazards Summary Report" attested September 3, 1957 and amendments 1, 2, 3, and 4 thereto respectively attested May 26, 1958, August 25, 1958, December 30, 1958, and February 6, 1959 and the "Operating Procedures and Emergency Plans" attested June 5, 1958 submitted by Commonwealth Edison.

b. *Records.* In addition to those otherwise required under this license and applicable regulations, Commonwealth Edison shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing the radioactivity released or discharged into the air or water beyond the effective control of Commonwealth Edison as measured at the point of such release or discharge.

(3) Records of emergency shutdowns, including reasons therefor.

(4) Records containing a description of each change authorized by the Commonwealth Edison Safeguards Review Board and a summary statement of the bases for the conclusions reached by the Board.

c. *Reports.* (1) Commonwealth Edison shall make an immediate report in writing to the Commission of any significant indication or occurrence of an unsafe condition relating to the operation of the facility.

(2) Commonwealth Edison shall report in writing to the Commission any changes in the membership of the Commonwealth Edison Safeguards Review Board within ten days after any such change is made.

(3) At least seven days prior to commencing each of the initial operating phases listed below, Commonwealth Edison shall file with the Commission a report describing the testing program intended to be conducted during that respective phase and the general testing methods to be used. Within thirty days of completion of each operating phase, Commonwealth Edison shall submit a report of the results of the tests and operation conducted pertinent to safety, including a description of changes made in the facility design, performance characteristics and operating procedures. The operating phases referred to above are (a) initial loading and criticality, (b) atmospheric pressure tests, (c) low power (up to 60 MW thermal power) tests, and (d) rated power tests.

(4) Commonwealth Edison shall submit to the Commission a quarterly report for each quarter during the first year after completion of the rated power tests. Such quarterly reports shall be filed within 30 days after the end of the quarter covered by the report. Thereafter Commonwealth Edison shall file an annual report. The first such annual report shall be filed within thirteen months after the filing of the fourth quarterly report referred to above. Each report filed under this paragraph shall include a description of operating experience pertinent to safety and changes in facility design, performance characteristics and operating procedures during the reporting period.

4. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to Commonwealth Edison for use in the operation of the facility 9,388 kilograms of uranium 235 contained in uranium enriched to approximately 1.5 percent and 1.7 percent in the isotope uranium 235. Estimated schedules of special nuclear material transfers to Commonwealth Edison and returns to the Commission are contained in Appendix "B" which is set forth below. Shipments by the Commission to Commonwealth Edison in accordance with column (2) in Appendix "B" will be conditioned upon Commonwealth Edison's return to the Commission of material substantially in accordance with column (3) of Appendix "B".

5. This license is effective as of the date of issuance and shall expire at midnight May 4, 1996.

Date of issuance:

For the Atomic Energy Commission.

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[1] Appendix "A" filed as part of the original document. Copies may be obtained upon application to Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., or at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Estimated schedule of transfers of special nuclear material from the Commission to Commonwealth Edison and to the Commission from Commonwealth Edison

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to Commonwealth Edison kilograms U-235	(3) Returns by Commonwealth Edison to AEC kilograms U-235	(4) Net yearly distribution kilograms U-235	(5) Cumulative distribution kilograms U-235
1958	243.3	----------	243.3	243.3
1959	974.3	198.0	776.3	1,019.6
1960	376.7	84.0	292.7	1,312.3
1961	376.7	185.0	191.7	1,504.0
1962	376.7	185.0	191.7	1,695.7
1963	376.7	185.0	191.7	1,887.4
1964	376.7	185.0	191.7	2,079.1
1965	426.5	185.0	241.5	2,320.6
1966	386.7	185.0	201.7	2,522.3
1967	346.8	(1)	346.8	2,869.1
1968	312.9	----------	312.9	3,182.0
1969	272.1	----------	272.1	3,454.1
1970	228.2	----------	228.2	3,682.3
1971	228.2	----------	228.2	3,910.5
1972	228.2	----------	228.2	4,138.7
1973	228.2	----------	228.2	4,366.9
1974	228.2	----------	228.2	4,595.1
1975	228.2	----------	228.2	4,823.3
1976	228.2	----------	228.2	5,051.5
1977	228.2	----------	228.2	5,279.7
1978	228.2	----------	228.2	5,507.9
1979	228.2	----------	228.2	5,736.1
1980	228.2	----------	228.2	5,964.3
1981	228.2	----------	228.2	6,192.5
1982	228.2	----------	228.2	6,420.7
1983	228.2	----------	228.2	6,648.9
1984	228.2	----------	228.2	6,877.1
1985	228.2	----------	228.2	7,105.3
1986	282.2	----------	228.2	7,333.5
1987	228.2	----------	228.2	7,561.7
1988	228.2	----------	228.2	7,789.9
1989	228.2	----------	228.2	8,018.1
1990	228.2	----------	228.2	8,246.3
1991	228.2	----------	228.2	8,474.5
1992	228.2	----------	228.2	8,702.7
1993	228.2	----------	228.2	8,930.9
1994	228.2	----------	228.2	9,159.1
1995	228.2	----------	228.2	9,387.3
	10,779.3	[1] 1,392.0	9,387.3	----------

[1] The fuel being discharged during fiscal years 1967 through 1995 will have been depleted to such an extent in U-235 that it no longer is special nuclear material. Therefore, no credit for returns has been included for these years.

[F.R. Doc. 59-4778; Filed, June 8, 1959; 8:51 a.m.]

[Docket No. 50-131]

VETERANS ADMINISTRATION HOSPITAL

Notice of Proposed Issuance of Construction Permit and Facility License

Please take notice that the Atomic Energy Commission proposes to issue to The Veterans Administration Hospital, 4101 Woolworth Avenue, Omaha, Nebraska, a construction permit substantially as set forth below unless within fifteen days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). For further details see (1) the application submitted by The Veterans Administration Hospital, and (2) a related memorandum by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Notice is also hereby given that if the Commission issues the permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor by the Hospital on its grounds in Omaha, Nebraska, if it is found that the reactor has been constructed in compliance with the terms and conditions contained in the construction permit and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the Act.

Dated at Germantown, Md., this 5th day of June 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated March 24, 1959, (hereinafter referred to as "the application") The Veterans Administration Hospital, Omaha, Nebraska, requested a Class 104 license defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation of a TRIGA type heterogeneous, light water cooled, zirconium hydride and water moderated tank-type nuclear reactor, (hereinafter referred to as "the reactor") designed to operate at a steady thermal power of 10 kilowatts.

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activities of the types specified in Section 31 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act").

C. The Veterans Administration Hospital is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR.

D. The Veterans Administration Hospital is technically qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR.

E. The Veterans Administration Hospital has submitted sufficient information to provide reasonable assurance that the reactor can be constructed at the proposed location without undue risk to the health and safety of the public.

G. The Veterans Administration Hospital is a Federal agency and need not furnish proof of financial protection as would otherwise be required by subsection 170a of the Act.

3. Pursuant to the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The Veterans Administration Hospital to construct the reactor in accordance with the specifications contained in the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations, is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is June 25, 1959. The latest completion date of the reactor is September 1, 1959. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location in Omaha, Nebraska, specified in the application.

4. Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, and upon finding that the reactor authorized has been constructed in conformity with the application and in conformity with the provisions of the Act and of the rules and regulations of the Commission, the Commission will issue a Class 104 license to The Veterans Administration Hospital pursuant to Section 104c of the Act, which license shall expire 10 years after the date of this construction permit.

For the Atomic Energy Commission.

[F.R. Doc. 59-4817; Filed, June 8, 1959; 9:07 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9891]

DELTA AIR LINES ET AL.; CINCINNATI-DETROIT SUSPENSION INVESTIGATION

Notice of Hearing

In the matter of the investigation instituted by the Board to consider whether the public convenience and necessity require the substitution of Delta Air Lines, Eastern Air Lines, Lake Central Airlines, North Central Airlines, or Piedmont Aviation, Inc., for Trans World Airlines between Cincinnati, Dayton, Columbus, and Toledo, Ohio, and the terminal point Detroit, Michigan, on route No. 2.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that public hearing in the above-entitled proceeding is assigned to be held on June 29, 1959, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington 25, D.C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D.C., June 3, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-4765; Filed, June 8, 1959; 8:49 a.m.]

[Docket No. 7141]

HANCOCK / HOUGHTON / SUPERIOR-PORT ARTHUR, CANADA SERVICE CASE

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on July 9, 1959, at

10 a.m. (local time), Courtroom 3, U.S. Post Office and Court House Building, Duluth, Minnesota, before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., June 4, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-4766; Filed, June 8, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12735 etc.; FCC 59M-714]

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.

Upon verbal request of counsel for the Broadcast Bureau, and with the concurrence of counsel for the other parties to this proceeding: *It is ordered*, This 4th day of June 1959, that hearing herein, which is presently scheduled for June 8, 1959, be, and the same is hereby, rescheduled for June 9, 1959, at 10 o'clock a.m. in the Commission's offices, Washington, D.C.

Released: June 4, 1959.

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

[F.R. Doc. 59-4772; Filed, June 8, 1959; 8:50 a.m.]

[Docket Nos. 12876, 12877; FCC 59M-709]

AUDIOCASTING OF TEXAS, INC., AND HORACE K. JACKSON, SR.

Order Scheduling Hearing

In re applications of Audiocasting of Texas, Inc., Waco, Texas, Docket No. 12876, File No. BP-11851; Horace K. Jackson, Sr., Gatesville, Texas, Docket No. 12877, File No. BP-12550; for construction permits for new standard broadcast stations.

It is ordered, This 3d day of June 1959, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 27, 1959, in Washington, D.C.

Released: June 3, 1959.

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

[F.R. Doc. 59-4773; Filed, June 8, 1959; 8:50 a.m.]

[Docket No. 12878; FCC 59M-708]

PINE TREE TELECASTING CORP. (WPTT)

Order Scheduling Hearing

In re application of: Pine Tree Telecasting Corporation (WPTT), Augusta, Maine, Docket No. 12878, File No. BMPCT-4662; for modification of construction permit.

It is ordered, this 3d day of June 1959, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 27, 1959, in Washington, D.C.

Released: June 3, 1959.

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

[F.R. Doc. 59-4774; Filed, June 8, 1959; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1817]

DESERT TREASURE URANIUM CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 3, 1959.

I. Desert Treasure Uranium Company (issuer), a Utah Corporation, 52 West 7500 South, Midvale, Utah, filed with the Commission on June 30, 1955, a notification and an offering circular relating to an offering of 30,000,000 shares of its 1 cent par value common stock at 1 cent per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The staff having requested the issuer to file amendments with respect to the matters set forth below, and having received no response thereto in the form of an amendment or withdrawal of the filing, the Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The failure to disclose the status of contract payments due on the purchase of unpatented mining claims;

2. The failure to disclose the status of assessment work on the issuer's unpatented mining claims; and

B. The offering under such circumstances would operate as a fraud or deceit upon purchasers.

III. *It is ordered*, Pursuant to Rule 223(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

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

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 59-4743; Filed, June 8, 1959; 8:47 a.m.]

[File No. 24D-1926]

PLATEAU URANIUM CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 3, 1959.

I. Plateau Uranium Corporation (issuer), a New Mexico corporation, 303 West Broadway, Farmington, New Mexico, filed with the Commission on September 12, 1955, a notification on Form 1-A and an offering circular, and filed various amendments thereto, relating to an offering of 1,490,000 shares of its 10-cent par value common stock at 10 cents per share for an aggregate offering of $149,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2-A, as required by Rule 224;

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things, the failure to disclose the status of assessment work on the issuer's unpatented mining claims; and

C. The offering under such circumstances would operate as a fraud or deceit upon purchasers.

III. *It is ordered*, Pursuant to Rule 223(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

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

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-4744; Filed, June 8, 1959; 8:47 a.m.]

[File No. 24D-1971]

COLTEX URANIUM COMPANY, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 3, 1959.

I. Coltex Uranium Company, Incorporated (issuer), a Colorado corporation, Canon City, Colorado, filed with the Commission on November 9, 1955, a notification and an offering circular, and filed an amendment thereto, relating to an offering of 300,000 shares of its $1 par common stock, 196,665 of such shares to be offered for cash at $1 per share for an aggregate amount of $196,665 and the remaining 103,335 shares to be offered for property, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The staff having requested the issuer to file amendments with respect to the matters set forth below, and having received no response thereto in the form of an amendment or withdrawal of the filing, the Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The failure to disclose the status of the issuer's obligations on its mining leases;

2. The failure to disclose the status of the issuer's options to enter into mining leases;

3. The failure to disclose the status of assessment work on the issuer's unpatented mining claims; and

B. The offering under such circumstances would operate as a fraud or deceit upon purchasers.

III. *It is ordered*, Pursuant to Rule 223(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

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

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-4745; Filed, June 8, 1959; 8:47 a.m.]

[File No. 24D-2123]

EASY LIFT INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 3, 1959.

I. Easy Lift Incorporated (issuer), a Utah corporation, 705 Judge Building, Salt Lake City, Utah, filed with the Commission on July 2, 1956, a notification and an offering circular, and filed various amendments thereto, relating to an offering of 6,293,750 shares of its 2-cent par value common stock at 2 cents per share for an aggregate offering of $125,875, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2-A, as required by Rule 224;

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things, the failure to disclose the status of the issuer's manufacturing and selling operations; and

C. The offering under such circumstances would operate as a fraud or deceit upon purchasers.

III. *It is ordered*, Pursuant to Rule 223(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

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

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-4746; Filed, June 8, 1959; 8:47 a.m.]

[File No. 24D-1794]

SILVAIRE URANIUM AND AIRCRAFT CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 3, 1959.

I. Silvaire Uranium and Aircraft Co. (issuer), a Colorado corporation, Fort Collins, Colorado, filed with the Commission on June 17, 1955, a notification on Form 1-A and an offering circular, and filed various amendments thereto, relating to an offering of 3,000,000 shares of its 1-cent par value common stock at 10 cents per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2-A, as required by Rule 224;

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The failure to disclose the status of payments on the issuer's contracts to purchase unpatented mining claims and a Utah State lease;

2. The failure to disclose the status of assessment work on the issuer's unpatented mining claims;

3. The failure to disclose the status of payments on the issuer's contracts to purchase the rights to manufacture and sell the Luscombe Silvaire airplane, along with patents, machinery, and tools related thereto; and

C. The offering under such circumstances would operate as a fraud or deceit upon purchasers.

III. *It is ordered*, Pursuant to Rule 223(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

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

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-4747; Filed, June 8, 1959; 8:47 a.m.]

[File No. 7-1989]

GENERAL INSTRUMENT CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JUNE 3, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in General Instrument Corporation common stock; File No. 7-1989.

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

Upon receipt of a request, on or before June 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F.R. Doc. 59-4748; Filed, June 8, 1959; 8:48 a.m.]

[File No. 7-1990]

NORTHERN NATURAL GAS CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JUNE 3, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Northern Natural Gas Company common stock; File No. 7-1990.

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

Upon receipt of a request, on or before June 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F.R. Doc. 59-4749; Filed, June 8, 1959; 8:48 a.m.]

[File No. 7-1991]

TEXAS INSTRUMENTS, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JUNE 3, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Texas Instruments, Incorporated, common stock; File No. 7-1991.

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

Upon receipt of a request, on or before June 19, 1959 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F.R. Doc. 59-4750; Filed, June 8, 1959; 8:48 a.m.]

[File No. 7-1992]

TEXAS GAS TRANSMISSION CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JUNE 3, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Texas Gas Transmission Corporation common stock; File No. 7-1992.

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

Upon receipt of a request, on or before June 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F.R. Doc. 59-4751; Filed, June 8, 1959; 8:48 a.m.]

[File No. 7-1993]

UNIVERSAL OIL PRODUCTS CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JUNE 3, 1959.

In the matter of application by the Boston Stock Exchange for unlisted

trading privileges in Universal Oil Products Company capital stock; File No. 7-1993.

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

Upon receipt of a request, on or before June 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F.R. Doc. 59-4752; Filed, June 8, 1959; 8:48 a.m.]

[File No. 7-1994]

CHAMPION SPARK PLUG CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JUNE 3, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Champion Spark Plug Company common stock; File No. 7-1994.

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

Upon receipt of a request, on or before June 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F.R. Doc. 59-4753; Filed, June 8, 1959; 8:48 a.m.]

[File No. 7-1995]

SCURRY-RAINBOW OIL, LTD.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JUNE 3, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Scurry-Rainbow Oil Limited common stock; File No. 7-1995.

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

Upon receipt of a request, on or before June 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F.R. Doc. 59-4754; Filed, June 8, 1959; 8:48 a.m.]

[File No. 1996]

THIOKOL CHEMICAL CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JUNE 3, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Thiokol Chemical Corporation common stock; File No. 7-1996.

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

Upon receipt of a request, on or before June 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F.R. Doc. 59-4755; Filed, June 8, 1959; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-15375,[1] G-18010]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application, Consolidation of Proceedings and Date of Hearing

JUNE 2, 1959.

Take notice that on March 9, 1959, Transcontinental Gas Pipe Line Corporation (Transco), filed an application, as amended on April 3 and April 15, 1959, in Docket No. G-18010 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act for authorization to construct and operate near Trenton, Mercer County, New Jersey, the following pipeline facilities:

Proposed facilities	*Estimated cost*
1.84 miles of 16-inch line from Transco's Trenton-Woodbury lateral line to a proposed additional meter station at Trenton for service to Public Service Electric and Gas Company	$236,188
Meter and regulator station at Trenton attached to the proposed 16-inch line	110,500
Franchise, interests, and contingencies	33,812
Total estimated cost	380,500

The Trenton distribution area of Public Service Electric and Gas Company (Public Service) has been served partly with mixed gas and partly with straight natural gas purchased from Transco. Conversion to straight natural gas has

[1] Notice of Transco's application in Docket No. G-15375 was published in the FEDERAL REGISTER on September 26, 1958 (23 F.R. 7501). Transco was granted temporary authorization by the Commission in this docket by letter dated July 23, 1958.

been going on and will be completed in the summer of 1959.

In the Trenton area Transco has one 6-inch lateral line extending from its main line. This lateral was built in 1949–50 under Transco's original certificate in Docket No. G–704. Since then, Public Service's maximum day load is stated to have increased substantially. The proposed facilities will afford Public Service a second point of delivery for Trenton, independent of the existing lateral, by attaching the proposed line to the Trenton-Woodbury system. For economic and other reasons Transco decided to build the proposed second line into south Trenton rather than looping the existing lateral which extends into northeast Trenton.

Public Service proposes to construct a 20-inch line, connecting Transco's proposed facilities to Public Service's Mercer Electric Generating Station, now under construction on Duck Island. The primary fuel in this generating station will be coal and the alternate fuel will be natural gas brought in by Transco's and Public Service's lines.

Transco shows that the existing 6-inch lateral into Trenton has a capacity to deliver only 36,000 Mcf on winter peak days, whereas the estimated 1959–60 firm peak day demand in the area is estimated at 44,000 Mcf. The proposed 16-inch lateral will permit Transco to deliver an additional 115,000 Mcf on winter peak days into the Trenton area and 132,000 Mcf per day in the summer time.

The additional deliveries of natural gas into the Trenton area, proposed herein, will be made from volumes Transco is presently authorized to sell to Public Service.

Transco was granted temporary authorization by the Commission in Docket No. G–18010 by letter dated April 29, 1959, and will finance the estimated cost of its proposed facilities from its cash on hand.

It is appropriate that the hearing be reconvened in the proceedings in Docket No. G–15375 and that the proceeding in Docket No. G–18010 be consolidated therewith for purpose of hearing.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 15, 1959, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications in these consolidated proceedings.

Protests or petitions to intervene in Docket No. G–18010 may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 6, 1959.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–4735; Filed, June 8, 1959; 8:45 a.m.]

[Docket No. E–6886]

EL PASO ELECTRIC CO.

Notice of Application

JUNE 2, 1959.

Take notice that on May 27, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by El Paso Electric Company ("Applicant"), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and New Mexico with its principal business office at El Paso, Texas, seeking an order authorizing the issuance of 50,000 shares of $5 par value Common Stock. Said Common Stock will be issued and sold on various dates in accordance with the provisions of Applicant's Employee Stock Purchase Plan created by Applicant's Board of Directors and approved by its stockholders on May 11, 1959. None of said shares under the Plan will be issued by Applicant prior to January 1, 1960. With respect to the issuance and sale of the 50,000 shares of Common Stock, Applicant requests an exemption from § 34.1a of the regulations of the Federal Power Act requiring competitive bidding. The proceeds from the issuance and sale of the aforesaid Common Stock will be added by Applicant to working capital for ultimate application toward the cost of additions to its utility properties.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 15th day of June 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–4736; Filed, June 8, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 135]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 4, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 61864. By order of May 29, 1959, Division 4, acting as an Appellate Division approved the transfer to Petroleum Transit Corporation of South Carolina, a corporation, Hardeeville, S.C., of the operating rights in Certificates Nos. MC 113336, MC 113336 Sub 9, and MC 113336 Sub 14, issued December 22, 1958, August 28, 1957, and February 12, 1958, respectively, to Petroleum Transit Company, Inc., authorizing the transportation, over irregular routes, of petroleum products, in bulk, in tank vehicles, from Wilmington, N.C., to points in Chesterfield, Dillon, Horry, Marion, Florence, Marlboro, and Darlington Counties, S.C., asphalt, in truckload lots, from Port Wentworth, Ga., to points in South Carolina, and those in North Carolina within 75 miles of the South Carolina-North Carolina State line, asphalt, in bulk, in tank vehicles, from Wilmington, N.C., to points in Clarendon, Georgetown, Kershaw, Lancaster, Lee, Spartanburg, Sumter, Williamsburg and York Counties, S.C., and from Savannah, Ga., to Tampa, Fla. The Division approved also the substitution of Petroleum Transit Corporation of South Carolina, as applicant in Docket No. MC 113336 Sub 15. Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington, D.C., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–4742; Filed, June 8, 1959; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ALFRED SCHMETZER

Notice of Intention To Return Vested Property

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

Claimant, Claim No., Property, and Location

Alfred Schmetzer, Freudenstadt-Wurttemberg, Germany. Claim No. 59830. $1,634.74 in the Treasury of the United States. Vesting Order No. 3443.

Executed at Washington, D.C., on May 29, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59–4761; Filed, June 8, 1959; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

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