THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 24 NUMBER 130

Washington, Friday, July 3, 1959

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 172]

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

Limitation of Handling

§ 922.472 Valencia Orange Regulation 172.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 1, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 5, 1959, and ending at 12:01 a.m., P.s.t., July 12, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 669,900 cartons;

(iii) District 3: Unlimited movement.

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

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

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 2, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5625; Filed, July 2, 1959; 11:25 a.m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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[Lemon Reg. 799]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.906 Lemon Regulation 799.

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

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

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 5, 1959, and ending at 12:01 a.m., P.s.t., July 12, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 418,500 cartons;

(iii) District 3: Unlimited movement.

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

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 1, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5601; Filed July 2, 1959; 9:00 a.m.]

[957.318]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in Sections 957.1 through 957.91 inclusive of the said order. The Idaho-Eastern Oregon Potato Committee, pursuant to § 957.51 of the said marketing agreement and order, has recommended that regulations limiting the handling of 1959 crop potatoes, as authorized by said marketing agreement and order, should be issued. The recommendations of said committee and information submitted by it, with other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 957.318 Limitation of shipments.

During the period from July 6, 1959, through May 31, 1960, no person shall handle any lot of potatoes or cause any such potatoes to be handled unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d) and (e) of this section.

(a) *Minimum grade, size, and cleanliness requirements*—(1) *Round red varieties.* U.S. No. 2, or better, grade, 1⅞ inches minimum diameter.

(2) *White Rose variety.* U.S. No. 2, or better, grade, 5 ounces minimum weight: *Provided,* That any potatoes that grade not less than U.S. No. 1, may be shipped if they are 2 inches minimum diameter or 4 ounces minimum weight, size A.

(3) *Russett variety.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight, size A.

(4) *All other varieties (including but not limited to Kennebecs and Early Gems).* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

(5) *Cleanliness.* For all varieties, at least "generally fairly clean."

(b) *Minimum maturity requirements*—(1) *Kennebec variety.* Not more than 25 percent of the potatoes in any such lot may have more than one-half of the skin missing or "feathered."

(2) *Russet variety.* "Slightly skinned" which means that not more than 10 percent of the potatoes in any such lot may have more than one-fourth of the skin missing or "feathered."

(3) *All other varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any such lot may have more than one-half of the skin missing or "feathered."

(4) Not to exceed a total of 50 cwt. of each variety of a lot of such potatoes may be handled for any producer without regard to the aforesaid maturity (skinning) requirements: *Provided,* That in addition to such 50 cwt. of potatoes of any variety that may be handled without regard to said maturity requirements, any lot of potatoes may be handled for any producer without regard to such requirements if:

(i) Such lot of potatoes previously failed, upon inspection by a Federal-State inspector to meet grade and size requirements but met the aforesaid maturity requirements applicable to such lot of potatoes;

(ii) Such lot of potatoes has been regraded, and such lot of potatoes otherwise meets, as indicated by a Federal-State inspection certificate, the grade and size requirement applicable to such potatoes; and

(iii) The potatoes failing to meet the aforesaid maturity requirements are not in excess of 100 cwt. in any such lot.

(iv) Prior to each shipment of potatoes exempt from the above maturity

requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, cleanliness and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed;

(2) Charity;

(3) Starch;

(4) Canning and freezing;

(5) Dehydration;

(6) Export: *Provided,* That no handler shall ship potatoes for export which do not meet the requirements of the U.S. No. 2 grade, or better, 1½ inches minimum diameter; and

(7) Experimentation.

(d) *Safeguards.* Each handler making shipments of potatoes for starch, canning and freezing, dehydration, export, or for experimentation, pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Pay assessments on such shipments, except shipments for canning or freezing;

(3) Have such shipments inspected, except shipments for canning or freezing;

(4) Upon request by the committee furnish reports of each shipment made pursuant to each Certificate of Privilege;

(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in such application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of such shipment; and

(7) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not exceed, 5 cwt. of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over 5 cwt. of potatoes.

(f) *Definitions.* The terms "slightly skinned," "moderately skinned," "U.S. No. 1," "U.S. No. 2," "Size A" and "fairly clean" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 30, 1959, to become effective July 6, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5558; Filed, July 2, 1959; 8:48 a.m.]

[Milk Order 73]

PART 973—MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Minneapolis-St. Paul marketing area (7 CFR Part 973), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the month of July 1959:

In § 973.9(b)(1) the phrase "during any month 50 percent or more of such plant's total receipts for such month from farms of".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area resulting from the inability of certain "pool plants" regularly associated with the market to qualify as such for the month of July 1959 under present § 973.9(b) of the order.

(3) The inability of certain plants to qualify as pool plants for July 1959 under § 973.9(b) of the order is the result of marketing developments affecting the day-by-day volumes of milk needed at bottling plants, causing increased supplies to be utilized on weekends at country supply plants for manufacturing uses, and consequently making it infeasible for the latter to be qualified under the specified delivery performance requirements.

(4) This suspension order has been requested by associations representing more than two-thirds of the producers whose milk is subject to pricing by the order. It has been indicated that handlers of milk in the market have no objection to the action sought.

(5) Unless the proposed action is taken the milk of a substantial number of producers who have been regular suppliers of this market over a period of many years will not be eligible for pooling under the order for July 1959.

Therefore, good cause exists for making this order effective July 1, 1959.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective July 1, 1959 for the period July 1 through July 31, 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 29th day of June 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59–5559; Filed, July 2, 1959; 8:48 a.m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

Limitation of Shipments

Notice of rule making with respect to proposed Limitation of Shipments to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), was published in the FEDERAL REGISTER June 26, 1959 (24 F.R. 5223).

This notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within three days after publication. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the Limitations of Shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

Findings. It is hereby found that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date specified (5 U.S.C. 1001 et seq.) in that (1) the handling of potatoes grown in the production area will begin on or about the effective date of this section, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of potatoes in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) notice has been given of the proposed limitation of shipments set forth in this section through publicity in the production area and by publication in the FEDERAL REGISTER of June 26, 1959 (24 F.R. 5223).

§ 992.314 Limitation of shipment.

During the period from July 6, 1959, through May 31, 1960, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or such potatoes are handled in accordance with paragraphs (c), (d) and (e) of this section.

(a) *Minimum grade, size, and cleanliness requirements*—(1) *Round varieties.* U.S. No. 2, or better, grade, 1⅞ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* For all varieties, at least "fairly clean".

(b) *Minimum maturity requirements; all varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any such lot may have more than one-half of the skin missing or "feathered".

(c) *Special purpose shipments.* The minimum grade, size, cleanliness and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed;
(2) Livestock feed;
(3) Charity;
(4) Starch;
(5) Canning and freezing;
(6) Dehydration;
(7) Export; or
(8) Potato chipping.

(d) *Safeguards.* Each handler making shipments of potatoes for canning and freezing, dehydration, export, or for potato chipping pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Pay assessments on such shipments, except shipments for canning or freezing;

(3) Have such shipments inspected, except shipments for canning or freezing;

(4) Upon request by the committee, furnish reports of each shipment pursuant to each Certificate of Privilege;

(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in such application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of such shipment;

(7) Before diverting any such shipment to another receiver or buyer apply to the committee for and obtain a new Certificate of Privilege authorizing such diversion, and such handler shall also comply with requirements prescribed by subparagraphs (4) and (5) of this paragraph with respect to such diverted shipments;

(e) *Minimum quantity exception.* Each handler may ship up to, but not exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over 5 hundredweight of potatoes.

(f) *Definitions.* The terms "fairly clean", "moderately skinned", and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 30, 1959, to become effective July 6, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5572; Filed, July 2, 1959; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket 45; Civil Air Regs., Amdt. 41-24]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

Scheduled United States-Hawaii and Intra-Hawaii Operations

By virtue of the provisions of the Hawaii Statehood Act (Pub. Law 86-3, 73 Stat. 4), adopted on March 18, 1959, the former Territory of Hawaii will be admitted into the Federal Union upon the issuance of the Presidential Proclamation contemplated by section 7(c) of that Act. Accordingly, it is necessary to amend § 41.0 of the Civil Air Regulations so that the provision of scheduled air transportation between the other 49 states, and the new State of Hawaii, as well as the provision of scheduled air service by common carriers, other than air taxi operators, to pairs of points within the boundaries of the new state may continue to be governed by the safety regulatory provisions of Part 41.

Since the provisions of Part 41 are presently applicable to such operations, the amendment does not impose any additional burden upon any person. Consequently, the Administrator finds that compliance with the notice, public participation and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Part 41 of the Civil Air Regulations (14 CFR Part 41) is hereby amended, effective upon the date when the State of Hawaii is admitted to the Union, as follows:

1. Amend § 41.0 to read as follows:

§ 41.0 General.

The regulations in this part are prescribed for scheduled air transportation operations conducted by air carriers between a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between any place in a Territory or possession and a place in any other Territory or possession of the United States; or between places in a Territory or possession; or between any place in the United States and any place outside thereof; or between any two places outside the United States. The regulations in this part shall also apply to:

(a) Scheduled air transportation operations conducted by air carriers between a place in any State of the United States and the State of Alaska or the State of Hawaii, respectively, or between the State of Alaska and the State of Hawaii; and

(b) Any scheduled operations conducted between points within the State of Alaska or the State of Hawaii, respectively, by a common carrier engaged in the carriage by aircraft of persons or property for compensation or hire or of U.S. mail unless such operations are conducted as an Air Taxi Operator under Parts 42 or 47 of this subchapter.

This amendment shall be effective upon the date when the State of Hawaii is admitted to the Union.

(Secs. 313(a), 601, 604; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on June 25, 1959.

ALAN L. DEAN,
Acting Administrator.

[F.R. Doc. 59-5535; Filed, July 2, 1959; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 44; Amdt. 28]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

As a result of a recent incident involving Colonial C-1 and C-2 aircraft where the plastic lock for the control surface hinge pin cracked, thus making it possible for the hinge pin to work out, inspection and replacement of all plastic locks is required.

Due to the possibility that a small number of Wright R-1300-1A engines were released by the military for civil sale and use with crankshafts that had undergone a chrome plating salvage repair which rendered the crankshaft unsafe, a re-examination of the engine records is necessary.

To allow time for obtaining parts, the compliance date given for the Vickers modification, airworthiness directive 59-5-7, has been extended. Airworthiness directive 59-10-2 for Allison engines (24 F.R. 4305) is superseded by a new directive to include aircraft having operating engine vibration detection equipment, and a new directive is issued superseding 59-9-2 for Fairchild F-27 aircraft to incorporate installation of fatigue meters.

For the reasons stated above, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are

impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, § 507.10(a) is amended as follows:

1. 59–5–7 Vickers Viscount 745D as it appeared in 24 F.R. 3755 is revised by changing the compliance statement to read: "Compliance required as soon as possible but not later than December 1, 1959."

2. The following new airworthiness directives are added:

59–12–4 ALLISON. Applies to Model 501–D13 and 501–D13A engines.

A few cases of Allison 501–D13 and –D13A third stage turbine blade failure have occurred due to a resonance condition at low speed ground idle. All of these failures to date have resulted in visible damage to fourth stage blades as well as fourth stage vanes. In one case continued operation of an engine with a failed blade resulted in failure of the turbine inlet case-vane case split line bolts.

A. Aircraft not having operating engine vibration detection equipment must observe the following engine operating restriction and inspection.

(1) Low speed ground idle not to exceed two minutes after all engines have been started and two minutes prior to the stopping of engines at the end of the flight.

(2) Conduct inspection of fourth stage turbine blades before next departure of airplane from principal maintenance base and at intervals not to exceed 25 hours of operation for indications of damage using adequate light and optical aid.

B. Aircraft having operating engine vibration equipment shall use this equipment to detect any abnormal high frequency indications and if found, the above inspection of fourth stage turbine blades shall be conducted upon arrival at the next maintenance base.

If any damage is discovered as a result of A. or B. it is cause for more detailed inspection and/or engine removal.

This restriction shall remain in force until further notice.

This supersedes AD 59–10–2.

59–12–5 COLONIAL. Applies to Model C–1 and C–2 aircraft Serial Numbers 1 through 132.

Compliance required as indicated.

The following inspection and replacement of all plastic locks is required. Prior to next flight inspect the control surface hinge pin locks.

(1) If made of metal, no further action necessary.

(2) If made of plastic material inspect for cracks. Parts found cracked must be replaced with locks fabricated of 0.025 2024–T3 aluminum alloy material or equivalent before further operation.

(3) All plastic locks must be replaced within the next 10 hours of operation with metal locks fabricated of 0.025 2024–T3 aluminum alloy material or equivalent.

(Colonial Service Bulletin No. 15 covers this same subject.)

59–12–6 FAIRCHILD. Applies to Model F–27 aircraft Serial Numbers 1 through 50 inclusive.

Compliance required as indicated.

To detect the possible development of cracks in service, to determine actual in-flight loads experienced in service and to control the inspection program the following is required:

(1) Conduct an X-ray inspection of the wing center section lower skin and stringers in accordance with Fairchild Service Bulletin 51–2 at 1,200 hours and 2,400 hours operation and thereafter at every 600 hours operation. If cracks are found, consult Fairchild for approved repairs.

(2) Install and maintain fatigue meters and adhere to the provisions of Fairchild Service Bulletins Nos. 31–3 and 51–2. Compliance required within the next 350 hours of operation or July 15, 1959, whichever occurs first.

This supersedes AD 59–9–2.

59–12–7 WRIGHT ENGINES. Applies to R–1300–1A engines installed in T–28A aircraft.

Compliance required by July 1, 1959, or within the next ten hours of operation, whichever occurs first.

Engines which have crankshafts that were salvaged by chrome plating during the last military overhaul, must be removed from service consistent with the above stipulated compliance provisions. Prior to re-use of the engine in civil aircraft, the affected crankshaft must be replaced.

Engines with these salvaged crankshafts have a note to this effect in the records and log sheets kept for the engine. A re-examination of the military records of these engines must be made. No other identification of such engines was provided.

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 25, 1959.

ALAN L. DEAN,
Acting Administrator.

[F. R. Doc. 59–5536; Filed, July 2, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7327 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

J. Jacob Shannon & Co.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.*

(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, J. Jacob Shannon & Company, Philadelphia, Pa., Docket 7327, June 6, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a mail order merchandiser in Philadelphia, Pa., with advertising fictitious exaggerated amounts as "Reg." prices for purportedly reduced items.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 6 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent J. Jacob Shannon & Company, a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondent's regular or usual price of any product is any amount which is in excess of the price at which respondent has usually and customarily sold such product in the recent regular course of business;

2. Representing, directly or by implication, that the value of any product is any amount which is in excess of the price at which such product is usually and customarily sold in the trade area, or areas, where the statement is made.

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

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

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–5544; Filed, July 2, 1959; 8:46 a.m.]

[Docket 7403 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

A. E. Troutman Co. et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; percentage savings. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, A. E. Troutman Company (Greensburg, Pa.) et al., Docket 7403, June 9, 1959]

In the Matter of A. E. Troutman Company, a Corporation, and B. Poverman, Inc., a Corporation, and B. Poverman, Individually and as an Officer of B. Poverman, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Greensburg, Pa., with violating the Fur Products Labeling Act by failing to comply with the labeling, invoicing, and adver-

tising requirements; and, in advertisements in local newspapers, failing to disclose the names of animals producing certain furs or that certain furs were artificially colored, and representing prices as reduced without maintaining adequate records as a basis therefor.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents A. E. Troutman Company, a corporation, and its officers; B. Poverman, Inc., a corporation, and its officers; B. Poverman, individually and as officer of said corporation; and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution, of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product;

B. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information;

(3) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting;

C. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches;

D. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence;

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product;

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose: (1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

B. Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other;

4. Making price claims and representations respecting prices and values of fur products unless respondents maintain full and adequate records disclosing the facts upon which such claims or representations are based.

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

It is further ordered, That the respondents, A. E. Troutman Company and B. Poverman, Inc., corporations, and B. Poverman, individually and as an officer of B. Poverman, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: June 1, 1959.

By the Commission.

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

[F.R. Doc. 59-5545; Filed, July 2, 1959; 8:46 a.m.]

[Docket 6779]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Niresk Industries, Inc., and Bernice Stone Kahn

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; § 13.215 *Seals, emblems, or awards;* § 13.235 *Source or origin:* Maker or seller, etc.

(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, Niresk Industries, Inc. (Chicago, Ill.), et al., Docket 6779, June 5, 1959]

In the Matter of Niresk Industries, Inc., a Corporation, and Bernice Stone Kahn, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Chicago mail order sellers of kitchenware with false advertising in publications of wide distribution which represented fictitious and excessive amounts as usual retail prices of their cooker-fryers and electric skillets and the offered prices as reductions therefrom; which misrepresented the manufacturer of their cooker-fryer through prominent use thereon of the phrase "Westinghouse Automatic Thermostat"; and which represented falsely through the manner of use of the Good Housekeeping Guaranty Seal, that their said cooker-fryer had been awarded such seal.

Following hearings in due course, the hearing examiner made his initial decision and order to cease and desist from which respondents appealed. Denying the appeal, the Commission on June 5 adopted the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Niresk Industries, Inc., a corporation, and its officers, and respondent Bernice Stone Kahn, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the Cooker-Fryer or any other products in commerce, as "commerce" is defined

in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. Certain amounts are the regular and usual retail prices of products when such amounts are in excess of the prices at which such products are regularly and customarily sold at retail;

2. Any savings are afforded from the retail price of products unless such savings represent a reduction from the price at which said products are regularly and customarily sold at retail;

3. The Cooker-Fryer is the product of, or manufactured by, the Westinghouse Electric Corporation; or that any other product is the product of, or manufactured by, the Westinghouse Electric Corporation or any other corporation, firm, or individual, when such is not a fact;

4. The Cooker-Fryer has been awarded the Good Housekeeping Guaranty Seal; or that any other product has been awarded the Good Housekeeping Guaranty Seal, when such is not a fact.

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

It is further ordered, That the respondents, Niresk Industries, Inc., and Bernice Stone Kahn, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: June 5, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-5546; Filed, July 2, 1959; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1887]

[Fairbanks 010659]

ALASKA

Withdrawing Lands for Use of Department of the Army in Connection With Haines-Fairbanks Products Pipeline System; Revoking Public Land Order No. 1045 of December 28, 1954, as Amended

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Department of the Army for terminal facilities in connection with the Haines-Fairbanks Products Pipeline System, as authorized by the act of September 28, 1951 (65 Stat. 336):

COPPER RIVER MERIDIAN

T. 18 N., R. 11 E., sec. 12, S½NE¼, N½SE¼, N½N½N½S½SE¼.
T. 18 N., R. 12 E., Sec. 7, Lots 2 and 3, excepting the East 660 feet thereof.

Containing 202.35 acres.

2. Public Land Order No. 1045 of December 28, 1954, as amended by Public Land Order No. 1086 of March 8, 1955, which withdrew for similar purposes, a portion of the lands described in paragraph 1, hereof, is hereby revoked.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 26, 1959.

[F.R. Doc. 59-5548; Filed, July 2, 1959; 8:46 a.m.]

[Public Land Order 1888]

[75660]

OREGON

Modifying Boundaries of Rogue River, Umpqua and Mt. Hood National Forests

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

1. So much of the following-described lands as now lie within the exterior boundaries of the Rogue River National Forest are hereby transferred to the Umpqua National Forest:

WILLAMETTE MERIDIAN

T. 32 S., R. 1 W.,
Secs. 15 and 17, those parts now within the Rogue River National Forest;
Sec. 20, that part of the SW¼ now within the Rogue River National Forest.
T. 32 S., R. 2 W.,
Secs. 22 to 24, inclusive, those parts now within the Rogue River National Forest;
Secs. 25 and 26;
Sec. 27, that part now within the Rogue River National Forest;
Sec. 28, SE¼;
Secs. 29, 31 and 32, those parts now within the Rogue River National Forest;
Sec. 33, N½N½;
Secs. 34, 35 and 36.

The areas described aggregate approximately 5,620 acres.

2. Such of the following-described lands as were not eliminated from the Rogue River and the Mt. Hood National Forests by the joint order of the Secretaries of Agriculture and of the Interior, signed respectively on June 12, 1956 and June 21, 1956 (21 F.R. 4525-30), and as subsequently amended and modified, are hereby eliminated from the areas now within the said forests:

ROGUE RIVER NATIONAL FOREST

WILLAMETTE MERIDIAN

T. 32 S., R. 1 E.,
Sec. 1;
Sec. 2, S½;
Secs. 3, 4, 5, and 8 to 11, incl.;
Sec. 12, W½ and SE¼;
Sec. 14.
T. 32 S., R. 2 E.,
Sec. 3, S½NW¼, W½SW¼, and E½SE¼;
Secs. 4 and 5;
Sec. 6, lots 2 to 7 incl., S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1, 2, 3, NE¼, E½W½, N½SE¼, and SW¼SE¼;
Sec. 8, NE¼NE¼, S½NE¼, N½NW¼, SW¼NW¼, and S½;
Sec. 9, lots 1, 2, 3, 4, N½NE¼, SE¼NE¼, E½W½, and SE¼;
Sec. 10;
Sec. 15, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 16;
Sec. 17, W½NE¼, SE¼NE¼, N½NW¼, E½SW¼, and SE¼;
Sec. 18;
Sec. 21, lots 1, 2, 3, 4, 7, 10, and W½;
Sec. 22, lot 4, NE¼, S½NW¼, and N½SW¼;
Sec. 27, W½NE¼, SE¼NE¼, NW¼, and S½;
Sec. 28, N½NE¼, SE¼NE¼, NW¼, and S½;
Sec. 30, NE¼.
T. 34 S., R. 2 E.,
Sec. 2;
Sec. 3, lots 3, 4, 5, SE¼NW¼, and SE¼;
Secs. 8, 9, and 10;
Sec. 11, N½, N½S½, and SE¼SW¼;
Sec. 12;
Sec. 13, lots 1, 2, W½NE¼, W½SW¼, and NW¼;
Sec. 14;
Sec. 15, lots 1, 2, 3, W½NE¼, SE¼NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Secs. 17, 18, 20 to 22, incl.;
Sec. 23, SW¼NE¼, W½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Secs. 24, 25, and 26;
Sec. 27, lots 1 to 7 incl., NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Secs. 28 and 34.
T. 33 S., R. 3 E.,
Secs. 18, 19, 28 to 33 incl.
T. 34 S., R. 3 E.,
Secs. 1 to 6, incl., 8 to 14, incl., 24 to 27, incl., 34 to 36, incl.;
T. 35 S., R. 3 E.,
Secs. 1, and 2;
Sec. 12, NE¼.
T. 37 S., R. 3 E.,
Secs. 5 to 8, incl., 17 to 20, incl., 29 to 32, incl.
T. 38 S., R. 3 E.,
Secs. 4, 5, 6, 8 to 18, incl., 20 to 23, incl.;
Secs. 25 to 30, incl., 32 to 34, incl.;
Sec. 24, W½E½, and W½.
T. 39 S., R. 3 E.,
Secs. 4, 5, 6, 8, 9, 14 to 18, incl., 20 to 23, incl., 26 to 30, incl., 32 and 34.
T. 38 S., R. 4 E.,
Secs. 7, 17 to 20, incl., 25 to 29, incl.;
Sec. 32, N½NE¼, SE¼NE¼, SW¼, and E½SE¼;
Secs. 33 to 36, incl.
T. 39 S., R. 4 E.,
Secs. 4, and 5;
Sec. 6, W½NE¼, NW¼, and S½.
T. 38 S., R. 5 E.,
Secs. 13 to 17, incl.;
Sec. 18, lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 19 to 34, incl.;
Sec. 35, lots 1, 2, 3, 4, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 36.

T. 38 S., R. 6 E.,
Secs. 19 to 22, incl.;
Sec. 23, lots 1 to 6, incl., W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 24;
Sec. 25, SW¼;
Secs. 26 to 30, incl., 32 to 36, incl.
T. 39 S., R. 6 E.,
Secs. 4 to 6, incl.
T. 32 S., R. 1 W.,
Secs. 1, 2 and 11, those parts now within the Rogue River National Forest;
Secs. 12 and 13;
Secs. 14, 16 and 19, those parts now within the Rogue River National Forest;
Sec. 20, that part of the E½ now within the Rogue River National Forest;
Secs. 21 and 22, those parts now within the Rogue River National Forest;
Secs. 23 to 30, incl.;
Secs. 32, 34, 35 and 36;
T. 33 S., R. 1 W.,
Secs. 2, 10, 12, and 14;
Sec. 15, lots 1 to 7 incl., W½NE¼, SE¼NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Secs. 16, 17, and 18;
Sec. 20, E½NE¼, NW¼, and S½;
Secs. 21 to 24, incl., 26 and 27;
Sec. 28, N½NE¼, SW¼NE¼, NW¼, and S½;
Sec. 32, S½NE¼, SE¼SW¼, NE¼SW¼, and N½SE¼;
Sec. 34, SW¼, and S½SE¼.
Secs. 29, and 30.
T. 39 S., R. 1 W.,
Secs. 18 to 22, incl., 27 to 30, incl.
T. 32 S., R. 2 W.,
Sec. 28, that part of N½ and SW¼ now within the Rogue River National Forest;
Sec. 33, S½N½, and S½.
T. 38 S., R. 2 W.,
Secs. 26, 34 and 35.
T. 39 S., R. 2 W.,
Secs. 1, 2, 3, 10 to 15, incl., 19 to 36, incl., excepting Lot 1 of section 1.
T. 40 S., R. 2 W.,
Secs. 2 to 10, incl.
T. 34 S., R. 3 W.,
Sec. 30, E½.
T. 38 S., R. 3 W.,
Secs. 6 to 10, incl., 13 to 26, incl., 35 and 36.
T. 39 S., R. 3 W.,
Secs. 2 to 9, incl;
Sec. 10, all except lot 6 and SW¼SE¼;
Secs. 11, 12, and 13;
Sec. 14, E½NE¼, NE¼NW¼NE¼, SW¼NE¼, NW¼, and S½;
Secs. 15 to 21, incl.;
Sec. 22, E½NE¼, S½S½SW¼NE¼, E½NW¼, E½W½NW¼, E½SW¼, E½NW¼SW¼, SW¼NW¼SW¼, SW¼SW¼, E½SE¼, W½W½NW¼SE¼, and SW¼SE¼;
Secs. 23 to 27, incl.;
Sec. 28, E½NE¼, S½NW¼NE¼, W½NW¼, SW¼, and N½SE¼;
Secs. 29, 30, 33 to 36, incl.
T. 40 S., R. 3 W.,
Secs. 1, and 12.
T. 39 S., R. 4 W.,
Secs 1, to 32, incl.
T. 39 S., R. 5 W.,
Sec. 35, that part within the Rogue River National Forest.

The areas described aggregate approximately 237,000 acres.

MT. HOOD NATIONAL FOREST

WILLAMETTE MERIDIAN

T. 8 S., R. 4 E.,
Sec. 1;
Sec. 2, lots 1, 2, and SE¼;
Sec. 11, NE¼;
Sec. 12, that part within the Mt. Hood National Forest.
T. 4 S., R. 5 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and N½S½;
Sec. 2;
Sec. 3, lots 1, 2, 3, 4, S½NE¼, SW¼NW¼, and S½;
Sec. 7;
Sec. 10, N½NE¼, NW¼, and S½;
Sec. 11, N½, NW¼SW¼, S½SW¼, and SE¼;
Sec. 12, N½, N½SW¼, and SE¼;
Sec. 18.
T. 6 S., R. 5 E.,
Sec. 6, lots 3, 4, 5, 6, 9, 10, 11, SE¼NW¼, and E½SW¼;
Sec. 8, SW¼SW¼;
Sec. 18;
Sec. 20, N½NW¼, and SW¼NW¼;
Sec. 30, lots 1, 2, 3, 4, E½W½, W½SE¼, and SE¼SE¼;
Sec. 32;
Sec. 33, lots 1, 2, W½NW¼, SE¼NW¼, and N½SW¼.
T. 7 S., R. 5 E.,
Sec. 4, lots 3, 4, S½NW¼, and SW¼;
Secs. 5 to 8, incl.;
Sec. 9, W½NW¼;
Sec. 17, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 18;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½W½, and NW¼SE¼;
Sec. 30, lots 1, 2, 3, 4, and E½W½;
Sec. 31, lots 1, 2, 3, 4, and E½W½.
T. 8 S., R. 5 E.,
Sec. 6, lots 4 to 12, incl.
T. 2 S., R. 6 E.,
Sec. 13.
T. 2 S., R. 7 E.,
Sec. 19.

The areas described aggregate approximately 14,150 acres.

3. The boundaries of the Rogue River, Umpqua and Mt. Hood National Forests are hereby adjusted to the extent necessary to conform with the inter-forest transfer made by paragraph 1 of this order, and the exclusions made by paragraph 2 and with the joint order in 21 F.R. 4525–30, referred to in paragraph 2 hereof.

4. The lands eliminated from the Rogue River and Mt. Hood National Forests by paragraph 2 of this order are either privately owned or revested Oregon and California railroad grant lands. The revested lands shall continue to be subject to such forms of appropriation as may by law be made of such lands.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 26, 1959.

[F.R. Doc. 59–5549; Filed, July 2, 1959; 8:47 a.m.]

[Public Land Order 1889]

[Arizona 010137]

ARIZONA

Withdrawing Public Lands for Use of Department of the Air Force for Military Purposes (Vincent Air Force Base)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws including the mining and mineral-leasing laws but not the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use of the Department of the Air Force for military purposes in connection with the Vincent Air Force Base:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 23 W.,
Sec. 16, SE¼SE¼NE¼.

The area described contains 10 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 26, 1959.

[F.R. Doc. 59–5550; Filed, July 2, 1959; 8:47 a.m.]

[Public Land Order 1890]

NEW MEXICO

Reserving Lands Within Gila, Lincoln, and Cibola National Forests for Use by Forest Service as Administrative Sites and Recreation Areas

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

Subject to valid existing rights, the following described public lands within the Gila, Lincoln, and Cibola National Forests in New Mexico are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use by the Forest Service, Department of Agriculture, as administrative sites and recreation areas:

[New Mexico 039510]

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

Coal Mine Canyon Picnic Ground

T. 12 N., R. 8 W.,
Sec. 29, SW¼SE¼.
Totaling 40 acres.

[New Mexico 023643]

NEW MEXICO PRINCIPAL MERIDIAN

GILA NATIONAL FOREST

Emory Pass Recreation Area

Unsurveyed.
T. 16 S., R. 9 W.,
Sec. 15, N½SW¼SW¼.
Totaling 20 acres.

Bearwallow Administrative Site (Lookout)

Unsurveyed.
T. 10 S., R. 18 W.,
Sec. 11, NE¼SW¼SW¼ and NW¼SE¼SW¼.
Totaling 20 acres.

[New Mexico 036793]

NEW MEXICO PRINCIPAL MERIDIAN

LINCOLN NATIONAL FOREST

Queens Administrative Site

T. 24 S., R. 22 E.,
Sec. 19, lot 4, SE¼SW¼;
Sec. 30, lot 1.
Totaling 120 acres.

The areas described in this order total 200 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 26, 1959.

[F.R. Doc. 59-5551; Filed, July 2, 1959; 8:47 a.m.]

[Public Land Order 1891]

[80822]

ARKANSAS

Order Providing for Opening of Public Lands (Power Projects Nos. 1 and 654)

1. In DA-57-Arkansas, issued October 24, 1958, the Federal Power Commission vacated the withdrawals created by the filing of the applications for preliminary permits for proposed Water Power Projects Nos 1 and 654, respectively, affecting the following-described lands:

FIFTH PRINCIPAL MERIDIAN

T. 20 N., R. 14 W.,
Sec. 31, SW¼NE¼, NE¼SW¼, S½SW¼, and NW¼SE¼.

The areas described aggregate 200 acres.

2. Until 10:00 a.m. on November 26, 1959, the lands shall be subject only to application by the State of Arkansas, in accordance with and subject to the limitations and requirements of subsection (b) of section 2 of the act of August 27, 1958 (Public Law 85-771), or to application for the reservation to the State, or any political subdivision thereof, of any lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, pursuant to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

3. Commencing at 10:00 a.m. on February 26, 1960, the lands shall be open to application, petition, location, and selection by the public generally, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284) as amended.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Eastern States Office, Bureau of Land Management, Washington 25, D.C.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 26, 1959.

[F.R. Doc. 59-5552; Filed, July 2, 1959; 8:47 a.m.]

[Public Land Order 1892]

[Fairbanks 022504]

[1841660]

ALASKA

Partially Revoking Public Land Order No. 19 of August 4, 1942

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Public Land Order No. 19 of August 4, 1942, to the extent that it withdrew lands as an addition to Air Navigation Site Withdrawal No. 149, Alaska, dated December 13, 1940, is hereby revoked so far as it affects the following-described lands:

FAIRBANKS MERIDIAN

T. 4 S., R. 7 W.,
Sec. 31, NW¼, E½SW¼, and E½W½SW¼, unsurveyed.
T. 5 S., R. 7 W.,
Sec. 6, W½, unsurveyed.
T. 4 S., R. 8 W.,
Sec. 25, SE¼.
T. 5 S., R. 8 W.,
Sec. 1, E½E½NE¼, S½, W½NW¼, and W½E½NW¼;
Sec. 12, N½.

The areas described aggregate 1,560 acres.

2. Until 10:00 a.m. on September 25, 1959, the State of Alaska shall have a preferred right to select the lands or parts thereof, in accordance with and subject to the limitations in and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) or section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. Subject to the rights of the State of Alaska, to valid existing rights and the requirements of applicable law, the surveyed public lands are hereby opened to the filing of applications, selections and locations in accordance with the following:

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

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

(2) All valid applications under the Homestead, Alaska Home Site, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended), presented prior to 10.00 a.m. on September 25, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on December 28, 1959, will be governed by the time of filing.

4. Subject to the rights of the State of Alaska, to valid existing rights and the requirements of applicable law, the unsurveyed public lands are hereby opened to settlement and to the filing of such applications, selections and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b(1) below, the lands, beginning at 10:00 a.m. on September 25, 1959, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended). Beginning at 10:00 a.m. on December 28, 1959, any remaining lands will be subject to settlement under these laws by other qualified persons.

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

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

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended), presented prior to 10:00 a.m. on September 25, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs 3a. (1) and (2), and 4b. (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on December 28, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to location under the United States mining laws, beginning at 10:00 a.m. on December 28, 1959.

Persons claiming veterans' preference rights under paragraphs 3a. (2) and 4a.

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

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 26, 1959.

[F.R. Doc. 59-5553; Filed, July 2, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 55]

GRADING AND INSPECTION OF EGG PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the Regulations Governing the Grading and Inspection of Egg Products under authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

The proposed amendment would require as a condition to performing inspection service on egg products which were produced in nonofficial plants that laboratory analyses would be made in addition to the organoleptic examination. Minor changes would be made in the processing requirements for certain blends of egg products; recording thermometers would not be required on egg driers; and the official identification and rejection of application provisions would be modified.

All persons who desire to submit written data, views or arguments in connection with the proposed amendment should file the same, in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Change § 55.24 to read:

§ 55.24 When application may be rejected.

Any application for grading service, inspection service, or sampling service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; (d) where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading or inspection service; (e) whenever the applicant, after an initial survey has been made in accordance with § 55.23(a), fails to bring the plant, facilities, and operating procedures into compliance with the regulations within a reasonable period of time; (f) notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service; (g) when it appears that to perform the services specified in this part would not be to the best interests of the public welfare or of the Government; or (h) when it appears to the Administrator that prior commitments of the Department necessitate rejection of the application. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

2. Change § 55.36 to read:

§ 55.36 Form of official identification symbol and inspection mark.

(a) The shield set forth in Figure 1 shall be the official identification symbol for purposes of this part and when used, imitated, or simulated in any manner in connection with a product shall be deemed to constitute a representation that the product has been officially inspected for the purposes of § 55.2(a).

(b) The inspection mark which is permitted to be used on egg products, other than those prepared in accordance with §§ 55.39 and 55.40, shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except that the lot number may be applied to the container other than within the inspection mark, and in such instances the inspection mark shall be in the form and design as indicated in Figure 3 of this section. The plant number may be applied to the container other than within the inspection mark.

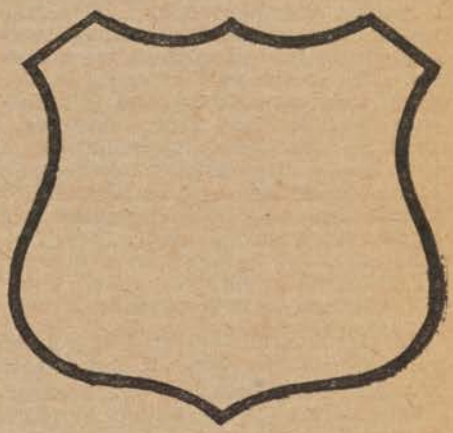

FIGURE 1.

FIGURE 2.

FIGURE 3.

3. Change § 55.41 to read:

§ 55.41 Products not eligible for official identification.

Egg products which are prepared in nonofficial plants shall not be officially identified. However, such products may be inspected organoleptically and by laboratory analyses and covering certificates issued setting forth the results of the inspection. Such certificates shall apply only to samples examined and shall include a statement that the product was produced in a nonofficial plant. Frozen whole eggs will be drilled and examined organoleptically and if the product appears to be satisfactory, samples will be taken for laboratory analyses. The samples will be examined for direct microscopic count and the presence of acetic acid. Frozen whole eggs shall be considered unsatisfactory if they have a direct microscopic bacteria count of 5 million or more per gram of frozen whole egg; or contain acetic acid in any measurable quantity.

§ 55.85 [Amendment]

4. Change § 55.85(d) to read:

(d) Liquid egg, other than whites and yolks with 10 percent salt added, held for shipment in liquid form for drying, stabilization or pasteurization, or which is not moved directly into a freezer shall be cooled to 45° F. within 1½ hours from the time of breaking and maintained at temperatures not exceeding 45° F. until loaded for shipment, or until stabilizing or pasteurizing operations are begun, or until frozen or dried, or delivered to the consumer. Such liquid eggs, if to be held for more than 8 hours, shall be reduced to a temperature of less than 40°F. within 1½ hours from time of breaking and held at that temperature or less until stabilizing or pasteurizing operations are begun, or until dried, or frozen, or delivered to the consumer. Yolks, with 10 percent salt added, may be accumulated up to 3 hours at a temperature not exceeding 60° F., for the purpose of equalizing salt, fat, and color, and immediately thereafter, the product shall be packaged and placed in a freezer.

§ 55.91 [Amendment]

5. Change § 55.91(c) to read:

(c) Driers shall be equipped with approved air intake filters.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624: 19 F.R. 74)

Issued at Washington, D.C., this 29th day of June 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-5519; Filed, July 2, 1959; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Ch. II]

[Docket No. 855]

FOREIGN DISCRIMINATION AFFECTING U.S. SHIPS

Notice of Proposed Rule Making

Whereas, the Federal Maritime Board finds that various foreign governments have promulgated laws, rules, regulations and practices which discriminate against vessels of the United States in favor of vessels flying the flags of those countries or vessels owned, operated or chartered by shipping companies to which those governments for various reasons have extended the same privileges and benefits as are accorded national vessels; and

Whereas, efforts of the Federal Maritime Board to eliminate the above discriminatory laws, rules, regulations and practices through friendly representations with foreign governments or agencies in diplomatic and other channels have proven inadequate in some cases to obtain the desired relief; and

Whereas, the Federal Maritime Board is authorized and directed pursuant to authority vested in the Board by section 19(1)(b) of the Merchant Marine Act, 1920, as amended (46 U.S.C. 876), section 204 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), sections 101 and 104 of Reorganization Plan No. 21 of 1950 (64 Stat. 1273), and other pertinent laws, to make rules and regulations affecting shipping in the foreign trade not in conflict with law in order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade, whether in any particular trade or upon any particular route or in commerce generally and which arise out of or result from foreign laws, rules, or regulations or from competitive methods or practices employed by owners, operators, agents, or masters of vessels of a foreign country;

Now, therefore, the Federal Maritime Board proposes to adopt the following rule of general application to be invoked when negotiations with a foreign government or agencies thereof fail to eliminate such discriminatory laws, rules, regulations and practices as are from time to time found to exist:

1. To counteract the adverse effect of fees or charges imposed by a foreign government which discriminate, directly or indirectly, against vessels documented under the flag of the United States, the Federal Maritime Board will impose equalizing fees or charges against such aforementioned vessels flying the flags of those discriminating countries or vessels owned, operated, or chartered by shipping companies to which those foreign governments have extended the same preferential treatment as are accorded national vessels, and/or the users of the services of said vessels.

2. Where other discriminatory practices exist against U.S. flag vessels, offsetting regulations will be imposed by the Federal Maritime Board.

Persons interested in the proposed rule may file with the Secretary, Federal Maritime Board, Washington 25, D.C., U.S.A., written comments thereon and request for hearing if desired (original and fifteen copies), within thirty days after publication of this order in the FEDERAL REGISTER.

Dated: June 29, 1959.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-5589; Filed, July 2, 1959; 8:51 a.m.]

[46 CFR Ch. II]

[Docket No. 856]

CONSULAR FEE DISCRIMINATION BY REPUBLIC OF ECUADOR; EQUALIZATION FEE

Notice of Proposed Rule Making

Whereas, pursuant to Ecuadoran Decree No. 505 of February 9, 1946, as amended, the Republic of Ecuador levies a consular invoice tariff or fee upon goods, merchandise, and cargo imported into Ecuador in an amount currently equal to 8½ percent of the f.o.b. value of the same as of the port of export when the same are shipped to Ecuador in vessels registered under the flag of the Republic of Ecuador and/or in vessels to which have been extended the same prerogatives and privileges by the Republic of Ecuador as are extended to vessels registered under the flag of Ecuador (including, pursuant to Ecuadoran Decree No. 750 of December 2, 1946, vessels owned or operated by, or under charter to the Flota Mercante Grancolombiana), and for an amount currently equal to 9½ percent of the f.o.b. value as of the port of export of such goods, merchandise, and cargo when the same are shipped to Ecuador in other vessels, including vessels of United States registry; and

Whereas, the Federal Maritime Board has found that the consular invoice tariffs or fees levied upon goods imported into Ecuador are discriminatory in that a higher rate of payment is required if the goods are not imported in vessels registered in Ecuador or vessels accorded the same preferred treatment as such national vessels, and has further found that such consular invoice tariffs or fees are favorable to such aforementioned vessels and detrimental to the U.S. flag vessels in the same trade, thereby creating a special condition unfavorable to U.S. shipping engaged in the foreign

trade between the United States of America and the Republic of Ecuador; and

Whereas, despite the repeated requests of the United States Government, the Government of Ecuador has failed to remove this discrimination with respect to US. shipping in foreign trade; and

Whereas, the Federal Maritime Board, in accordance with its rule of June 29, 1959, entitled "Foreign Discrimination Affecting U.S. Ships" and pursuant to authority vested in the Board by section 19(1)(b) of the Merchant Marine Act, 1920, as amended (46 U.S.C. 876), and section 204 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), and sections 101 and 104 of Reorganization Plan No. 21 of 1950 (64 Stat. 1273), and section 21 of the Shipping Act, 1916, as amended (46 U.S.C. 820), has found it necessary to adopt regulations affecting shipping in the foreign trade between the United States and the Republic of Ecuador in order to adjust and to meet the special unfavorable and discriminatory condition above found to exist;

Now, therefore, the Federal Maritime Board proposes to adopt the regulations set forth below:

1. Every exporter, or the duly authorized agent thereof, shipping goods, merchandise, or cargo from a port of the United States of America to the Republic of Ecuador via a vessel registered under the flag of the Republic of Ecuador, or via a vessel to which the Republic of Ecuador has extended the same prerogatives and privileges as to a vessel registered under the flag of Ecuador (in which category are included vessels owned or operated by or under charter to the Flota Mercante Grancolombiana), shall, prior to placing such goods, merchandise, or cargo upon a pier or dock or other place of loading or upon such vessel for the purpose of export, file with the Atlantic, Gulf or Pacific Coast Director of the Maritime Administration of the District from which such vessel is about to depart, a report under oath (Federal Maritime Board Form No. ------)[1] specifying in sufficient detail the name of such vessel, and the origin, destination, quantity, description of goods, merchandise, or cargo to be exported thereon including the marks and numbers thereof and type of packages to be shipped and the f.o.b. value of such goods, merchandise, or cargo as of the United States port of export.

2. Every exporter or agent required to file such report pursuant to the provisions of paragraph 1 above shall at the time of such filing pay to the Coast Director of the District from which such vessel is about to depart an equalization fee equal to 1 percent of the f.o.b. value, as of the United States port of departure, of all goods, merchandise, or cargo included and described in such report. From time to time such rate will be adjusted to conform the same to any variation which may occur in the amount of rate discrimination from time to time existing under the aforementioned consular invoice tariffs or fees, or other discriminatory or preferential charges.

3. Prior to the close of the 4th business day after clearance by the Collector of Customs for departure from a port of the United States of America of any vessel registered under the flag of the Republic of Ecuador or of any vessel to which the Republic of Ecuador has extended the same prerogatives and privileges as to a vessel registered under the flag of Ecuador (in which category are included vessels owned or operated by, or under charter to the Flota Mercante Grancolombiana), the owner, operator, charterer, or agent thereof shall file with the Coast Director of the District from which such vessel has cleared (who is hereby authorized to receive the same as agent for the Federal Maritime Board), a manifest under oath specifying in detail the name of such vessel, its registry, and the origin, destination, quantity, description of goods, merchandise, or cargo loaded aboard vessels at ports of the United States of America and destined for the Republic of Ecuador including the marks and numbers thereof and type of packages shipped and the f.o.b. value of such goods, merchandise, or cargo as of the United States port of departure, such manifest having attached thereto a copy of Federal Maritime Board Form No. ------ with respect to each shipment of such goods, merchandise, or cargo described in said manifest.

Whoever fails to comply with the provisions of this order shall, upon conviction thereof, be subject to the applicable penalties provided by law.

Persons interested in the proposed regulations may file with the Secretary, Federal Maritime Board, Washington 25, D.C., U.S.A, written comments thereon and request for hearing if desired (original and fifteen copies), within thirty days after publication of this order in the FEDERAL REGISTER.

Dated: June 29, 1959.

By the Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 59-5590; Filed, July 2, 1959; 8:51 a.m.]

[1] Filed as part of the original document. Copies may be obtained from the Federal Maritime Board.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

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

Exemption of Copper Oleate and Copper Sulfate Mono-hydrate From Requirement of Tolerances

The Food and Drug Administration has received requests for clarification of the status of residues of certain copper compounds in or on raw agricultural commodities from preharvest application.

On the basis of evidence taken at the spray residue hearings in 1950, residues of certain specified copper compounds were exempted from the requirement of tolerances when such residues occurred from application of the copper compounds to growing crops in accordance with good agricultural practice (21 CFR, 1958 Supp. 120.6). That evidence also warrants including copper oleate and copper sulfate monohydrate in the list of copper compounds so exempted.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 511, 514; 21 U.S.C. 346a (b), (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.29 (a)), it is proposed by the Commissioner, on his own initiative, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., 120.6) be amended by inserting, in alphabetical order, the items "copper oleate" and "copper sulfate monohydrate" to the list of exempted copper compounds in paragraph (b)(1). As amended, § 120.6(b)(1) would read as follows:

§ 120.6 Exemptions from the requirement of a tolerance.

* * * * *

(b) * * *

(1) The following copper compounds: Bordeaux mixture, copper acetate, basic copper carbonate (malachite), copper-lime mixtures, copper oleate, copper oxychloride, copper silicate, copper sulfate basic, copper sulfate monohydrate, copper-zinc chromate, cuprous oxide, tetra copper calcium oxycloride.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing copper oleate or copper sulfate monohydrate may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All documents shall be filed in quintuplicate.

Dated: June 26, 1959.

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

[F.R. Doc. 59-5562; Filed, July 2, 1959; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR 40, 41, 42]

[Reg. Docket No. 49; Draft Release 59-7]

DRINKING AND SERVING OF ALCOHOLIC BEVERAGES ABOARD AIR CARRIER AIRCRAFT

Notice of Proposed Rule Making

Notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Section 43.45 of the Civil Air Regulations forbids a pilot to permit any person to be carried in the aircraft who is obviously under the influence of intoxicating liquor. However, there is no regulation dealing with the problem of alcoholic beverage consumption by passengers aboard an aircraft.

At hearings conducted before subcommittees of the House and Senate Committees on Interstate and Foreign Commerce, to consider bills to prohibit the serving of alcoholic beverages aboard air carrier aircraft witnesses described a number of instances in which the intoxication of passengers aboard air carrier aircraft had led to disorderliness or other conduct which may have endangered the safety of the aircraft. These instances, however, appear to have been caused by the passenger's consumption of a personal liquor supply rather than by consumption of liquor served to him under the control and supervision of the air carrier.

Under the provisions of section 601 (a)(6) of the Federal Aviation Act of 1958, the Administrator has the power and the duty to prescribe regulations governing such practices as he finds necessary to provide adequately for safety in air commerce. In the exercise of this power and duty the Administrator now finds that the drinking and serving of alcoholic beverages aboard air carrier aircraft must be controlled to the extent necessary to provide adequately for safety in air commerce. Accordingly, in order to provide such control, it is proposed to adopt a regulation which would prohibit (1) the drinking of any alcoholic beverage aboard an air carrier aircraft unless the beverage has been served by the air carrier operating the aircraft, and (2) the serving by the air carrier of such beverage to a person who is or who appears to be intoxicated. Under this regulation, a passenger who drinks an alcoholic beverage aboard an air carrier aircraft without being served such beverage by the air carrier will be subject to a civil penalty not to exceed $1,000. Correspondingly, an air carrier which serves an alcoholic beverage to an intoxicated passenger will also be subject to such a penalty.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

This amendment is proposed under the authority of sections 313(a) and 601(a)(6) of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421(a)(6)).

In consideration of the foregoing, it is proposed to amend Parts 40, 41, and 42 by adding new §§ 40.371, 41.135 and 42.65 respectively, each to read as follows:

Drinking and serving of alcoholic beverages. (a) No person shall drink any alcoholic beverage aboard an air carrier aircraft unless such beverage has been served to him by the air carrier operating the aircraft.

(b) No air carrier shall serve any alcoholic beverage to any person aboard an air carrier aircraft if such person is or appears to be intoxicated.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-5580; Filed, July 2, 1959; 8:50 a.m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 9476]

UNITED STATES OVERSEAS AIRLINES, INC., ET AL.

Postponement of Hearing

In the matter of the formal complaint of United States Overseas Airlines, Inc., against Great Lakes Airlines, Inc., Currey Air Transport, Ltd., Trans-Alaskan Airlines, Inc., Transcontinental Airlines Agency System, Skycoach System and Irving E. Hermann and Ida Mae Hermann.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the hearing in the above-entitled matter now assigned for the 7th of July 1959, is postponed to July 28, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., June 29, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-5576; Filed, July 2, 1959; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ANNISTON LIVESTOCK SALE ET AL.

Posted Stockyards

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

ALABAMA

Name of stockyard	*Date of posting*
Anniston Livestock Sale, Oxford	May 3, 1959
Hartselle Livestock Co., Hartselle	June 1, 1959
King & Newborn Stockyards, Florence	May 28, 1959
Sand Mt. Sales Barn, Albertville	May 21, 1959

GEORGIA

Name of stockyard	*Date of posting*
Dodge County Livestock Barn, Eastman	May 22, 1959
Elberton Livestock Auction Co., Elberton	June 2, 1959
Pulaski Stock Yard, Hawkinsville	June 2, 1959
Shuman Livestock Market, Inc., Hagan	May 30, 1959
Smith Stockyard, Thomson	June 2, 1959
Tri-County Livestock Auction Company, Social Circle	June 1, 1959
Turner County Stockyards, Inc., Ashburn	May 19, 1959

KANSAS

Marion Livestock Sales & Commission Co., Marion	June 2, 1959
McPherson Sales Company, McPherson	June 2, 1959

MICHIGAN

Michigan Live Stock Exchange, Battle Creek (Battle Creek Stock Yard)	Apr. 24, 1959
Michigan Live Stock Exchange, St. Louis (Central Michigan Stockyards)	Apr. 24, 1959

MISSOURI

Adair County Sale Barn, Kirksville	May 28, 1959
Butler Community Sale, Butler	June 5, 1959
Cassville Livestock Auction, Cassville	May 28, 1959

MISSOURI—Continued

Name of stockyard	Date of posting
Clinton Community Sale, Clinton	May 27, 1959
Columbia Livestock Auction, Columbia	May 20, 1959
Edina Sale Co., Edina	May 29, 1959
Kennett Sales Company, Inc., Kennett	May 8, 1959
Lamar Community Sale, Lamar	May 26, 1959
Mansfield Livestock Auction, Mansfield	June 8, 1959
McDonald County Sales Co., Goodman	May 11, 1959
Monett Sale Co., Monett	June 4, 1959
Neosho Livestock Commission Co., Neosho	June 4, 1959
Payne Auction, Lebanon	June 5, 1959
C. M. Pasley Auction Company, Osceola	June 4, 1959
Poplar Bluff Sales Co., Poplar Bluff	June 5, 1959
Thayer Sales Company, Thayer	May 18, 1959
Windsor Auction Co., Windsor	June 3, 1959
NEBRASKA	
Aurora Sale Pavilion, Aurora	June 1, 1959
Pawnee Livestock Co., Pawnee City	Apr. 6, 1959
Syracuse Sale Pavilion Co., Inc., Syracuse	June 5, 1959
NORTH DAKOTA	
Ellendale Live Stock Sales Co., Ellendale	June 6, 1959
Missouri Slope Livestock Auction, Inc., Bismarck	June 1, 1959
OKLAHOMA	
Cherokee Sales Company, Cherokee	June 2, 1959
TENNESSEE	
Collierville Auction Co., Collierville	May 25, 1959
Jamestown Stockyards, Jamestown	June 1, 1959
Scotts Hill Auction Co., Scotts Hill	May 7, 1959
WISCONSIN	
Clear Lake Livestock Market, Clear Lake	May 26, 1959
H. A. Meyer Cattle Co., Plymouth	May 28, 1959

Done at Washington, D.C., this 29th day of June 1959.

JOHN C. PIERCE,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-5573; Filed, July 2, 1959; 8:50 a.m.]

Farmers Home Administration

DIRECTORS OF THE SEVERAL LOAN DIVISIONS OF THE NATIONAL OFFICE

Delegation of Authorities

The Order of the Administrator of the Farmers Home Administration dated January 24, 1957 (22 F.R. 616), is hereby amended to delete reference to the "Emergency Loan Division" and to substitute the "Water Resources Division" therefor.

(Order of the Acting Secretary of Agriculture dated December 24, 1953, as amended (19 F.R. 74, 22 F.R. 8188))

Dated: June 29, 1959.

H. C. SMITH,
Acting Administrator, Farmers Home Administration.

[F.R. Doc. 59-5575; Filed, July 2, 1959; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[Region Four Order 3, Amdt. 5]

SUPERINTENDENTS

Delegation of Authority

MAY 27, 1959.

1. Paragraphs (a), (b) and (c) of section 1 of Order No. 3, issued February 17, 1956 (21 F.R. 1494), are amended to read as follows:

(a) Appointments and status changes involving personnel in GS-14 and higher grades; however, appointments and status changes involving grade GS-13 must be submitted to the Region Four Office for review before being finalized.

(b) Classification of positions in any Civil Service or supervisory wage board grades.

(c) Establishment of any permanent position.

2. Paragraphs (a), (b) and (c) of section 2 of Order No. 3, issued February 17, 1956, (21 F.R. 1494) is amended to read as follows:

(a) Appointments and status changes involving personnel in the same Civil Service grade, as, or higher grades than, the Superintendent making appointments or status changes.

(b) Classification of positions in any Civil Service or supervisory wage board grades.

(c) Establishment of any permanent position.

3. Paragraphs (b) and (c) of section 3 of Order No. 3, issued February 17, 1956 (21 F.R. 1494) are amended to read as follows:

(b) Classification of positions in any Civil Service or supervisory wage board grades.

(c) Establishment of any permanent position.

(National Park Service Order No. 14; 39 Stat. 535; 16 U.S.C., 1952 ed., sec. 2)

LAWRENCE C. MERRIAM,
Regional Director, Region Four.

[F. R. Doc. 59-5554; Filed, July 2, 1959; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-133]

PACIFIC GAS & ELECTRIC CO.

Application for Construction Permit and Utilization Facility License

EDITORIAL NOTE: This application is published pursuant to section 182(b) of the Atomic Energy Act of 1954 (68 Stat. 954; 42 U.S.C. 2232(b)) which requires publication in the FEDERAL REGISTER once a week for four consecutive weeks.

Please take notice that Pacific Gas and Electric Company, 245 Market Street, San Francisco, California, under section 103 of the Atomic Energy Act of 1954 has submitted an application for license authorizing construction and operation of a 50 megawatt (electrical) single-cycle, natural internal circulation, boiling water nuclear reactor as part of Unit No. 3 at its Humboldt Bay Power Plant located near Eureka, California. A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

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

For the Atomic Energy Commission.

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

[F.R. Doc. 59-4857; Filed, June 11, 1959; 8:45 a.m.]

[Docket No. 50-131]

VETERANS ADMINISTRATION HOSPITAL

Notice of Issuance of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on June 8, 1959, the Atomic Energy Commission has issued Facility License No. R-57 authorizing The Veterans Administration Hospital to possess and operate a TRIGA type nuclear reactor at thermal power levels up to ten kilowatts on its site in Omaha, Nebraska. Notice of the proposed action was published in the FEDERAL REGISTER on June 9, 1959, 24 F.R. 4671.

Dated at Germantown, Md., this 26th day of June 1959.

For the Atomic Energy Commission.

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

[F.R. Doc. 59-5534; Filed, July 2, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12310, 12914; FCC 59-605]

ENTERTAINMENT AND AMUSEMENTS OF OHIO, INC., AND WMBO, INC. (WMBO)

Order Designating Application for Consolidated Hearing on Stated Issues

In re applications of Entertainment and Amusements of Ohio, Inc., Solvay, New York; Docket No. 12310, File No. BP-10988; Requests: 1320 kc, 500 w,

DA, Day; WMBO, Incorporated (WMBO) Auburn, New York; Docket No. 12914, File No. BP-12271; Has: 1340 kc, 250 w, U; Requests: 1340 kc, 250 w, 1 kw-LS, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of June 1959;

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

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal, but that the proposed operation of Entertainment and Amusements of Ohio, Inc. would cause interference to the proposed operation of WMBO; that the proposal of Entertainment and Amusements of Ohio, Inc. would cause objectionable interference to Station WOSC, Fulton, New York; that the proposed operation of WMBO would cause objectionable interference to Station WUSJ, Lockport, New York; and

It further appearing that, by Order adopted April 8, 1959, the Commission designated for hearing the application of Entertainment and Amusements of Ohio, Inc.; that the application of WMBO, Incorporated was accepted for filing August 15, 1958, and, therefore, is entitled to be consolidated in said hearing proceeding in Docket 12310, pursuant to § 1.106 of the Commission rules; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicants were advised by letter dated May 7, 1959, of the aforementioned deficiencies; and

It further appearing that a timely reply was received from each of the applicants; and

It further appearing that, in an amendment filed on May 13, 1959, the managers of Stations WMBO and WUSJ agreed to accept the interference which would "result from a mutual increase in power to one kilowatt", but that WUSJ has no such proposal before the Commission to effectuate a mutual increase in power, and does not state that it will accept the interference from WMBO's instant proposal to the existing operation of WUSJ; and

It further appearing that, by Petition filed April 7, 1959, BP-12271, requested that its application be designated for hearing with BP-10988 because the latter's transmitter site is located within its proposed primary service area; that by Petition filed April 14, 1959, BP-10988 opposed the above-referenced petition on the grounds that no interference would be caused to BP-12271; that, however, on the basis of conductivities shown on Figure M-3 of the Commission Rules slight interference will be caused to BP-12271 by BP-10988 and therefore BP-12271 is entitled to be consolidated in the above hearing proceeding in Docket No. 12310; and

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

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the application of WMBO, Incorporated is consolidated for hearing in the proceeding in Docket No. 12310, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of Entertainment and Amusements of Ohio, Inc. and the availability of other primary service to such areas and populations.

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

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Entertainment and Amusements of Ohio, Inc., would involve objectionable interference with Station WOSC, Fulton, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of WMBO would involve objectionable interference with Station WUSJ, Lockport, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

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

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

It is further ordered, That Cassill Radio Corporation and Lockport Union-Sun Journal, Inc., licensees of Stations WOSC and WUSJ, Fulton and Lockport, New York, respectively, are made parties to the proceeding.

It is further ordered, That in the event the proposal of WMBO, Incorporated is favored in hearing, the finding will be without prejudice to such action as the Commission may deem warranted as a result of a final determination in the comparative hearing proposed in its Memorandum Opinion and Order of July 30, 1958, (FCC 58-771) on the renewal of licenses of Stations WMBO and WMBO-FM, File Nos. BR-212 and BRH-414, and the application of Herbert P. Michels for a construction permit for Station WAUB, Auburn, New York, File No. BP-10994.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

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

Released: June 30, 1959.

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

[F.R. Doc. 59-5564; Filed, July 2, 1959; 8:48 a.m.]

[Docket Nos. 12636, 12637; FCC 59M-829]

FRANK JAMES AND SAN MATEO BROADCASTING CO.

Order Continuing Hearing

In re applications of Frank James, Redwood City, California, Docket No. 12636, File No. BPH-2344; Grant R. Wrathall, tr/as San Mateo Broadcasting Company, San Mateo, California, Docket No. 12637, File No. BPH-2431; for construction permits.

The Hearing Examiner having under consideration a request for consolidation of hearing sessions filed by Frank James on June 22, 1959;

It appearing that an informal conference was held on June 29, at which time a revised schedule was agreed upon to accommodate all the parties and the Hearing Examiner;

It is ordered, This 30th day of June 1959, that the further hearing now scheduled for July 1 is continued to July 13, 1959, and the request for consolidation of hearing sessions is dismissed as moot.

Released: June 30, 1959.

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

[F.R. Doc. 59-5565; Filed, July 2, 1959; 8:48 a.m.]

[Docket No. 12870; FCC 59M-827]

NORTHEAST RADIO, INC. (WCAP)

Order Continuing Hearing

In re application of Northeast Radio, Inc. (WCAP), Lowell, Massachusetts,

Docket No. 12870, File No. BP-12014; for construction permit.

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which is scheduled for hearing on July 20, 1959; and

It appearing that a motion to enlarge, modify or clarify issues filed by Northeast Radio, Inc., on June 3, 1959, is pending before the Commission, and that it will conduce to the orderly dispatch of business to continue the hearing to await Commission action on the pending pleading; now therefore,

It is ordered, This 29th day of June 1959, that the hearing now scheduled to be commenced on July 20, 1959 is continued to a date to be fixed by subsequent order.

Released: June 29, 1959.

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

[F.R. Doc. 59-5566; Filed, July 2, 1959; 8:49 a.m.]

[Docket No. 12915; FCC 59-606]

BOOTH BROADCASTING CO. (WSGW)

Order Designating Application for Hearing on Stated Issues

In re application of Booth Broadcasting Company (WSGW), Saginaw, Michigan, Docket No. 12915, File No. BP-11873; Has: 790 kc, 1 kw, DA-2, U; Requests: 790 kc, 1 kw, 5 kw-LS, DA-2, U; for construction permit for standard broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of June 1959;

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

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated January 23, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commisison's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the application; and in which the applicant stated that it would appear at a hearing on the instant application; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

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

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

2. To determine whether interference received from Stations CKSO, Sudbury, Ontario, Canada, and CKLW, Windsor, Ontario, Canada, would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Station WSGW, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether a grant of the instant proposal of WSGW would be in contravention of § 3.35 (a) and (b) of the Commission rules.

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

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issue specified in this order.

Released: June 30, 1959.

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

[F.R. Doc. 59-5567; Filed, July 2, 1959; 8:49 a.m.]

[Docket No. 12918; FCC 59-608]

DODGE CITY BROADCASTING CO., INC.

Order Designating Application for Hearing on Stated Issues

In re application of The Dodge City Broadcasting Company, Inc., Liberal, Kansas, Docket No. 12918, File No. BP-12110; Requests: 600 kc, 500 w, DA-2, U; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of June 1959;

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

It appearing that, except as indicated by the issues specified below, said applicant is legally, technically, financially, and otherwise qualified to operate its proposal, but that subject proposal does not provide, day or night, a 25 mv/m contour over the business area or adequate nighttime service to the city of Liberal, Kansas, in accordance with §§ 3.188(a)(1) and 3.188(b)(1) of the Commission rules; that daytime interference received from Stations KCSJ, Pueblo, Colorado, KERB, Kermit, Texas, and KTBB, Tyler, Texas, and nighttime interference received from Stations WMT, Cedar Rapids, Iowa, and KTBB, Tyler, Texas, may affect more than ten percent of the population within the normally protected primary service area of the proposed operation in contravention of § 3.28(c) (2) and (3) of the Commission rules; that subject applicant is licensee of Station KGNO, Dodge City, Kansas (75 miles NE. of Liberal), publishes the only newspaper in Dodge City, owns 11.2 percent of Television Station KTVC, Channel 6, Ensign, Kansas (located between Dodge City and Liberal), the proposed 2 mv/m contour would overlap the KGNO 2 mv/m contour and the program schedule of instant proposal appears to be similar to that of KGNO, all of which, raises a substantial question as to whether a grant of this proposal would be in contravention of § 3.35 of the Commission rules on multiple ownership; and

It further appearing that the applicant, by petitions filed on February 18, March 26, and May 4, 1959, contends that the instant proposal complies with the provisions of § 3.28(c) although it involves an excessive loss daytime, because it would provide the first full-time station at Liberal and a first nighttime primary service to the Liberal area; and that, if the proposal is not considered in compliance with § 3.28(c), a waiver is requested on the grounds that the proposal would provide (a) a third primary service daytime to Liberal; (b) a first daytime primary service to Ulysses, Kansas, a county seat; (c) a third daytime primary service to Hugoton, Kansas, a county seat; (d) a second and third daytime primary service to two larger ural areas; (e) new daytime primary service to a rural population of 173,318 in an area of 32,906 square miles, containing few cities, an area which receives six or fewer primary services and, in many cases, from stations located a substantial distance from Liberal; (f) network programs; (g) that a grant of this application should not preclude a grant of the KSCB application to add nighttime operation on 1270 kilocycles; (h) and that no objectionable interference within normally protected contours would be caused to other stations either day or night; and

It further appearing that, in oppositions to above referenced petitions, The Seward County Broadcasting Company, Inc., licensee of KSCB, Liberal, Kansas (1270 kc, 1 kw, D) an applicant to increase the hours of operation of said

station from daytime only to unlimited time, File No. BP-12397, contends in substance that the instant proposal should be dismissed on the grounds that (a) instant application does not comply with § 3.28(c) of the Commission rules because its daytime loss does not meet the exceptions in the rules with respect to nighttime operation and that other reasons which subject applicant has advanced are insufficient to support its request for waiver of § 3.28(c); (b) does not provide 25 mv/m contour coverage, day or night, over the Liberal business district or adequate nighttime service to the entire city of Liberal in accordance with §§ 3.188(a)(1) and 3.188(b)(1) of the Commission rules; (c) would not provide a first primary service to Ulysses, Kansas because KSCB now provides a 0.5 mv/m contour over the city, which has a population of less than 2500 according to the 1950 U.S. Census; (d) would be in contravention of § 3.35(a) of the rules on multiple ownership; (e) the proposed frequency is a Regional Channel which is intended to provide service primarily to metropolitan districts and the rural areas contiguous thereto and should not be allocated to Liberal, Kansas; and

It further appearing that the applicant, by pleading filed May 4, 1959, suggested that the Commission consider the three applications now pending for standard broadcast authorizations at Liberal, Kansas, in the order of filing, or, in the alternative, consider all three at the same time because consideration of the instant application would be prejudiced by a prior grant of either of the other two applications; and

It further appearing that there is no requirement that the status quo with respect to all facts which may be relevant to a determination on an application be maintained; and

It further appearing that the contention of The Seward County Broadcasting Company, Inc., that the proposed frequency is a Regional Channel for primary service primarily to metropolitan districts and the rural areas contiguous thereto fails to take into account the Commission's definition of a metropolitan district contained in § 3.22(c) of the rules which includes any center of population, such as Liberal, in any area; and

It further appearing that the applicant, by amendment filed April 14, 1959, expressly waived its right under section 309(b) of the Communications Act of 1934, as amended, to be advised by letter of any deficiencies in the application; and that no objection to said waiver has been filed; and

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

It further appearing that the instant proposal's daytime operation is not in compliance with § 3.28(c)(3) of the Commission rules because the exceptions provided therein are applicable only with respect to nighttime operation; and that, on the basis of the data here submitted, the Commission is unable to conclude whether circumstances exist which warrant a waiver of the said section as requested, and is of the opinion that an evidentiary hearing is necessary to obtain complete information relative the above-captioned application and the grounds advanced in support of the request for waiver;

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

1. To determine the areas and populations which would receive primary service from proposed operation of Dodge City Broadcasting Company, Inc., and the availability of other primary service to such areas and populations.

2. To determine whether the station proposed would provide the coverage of the city sought to be served, as required by §§ 3.188(a)(1) and 3.188(b)(1) of the Commission rules.

3. To determine whether daytime interference received from Stations KCSJ, Pueblo, Colorado, KERB, Kermit, Texas and KTBB, Tyler, Texas and nighttime interference received from Stations WMT, Cedar Rapids, Iowa and KTBB, Tyler, Texas would affect more than ten percent of the population within the normally protected primary night and day service areas of the station proposed in contravention of § 3.28(c) (2) and (3) of the Commission rules, and, if so, whether circumstances exist which would warrent a waiver of said section.

4. To determine whether a grant of instant proposal would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

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

It is further ordered, That the above-referenced requests of the applicant and The Seward County Broadcasting Company, Inc., insofar as they request that the instant application be designated for hearing, are granted, and in all other respects, are denied.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 30, 1959.

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

[F.R. Doc. 59-5568; Filed, July 2, 1959; 8:49 a.m.]

[Docket Nos. 12919, 12920; FCC 59-610]

ROBERT L. LIPPERT AND MID-AMERICA BROADCASTERS, INC. (KOBY)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Robert L. Lippert, Fresno, California, Docket No. 12919, File No. BP-10345; Requests: 1550 kc, 500 w, D; Mid-America Broadcasters, Inc. (KOBY) San Francisco, California, Docket No. 12920, File No. BP-12744. Has: 1550 kc, 10 kw, DA-2, U. Requests: 1550 kc, 10 kw, 50 kw-LS, DA-2, U. For construction permits for standard broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of June 1959;

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

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 10, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

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

1. To determine the areas and populations which would receive primary service from the proposal of Robert L. Lippert and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KOBY and the

availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of KOBY would involve objectionable interference with Station KFBK, Sacramento, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Robert L. Lippert would involve objectionable interference with Station KOBY's existing operation in San Francisco, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

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

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

It is further ordered, That McClatchy Newspapers, licensee of Station KFBK, Sacramento, California, is made a party to the proceeding, and Mid-America Broadcasters, Inc., is made a party with respect to its existing operation.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

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

Released: June 30, 1959.

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

[F.R. Doc. 59-5569; Filed, July 2, 1959; 8:49 a.m.]

[Docket No. 12925 etc.; FCC 59-615]

EAST TEXAS TRANSMISSION CO. ET AL.

Memorandum Opinion and Order Scheduling Oral Argument

In re applications of East Texas Transmission Company, Tyler, Texas, Docket No. 12925, File No. 2007-C1-P-58, for Construction Permit for new fixed video radio station. Frequencies: 5937.5, 6037.5, 6137.5 and 6237.5 Mc. Location: Hwy #429 0.6 miles SW of College Mound, Texas; Docket No. 12926, File No. 2008-C1-P-58; for Construction Permit for new fixed video radio station. Frequencies: 5987.5, 6087.5, 6187.5 and 6287.5 Mc. Location: 1.3 miles NW of Colfax, Texas; Docket No. 12927, File No. 2009-C1-P-58; for Construction Permit for new fixed video radio station. Frequencies: 5937.5, 6037.5, 6137.5 and 6237.5 Mc. Location: North Glenwood Blvd. and West Cloud St., Tyler, Texas.

Preliminary statement. 1. On April 30, 1959, the three above identified applications for microwave relay radio facilities, filed March 7, 1958, were granted by the Commission. The grants were announced in a Public Notice dated May 4, 1959 (Report No. 475, Mimeo No. 72912). The grants were made to enable the applicant to construct a microwave relay system to make an off-the-air pickup of the programs of two television stations at Fort Worth, Texas and two television stations at Dallas, Texas and to deliver these programs to an operator of existing community antenna television systems at Tyler, Texas and at Jacksonville, Texas, respectively, (hereinafter referred to as the CATVs). The grantee, East Texas Transmission Co. (hereinafter called East Texas) is a partnership composed of Glenn H. Flinn, Managing Partner with a 50 percent interest, and Raymond H. Hedge, Non-Managing Partner with a 50 percent interest. Glenn H. Flinn and Raymond H. Hedge each own a 50 percent interest in the partnerships which operate the CATVs.

2. On April 23, 1958, the Channel 7 Company (the protestant herein, hereinafter called Channel 7), filed a petition to designate the applications for hearing. Channel 7 is the licensee of television station KLTV, Tyler, Texas. Channel 7 expressed certain objections to a grant of the subject applications and requested that they be designated for hearing and that such hearing also encompass the general policy questions relating to this type of application.

3. The general policy questions referred to by Channel 7 were considered and disposed of In the Matter of Inquiry into the Impact of Community Antenna Systems, TV Translators, TV "Satellite" Stations, and TV "Repeaters" on the Orderly Development of Television Broadcasting (Docket No. 12443). This proceeding was initiated by the Commission by a notice released May 22, 1958 and was terminated by a Report and Order of the Commission (FCC 59-292; Mimeo No. 71489, adopted April 13, 1959 (26 FCC 403)).

4. Pursuant to, and following the determination made in the above mentioned Report and Order in Docket No. 12443, the subject applications were duly granted. On June 1, 1959, Channel 7 filed a timely protest herein, pursuant to the provisions of section 309(c) of the Communications Act of 1934, as amended, coupled with a timely request for reconsideration pursuant to section 405 of the Act, requesting that the subject grants be vacated and that the applications be designated for hearing on specified issues.

5. On June 11, 1959, East Texas timely filed its Opposition to the protest and petition for reconsideration and, on June 15, Channel 7 filed its Reply to the Opposition.

The protest. 6. Channel 7 relates that the result of the grant of the contested applications will be to enable the CATV systems at Tyler and Jacksonville to bring multiple signals from distant metropolitan stations, where such signals would not otherwise be receivable in the KLTV service area, and that this will have a substantial adverse economic impact on the operation of KLTV. Upon this showing, we conclude that Channel 7 is a "party in interest" within the meaning of section 309(c) of our Act and a "person aggrieved" within the meaning of section 405 of our Act and has standing to protest and to request the reconsideration of our action herein.

7. Channel 7 requests an opportunity to show that the Tyler-Jacksonville area is a place where the impact of CATV operations, made possible by these microwave grants, may destroy, jeopardize, or diminish the service presently provided and presently projected by station KLTV; and that the number of persons who would lose pro tanto, their only local off-the-air service is considerably greater than the number who would thereby gain a multiple service. Channel 7 also contends that East Texas is the alter ego of the CATVs because of the "corporate" interrelationship between "East Texas Transmission Corporation" and "Television Cable Service, Inc." at Tyler; that, through this "corporate" device, a CATV system in KLTV's service area, not itself eligible for microwave channels under the Commission's rules, is obtaining eight frequencies reserved for common carrier use for its own private purposes. In addition, Channel 7 requests that the Commission determine the full facts pertaining to the interrelationship between "East Texas Transmission Corporation", its officers and managers, and the persons owning, controlling, managing, and financing the various CATV systems in KLTV's service area.[1] Further, Channel 7 contends that East Texas and its alleged alter ego, the CATVs, are utilizing the signals and programs picked up from Dallas and Fort Worth stations without the consent of such stations and others who may have a property right in such signals, and that this reflects adversely on the character qualifications of East Texas. Finally Channel 7 contends that the

[1] Channel 7 evidently has mistakenly identified the applicant and the related CATVs as corporate entities, whereas they are actually partnerships. We do not regard this error in identification as material.

Commission should not act on these applications until the Congress has had an opportunity to adopt certain legislative proposals suggested by the Commission in its Report and Order relative to Docket No. 12443.[2]

The opposition to the protest. 8. East Texas admits there is an interrelationship between it and the CATV system inasmuch as both are partnerships which are owned by the same persons, Glenn H. Flinn and Raymond H. Hedge. East Texas contends that Channel 7 is entitled to no more than oral argument as to the validity of the doctrines and policies set forth in the Commission's Report and Order in Docket No. 12443 as they may be applicable to Channel 7's allegations. East Texas makes various references to the Report and Order which we do not here repeat because of the consideration given to them hereinafter. East Texas contends that the Commission should exercise its discretion favorably to East Texas in making the "public interest" finding prescribed in section 309(c) of our Act as a condition precedent to maintaining the contested construction permits in a valid status pending the determination of this proceeding.

9. The reply to the Opposition, which reiterates what has been previously stated in Protestant's Protest, has been considered in the disposition hereof.

Disposition of the protest. 10. As we have hereinabove indicated, it is our view that the protestant has standing to initiate the instant protest and request for reconsideration. As indicated in our resumé of his pleading, Channel 7 alleges various reasons and grounds purporting to show that the grant herein was improperly made or would otherwise not be in the public interest. In our Report and Order in Docket No. 12443, we undertook an extensive and careful review of all the considerations brought to our attention and bearing upon the alleged interrelationships between the provision of common carrier microwave relay communication service to CATVs generally and the operation of CATVs versus television broadcasters. In our Report and Order we arrived at various considered conclusions, some of which have a direct bearing upon this situation.

11. Thus, in paragraphs 45 through 51 of that Report and Order, we considered the impact of CATVs on television broadcasters and concluded that there is nothing that would justify us in taking action, or seeking authority under which we could act, to bar CATVs from coming into, or continuing to operate in, a particular market. As a concomitant to this, we also concluded, in paragraphs 58 through 71, that we had no jurisdiction to regulate CATVs directly or indirectly. In paragraphs 65 through 68, and in paragraphs 78 through 79, we made various pertinent determinations concerning our lack of authority and competence to determine contested questions of property rights as between broadcasters and others, on the one hand, and common carriers and CATVs, on the other hand. In paragraphs 72 through 77 of the Report and Order, we set out the basis for our conclusion that it would not constitute a legally valid exercise of regulatory jurisdiction over common carriers to deny authorizations for common carrier microwave, wire or cable transmission of television programs to CATV systems on the ground that such facilities would abet the creation of adverse competitive impact by the CATV on the construction or successful operation of local or nearby television stations.

12. In light of the aforementioned determinations made in Docket No. 12443, which we hereby affirm and adhere to, we think the instant protest must turn first on the threshhold question as to whether or not the subject grantee is a communications common carrier. If it is determined that East Texas is a bona fide common carrier then, in the light of our determinations in Docket No. 12443, we should not proceed further herein unless Channel 7 can demonstrate to us that our relevant and controlling determinations in Docket No. 12443 (which we have herein identified) are erroneous, or that the interrelationships between East Texas and CATVs warrant a different result in this case.

13. The facts relating to East Texas' operations and its interrelationships are clearly established and admitted. The legal conclusion to flow from these facts and the proposed operations of East Texas, relative to the asserted common carrier status of East Texas, is therefore, the first issue for proper determination in this proceeding. Though, as we have noted above, Channel 7 has not contended that our decision in Docket No. 12443 is, in any wise, in error, we will afford him an opportunity to argue this issue also insofar as it relates to the proper determination to be made herein assuming that East Texas is confirmed in its status as a communication common carrier. Accordingly, we shall designate these issues for determination before the Commission on oral argument. If it should subsequently appear that there is a need for an evidentiary hearing herein, an appropriate further order will be issued hereafter.

14. In designating this matter for oral argument on the issues we have specified, we note that there is no dispute as to the facts relating to these issues. Assuming the truth and accuracy of these facts, we do not, of course, imply that the ultimate conclusions flowing therefrom, as asserted by protestant, are either correct or relevant. The matters to be determined relative thereto are the legal conclusions which would flow from such facts. As contemplated in the statutory scheme of section 309(c) of our Act, as amended in 1956, this appears to be an appropriate case for disposition on oral argument, since the ultimate question to be determined is, assuming that the facts are proven as related by protestant, whether there are legal grounds for setting the grants aside.

15. As for protestant's plea that we stay the subject grants pending action by the Congress on the legislative recommendations we have submitted relative to CATVs, we note that, during the pendency of the formal Inquiry in which these matters were under consideration (Docket No. 12443), the Commission felt it appropriate to defer action on applications for such microwave transmission systems as were then before it so that the status quo might be unimpaired until a final decision was reached. Our deferral of consideration of such applications was challenged in a mandamus proceeding in which the Court of Appeals sustained the Commission during the pendency of the Inquiry. See Mesa Microwave, Inc. v. FCC, No. 14729, December 24, 1958. However, having reached and announced our conclusions on these matters, we would find it difficult to justify a reinstitution of the freeze. In the light of our conclusions, this might be subject to a further mandamus action because such action would not be in accord with the proper exercise of our jurisdiction on the sole basis of the pendency of these particular legislative proposals. Accordingly, having carefully weighed the entire matter and having reached our reasoned conclusions, as set forth in the Report mentioned above, we feel that the proper course for the Commission is to continue to process applications in the regular course pending action of the Congress on legislation necessary to changes in the established regulatory pattern.

16. The remaining question to be determined is whether we should stay the effectiveness of the contested grants pending a determination of this proceeding. Since the contested operation involves a new service, it cannot be held to be necessary to the maintenance and conduct of an existing service. In light of the facts adduced on the record to date indicating that other television service is available in the area without the existence of the microwave relay facility, we are unable to conclude that the public interest requires that the grants remain in effect. Accordingly, we shall stay the effectiveness of the subject grants pending final determination of this matter.

Conclusion. 17. In view of the foregoing; *it is ordered*, That effective immediately, the effective date of the grant of the above-captioned applications of East Texas Transmission Company, is postponed, pending a final determination herein by the Commission; that the protest and petition for reconsideration of Channel 7 is granted to the extent herein provided, and denied in all other respects; and that, pursuant to the provisions of section 309(c) of the Communications Act of 1934, as amended, oral argument be held before the Commission en banc, commencing at 10:00 a.m. on July 24, 1959, on the following issues:

(1) To determine whether East Texas is a bona fide communications common carrier eligible to receive approval and grant of the subject applications.

(2) To determine whether our conclusions in paragraphs 45 through 51, and 58 through 79, of the Report and

[2] Channel 7 cites our Report and Order in Docket No. 12443 frequently, with apparent approval. There is no contention or suggestion in his pleading that such Report is, in any wise, in error.

Order in Docket No. 12443, as applied in this case, are in error.

(3) To determine whether the interrelationships between East Texas and the CATVs require a different conclusion in this case from that reached in Docket No. 12443.

18. *It is further ordered,* That the protestant and applicant herein, and the Chief, Common Carrier Bureau, are hereby made parties to this proceeding; and that each party intending to participate in oral argument shall file a statement of intention to appear not later than July 6, 1959; and

19. *It is further ordered,* That the parties to the proceeding shall have until ten days prior to date of oral argument to file briefs or memoranda of law and five days after the filing of such briefs or memoranda of law to file a reply thereto.

Adopted: June 24, 1959.

Released: June 30, 1959.

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

[F.R. Doc. 59-5570; Filed, July 2, 1959; 8:49 a.m.]

[Docket No. 12932; FCC 59-627]

MONTANA MICROWAVE

Order Scheduling Oral Argument

In re applications of James G. Edmiston, d/b as Montana Microwave, Kalispell, Montana, Docket No. 12932, File Nos. 581-C1-MP-58 (KOV46); 582-C1-P-58 (KPC56); 583-C1-P-58 (KPC57); for construction permits to extend microwave communications system from Missoula to Helena, Montana.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of June 1959:

The Commission having under consideration the opinion of the United States Court of Appeals for the District of Columbia Circuit in the above-entitled proceeding, dated May 21, 1959, styled Capital City Television, Inc. v. Federal Communications Commission No. 14,901; and the Commission having reviewed and considered the protest filed by Capital City Television, Inc. (KXLJ-TV), in the light of section 309 (c) of the Communications Act, together with the subject applications and the materials reflected therein; and the Commission having taken official notice of certain material contained in its files relating to Station KPF-67, File No. BPTI-151, being protestant's letter of April 24, 1958, disclosing that on March 25, 1958, permittee offered to serve protestant with microwave common carrier facilities; and

It appearing that the Commission has determined that even if the facts alleged in said protest were to be proven, it appears that no grounds for setting aside the grants are presented, particularly in view of our conclusions in Docket No. 12443; and accordingly under the terms of section 309(c) it is appropriate that this protest be set for oral argument; and

It further appearing that this authorization does not involve the maintenance or conduct or an existing service, as of the date of the protest; and

It further appearing that the Commission is unable affirmatively to find that the public interest requires that the grants remain in effect pending hearing and decision on this protest; and accordingly that the effective date of these grants must be postponed pending a final determination by the Commission, following oral argument;

It is ordered, That the subject Protest is designated for oral argument before the Commission en banc, at the offices of the Commission at Washington, D.C., on July 24, 1959, at 10:00 a.m., on the following issues to determine whether any of the questions set forth therein present matters which would warrant setting aside the grants in question:

1. To determine whether the applicant is a bona fide common carrier under the circumstances presented in this case.

2. To determine whether the possible competitive impact by the CATV customer of a microwave common carrier upon a broadcaster should be considered in determining whether the public interest would be served by a grant to a microwave common carrier.

It is further ordered, That effective ten days from the date hereof, the effective date of the grants of the above-captioned applications are postponed, pending a final determination by the Commission herein; and

It is further ordered, That Capital City Television, Inc., and the Chief, Common Carrier Bureau, are hereby made parties to the proceeding herein, and that the appearances by the parties intending to participate in the above oral argument shall be filed not later than July 6, 1959.

Released: June 30, 1959.

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

[F.R. Doc. 59-5571; Filed, July 2, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. DA-968—California]

LAND WITHDRAWN IN PROJECT 334

Vacation of Withdrawal

JUNE 16, 1959.

In the matter of Land Withdrawn in Project No. 334; Docket No. DA-968—California; Roy Hensley, Colfax, California.

An application was filed by Roy Hensley, of Colfax, California, seeking the restoration to entry under appropriate public land laws of the following described land, withdrawn for power site purposes and requiring a finding or a determination under section 24 of the Federal Power Act by the Commission:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 14 N., R. 9 E.,
Sec. 25: Lot 1 (NE¼NE¼).

The subject land lies about a half mile north of the North Fork American River on the north slope of Bunch Canyon, at elevations ranging from approximately 1,120 feet to slightly over 1,800 feet. This land is withdrawn pursuant to the filing of an application for preliminary permit for Project No. 334, on August 2, 1922. The application was rejected January 15, 1927.

The proposed development of power in Project No. 334 was by means of diversion dams and conduits. However, recent power plans contemplate the creation of large multipurpose storage dams on the main stem of the American River and its forks. A proposed Auburn dam and reservoir to be located just below the confluence of the Middle and North Forks would have a reservoir pool elevation of 920 feet. Big Bend dam and reservoir located on the North Fork as proposed by Elk Grove Irrigation District, in its application for Project No. 2176, contemplates a reservoir flow line of 1045 feet. The subject land lies above the upper elevation limits of both of the proposed projects.

The possibility of developing power in the upper reaches of the North Fork American River has been cited by the Geological Survey. However, it is not apparent that such development would involve the subject land.

Furthermore, it does not appear imminent that power development along any of the lines suggested will take place for a number of reasons, which include the settlement of water rights appropriations and the question of flooding Gold Discovery Site State Park at Coloma, California. Consequently, it appears that the power values of the land involved are negligible and that outright restoration of the land would be appropriate.

The Commission finds: The subject land has negligible value for purposes of power development; the existing withdrawal serves no useful purpose; and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the land described in the first paragraph hereof under section 24 of the Federal Power Act, pursuant to filing of an application for a license for Project No. 334 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5538; Filed, July 2, 1959; 8:45 a.m.]

[Docket No. DA-969—California]

LAND WITHDRAWN IN PROJECT 761

Partial Vacation of Withdrawal

JUNE 29, 1959.

In the matter of Land Withdrawn in Project No. 761; Docket No. DA-969—California, Forest Service, United States Department of Agriculture.

The Forest Service, United States Department of Agriculture, in order to consummate a land exchange, by letter dated February 4, 1959, has requested vacation of the withdrawal pertaining to the following-described land under section 24 of the Federal Water Power Act:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 1 S., R. 16 E., sec. 15, SE¼NE¼.

The above-described land, which is crossed by Big Creek and is located about 4 miles upstream from the confluence of that stream with the Tuolumne River, is part of, and located several miles from the main area of, the Stanislaus National Forest. The land is reserved, among other lands, pursuant to the filing on December 6, 1926, of an application for a preliminary permit for proposed Project No. 761. A subsequent application for a license for the project was withdrawn, such withdrawal being approved by the Commission on March 27, 1934.

Proposed Project No. 761 contemplated, among other things, construction of the Groveland dam and reservoir on Big Creek and would have flooded more than half the land. No further consideration has been given to such contemplated construction. On the contrary, the California State Water Plan proposes the enlargement and redevelopment of existing works in the Tuolumne River basin, such as the upstream Hetch Hetchy site and the downstream Don Pedro site, together with smaller developments on the north side of the basin—the latter being considered primarily for irrigation purposes. The presently proposed developments would preclude use of the land for power purposes. Use of the land in connection with power development appears to be extremely remote. Consequently, the power value of the land appears to be negligible.

The Commission finds: Inasmuch as the land has negligible value for purposes of power development, the existing withdrawal serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described land under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for Project No. 761 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5539; Filed, July 2, 1959; 8:45 a.m.]

[Docket No. E-6887]

BONNEVILLE PROJECT, COLUMBIA RIVER, OREGON-WASHINGTON

Notice of Request for Confirmation and Approval of Revised Wholesale Rate Schedules and Revised General Rate Schedule Provisions

JUNE 26, 1959.

Notice is hereby given that the Secretary of the Interior, on behalf of the Bonneville Power Administration has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, and section 5 of the Flood Control Act of 1944 (58 Stat. 890) revised Wholesale Rate Schedules and revised General Rate Schedule Provisions of the Bonneville Power Administration, all proposed to be effective December 20, 1959.

The Secretary states that the changes proposed at this time are mainly to update the schedules and clarify the general provisions, and that in view of the revenue anticipated during the period ending June 30, 1964, and the accumulated available power revenues, no changes are proposed in the basic wholesale rate levels. In general, the following indicates the purpose of certain deletions, extended application of rate schedules and renumbering:

RATE SCHEDULES

Rate Schedule F–4. The language changes of this schedule are to provide for the application of the demand charge of 75¢ per kilowatt for coordination of the output of purchasers' generating plants with Federal plants. This application of the rate is also stated under 8.2 *Sale of power for coordination*, of the General Rate Schedule Provisions.

Rate Schedule H–3. The wording of this schedule is to permit application of this rate to purchasers for coordination with energy of their generating plants with those of the Government's. This application of the rate is also stated under 8.2 *Sale of power for coordination*, of the General Rate Schedule Provisions.

Rate Schedule R–1. The R–1 schedule has been dropped as no power has been sold under this rate nor is there any foreseeable need for such schedule.

Power factor adjustment. This section, in the applicable schedules, has been expanded to include a limitation on leading as well as lagging power factor and indicates the conditions under which delivery of power may be curtailed.

Rate adjustments and general provisions. In rate schedules A–4, C–4, E–4, H–3 and F–4, the old sections 5 or 6 or 7 dealing with annual adjustments have been removed as the effective dates of such adjustment opportunities have lapsed and there seems to be no further need for continuing this arrangement during the forthcoming five-year rate period. Accordingly, the following section, General Provisions, has advanced one number and becomes section 5 or 6 or 7 without further change.

GENERAL RATE SCHEDULE PROVISIONS

These provisions generally embody changes in wording from the present provisions for the purpose of clarification rather than substantive changes. The following numbered paragraphs have been revised for the purposes indicated.

2.3 *Computed demand.* The computed demand provision has been substantially reworded so as to state the general principles, method of determination of assured capability, and the determination of the computed demand in a more straightforward and more understandable manner.

8.2 *Sale of power for coordination.* This is a proposed new section to extend the H–3 and F–4 rate schedules for purposes of coordination of the operations of a purchaser's generating plants with those of the Government.

9.2 *Payment of bills.* Provision is made for whole-dollar billings for each separate rate schedule application. This proposed change is in accordance with standard modern practice, and should result in savings in our statistical and accounting functions.

Proposal is made for use of a monthly interest charge for late payment of bills instead of the present flat 2% charge regardless of time element. This proposed charge is in accordance with the type of penalty provisions now in effect in rates for other power marketing agencies of the Department.

13.1 *Uncontrollable forces.* This section as drafted contains essentially the same wording as used in Bonneville's standard general contract provisions where Bonneville has heretofore found it desirable to agree on a restatement of this definition.

15.1 *Sale of interruptible power.* The provision as drafted permits the Administrator to sell interruptible power for short-term loads without separate special arrangements and to provide service for emergency or periodic maintenance on generating systems of customers of Bonneville's purchasers. These arrangements are now covered by a policy and procedural statement requiring written agreement by contract or by separate letter whenever interruptible power is sold for these purposes.

In addition, Section D of this paragraph permits the Administrator to enter into priority interruptible power contracts without further Federal Power Commission review and approval.

16.1 *Temporary curtailment of contract demand.* This provision is intended as a section which would authorize uniform or equitable provisions in a manner as prescribed in the contract.

The proposed revised Wholesale Power Rate Schedules and General Rate Schedule Provisions are on file with the Commission for public inspection. Any person desiring to comment or make any representations with respect thereto should submit same on or before August 3, 1959, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5540; Filed, July 2, 1959; 8:45 a.m.]

[Docket Nos. G-18842–G-18849]

CABOT CARBON CO. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

JUNE 26, 1959.

In the matters of Cabot Carbon Company, Docket No. G-18842; Amerada Petroleum Corporation, Docket No. G-18843; Cabot Carbon Company (Operator), Docket No. G-18844; Shell Oil Company, Docket No. G-18845; Rouse Well Service (Operator) et al., Docket No. G-18846; Lamar Hunt, Docket No. G-18847; W. H. Hunt, Docket No. G-18848; Magnolia Petroleum Company, Docket No. G-18849.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for their sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser	Contract or notice of change dated	Date tendered	Effective date [1] unless suspended	Date suspended until—
G-18842	Cabot Carbon Co.	9	[2] 4	El Paso Natural Gas Co.	5-22-59	5-29-59	7- 1-59	12- 1-59
G-18843	Amerada Petroleum Corp.	7	8	Tennessee Gas Transmission Co.	5-25-59	5-28-59	6-28-59	11-28-59
G-18844	Cabot Carbon Co. (operator).	27	1	El Paso Natural Gas Co.	5-28-59	6- 3-59	7- 4-59	12- 4-59
G-18845	Shell Oil Co.	4	[3] [4] 13	Texas Eastern Transmission Corp.	6- 1-59	6- 3-59	7- 4-59	12- 4-59
		5	[4] [5] 13					
G-18846	Rouse Well Service (operator), et al.	1	2	Trunkline Gas Co.	5-25-59	6- 3-59	7-15-59	12-15-59
G-18847	Lamar Hunt	1	[6] 6	El Paso Natural Gas Co.	Undated	6- 5-59	7- 6-59	12- 6-59
G-18848	W. H. Hunt	1	[7] 6	El Paso Natural Gas Co.	Undated	6- 5-59	7- 6-59	12- 6-59
G-18849	Magnolia Petroleum Co.	190	2	Lone Star Gas Co.	6- 4-59	6- 5-59	7- 6-59	12- 6-59

[1] The stated effective date is either that proposed by the Respondent or the first day after the expiration of the required thirty days' notice, whichever is later.
[2] The presently effective rate is subject to refund in Docket No. G-14266.
[3] The presently effective rate is subject to refund in Docket No. G-17266 and is also subject to order in Docket No G-14926.
[4] Rate of 14.7067¢ suspended in Docket No. G-17442.
[5] The presently effective rate is subject to refund in Docket No. G-14926.
[6] The presently effective rate is subject to refund in Docket No. G-17424 and is also subject to order in Docket No G-14500.
[7] The presently effective rate is subject to refund in Docket No. G-17425 and is also subject to order in Docket No. G-14502.

In support of its two favored-nation rate increases, Cabot Carbon Company (Cabot) alleges that the increased contract prices are not in excess of the fair field price of gas and that the contract provisions were negotiated at arm's length. In addition, Cabot states that favored-nation provisions are common in long-term contracts and are beneficial to buyer in providing buyer with a low initial price during the period when buyer's unamortized capital investment is high and are beneficial to seller in permitting seller to receive progressively higher returns as production costs increase. Purchaser, El Paso Natural Gas Company, has filed a formal protest to the proposed rate increases.

Amerada Petroleum Company in support of its proposed rate increase cites the contract favored-nation provisions and the triggering rate.

Shell Oil Company (Shell) proposed two redetermined rate increases, basing such redetermined price upon the average of the three highest prices paid by transporters of natural gas produced in a specified area which includes the area wherein Shell sells to Texas Eastern Transmission Company (Texas Eastern). In support of its proposed rate increases Shell states that the price provisions were an essential inducement to seller executing the contract and that the contract was entered into at arm's length. Texas Eastern has filed a formal protest to the proposed rate increase.

Rouse Well Service (Operator) et al. (Rouse) supports its proposed favored-nation rate increase by stating that the contract was negotiated at arm's length as evinced by an express provision permitting seller a fair market price for the gas. Rouse also states that the proposed additional revenues are required to partially offset increased development and production costs, and to provide a reasonable rate.

Lamar Hunt and W. H. Hunt state that their proposed rate increases are justified by the favored-nation provisions of their contracts, such provisions being negotiated at arm's length. In further support, they state that but for the favored-nation provisions, the contracts would not have been executed, and that a denial of the increased price would constitute a deprivation of property without due process of law. El Paso Natural Gas Company has filed a formal protest to the proposed rate increases.

Magnolia Petroleum Company (Magnolia) also proposes a favored-nation rate increase. In support, Magnolia submitted a letter from purchaser, Lone Star Gas Company, advising that certain Lone Star contracts provide for the same base rate as Magnolia now proposes. In additional support, Magnolia states that the contract was executed from arm's length negotiations and that the proposed rate does not exceed the market price for the area. Furthermore, it is alleged that the proposed additional revenues are necessary to offset increasing costs and to encourage exploration and development.

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

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

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decision thereon, the aforesaid supplement in Docket No. G-18842 is suspended until December 1, 1959, the aforesaid supplement in Docket No. G-18843 is suspended until November 28, 1959, the aforesaid supplements in Docket Nos. G-18844 and G-18845 are suspended until December 4, 1959, the aforesaid supplement in Docket No. G-18846 is suspended until December 15, 1959, and the aforesaid supplements in Docket Nos. G-18847, G-18848, and G-18849 are suspended until December 6, 1959; each of all the aforementioned supplements shall remain suspended until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5541; Filed, July 2, 1959; 8:45 a.m.]

[Docket No. G-16235]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 26, 1959.

Take notice that El Paso Natural Gas Company (El Paso), a Delaware corporation, address El Paso Natural Gas Building, El Paso, Texas, filed on September 10, 1958, an application which was supplemented on February 27, 1959, for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation and sale of natural gas.

El Paso proposes by this application to sell to Southern California Gas Company and Southern Counties Gas Company of California (Southern California) a maximum of 470,000 Mcf of natural gas per day at a point southwest of Las Vegas, Nevada, on the California-Nevada border. Southern California is to accept the gas at this point and transport such gas by means of a pipeline to be constructed to a point of inter-connection with their transmission and distribution systems serving the Southern California area. El Paso proposes to transport such gas through 394.6 miles of 34" pipeline extending from a point of connection near Thistle, Utah, with facilities proposed to be built by Colorado Interstate Gas Company, for which Colorado Interstate seeks authorization in Docket No. G-16904 (Notice published on February 20, 1959; 24 F.R. 1335).

To carry out this proposal, El Paso will purchase a maximum of 235,000 Mcf per day from Colorado Interstate and a maximum of 235,000 Mcf per day from its subsidiary, Pacific Northwest Pipeline Corporation, in the vicinity of Rock

Springs, Wyoming, and from this point Colorado Interstate will transport such gas to the proposed interconnection near Thistle, Utah. Authorization for the proposed sale and transportation by Colorado Interstate is requested in the aforesaid Docket No. G–16904 and the proposed sale by Pacific is requested in Docket No. G–16236.

El Paso estimates the cost of its proposed facilities to be $56,935,000 plus financing costs of $1,000,000 and additional working capital of $750,000, which will be financed by the issuance of $38,000,000 of bonds, $20,000,000 of common stock (or possible convertible second preferred stock) and $685,000 from retained earnings.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 23, 1959. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–5542; Filed, July 2, 1959; 8:46 a.m.]

[Docket No. G–16911 etc.]

TEXAS PACIFIC COAL AND OIL CO. ET AL.

Notice of Application, Consolidation and Date of Hearing

JUNE 26, 1959.

In the matters of Texas Pacific Coal and Oil Company, Docket No. G–16911; Cimarron Transmission Company, Docket No. G–17014; Texaco, Inc., Docket No. G–17015; Sinclair Oil & Gas Company, Docket No. G–17017; Natural Gas Pipeline Company of America, Docket No. 17241; Shell Oil Company, Docket No. G–18016; George E. Cameron, Inc., Docket No. G–18526.

Take notice that George E. Cameron, Inc. (Applicant), an Oklahoma corporation with principal place of business at Cameron Center, Palm Springs, California, filed an application in Docket No. G–18526 on May 12, 1959, for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from certain acreage located in Enville Field, Love County, Oklahoma, to Cimarron Transmission Company for resale to Natural Gas Pipeline Company of America. This sale will be made pursuant to a contract dated February 18, 1959, as amended April 27, 1959 (to be designated as Applicant's FPC Gas Rate Schedule No. 1) which provides for a base initial price of 15.5 cents per Mcf at 14.65 psia.

Heretofore, by notice issued on June 19, 1959, In the Matters of Pacific Coal and Oil Company, et al., Docket No. G–16911, et al., the applications filed in Docket Nos. G–16911 through G–18016, as captioned above, were consolidated for formal hearing to be held on July 28, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications. This notice also fixed July 13, 1959, as the last day for filing protests or petitions to intervene in said proceedings.

The proposal contained in Docket No. G–18526 is related to the proposals contained in Docket No. G–16911, et al., as heretofore consolidated, and should be heard on a consolidated record with said proposals.

The application in Docket No. G–18526 is hereby consolidated for purposes of hearing with the applications in Docket No. G–16911, et al., as heretofore consolidated.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–5543; Filed, July 2, 1959; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

FEDERAL HOUSING AND PUBLIC HOUSING COMMISSIONERS

Redelegation of Certain Authority

The Federal Housing Commissioner and the Public Housing Commissioner each is hereby authorized:

1. To utilize the provisions of Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393), as amended, 41 U.S.C. 251 (herein called the Act), when procuring property and services, except the authority under section 305 (advance payments), the nondelegable authority to make the determinations or decisions specified in subsections 302(c) (12) and (13), and the authority under subsection 302(c)(11) with respect to contracts which will require the expenditure of more than $25,000. This authority shall be exercised in accordance with the applicable limitations and requirements of the Act, particularly sections 304 and 307, and policies, procedures, limitations, and controls prescribed by the General Services Administration.

2. To redelegate to any officer or employee under his juridction any of the authority herein delegated except that under subsection 302(c)(11) of the Act.

Except for transactions initiated before March 10, 1959, this redelegation supersedes the redelegation to the Federal Housing Commissioner effective August 25, 1953 (18 F.R. 5072, August 25, 1953), which is hereby revoked.

(Delegation of Authority 363 from Administrator of General Services to Heads of Executive Agencies effective March 10, 1959, 24 F.R. 1921, March 17, 1959; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 10th day of March, 1959.

[SEAL] NORMAN P. MASON,
Housing and Home Finance Administrator.

[F.R. Doc. 59–5563; Filed, July 2, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 30, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35519: *Liquefied petroleum gas—Canadian points to Western Trunk Line Territory.* Filed by George H. Mitchell, Agent (C.F.A. No. 8), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Acheson, Breton, Calgary, Calmar, Drywood, East Edmonton, Nevis, Redwater, and Stettler, Alta., and Domex, and Melville, Sask., Canada to points in Minnesota, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Short-line distance formula, and market competition with producing points in North Dakota.

Tariff: G. H. Mitchell, Agent, Canadian Freight Association tariff I.C.C. 137.

FSA No. 35520: *TOFC service—Between points in Central Territory and points in Arkansas and Oklahoma.* Filed by Southwestern Freight Bureau, Agent (No. B–7581), for interested rail carriers. Rates on commodities moving on class and commodity rates loaded in trailers and transported on railroad flat cars between points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania and West Virginia, on the one hand, and points in Arkansas and Oklahoma, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 7 to Southwestern Freight Bureau tariff I.C.C. 4318.

FSA No. 35521: *Sand—Southwestern points to Sparrows Point, Md.* Filed by Southwestern Freight Bureau, Agent (No. B–7578), for interested rail carriers. Rates on sand, carloads from Guion, Ark., Klondike, Ludwig, Pacific, Webb City, Mo., Mill Creek and Roff, Okla., to Sparrows Point, Md.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 12 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4319.

FSA No. 35522: *Coarse grains—Iowa and Minnesota points to Texas ports.* Filed by The Chicago, Rock Island and

Pacific Railroad Company, for itself (No. 883), and other interested rail carriers. Rates on barley, corn, oats, rye, soybeans, and wheat, in bulk, carloads from points in Iowa and Minnesota on the Rock Island to Galveston, Houston, and Texas City, Tex., for export.

Grounds for relief: Port competition with New Orleans, La., and Baltimore, Md.

Tariff: Supplement 4 to Chicago, Rock Island and Pacific Railroad Company tariff I.C.C. C–13604.

FSA No. 35523: *Caustic soda—Charleston, W. Va., group to Pace, Fla.* Filed by O. W. South, Jr., Agent (SFA No. A3822), for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Charleston, Dock, Elk, Owens, South Charleston and South Ruffner, W. Va., to Pace, Fla.

Grounds for relief: Rail market competition with Baton Rouge and North Baton Rouge, La.

Tariff: Supplement 42 to Trunk Line-Central Territory Railroads Tariff Bureau tariff I.C.C. 4790 (Hinsch series).

FSA No. 35524: *Freight, all kinds from and to points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 359), for interested rail carriers. Rates on freight, all-kinds, less than carloads between points in Texas, and between points in Texas on the one hand, and points on the Texas New Mexican Railway and in the Shreveport, La., groups, on the other.

Grounds for relief: Short-line distance formula and motor truck competition.

Tariffs: Supplement 22 to Texas-Louisiana Freight Bureau tariff I.C.C. 835. Supplement 17 to Agent J. D. Hughett's tariff MF–I.C.C. No. 300.

FSA No. 35525: *Silica sand between and to points in the southwest.* Filed by Southwestern Freight Bureau, Agent (B–7576), for interested rail carriers. Rates on silica sand, carloads, as described in the application (1) between points in southwestern territory, and (2) from points in western trunk line and Illinois territories to points in southwestern territory.

Grounds for relief: Short-line distance formulas, and maintenance of higher level rates from and to intermediate points in certain intermediate territories.

Tariff: Supplement 11 to Southwestern Freight Bureau tariff I.C.C. 4319.

By the Commission.

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

[F.R. Doc. 59–5555; Filed, July 2, 1959; 8:48 a.m.]

[Notice 148]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 30, 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 special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. 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 62004. By order of June 29, 1959 the Transfer Board approved the transfer to Hayes Express, A Corporation, Lodi, N.J., of Certificate in No. MC 42177, issued June 28, 1949, to John Garrantano and Sam C. Garrantano, a partnership, doing business as Hayes Express, Lodi, N.J., authorizing the transportation of: *General commodities,* except household goods, commodities in bulk, and the other usual exceptions, between points in Queens and Nassau Counties, N.Y., on the one hand, and, on the other, points in Hudson, Bergen, Essex, Passaic, Union, and Middlesex Counties, N.J.; and *Garments* and *materials,* between Passaic, Garfield and Lodi, N.J., on the one hand, and, on the other, New York, N.Y., except Queens County, N.Y. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., for applicants.

No. MC–FC 62041. By order of June 29, 1959, the Transfer Board approved the transfer to Bernsie's Express, A Corporation, Lyndhurst, N.J., of Certificate in No. MC 76015, issued December 5, 1949, to Joseph Bernadino, Sr., Joseph Bernadino, Jr., and Victor Bernadino, a partnership, doing business as Bernsie's Express, Lyndhurst, N.J., authorizing the transportation of: *General commodities,* except household goods, commodities in bulk, and the other usual exceptions, between New York, N.Y., on the one hand, and, on the other, points in Essex, Bergen, Passaic, Hudson, Union, and Middlesex Counties, N.J.; *Steamship signal devices and parts, strainers, gauges, valves, and valve parts,* from Lyndhurst, N.J., to Philadelphia, Pa., and Annapolis, Md.; and return of rejected shipments. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., for applicants.

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

[F.R. Doc. 59–5556; Filed, July 2, 1959; 8:48 a.m.]

[No. 33051]

MINNESOTA INTRASTATE FREIGHT RATES AND CHARGES

Order for Investigation and Hearing

At a session of the Interstate Commerce Commission, by Division 2, held at its office in Washington, D.C., this 19th day of June A.D. 1959.

It appearing, that in the proceedings listed in Appendix A set forth below the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing, that a petition, dated May 21, 1959, has been filed on behalf of the Canadian National Railway Company and other common carriers by railroad operating to, from, and between points in the State of Minnesota, averring that the Railroad and Warehouse Commission of the State of Minnesota has refused to authorize or permit increases in rates and charges on the commodities described in Appendix A set forth below moving in intrastate commerce corresponding to the increases authorized by the Commission in the proceedings listed in said Appendix A set forth below on interstate traffic as more fully set forth in the petition;

It further appearing, that petitioners allege that the failure of the Railroad and Warehouse Commission of the State of Minnesota to permit the increases in rates and charges on intrastate traffic, referred to in the preceding paragraph, causes and results in undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against, and undue burden on, interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act;

And it further appearing that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Minnesota:

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

It is further ordered, That all common carriers by railroad operating within the State of Minnesota, subject to the juris-

diction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Minnesota be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Railroad and Warehouse Commission of the State of Minnesota at St. Paul, Minn.;

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

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

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

APPENDIX A

COMMODITIES AND CHARGES EXCEPTED FROM APPLICATION OF EX PARTE INCREASES ON MINNESOTA INTRASTATE TRAFFIC

Ex Parte No. 196, Increased Freight Rates, 1956 (298 I.C.C. 279):

Bolts, wood.
Coal, Anthracite or Bituminous
Coke, petroleum.
Limestone, agricultural.
Livestock (cattle, hogs and sheep).
Timber, Aspen and Jack-pine.
Pulpwood.
Rock, crushed.
Short logs.
Sugar beets.

Ex Parte No. 206, Increased Freight Rates, Eastern and Western Territories, 1956 (299 I.C.C. 429):

Coal, Bituminous.
Forest products, including bolts, wood; logs, short; pulpwood and timber, Aspen and Jack-pine.
Sugar beets.

Ex Parte No. 206, Increased Freight Rates, Eastern, Western and Southern Territories, 1956 (300 I.C.C. 633):

Coal, Bituminous.
Flax straw.
Forest products, including bolts, wood; logs, short; pulpwood and timber, Aspen and Jack-pine.
Granite, rough quarried.
Limestone, agricultural.
Livestock—From So. St. Paul to Austin and Duluth, Minnesota.
Sand, gravel, crushed rock and other aggregates.
Soybean, soybean meal and soybean flour.
Sugar beets.

Ex Parte No. 212, Increased Freight Rates, 1958 (302 I.C.C. 665; 304 I.C.C. 289):

Grain and grain products (Including flax seed and related articles and soybean and soybean meal): No increase.
Sugar beets: No increase.
Straw, flax: No increase.
Livestock, edible—the rates on edible livestock moving from South St. Paul to Duluth: No increase.
Sand, gravel, and crushed rock: No increase.
Agricultural limestone: No increase.
Wood bolts: No increase.
Short logs: No increase.

Jack-pine and Aspen timber: No increase.

Minimum rates on less than carload traffic accorded pickup and delivery service and the minimum charge on less than carload shipments.

[F. R. Doc. 59-5557; Filed, July 2, 1959; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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