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TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10768

TERMINATION OF THE AIRSPACE RESERVATION ESTABLISHED BY EXECUTIVE ORDER NO. 7138 OVER A PORTION OF THE ALEUTIAN ISLANDS, ALASKA

By virtue of the authority vested in me by section 4 of the Air Commerce Act of 1926 (44 Stat. 570; 49 U. S. C. 174), it is ordered as follows:

1. The airspace reservation established by Executive Order No. 7138 of August 12, 1935, over that portion of the Aleutian Islands, Alaska, with their territorial waters, lying west of the 167th meridian, west longitude, is hereby terminated.

2. Executive Order No. 7138, which established other airspace reservations in addition to the one described in paragraph 1 hereof, and which was revoked as to such other airspace reservations by Executive Order No. 8961 of December 6, 1941, is hereby revoked in its entirety.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 16, 1958.

[F. R. Doc. 58-3823; Filed, May 19, 1958;
10:11 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.5, Administration
Letter 564 (465)]

PART 361—ROUTINE

Subchapter F—Security Servicing and Liquidations

[Administration Letter 564 (465)]

PART 372—FARM OWNERSHIP LOANS

PLACING MORTGAGES IN TRUST WITH UNITED STATES BY DECLARATION OF TRUST IN CONNECTION WITH SALE OF CERTAIN INSURED FARM OWNERSHIP NOTES

1. Part 372 in Title 6, Code of Federal Regulations, is amended to add a new Subpart I as follows:

Subpart I—Placing Insured Mortgages in Trust by Declaration of Trust

Sec.

- 372.161 General.
- 372.162 Execution of declarations of trust.
- 372.163 Distribution of documents.
- 372.164 Servicing.

AUTHORITY: §§ 372.161 to 372.164 issued under sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015. Interpret or apply sec. 12, 60 Stat. 1076, as amended; 7 U. S. C. 1005b.

SUBPART I—PLACING INSURED MORTGAGES IN TRUST BY DECLARATION OF TRUST

§ 372.161 *General.* This subpart provides for placing in trust with the United States as trustee those insured Farm Ownership mortgages running to the lender which were assigned outright to the United States for the account of the insurance fund and are not subject to a trust assignment pursuant to Subpart H of this part, in order that the security may be serviced by the Government as trustee and the holder of the note may sell it without executing an assignment of the mortgage. Nevertheless, the holder must notify the Government of such sale. Such mortgages may be placed in trust preparatory to selling the notes secured thereby out of the insurance fund. This Subpart does not apply when the mortgaged property is located in Colorado, Louisiana, Missouri, or Puerto Rico.

§ 372.162 *Execution of declarations of trust.* The mortgages will be placed in trust by having the Government execute a "Declaration of Trust in Mortgage With United States As Trustee" (Form FHA-175 -- series). The Director, Finance Office, is authorized on behalf of the United States of America to execute declaration of trust instruments and to perform any other necessary act or function in connection with placing such mortgages in trust with the United States; and to execute required documents and perform other necessary acts or functions on behalf of the United States as trustee under such declaration.

§ 372.163 *Distribution of documents.* After a declaration of trust is executed it will be forwarded to the County Supervisor for recording, and the original recorded declaration of trust instrument

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and the mortgage and related documents will be distributed in a manner similar to that provided in § 372.143 (d).

§ 372.164 *Servicing*. After a declaration of trust has been effected, the procedure prescribed in Subpart H of this part with respect to security servicing and sale of notes between private holders generally will apply, and references in Subpart B in Part 361 of this chapter to insured Farm Ownership loans for which the mortgage has been assigned to the Government in trust will apply to loans for which the mortgage is subject to a declaration of trust. State Directors and County Supervisors are authorized to take servicing actions for Farm Ownership mortgages placed in trust under declarations of trust in the same manner and to the same extent as prescribed in Subpart H of this part and Subpart B in Part 361 of this chapter for Farm Ownership mortgages under trust assignments, and to execute required documents on behalf of the United States in connection with such servicing actions.

2. Section 361.21 (a) (2) in Title 6, Code of Federal Regulations (21 F. R. 5555), is revised to include within the scope of §§ 361.21 to 361.25 those mortgages held by the Government under a declaration of trust, and to make the references in §§ 361.21 to 361.25 to insured loans for which the mortgage has been assigned to the Government in trust applicable to loans for which the mortgage is subject to a declaration of trust, and to read as follows:

§ 361.21 *Scope*. * * *

(a) *Payment in full and refinancing*. * * *

(2) *Insured mortgage held by Government in trust*. Payment in full and re-

financing when the lender holds the note and the mortgage is held by the Government under a trust assignment or a declaration of trust. References in §§ 361.21 to 361.25 to insured Farm Ownership loans for which the mortgage has been assigned to the Government in trust also will apply to insured Farm Ownership loans for which the mortgage is held by the Government under a declaration of trust.

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

Dated: May 13, 1958.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 58-3750; Filed, May 19, 1958; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—JAPANESE BEETLE

EXTENSION OF REGULATED AREAS

On April 4, 1958, there was published in the FEDERAL REGISTER (23 F. R. 2226) under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making concerning a proposed amendment of § 301.48-2 of the regulations supplemental to notice of quarantine No. 48 (7 CFR 301.48-2). After due consideration of all relevant matters presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (Pub. Law 85-36, 71 Stat. 32, 33), § 301.48-2 is hereby amended to read as follows:

§ 301.48-2 *Regulated areas*. The following States, District, counties, townships, cities, towns, villages, and magisterial districts, or parts thereof, are hereby designated as regulated areas:

Connecticut. The entire State.
Delaware. The entire State.
District of Columbia. The entire District.
Maine. County of York; towns of Auburn and Lewiston, in Androscoggin County; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarborough, and Standish, and cities of Portland, South Portland, Westbrook, and Windham, in Cumberland County; city of Waterville, in Kennebec County; and city of Brewer, in Penobscot County.

Maryland. The entire State.
Massachusetts. The entire State.
New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in Carroll County; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Lebanon, Holderness, Lebanon, Lyme, Orange, and Plymouth, in Grafton County.

New Jersey. The entire State.
New York. Counties of Albany, Bronx, Broome, Cayuga, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Monroe, Montgomery, Nassau, New York, Oneida, Onon-

dags, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schoenectady, Schoharie, Schuyler, Seneca, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, and Westchester; towns of Red House and Salamanca, and cities of Olean and Salamanca, in Cattaraugus County; towns of Amherst, Cheektowaga, and Tonawanda, and cities of Buffalo and Lackawanna, in Erie County; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and city of Little Falls, in Herkimer County; town of Watertown and city of Watertown in Jefferson County; town of Mount Morris, and village of Mount Morris, in Livingston County; town of Manchester, in Ontario County; towns of Granby, Hannibal, Mexico, Minetto, New Haven, Oswego, Palermo, Schroepfel, Scriba, and Volney, and cities of Fulton and Oswego, in Oswego County; towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and cities of Corning and Hornell, in Steuben County.

North Carolina. Counties of Alamance, Beaufort, Bertie, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Caswell, Chowan, Craven, Cumberland, Currituck, Dare, Davidson, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Greene, Guilford, Halifax, Harnett, Henderson, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, McDowell, Mecklenburg, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Polk, Randolph, Rockingham, Rowan, Sampson, Transylvania, Tyrrell, Vance, Wake, Warren, Washington, Watauga, Wayne, and Wilson; township of Beaver Dam and city of Canton, in Haywood County.

Ohio. Counties of Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Guernsey, Harrison, Jefferson, Lake, Mahoning, Medina, Monroe, Morgan, Muskingum, Noble, Portage, Stark, Summit, Trumbull, Tuscarawas, Washington, and Wayne; townships of Ames, Athens, Bern, Canaan, Carthage, Dover, Lodi, Rome, and Troy, in Athens County; townships of Adams, Bethlehem, Franklin, Jackson, Keene, Lafayette, Linton, Oxford, Tuscarawas, Virginia, and White Eyes, and city of Coshocton, in Coshocton County; township of Marion, city of Columbus and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, Upper Arlington, and Whitehall, in Franklin County; townships of Addison, Cheshire, Clay, Gallipolis, Green, Harrison, and Ohio and city of Gallipolis, in Gallia County; township of Prairie, in Holmes County; townships of Bowling Green, Franklin, Granville, Hanover, Hopewell, Licking, Madison, Mary Ann, Newark, Newton, and Perry and cities of Granville and Newark, in Licking County; townships of Amherst, Avon, Avon Lake, Black River, Elyria, Sheffield, and Ridgeville and city of Elyria, in Lorain County; townships of Adams, Sylvania, and Washington and cities of Sylvania and Toledo, in Lucas County; townships of Bedford, Chester, Lebanon, Letart, Olive, Orange, Salisbury, and Sutton and cities of Middleport and Pomeroy, in Meigs County; township of Madison and city of Mansfield, in Richland County.

Pennsylvania. The entire State.

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and town of Burlington, in Chittenden County.

Virginia. Counties of Accomack, Albemarle, Alleghany, Amelia, Amherst, Arlington, Bedford, Botetourt, Brunswick, Campbell, Caroline, Charles City, Chesterfield, Clarke, Culpeper, Cumberland, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier, Fluvanna, Franklin, Frederick, Gloucester,

Goochland, Greene, Greenville, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Madison, Mathews, Middlesex, Montgomery, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Pittsylvania, Powhatan, Prince George, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Roanoke, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Warwick, Westmoreland, Wythe, and York; magisterial districts of Glade Springs and Holston, in Washington County; and cities of Alexandria, Charlottesville, Clifton Forge, Colonial Heights, Danville, Falls Church, Fredericksburg, Hampton, Hopewell, Lynchburg, Martinsville, Newport News, Norfolk, Petersburg, Portsmouth, Radford, Richmond, Roanoke, South Norfolk, Suffolk, Virginia Beach, Williamsburg, and Winchester.

West Virginia. Counties of Barbour, Berkeley, Braxton, Brooke, Calhoun, Clay, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Kanawha, Lewis, Marion, Marshall, McDowell, Mineral, Monongalia, Morgan, Ohio, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, Wirt, and Wood; city of Huntington, in Cabell County; city of Montgomery, in Fayette County; magisterial districts of Blue Sulphur (including the town of Alderson), Fort Spring, Irish Corner, Lewisburg, and White Sulphur, and cities of Caldwell, Lewisburg, Roncove, and White Sulphur, in Greenbrier County; city of Logan in Logan County; magisterial districts of Clendenin and Lewis, and city of Point Pleasant, in Mason County; magisterial districts of Beaver Pond, East River, and Rock, and cities of Bluefield and Princeton, in Mercer County; city of Williamson, in Mingo County; magisterial district of Wolfe Creek and town of Alderson, in Monroe County; city of Beckley, in Raleigh County; magisterial districts of Greenbrier (including the city of Hinton), Jumping Branch, and Talcott, in Summers County; town of Ceredo and city of Kenova, in Wayne County; and city of Pineville, in Wyoming County.

The amended regulation shall be effective on and after May 20, 1958, when it shall supersede 7 CFR 301.48-2, effective July 24, 1954.

This amendment adds to the Japanese beetle regulated area 12 counties in North Carolina; 1 county and parts of 12 other counties in Ohio; 2 counties, 3 cities, and portions of 4 other counties in Virginia; as well as 6 counties and parts of 17 others in West Virginia.

The amendment should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of the Japanese beetle. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the amendment effective less than 30 days after publication in the **FEDERAL REGISTER**.

(Sec. 9, 37 Stat. 318, secs. 103, 106, Pub. Law 85-36, 71 Stat. 32, 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 14th day of May 1958.

[SEAL]

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-3749; Filed, May 19, 1958; 8:48 a.m.]

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

Subchapter A—Marketing Orders

[Avocado Order 15]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

PACK REGULATION

§ 969.315 *Avocado Order 15—(a) Findings.* On April 30, 1958, notice of proposed rule making was published in the **FEDERAL REGISTER** (23 F. R. 2863) regarding proposed further limitations on the handling of avocados pursuant to the Marketing Agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 22 F. R. 3513), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 48 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which was submitted by the Avocado Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found that the regulation hereinafter set forth is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

(b) *Order.* (1) The grades set forth in the United States Standards for Florida avocados (§§ 51.3050-51.3069 of this title; 22 F. R. 6205) are hereby established as pack specifications for the grading and packing of avocados.

(2) On and after the effective time of this regulation, no handler shall handle any container of avocados grown in the production area, unless the avocados in such container meet the requirements of Standard pack and one of the pack specifications established in subparagraph (1) of this paragraph, and each container in each lot is marked or stamped to show the United States grade applicable to such lot: *Provided*, That, in lieu of such marking requirement, any handler may affix to the container a label, brand, or trademark, registered with the Avocado Administrative Committee in accordance with the following, which appropriately identifies the grade of such avocados:

(i) Registration of each label, brand, or trademark with the Avocado Administrative Committee shall be on forms prescribed by it and shall be filed with such committee not less than 30 days prior to use in lieu of the foregoing marking requirement.

(ii) A label, brand, or trademark registered with the committee, during a fiscal year, to identify a specific grade may not be re-registered during the same fiscal year to identify any other grade.

(iii) Each label, brand, or trademark registered with the committee shall include the name and address of the handler and shall be sufficiently distinctive otherwise that it can be readily identi-

and distinguished from other registered labels, brands, or trademarks.

(iv) If a label, brand, or trademark is registered by a handler to identify a specific grade, in order for a label, brand, or trademark of practically the same design and lettering with a different color, or additional terms or name, to be registered to represent a different grade, the name of the color and the additional terms or name shall appear on the label, brand, or trademark in block letters of at least one-half (1/2) inch in height, of contrasting color.

(v) A label, brand, or trademark registered with the committee to identify a specific grade shall not be used on any container packed with avocados of a lower grade than that for which the label, brand, or trademark is registered.

(c) Terms used in the amended marketing agreement and order (§§ 969.1 to 969.71) shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and Standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Avocados (§§ 51.3050-51.3069 of this title; 22 F. R. 6205).

Effective time: The provisions of this regulation shall become effective 30 days after the publication hereof in the FEDERAL REGISTER.

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

Dated: May 15, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 58-3764; Filed, May 19, 1958;
8:52 a. m.]

[970.304 Amdt. 1]

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), hereinafter referred to as the "order", regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby found and determined that the amendment to the limitation of shipments, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing as will be in the public interest, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish thereunder. It is hereby further found and determined that the estimated season average price to growers for potatoes for the marketing season which began in September 1957 will be

in excess of the parity level specified in section 2 (1) of the said act.

(b) It is hereby further found that it is impracticable 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 hereinafter specified (5 U. S. C. 1001 et seq.) in that (1) the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, shall be made effective when the season average price to growers for potatoes exceeds the parity level specified in section 2 (1) of the act; (2) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date; and (3) this amendment relieves restrictions on the handling of potatoes.

Order, as amended. The provisions of § 970.304 (b) (1) (22 F. R. 7358) are hereby amended to read as follows:

(b) **Order.** (1) During the period May 16, 1958 to July 12, 1958, both dates inclusive, no handler shall ship:

(i) Potatoes of the round white varieties or of the red skin varieties unless the potatoes meet the requirements of the U. S. No. 1, or better, grade, size A, and are of a size not smaller than 2 inches minimum diameter; or

(ii) Potatoes of the long varieties (including, but not being limited to, the Russet Burbank variety) unless the potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of a size not smaller than 1 1/4 inches minimum diameter or 3 ounces minimum weight.

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

Dated: May 14, 1958, to become effective May 16, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 58-3769; Filed, May 19, 1958;
8:53 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

ESTABLISHMENT OF PACK SPECIFICATIONS AS TO SIZE AND LABELING REQUIREMENTS

Notice was published in the January 8, 1958 issue of the FEDERAL REGISTER (23 F. R. 144), that there was under consideration a proposal to establish pack specifications as to size for the packing of dried prunes in consumer packages according to commercially recognized size categories and labeling requirements, in accordance with the applicable provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 22 F. R. 8254), regulating the handling of dried prunes produced in California, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The proposal was based upon the recommendations of the Prune Administrative Committee (here-

inafter referred to as the "committee") and other available information; and opportunity was afforded all interested parties to file written data, views, or arguments with respect to such proposal.

The committee, the only party to file any such matter, requested:

(1) That the term "Petite" be included as an additional nomenclature designation under § 993.515 (b) (4) for prunes falling within the size category whose range of size counts is from 67 to 85, inclusive, prunes per pound. The term "Petite" is currently used by the industry as a size description on consumer packages containing prunes of certain size counts falling within such range to advertise and promote sales of prunes of these general sizes. Since prunes of these sizes are within the range specified in § 993.515 (b) (4) and (c) (4) for the "Small" or "Breakfast" nomenclature designation, the term "Petite" should be added as another nomenclature description of this size category.

(2) That proposed § 993.506 (a) be revised so as to conform with current quality inspection procedures. With respect to an in-line inspection of prunes for quality, if a unit (i. e., a segment or block) of the prunes fails to meet the applicable requirements for a segment or block, whichever is applicable, such unit is segregated from the lot, and may be reinspected at a later time. If upon such reinspection the unit is found to conform to the requirements for a block and its reincorporation into the lot will not cause the lot as a whole to fail to meet the requirements for a lot, the unit is so incorporated. As § 993.506 (a) was drafted, a segment or block once rejected on in-line inspection would be precluded from being reincorporated into the lot even if the falling unit was found to be passable on reinspection. Moreover, since it is intended that inspections to determine compliance with the pack specifications as to size and inspections to determine compliance with the minimum standards of quality will be conducted concurrently, and since the practice relating to quality inspection permits reintroduction into a lot of a segment or block that is found passable upon reinspection, the same practice should be permitted for size inspection. A variation in these inspection procedures could prove burdensome to inspectors and handlers and result in confusion and inefficiency. Therefore, this request is granted and § 993.506 (a) is revised accordingly.

(3) That § 993.506 (b) be revised so as to reflect certain industry practices regarding the packaging of prunes. At the present time, an increasing quantity of California prunes is being packaged in cellophane or other visible packages. It is the practice to fill such packages with cold prunes instead of warm prunes, as happens with carton packs. Cooling is achieved by setting the warm prunes aside in packing containers for some period of time prior to packaging. Any segments or blocks of prunes for visible packaging that fail in-line inspection and are held in the requisite packing containers should be eligible for floor inspection as new lots when so offered.

The committee contended that proposed § 993.506 (b) (2) would have restricted such inspection only to those prunes that were packaged in consumer packages; and it requested that § 993.506 (b) (2) be revised so that any such inspection of rejected segments or blocks could be made prior to packaging. The definition of "lot" in § 993.506 (b) has been revised with respect to "floor inspection" so as to relate to prunes in consumer packages and prunes held in packing containers for later packaging, and to afford a handler an opportunity to offer for inspection as a new lot any such rejected prunes.

Appropriate changes in the definitions of "in-line inspection" and "floor inspection" have also been made to accord with the foregoing practice.

(4) That with respect to the permissive additional marking or labeling information, the phrase appearing in the last sentence of the first paragraph of § 993.517 and relating to the possible deceptive nature of such information be deleted. On the basis hereinafter indicated, such request is denied.

As proposed in the notice, the average size count of the prunes of a particular size category in any lot, as well as any permissive additional information that may be marked on a consumer package of such prunes describing such average size count or the range of size counts of the prunes in such lot, must each fall within the range of the size counts specified in § 993.515 for such size category. It appears that the committee believed a slight deviation in the permissive additional information on the consumer package from the actual average size count of the prunes in such lot would be construed as being "deceptive". According to industry and trade practice, however, it would not be deceptive as to the actual average size count of the prunes in the lot if such average size count is less (i. e., the prunes would be larger in size and hence of more value) than that indicated by the permissive additional information on the label. Likewise, it would not be "deceptive" if the average size count of the prunes in the lot does not deviate from the marked highest size count, or average size count, by more than plus 0.5 prune per pound, since such minor deviations could occur in the normal course of blending prunes to obtain the size desired for packaging in premarked consumer packages. The foregoing is consistent with the Department's interpretation of the term "deceptive" as used in the pack specifications and labeling requirements hereinafter set forth. However, retention of the term "deceptive" is necessary to prevent the use of additional information which, even though within the size category, deviates from the average size count or the actual range of the size counts in a manner other than that herein recognized as not being deceptive.

It appears that application of the tolerances prescribed in § 993.516 (b) (1), (b) (2), and (c), as published in the notice, would conflict with the normal processing procedures currently practiced by the industry. Handlers proc-

essing, on in-line, more than one size category of prunes in a single day, customarily process prunes of the largest size first, followed by prunes of the next largest size, and so on. Whenever there is a change of size categories, the leading segments being processed will generally contain larger prunes than will be found in the subsequent segments of the lot. In other words, prunes in leading segments would fall outside the low count of the range of the size category of the lot then being processed. The tolerances prescribed for segments and blocks, as published in the notice, would have excluded the prunes in these segments (and blocks) from the lot because the prunes would not fall within the limits fixed for the size category of the prunes being processed. However, the inclusion of such larger prunes in the lot, and their subsequent packaging into consumer packages, would not, as heretofore indicated, be inconsistent with the foregoing interpretation of the term "deceptive". Accordingly, § 993.516 has been revised so as to recognize and reflect the processing procedures.

After consideration of all relevant matters presented, including available information, it is concluded that the pack specifications prescribed herein are according to commercially recognized size categories which, as well as the tolerances prescribed for use in connection therewith, are deemed to be reasonable and appropriate; and the labeling requirements prescribed herein implement said pack specifications. It is, therefore, ordered, That, the following pack specifications as to size and labeling requirements are hereby established:

Subpart—Pack Specifications as to Size

DEFINITIONS	
Sec.	
993.501	Consumer package of prunes.
993.502	Size count.
993.503	Size category.
993.504	In-line inspection.
993.505	Floor inspection.
993.506	Lot.
993.507	Segment.
993.508	Block.

SPECIFICATIONS AS TO SIZE

993.515	Size categories.
993.516	Tolerances and limitations.

LABELING

993.517	Identification.
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COMPLIANCE

993.518	Compliance.
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AUTHORITY: §§ 993.501 to 993.518 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

SUBPART—PACK SPECIFICATIONS AS TO SIZE

DEFINITIONS

§ 993.501 *Consumer package of prunes.* "Consumer package of prunes" means "consumer package" as defined in § 993.20.

§ 993.502 *Size count.* "Size count" means the count or number of prunes per pound.

§ 993.503 *Size category.* "Size category" means each of the size categories listed in § 993.515 and fixes the range or the limits of the various size counts.

§ 993.504 *In-line inspection.* "In-line inspection" means inspection of prunes where samples are drawn from a flow of prunes prior to packaging.

§ 993.505 *Floor inspection.* "Floor inspection" means inspection of prunes where samples are drawn from packaged prunes or from unpackaged prunes that are held in packing containers for later packaging.

§ 993.506 *Lot.* "Lot" means:

(a) With respect to in-line inspection either (1) the aggregate quantity of prunes of the same size category, other than those rejected in the course of inspection, processed in any continuous production of one calendar day and packaged during such day in one size and style of consumer package or (2) the aggregate quantity of prunes of the same size category, other than those rejected in the course of inspection, so processed and held in packing containers for later packaging in consumer packages; *Provided*, That there may be included in the applicable aggregate quantity any segment(s) or block(s) of prunes which were rejected in the course of the in-line inspection if upon floor inspection such segment(s) or block(s) individually meet the block tolerance specified in § 993.516 (d) and such inclusion does not cause the lot to fail to meet the limitations in § 993.516 (a).

(b) With respect to floor inspections and (1) covering prunes not previously inspected in-line, the aggregate quantity of prunes of the same size category, in like containers, bearing the same identification (e. g., brand) if in consumer packages, and offered for inspection as a lot; and (2) covering prunes previously inspected in-line but which were rejected as failing to meet requirements, any segment(s) or block(s) of such rejected prunes of the same size category, in like containers, processed in any continuous production of one calendar day, and offered for inspection as a new lot.

§ 993.507 *Segment.* "Segment" means that portion not exceeding two tons, of any lot, required to be sampled under normal in-line, or floor inspection, procedure.

§ 993.508 *Block.* "Block" means any group of four segments in a lot.

SPECIFICATIONS AS TO SIZE

§ 993.515 *Size categories.* For the purpose of this part, the pack specifications prescribed for the packing of prunes in consumer packages shall, subject to the applicable tolerances and limitations prescribed in § 993.516, be according to those commercially recognized size categories as are listed in paragraph (a) of this section by numerical designation or in paragraph (b) of this section by nomenclature designation.

(a) *Numerical designations.* Each of the following is a numerical size category described by the range of the size counts of prunes per pound included in the respective size categories expressed as follows or in an applicable equivalent range expressed in the metric system per 500 grams: 15/20, 15/22, 18/24, 20/30, 25/35, 30/40, 35/45, 40/50, 50/60, 60/70, 70/80, 75/85, 80/90, and 90/100.

(b) *Nomenclature designations.* Each of the following is a nomenclature size category:

- (1) Extra large;
- (2) Large;
- (3) Medium; and
- (4) Small, Breakfast, or Petite.

(c) *Nomenclature designations defined.* As used in paragraph (b) of this section:

- (1) "Extra large" means any size count which falls within the range of 36 to 43 prunes, inclusive, per pound;
- (2) "Large" means any size count which falls within the range of 43 to 53 prunes, inclusive, per pound;
- (3) "Medium" means any size count which falls within the range of 53 to 67 prunes, inclusive, per pound; and
- (4) "Small," "Breakfast," or "Petite" means any size count which falls within the range of 67 to 85 prunes, inclusive, per pound.

§ 993.516 Tolerances and limitations.

(a) With respect to in-line inspections and floor inspections, prunes in a particular lot shall, subject to the other applicable requirements of this section, be considered as being according to a particular size category prescribed in § 993.515 if the average size count of the prunes in such lot falls within the range of the size counts specified for such size category, and the count per pound of 10 ounces of the smallest prunes in a sample of 100 ounces varies from the count per pound of 10 ounces of the largest prunes in such sample by no more than 45 points.

(b) With respect to in-line inspections, no size count of the prunes in any segment shall exceed the highest size count specified for such size category by more than three prunes per pound.

(c) With respect to floor inspections of consumer packages, no size count of the prunes in any individual consumer package in a segment shall exceed the highest size count specified for such size category by more than three prunes per pound. With respect to floor inspections of unpackaged prunes held in packing containers for later packaging in consumer packages, no size count of the prunes in any segment shall exceed the highest size count specified for such size category by more than three prunes per pound.

(d) The average size count of the prunes in any block, or in any segment or block that was rejected in the course of in-line inspection and is reinspected on a block basis, shall not exceed the highest size count specified for such size category by more than one prune per pound.

LABELING

§ 993.517 *Identification.* The size category of the prunes in any lot shall be clearly marked by the handler on each consumer package of such prunes, on the parts or panels of the package or label which are normally presented in retail display, in terms of the applicable numerical or nomenclature designation prescribed in § 993.515, which designation shall not be lacking in prominence and conspicuousness. Any handler may, at his option, clearly mark on such con-

sumer package additional information describing in numerical terms the average size count, or particular range of size counts, of the prunes in such lot so long as such numerical terms fall within the range of the size counts of the applicable numerical or nomenclature designation and do not tend to be deceptive as to the actual average size count, or range of the size counts, of the prunes in such lot. Descriptive terms other than synonyms of the prescribed nomenclature designation or words of like connotation, describing the style of pack, variety of prune, or other item of commercial significance may also be marked on the consumer package. Prunes in any lot of which the maximum size count is less than 36 shall be clearly marked by the handler in terms of the applicable numerical designation prescribed in § 993.515 (a); and the handler may use nomenclature terms descriptive of size other than the nomenclature designations prescribed in § 993.515 (b).

COMPLIANCE

§ 993.518 *Compliance.* As provided in § 993.49 (b) (3), no handler shall ship or otherwise make final disposition of consumer packages of prunes unless such prunes are packed and labeled in accordance with the specifications prescribed in this subpart.

Dated: May 15, 1958, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL]

S. R. SMITH,

Director,

Fruit and Vegetable Division.

[F. R. Doc. 58-3767; Filed, May 19, 1958; 8:52 a. m.]

[Lime Order 2, Amdt. 4]

PART 1001—LIMES GROWN IN FLORIDA

CONTAINER REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001; 22 F. R. 2526), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the relaxation of the limitation on the handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act. Such relaxation relates to the postponement of the effective time of Amendment 3 of Lime Order 2 (23 F. R. 1805), under the terms of which, effective June 1, 1958, containers with inside dimensions of 11½ x 7½ x 5 inches would be prohibited for use in the handling of limes. It has developed that due to reduced volume of lime shipments resulting from weather damage to the crop, handlers have inventories of such contain-

ers, and it is desirable to delay the effective time of such prohibition until August 1, 1958, to facilitate disposition of said inventories.

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

It is, therefore, ordered, That the paragraph headed *Effective time of Amendment 3* (23 F. R. 1805) of Lime Order 2 (§ 1001.302, as amended, 20 F. R. 5627, 8986; 22 F. R. 3753) is hereby amended by deleting therefrom the date "June 1, 1958" and inserting in lieu thereof the date "August 1, 1958."

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

Dated: May 15, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL]

S. R. SMITH,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3765; Filed, May 19, 1958; 8:52 a. m.]

Subchapter B—Prohibitions of Imported Commodities

[Amdt. 1]

PART 1066—IRISH POTATOES

POTATO REGULATION NO. 4

Pursuant to the authority vested in me under section 8e of the Agricultural Adjustment Act of 1933, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), paragraph (b) of § 1066.10 *Potato Regulation No. 4* (22 F. R. 8257) is hereby amended to read as follows:

(b) *Import restrictions.* (1) During the period from May 19, 1958, through July 12, 1958, and subject to the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section, no person shall import Irish potatoes of the round white or red skin varieties, other than certified seed potatoes, unless such potatoes meet the requirements of the U. S. No. 1, or better, grade, Size A, two inches minimum diameter.

(2) During the period from October 21, 1957, through July 12, 1958, and subject to the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and

the requirements of this section, no person shall import any Irish potatoes of the long white varieties (including, but not limited to, Russet Burbank variety), other than certified seed potatoes, unless at least 90 percent of such potatoes are "fairly clean" and such potatoes meet the requirements of the U. S. No. 2, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight.

Findings. It is hereby found that it is impracticable 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 hereinafter specified (5 U. S. C. 1001 et seq.) in that (a) the requirements established by this import regulation are issued pursuant to section 8e of the act which makes such regulation mandatory; (b) an amendment to grade, size, and quality regulations in effect on domestic shipments of potatoes pursuant to Order No. 70 (7 CFR 970.304; 22 F. R. 7358) will become effective on May 16, 1958; (c) such regulations and those applicable pursuant to Order No. 57 (7 CFR 957.316; 22 F. R. 4785, 5362, 5993, 7420, 7583) will terminate on July 12, 1958; (d) this amendment relieves restrictions on imports of potatoes.

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

Dated: May 15, 1958, to become effective May 19, 1958.

[SEAL]

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-3763; Filed, May 19, 1958; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 29—INSPECTION AND HANDLING OF HORSE MEAT AND PRODUCTS THEREOF

ELIGIBILITY OF FOREIGN COUNTRIES FOR IMPORTATION INTO THE UNITED STATES

On April 2, 1958, there was published in the FEDERAL REGISTER (23 F. R. 2139) a notice of proposed amendment of the Meat Inspection Regulations (9 CFR Part 29). After due consideration of all relevant matters submitted in connection with the notice, and pursuant to the authority conferred by paragraphs 306 (b) and (c) of the Tariff Act of 1930 (19 U. S. C. 1306 (b) and (c)), the Horse Meat Act (21 U. S. C. 96), and the Meat Inspection Act (21 U. S. C. 71 et seq.), § 29.10 (b) of the Meat Inspection Regulations (22 F. R. 3848) is hereby amended to read as follows:

(b) It has been determined that horse meat and horse meat food products from the following foreign countries covered by foreign horse meat inspection certificates of the country of origin as required by § 29.11 are eligible for importation into the United States after inspection

and marking as required by the applicable provisions of Parts 1 through 29 of this subchapter and upon compliance with any requirements of the Animal Inspection and Quarantine Division of the Agricultural Research Service:

Argentina,
Mexico.

The foregoing amendment will relieve restrictions by permitting the importation, heretofore barred, of horse meat and horse meat food products from Argentina which has now been found to have an adequate horse meat inspection system. In order to be of maximum benefit to affected persons, the amendment should be made effective as soon as possible. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(34 Stat. 1264; 41 Stat. 241, sec. 306, 46 Stat. 639; 19 U. S. C. 1306, 21 U. S. C. 89, 96)

The amendment shall become effective on May 20, 1958.

Done at Washington, D. C., this 15th day of May 1958.

[SEAL]

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-3770; Filed, May 19, 1958; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

JOHNSTON ISLAND; TEMPORARY CONTROL AREA AND CONTROL ZONE

The temporary control area and control zone appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1414 is added to read:

§ 601.1414 *Control area extension (Johnston Island).* All of the airspace from 700 feet upwards lying within a radius of 100 nautical miles of the Johnston Island nondirectional radio beacon at latitude 16°45'00" North, longitude 169°30'00" West.

2. Section 601.2274 is added to read:

§ 601.2274 *Johnston Island control zone.* Within a radius of 5 statute miles of Johnston Island Air Force Base centered at latitude 16°44'00" North, longitude 169°31'00" West, and within 2 statute miles either side of a 241° True bearing extending from the Johnston Island nondirectional radio beacon to a

point 10 miles southwest of the nondirectional radio beacon.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall be effective from 1400 h. s. t. May 20, 1958, to 1400 h. s. t. September 15, 1958.

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

MAY 16, 1958.

[F. R. Doc. 58-3807; Filed, May 19, 1958; 8:58 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation

[CGFR 58-17]

PRIVATE AIDS TO NAVIGATION ON THE OUTER CONTINENTAL SHELF AND WATERS UNDER JURISDICTION OF THE UNITED STATES

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated February 12, 1958 (23 F. R. 905-910), and March 1, 1958 (23 F. R. 1268-1270), as Items I through XVIII of an Agenda to be considered by the Merchant Marine Council. Pursuant to these notices a public hearing was held on March 18, 1958, by the Merchant Marine Council at Washington, D. C.

This document is the second of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council, and contains the final actions taken with respect to Item I of the Agenda. The first document, identified as CGFR 58-8, contained miscellaneous amendments to inspection requirements to implement the act of May 10, 1956, as amended (46 U. S. C. 390-390g), which were based on Item III of the Agenda.

The Coast Guard acknowledges the assistance given to the Merchant Marine Council by those interested parties who submitted comments, views, and data in connection with the items considered at this public hearing. On the basis of comments received, some changes were made in the proposals in Item I—Private Aids to Navigation on the Outer Continental Shelf and Waters Under the Jurisdiction of the United States. The regulations and amendments in this Item, as revised, are adopted and set forth in this document.

The requirements for obstruction lights were modified. In 33 CFR 67.05-10 the specific flash length requirements were deleted, and instead these characteristics will be established by the District Commander and included in the permits issued. In 33 CFR 67.20-5, 67.25-5 (a), and 67.30-5 (a) the standards for visibility were changed to require that the lights must be visible for the prescribed distances of 5 miles, 3 miles, or 1 mile, depending on type of structure, at least 90 percent of the nights of a year.

The type and characteristic requirements for fog signals in 33 CFR 67.10-1 (a) (3) were revised to clarify how determinations regarding loudness level will be calculated.

The marking requirements for seismographic and surveying operations described in 33 CFR 67.15-5 and 67.50-25 (c) were revised so that it will not be necessary to mark bamboo poles and wooden stakes of less than two inches in diameter.

The descriptions of Coast Guard districts were revised and brought up to date, and the jurisdictional areas in 33 CFR 67.50-5 (a), 67.50-10 (a), 67.50-20 (a), 67.50-25 (a), (b), 67.50-30 (a), and 67.50-35 (a) were changed accordingly.

Other editorial changes and revisions necessary to have uniformity in language or to correct mistakes were made and they did not materially alter the requirements.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 167-3, dated May 22, 1953 (18 F. R. 2962), 167-15, dated January 3, 1955 (20 F. R. 820), and 167-17, dated June 29, 1955 (20 F. R. 4976), to promulgate regulations in accordance with 14 U. S. C. 83, 86, 92, and 633, 33 U. S. C. 408, 411, 412, and 43 U. S. C. 1333, the following regulations and amendments are prescribed which shall become effective on and after August 1, 1958:

PART 66—PRIVATE AIDS TO NAVIGATION

1. The authority for this part is amended to read as follows:

Authority: §§ 66.01-1 to 66.01-50 issued under sec. 92, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply secs. 83, 633, 63 Stat. 500, 545, sec. 4, 67 Stat. 462; 14 U. S. C. 83, 633, 43 U. S. C. 1333. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART 66.01—GENERAL

2. Section 66.01-35 is amended to read as follows:

§ 66.01-35 *Marking of structures.* (a) All structures, including mooring buoys, in the navigable waters of the United States, or in the waters of the outer Continental Shelf, which constitute a menace to navigation must display lights and/or other signals. When not otherwise provided for by law, such lights and/or signals as may be prescribed by the Coast Guard shall be installed and maintained by and at the expense of the owner. The applicant shall apply to the District Commander having jurisdiction over the waters in which the work is or will be executed for determination of the lights and/or other signals to be displayed. No regulations describing the lights or other signals required to mark any such work or obstruction in the waters under the jurisdiction of the United States are published except in the case of bridges, floating plant moorings, fishing structures, and the miscellaneous structures or artificial islands in the waters of the outer Continental Shelf.

(b) Each case is considered individually by the District Commander who will prescribe such lights and/or signals as

he may consider necessary for the safety of navigation. The characteristics of such lights and/or signals shall comply as nearly as possible to the United States lateral system described in Part 62 of this subchapter. Upon being advised of the lights and/or other signals required the applicant shall prepare and submit an application in accordance with § 66.01-5.

PART 67—PRIVATE AIDS TO NAVIGATION, OUTER CONTINENTAL SHELF AND WATERS UNDER THE JURISDICTION OF THE UNITED STATES

Chapter I is amended by adding a new Part 67 to Subchapter C, reading as follows:

SUBPART 67.01—GENERAL REQUIREMENTS

Sec.
67.01-1 Scope.
67.01-5 Definitions.
67.01-10 Delegation of authority.
67.01-15 Classification of structures.
67.01-20 Prescribing lines of demarcation.
67.01-25 Existing aids.
67.01-30 Equivalents.

SUBPART 67.05—GENERAL REQUIREMENTS FOR LIGHTS

67.05-1 Arrangement of obstruction lights.
67.05-5 Multiple obstruction lights.
67.05-10 Characteristics of obstruction lights.
67.05-15 Operating periods of obstruction lights.
67.05-20 Minimum lighting requirements.
67.05-25 Special lighting requirements.

SUBPART 67.10—GENERAL REQUIREMENTS FOR FOG SIGNALS

67.10-1 Type and characteristics.
67.10-5 Operating periods.
67.10-10 Minimum fog signal requirements.

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Authority: §§ 67.01-1 to 67.50-45 issued under sec. 92, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply secs. 83, 633, 63 Stat. 500, 545, sec. 4, 67 Stat. 462; 14 U. S. C. 83, 633, 43 U. S. C. 1333.

SUBPART 67.01—GENERAL REQUIREMENTS

§ 67.01-1 *Scope.* (a) The regulations in this part prescribe the obstruction lights and fog signals to be operated as privately maintained maritime aids to navigation on the artificial islands and structures which are erected on or over the seabed and subsoil of the outer Continental Shelf and in the waters under the jurisdiction of the United States, for the purpose of exploring for, developing, removing and transporting resources therefrom.

(b) Supart 66.01 in Part 66 of this subchapter shall be applicable to all private aids to navigation erected on or over the outer Continental Shelf in the same manner and to the same extent as they are applicable to private aids to navigation established, erected, or maintained in the waters under the jurisdiction of the United States.

§ 67.01-5 *Definitions.*—(a) *Structures.* The term "structures" as used in this part shall include all fixed structures, temporary or permanent, for which a Corps of Engineers' permit is issued. It shall include, but is not necessarily limited to, all drilling platforms, production platforms, quarters platforms, pipe line riser platforms, manifold platforms, loading platforms, boat landings, caissons, well protective structures, tank battery barges submerged on station, drilling barges submerged on location, breakwater barges submerged on location, artificial islands and all other piles, pile clusters, pipes, or structures erected in the waters.

(b) *Class "A", "B", or "C" structures.* The term "Class A, B, or C structures" refers to the classification assigned to structures erected in areas in which corresponding requirements for marking are prescribed.

(c) *Line of demarcation.* The term "line of demarcation" means the dividing line used administratively to distinguish between the areas in which structures shall conform to Class "A" and Class "B" or "C" requirements.

(d) *Outer Continental Shelf.* The term "outer Continental Shelf" means all submerged lands lying seaward and outside the area of lands beneath navigable waters as defined in the Submerged Lands Act (sec. 2, 67 Stat. 29, 43 U. S. C. 1301), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(e) *Reliable operation.* The term "reliable" as used in this part shall mean that high degree of dependability which will permit the uninterrupted operation of lights and fog signals as private aids

to navigation for the safety of marine commerce.

(f) *Fog signal.* The term "fog signal" as used in this part shall mean the audible sound signal, authorized as a private aid to navigation, to mark a structure for the safety of marine commerce whenever the visibility has been reduced by fog, mist, rain, falling snow, smoke, dust, or other phenomena.

§ 67.01-10 Delegation of authority—

(a) *Transfer of functions.* The Secretary of the Treasury, by Treasury Department Order 167-15, dated January 3, 1955 (20 F. R. 820), and Treasury Department Order 167-17, dated June 29, 1955 (20 F. R. 4976), transferred to the Commandant, U. S. Coast Guard, the authority to prescribe regulations and to administer the functions described in section 4 (e) of the Outer Continental Shelf Lands Act (43 U. S. C. 1333), and to make provisions for the performance by subordinates in the Coast Guard of any of these functions.

(b) *Delegation of functions.* The Coast Guard District Commander is hereby delegated responsibility for performing, or having performed the inspections, enforcement, and administration of such regulations, which are or may be required. He may redelegate this authority as necessary to any person from the civilian or military branch of the Coast Guard.

§ 67.01-15 Classification of structures.

(a) The varied depths of water and marine commerce traffic routes which exist in the waters over the outer Continental Shelf, and in other waters, permits the classification of structures according to their location in such waters. Those structures in the area seaward of the line of demarcation, prescribed by the regulations in this part, are designated as Class "A" structures. All structures shoreward of the line of demarcation, prescribed by the regulations in this part, are designated as either Class "B" or Class "C" structures.

(b) In the event a line of demarcation is not prescribed, the District Commander shall designate a structure "A", "B", or "C" as he deems appropriate.

§ 67.01-20 *Prescribing lines of demarcation.* In those areas where lines of demarcation are not prescribed, or where they have been prescribed and require modification, the District Commander shall submit his recommendations thereon to the Commandant for establishment or changes as required. When approved by the Commandant, and upon publication in the FEDERAL REGISTER, such additions or changes in lines of demarcation shall be effective for the purposes of this part.

§ 67.01-25 *Existing aids.* Existing structures which are marked with privately maintained aids to navigation in accordance with plans previously approved by a proper officer of the Coast Guard will be considered satisfactory so long as they are maintained in good operating condition, unless a change in circumstances makes an earlier change necessary in the interest of marine safety.

§ 67.01-30 *Equivalents.* The use of alternate equipment, apparatus, or installation arrangements specified in this part may be permitted by the District Commander to such extent and under such conditions as will result in achieving a degree of safety or compliance with these regulations equivalent to or above the minimum requirements set forth in this part.

SUBPART 67.05—GENERAL REQUIREMENTS FOR LIGHTS

§ 67.05-1 *Arrangement of obstruction lights.* (a) Structures having a maximum horizontal dimension of 30 feet or less on any one side, or in diameter, shall be required to have one obstruction light visible for 360°.

(b) Structures having a maximum horizontal dimension of over 30 feet, but not in excess of 50 feet, on any one side, or in diameter, shall be required to have two obstruction lights installed on diagonally opposite corners, 180° apart, or as prescribed by the District Commander, each light to have a 360° lens.

(c) Structures having a horizontal dimension of over 50 feet on any one side, or in diameter, shall be required to have an obstruction light on each corner, or 90° apart in the case of circular structures, or as prescribed by the District Commander, each light to have a 360° lens.

(d) Where the overall dimensions of a structure require the installation of two or more obstruction lights, the lights shall all be mounted on the same horizontal plane within the limitations of height specified in § 67.20-5, § 67.25-5, or § 67.30-5, as applicable.

(e) Lesser structures and piles, pile clusters or flare templates, etc., will not normally be required to be marked by obstruction lights, when they are located within 100 yards of a Class "A", "B" or "C" structure marked by established obstruction lights, but they shall be marked with red or white retro-reflective material, installed as prescribed by the District Commander.

(f) All obstruction lights shall be installed in a manner which will permit at least one of them to be carried in sight of the mariner, regardless of the angle of approach, until he is within 50 feet of the structure, visibility permitting.

§ 67.05-5 *Multiple obstruction lights.* When more than one obstruction light is required by this part to mark a structure, all such lights shall be operated to flash in unison.

§ 67.05-10 *Characteristics of obstruction lights.* All obstruction lights required by this part shall be powered from a reliable power source, including auxiliary power sources as necessary. They shall display a quick-flash characteristic of approximately 60 flashes per minute, unless prescribed otherwise in the permit issued by the District Commander. Their color shall be white when marking Class "A" and "B" structures, and either white or red, as prescribed by the District Commander, when marking Class "C" structures. In determining whether white or red lights

shall be authorized, the District Commander shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.05-15 *Operating periods of obstruction lights.* The display of obstruction lights shall be required commencing at the time the construction of a structure is begun, except that they shall not be required during daylight hours commencing at sunrise until sunset, local time. During construction and until such time as a platform capable of supporting the obstruction lights is completed, the fixed lights on an attending vessels shall be used. In addition, when lights are in use for general illumination to facilitate the construction or operation of a structure, and can be seen from any angle of approach at a distance equal to that prescribed for the obstruction lights for the class of structure, the actual operation of obstruction lights also will not be required.

§ 67.05-20 *Minimum lighting requirements.* The obstruction lighting requirements prescribed in this part are the minimum requirements only and shall not preclude the maintainer from making application for authorization to establish more lights, or lights of greater intensity than required to be visible at the distances prescribed: *Provided*, That the prescribed characteristics of color and flash duration are adhered to.

§ 67.05-25 *Special lighting requirements.* Whenever a structure is erected in a position on or adjacent to the edges of navigable channels and fairways, or lines of demarcation, the District Commander is authorized to require the structure to be marked by the lights which in his judgment are necessary for the safety of marine commerce, and without regard to the fact that the structure may be located in an area in which either Class "B" or Class "C" requirements are otherwise applicable. The requirements for the lights in any of these cases, shall not exceed those established for structures in the Class "A" areas.

SUBPART 67.10—GENERAL REQUIREMENTS FOR FOG SIGNALS

§ 67.10-1 *Type and characteristics.* (a) The fog signal prescribed in this part shall be the audible sound signal which, in the judgment of the District Commander, is satisfactory in tone, characteristic, and geographic range.

(1) The sound signal produced shall have its maximum intensity at a frequency range above 100 cycles, and shall have a loudness level of 55 phons, at the geographic ranges specified in § 67.20-10, § 67.25-10, or § 67.30-10, as applicable.

(2) The fog signal apparatus when established shall be powered from a reliable power source, and if necessary, an auxiliary power source, to assure that the signal is reliable.

(3) In determining that the fog signal apparatus will provide the loudness level

stated in this section, the District Commander may authorize the establishment and operation of the required signal, if it will produce the minimum acceptable sound pressure level in decibels for its fundamental frequency around a 360° horizontal plane passing through the signal, at a distance of 25 feet, measured in an anechoic chamber: *Provided*, That the minimum value is not less than that shown on the appropriate curve in Table "A" of this part. (For fog signal appa-

ratus which produces an audible signal having appreciable harmonic content, in lieu of considering only the fundamental frequency, all harmonic components 1000 cycles per signal and below may be considered as adding to the loudness level. In evaluating the effect of harmonic components the District Commander will use procedures used within the Coast Guard for such determination.)

as prescribed in Subpart 67.20, 67.25, or 67.30 of this part: *Provided*, That in the absence of attendants for on-site or remote controlled operation, or of a satisfactory fog detection device capable of controlling the signal, the fog signal shall be operated continuously. During construction and until such time as a platform sufficient to contain fog signal apparatus can be completed, the whistle of an attending vessel may be used as the fog signal for the structure: *Provided*, That the vessel's whistle is equal to or better than that to be required for the structure, in tone and range. Nothing contained in this section shall be construed as relieving an attending vessel from compliance with fog signals required by the "Regulations for Preventing Collisions at Sea, 1948," or the local rules established in accordance with Rule 30 thereof, as appropriate.

§ 67.10-10 *Minimum fog signal requirements.* (a) The fog signal requirements prescribed in this part are the minimum requirements only, and shall not preclude the maintainer from making application for authorization to establish and operate a fog signal having a greater audible range: *Provided*, That the prescribed tone and characteristic is adhered to.

(b) Whenever a structure is erected in a position on or adjacent to the edges of navigable channels and fairways, or lines of demarcation, the District Commander may require the structure to be marked by the fog signal which in his judgment is necessary for the safety of marine commerce, and without regard to the fact that the structure may be located in an area in which either Class "B" or Class "C" requirements are otherwise applicable. The requirements for the fog signals in any of these cases, shall not exceed those established for structures in the Class "A" area.

SUBPART 67.15—MISCELLANEOUS MARKING REQUIREMENTS

§ 67.15-1 *Lights and signals on attendant vessels.* The requirements prescribed by this part apply to structures. The barges, vessels, and other miscellaneous floating plants in attendance shall display lights and signals in accordance with the "Regulations for Preventing Collisions at Sea, 1948," or the local rules established in accordance with Rule 30 thereof, as appropriate. However, when vessels are fixed to or submerged onto the seabed, they become structures as described in § 67.01-5.

§ 67.15-5 *Seismographic and surveying operations.* All stakes, casings, pipes, and buoys, except bamboo poles and wooden stakes less than 2 inches in diameter, placed in the water to facilitate seismographic or surveying operations shall be marked, in the manner prescribed by the District Commander, for the safety of navigation.

§ 67.15-10 *Spoil banks, artificial islands, and dredged channels.* (a) All submerged spoil banks, or artificial islands resulting from the dredging of private channels, laying of pipelines, or any other private operation, and all privately dredged channels which, in the judgment

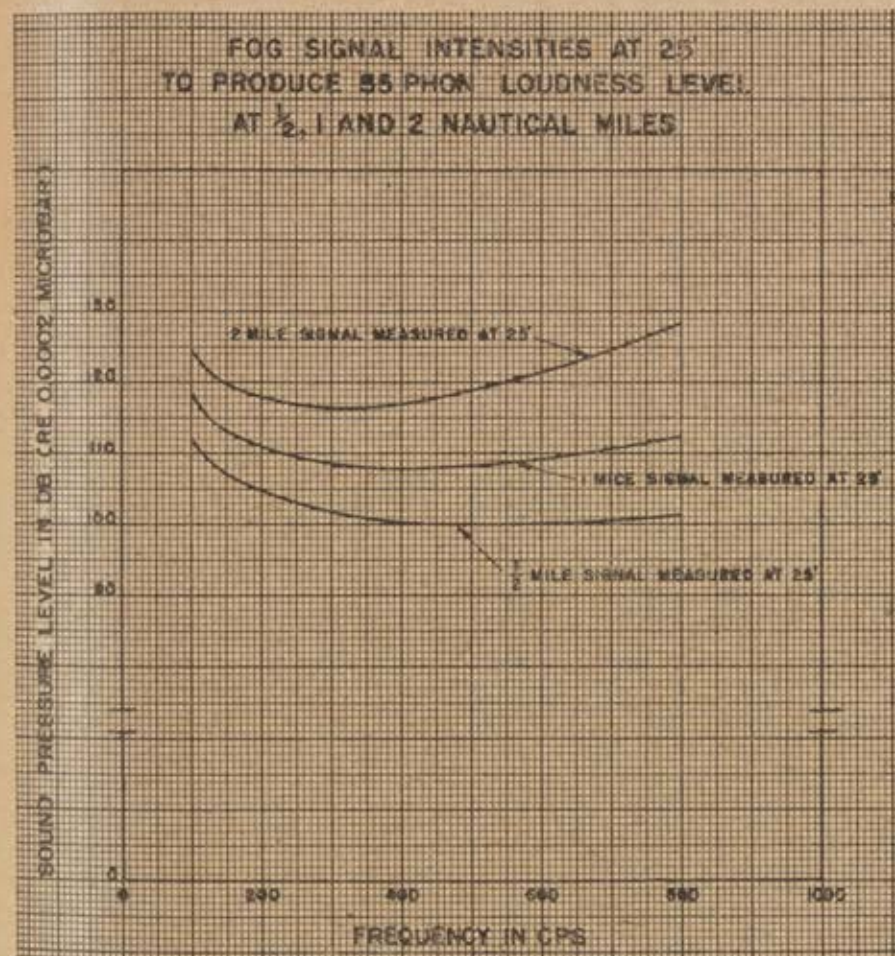


TABLE A.

(4) In lieu of witnessing the actual test of the fog signal apparatus prior to the issuance of a permit for its establishment and operation, the District Commander may accept as proof, a certificate prepared by a testing laboratory containing the results of tests made in the presence of a Coast Guard officer, which shows that an identical production model of the particular type of fog signal apparatus proposed for use, meets or exceeds the requirements in this part.

(b) A fog signal shall be sounded every twenty seconds (sound 2 seconds, silent 18 seconds), unless prescribed otherwise in the permit issued by the District Commander: *Provided*, That the fog signal characteristic which may be authorized by the District Commander shall be one which is different from the sound signals prescribed in accordance with the "Regulations for Preventing Collisions at Sea, 1948," or the local rules

established in accordance with Rule 30 thereof, as appropriate.

(c) The fog signal apparatus shall be located on the structure and so arranged that the sound signal produced will be audible over 360° with no wind, to the applicable geographic ranges prescribed in Subpart 67.20, 67.25, or 67.30 of this part: *Provided*, That the fog signal is located not less than 10 feet, nor more than 100 feet above the water.

(d) When, in order to meet the requirements in this part, more than one fog signal is established to mark the same structure, all such fog signals shall be operated to sound in unison.

§ 67.10-5 *Operating periods.* A fog signal shall be required to mark a structure according to the class thereof, from the time the obstruction is established, with the actual period of operation required when reduced visibility prevails

of the District Commander are required to be marked by aids to navigation, shall be marked by private aids to navigation conforming to the standard United States system of aids to navigation characteristics described in Subpart 62.25 of Part 62 of this subchapter.

(b) Applications for permits to establish and maintain private aids to navigation for the purpose indicated in this section shall be reviewed by the District Commander and forwarded to the Commandant, for final review and issuance of permits.

SUBPART 67.20—CLASS "A" REQUIREMENTS

§ 67.20-1 *Class "A" structures.* Class "A" structures shall be the structures erected in an area where Class "A" requirements must be met.

§ 67.20-5 *Obstruction lights.* The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part. The lights shall be visible 90 percent of the nights of a year at a distance of at least 5 miles. The lights shall be displayed not less than 20 feet above mean high water, nor at a greater height which would be in conflict with the limitation imposed by § 67.05-1 (f).

§ 67.20-10 *Fog signal.* (a) The fog signal shall be in accordance with the requirements prescribed in Subpart 67.10 of this part, and shall have an audible range of not less than two miles, with no wind, in all directions from the structure it marks, and shall be placed in operation whenever the visibility is less than 5 miles in any direction.

(b) When structures are erected in close proximity to each other, installation of fog signals on all structures will not be required, when in the judgment of the District Commander the group of structures which are equipped with fog signals are so arranged that the particular structure is protected to the degree required by this part, and is not a hazard to navigation.

SUBPART 67.25—CLASS "B" REQUIREMENTS

§ 67.25-1 *Class "B" structures.* Class "B" structures shall be the structures erected in an area where Class "B" requirements must be met.

§ 67.25-5 *Obstruction lights.* (a) The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part, and shall be visible 90 percent of the nights of a year at a distance of at least 3 miles. The lights shall be displayed not less than 20, nor more than 60 feet, above mean high water, except that on Class "B" structures which are required to be marked by only one light, that light may be displayed not less than 10 feet above mean high water if the structural features preclude mounting the light within the range of heights specified above.

(b) The District Commander may waive the requirement for obstruction lights on Class "B" structures if there is no hazard to navigation by so doing.

§ 67.25-10 *Fog signal.* (a) The fog signal shall be in accordance with the requirements prescribed in Subpart 67.10 of this part, and shall have an au-

dible range of not less than one half mile with no wind, in all directions from the structure it marks, and shall be placed in operation whenever the visibility is less than 3 miles in any direction.

(b) When structures are erected in close proximity to each other, installation of fog signals on all structures will not be required, when in the judgment of the District Commander, the group of structures which are equipped with fog signals are so arranged that the particular structure is protected to the degree required by this part, and is not a hazard to navigation.

(c) The District Commander may waive the requirement for a fog signal on Class "B" structures if there is no hazard to navigation by so doing. He may also waive, upon specific request, the requirement for a fog signal on any Class "B" structure which is located in a shoal area where the structure does not, in his judgment, constitute a menace to navigation.

SUBPART 67.30—CLASS "C" REQUIREMENTS

§ 67.30-1 *Class "C" structures.* Class "C" structures shall be the structures erected in an area where Class "C" requirements must be met.

§ 67.30-5 *Obstruction lights.* (a) The obstruction lights shall be white or red lights, as prescribed in Subpart 67.05 of this part, and shall be visible 90 percent of the nights of a year at a distance of at least one mile. The lights shall be displayed at such height, above mean high water, as shall be prescribed by the District Commander. When the District Commander shall authorize red lights to mark a Class "C" structure, the color thereof shall conform to the shade of red prescribed in Military Specification MIL-C-25050 (ASG), Type 1, Grade D. A copy of the specification may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D. C.

(b) When Class "C" structures are erected in close proximity to each other, or are connected in such a manner as to prevent marine traffic from passing freely through the field, obstruction lights may be authorized to mark the perimeter structures only, when in the judgment of the District Commander the group of structures which are equipped with obstruction lights are so arranged that the particular structures are protected to the degree required by this part, and are not a hazard to navigation.

(c) Unless advised to the contrary by the District Commander, obstruction lights shall be required on Class "C" structures erected in depths of water greater than 3 feet at mean low water.

(d) In cases where, although not required, an applicant desires to establish and operate obstruction lights, a permit therefor shall be granted, at the discretion of the District Commander: *Provided*, That the lights meet the requirements set forth in this part.

§ 67.30-10 *Fog signal.* (a) In general, fog signals will be required only on those Class "C" structures which are erected in locations covered by the provisions of § 67.10-10 (b).

(b) In cases, where although not required, an applicant desires to establish and operate a fog signal, a permit therefor shall be granted, at the discretion of the District Commander: *Provided*, That the tone and characteristic prescribed in § 67.10-1 are adhered to.

SUBPART 67.35—APPLICATIONS

§ 67.35-1 *Procedure.* (a) An application, on Coast Guard forms which will be provided by the District Commander upon request, shall be submitted for each private aid to navigation for which a permit is required to establish, operate, move, change or discontinue, except as modified in this subpart.

(b) An application on the prescribed form shall be submitted to the District Commander for each structure to be equipped with obstruction lights and/or fog signals if the structure is to remain in place six months or more. An application may be made by letter for each structure to be so equipped if the structure is to remain in place less than six months.

(c) One application form only shall be submitted to the District Commander to cover a group of unlighted buoys or daybeacons.

§ 67.35-5 *Contents of application.* (a) All applicable items of the prescribed forms shall be completed. A brief descriptive print of the structure or aid to navigation involved shall be furnished with the application, together with a location plat or chart section. When Lambert coordinates are used to plot the position of the aid, the plat or chart shall be annotated to show latitude and longitude of the proposed aid to navigation, except when the position has been described by reference to one or more horizontal angles, or by the bearing and distance from a charted landmark.

(b) Each application shall have appended to it a list showing the type, model, name and address of the manufacturer of the lighting apparatus and fog signal equipment to be used.

(c) Each application shall always specify the date the proposals contained therein are desired to be effective, and approval thereof must be obtained before the proposed action is undertaken.

§ 67.35-10 *Private aids to navigation.* See § 67.15-10 (b) for review of applications respecting private aids to navigation for spoil banks, artificial islands and dredged channels.

§ 67.35-15 *To whom addressed.* The applications and correspondence dealing with private aids to navigation and obstruction lighting should be addressed to the District Commander having jurisdiction over the area.

SUBPART 67.40—NOTIFICATION

§ 67.40-1 *Notification to District Commander—(a) Class "A" structures.* Notification shall be given to the District Commander of the approximate date construction will commence in the case of structures to be located in areas where Class "A" requirements must be met, as soon as known after a permit is received from the Corps of Engineers, U. S.

Army, or 30 days in advance, if possible. The District Commander shall be notified by telegram the day the construction of the structure is commenced, informing him of the lights and fog signals to be used during construction. When the structure is commenced, the maintainer shall notify the District Commander to that effect by letter, stating whether or not the authorized obstruction lights and/or fog signals are in operation. Final notification by letter shall be given when the lights used for general illumination, to facilitate the construction or operation of the structure, have been discontinued and the authorized obstruction lights placed in operation.

(b) *Class "B" structures.* Notification shall be given to the District Commander in the case of structures to be located in areas where Class "B" requirements must be met, in the same manner as prescribed in the case of Class "A" structures, except that the telegram on the day construction of the structure is commenced shall not be required.

(c) *Class "C" structures.* Notification shall be given to the District Commander in the case of structures to be located in areas where Class "C" requirements must be met, upon completion of the structure.

§ 67.40-5 *Waivers.* (a) The District Commander is authorized to modify or waive any requirement prescribed in this part whenever, in his judgment, the safety of marine commerce will not be impaired by so doing.

(b) When the District Commander shall determine that changed circumstances in the case of a structure, whose obstruction lights and/or fog signal have been modified or waived, constitutes a hazard to marine navigation, he is authorized to revoke or revise his previous action and to require the structure to be appropriately marked by suitable obstruction lights and/or fog signals in accordance with this part.

§ 67.40-10 *Communication with owners.* Communication with the owners of private aids to navigation by the District Commander shall be addressed to their usual or last known place of business, or to their local representative, if any. Communication shall be by the method considered appropriate for the circumstances.

§ 67.40-15 *Marking at owner's expense.* The District Commander may mark, for the protection of marine commerce, any structure whenever the owner thereof has failed suitably to mark the same in accordance with this part, and the owner shall reimburse the Coast Guard for all costs incurred.

§ 67.40-20 *Charges invoiced to owner.* Charges to the owner for the cost of marking a structure by the Coast Guard shall be determined in accordance with Part 74 of this subchapter. All such charges shall be invoiced to the owner beginning with the date such marking is established and shall continue until notice is received by the District Commander that the structure has been removed, or until the owner has applied

for and been issued a permit by the District Commander to establish and operate the required obstruction lights and/or fog signals or other markings required by this part.

§ 67.40-25 *Penalty.* The penalty for violation is in section 1, 63 Stat. 501 (14 U. S. C. 85), or section 4 (e) (2) of the Outer Continental Shelf Lands Act (43 U. S. C. 1333). Any person, firm, company, or corporation who shall fail or refuse to obey any of the lawful rules and regulations issued in this part or pursuant thereto shall be guilty of a misdemeanor and shall be fined not more than \$100 for each offense. Each day during which such violation shall continue shall be considered a new offense.

SUBPART 67.50—DISTRICT REGULATIONS

§ 67.50-1 *Scope.* The regulations in this subpart shall apply to the structures which are located within the boundaries of the Coast Guard districts hereinafter defined.

§ 67.50-5 *First Coast Guard District—(a) Description.* The First Coast Guard District, with office at Boston, Massachusetts, is comprised of Maine; New Hampshire; Vermont, except the counties of Orleans, Franklin, Grand Isle, Chittenden, and Addison; Massachusetts; Rhode Island; with the exception of Watch Hill Light station; all United States naval reservations on short in Newfoundland; the ocean area north of a line from Watch Hill Light south to Montauk Point Light, thence 112° T.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.50-10 *Third Coast Guard District—(a) Description.* The Third Coast Guard District, with office at New York, New York, is comprised of the counties of Orleans, Franklin, Grand Isle, Chittenden, and Addison in Vermont; Connecticut; Watch Hill Light Station in Rhode Island; New York, except that part north of latitude 42° North and west of longitude 74°39' West; New Jersey; Pennsylvania east of longitude 79° West; Delaware, including Fenwick Island; the ocean area between a line from Watch Hill Light due south to Montauk Point Light, thence 112° T. and a line from the coastal end of the 3d-5th Coast Guard District boundary, to Winter Quarter Shoal Lightship, thence 122° T.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign

structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.50-15 *Fifth Coast Guard District—(a) Description.* The Fifth Coast Guard District, with office at Norfolk, Virginia, is comprised of Maryland, Virginia, District of Columbia, and North Carolina; the ocean between a line from the coastal end of the Third-Fifth Coast Guard District boundary to Winter Quarter Shoal Lightship, thence 122° T. and a line from the coastal end of the Fifth-Seventh Coast Guard District boundary, thence 122° T.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.50-20 *Seventh Coast Guard District—(a) Description.* The Seventh Coast Guard District, with office at Miami, Florida, is comprised of South Carolina; Florida and Georgia, except that part of Florida west of the east bank of the Apalachicola River and that part of Georgia west of the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River upstream to Montezuma, Georgia and south and west of a line between Montezuma and West Point, Georgia; Panama Canal Zone; all of the island possessions of the United States pertaining to Puerto Rico and the Virgin Islands; all of the United States naval reservations in the islands of the West Indies and on the north coast of South America; and the ocean area between a line from the coastal end of the Fifth-Seventh Coast Guard District boundary, thence 122° T., and a line from the coastal end of the Seventh-Eighth Coast Guard District boundary, thence 193° T.; and the ocean area bounded by a line from the border between Guatemala and Mexico on the Pacific Coast (14°38' N., 92°19' W.) southwesterly to latitude 5° South, longitude 110° West, thence due east to the Coast of South America.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a

permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and the amount of vessel traffic; and the effect of background lighting.

§ 67.50-25 *Eighth Coast Guard District*—(a) *Description*. The Eighth Coast Guard District, with office at New Orleans, Louisiana, is comprised of New Mexico, Texas, and Louisiana; those parts of Alabama, Mississippi, and Arkansas south of latitude 34° North; and that part of Florida west of the east bank of the Apalachicola River and that part of Georgia west of the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River upstream to Montezuma, Georgia and south and west of a line between Montezuma and West Point, Georgia; the water of the Gulf of Mexico westward of a line from the coastal end of the Seventh-Eighth Coast Guard District boundary, thence 193° T.

(b) *Lines of demarcation*. The two lines of demarcation described in this section are for administrative purposes to distinguish between the areas in which structures shall be subject to Class "A", "B" or "C" requirements. The primary line of demarcation delimits the areas to the seaward of which Class "A" requirements are imposed. The secondary line of demarcation delimits the areas to the shoreward of which Class "C" requirements are imposed. In those areas where no secondary line of demarcation is prescribed, the structures shoreward of the primary line of demarcation are considered to be Class "C" structures. Class "B" requirements are imposed on the structures in the areas between the two lines of demarcation.

(1) The coordinates of the primary line of demarcation within the jurisdiction of the District Commander are as follows:

- (i) Commencing at a point at Lat. 30°11'3 N., Long. 88°03'0 W., thence to;
- (ii) A point at Lat. 30°11'5 N., Long. 88°31'7 W., thence to;
- (iii) A point at Lat. 30°12'7 N., Long. 88°58'0 W., thence to;
- (iv) A point due west of (3) at Long. 89°00' W., thence to;
- (v) A point at Lat. 30°08'0 N., Long. 89°00' W., thence to;
- (vi) A point at Lat. 30°04'7 N., Long. 88°53'7 W., thence via a line two miles to seaward around Chantelaur Island to;
- (vii) A point at Lat. 29°34'0 N., Long. 89°00' W., thence to;
- (viii) A point at Lat. 29°15'0 N., Long. 89°00' W., thence to;
- (ix) A point at Lat. 29°14'0 N., Long. 88°57'7 W., thence to;
- (x) A point at Lat. 29°10'0 N., Long. 88°57'0 W., thence to;
- (xi) A point at Lat. 29°03'6 N., Long. 89°02'3 W., thence via the five fathom curve to;
- (xii) A point at Lat. 28°53'8 N., Long. 89°25'7 W., thence to;
- (xiii) A point at Lat. 28°52'6 N., Long. 89°25'9 W., thence via the ten fathom curve to;
- (xiv) A point at Lat. 29°00' N., Long. 89°34'0 W., thence to;

- (xv) A point at Lat. 29°00' N., Long. 90°05'0 W., thence to;
- (xvi) A point at Lat. 28°50'5 N., Long. 91°07'5 W., thence to;
- (xvii) A point at Lat. 29°11'5 N., Long. 92°21'0 W., thence to;
- (xviii) A point at Lat. 29°29'0 N., Long. 92°32'3 W., thence via the five fathom curve to;
- (xix) A point at Lat. 29°41'2 N., Long. 93°19'9 W., thence to;
- (xx) A point at Lat. 29°38'7 N., Long. 93°49'4 W., thence to;
- (xxi) A point on the five fathom curve at Lat. 29°35'8 N., Long. 94°00' W., thence via the five fathom curve to;
- (xxii) A point at Lat. 29°26'7 N., Long. 94°30'0 W., thence to;
- (xxiii) A point at Lat. 28°55'3 N., Long. 95°16'3 W., thence to;
- (xxiv) A point at Lat. 28°54'9 N., Long. 95°15'6 W., thence to;
- (xxv) A point at Lat. 28°19'3 N., Long. 96°23'3 W., thence to;
- (xxvi) A point at Lat. 27°49'5 N., Long. 97°01'2 W., thence to;
- (xxvii) A point on the ten fathom curve at Lat. 27°30'0 N., Long. 97°10'0 W., thence via the ten fathom curve to;
- (xxviii) A point at Lat. 27°00' N., Long. 97°17'5 W., thence to;
- (xxix) A point at Lat. 26°04'1 N., Long. 97°08'6 W.

(2) The coordinates of the secondary line of demarcation within the jurisdiction of the District Commander are as follows:

- (i) Commencing at a point in Breton Sound at Lat. 29°34'0 N., Long. 89°00'0 W., thence to;
- (ii) A point at Lat. 29°30'0 N., Long. 89°10'0 W., thence to;
- (iii) A point at Lat. 29°20'9 N., Long. 89°10'0 W., thence to;
- (iv) A point at Lat. 29°15'3 N., Long. 89°04'0 W., thence to;
- (v) A point at Lat. 29°14'1 N., Long. 88°59'0 W., thence to;
- (vi) A point at Lat. 29°08'6 N., Long. 88°58'3 W., thence to;
- (vii) A point at Lat. 29°02'1 N., Long. 89°06'6 W., thence to;
- (viii) A point at Lat. 28°58'1 N., Long. 89°08'4 W., thence to;
- (ix) A point at Lat. 29°01'1 N., Long. 89°16'1 W., thence to;
- (x) A point at Lat. 28°53'7 N., Long. 89°26'0 W., thence to;
- (xi) A point at Lat. 28°54'3 N., Long. 89°27'5 W., thence to;
- (xii) A point at Lat. 29°02'2 N., Long. 89°24'2 W., thence to;
- (xiii) A point at Lat. 29°11'8 N., Long. 89°30'0 W., thence to;
- (xiv) A point at Lat. 29°17'9 N., Long. 89°46'6 W., thence to;
- (xv) A point at Lat. 29°17'1 N., Long. 89°50'8 W., thence to;
- (xvi) A point at Lat. 29°14'5 N., Long. 89°55'1 W., thence to;
- (xvii) A point at Lat. 29°10'9 N., Long. 90°02'9 W., thence to;
- (xviii) A point at Lat. 29°05'5 N., Long. 90°10'0 W., thence to;
- (xix) A point at Lat. 29°04'5 N., Long. 90°12'0 W., thence to;
- (xx) A point at Lat. 29°02'0 N., Long. 90°20'8 W., thence to;
- (xxi) A point at Lat. 29°01'9 N., Long. 90°24'9 W., thence to;
- (xxii) A point at Lat. 29°03'6 N., Long. 90°32'8 W., thence to;
- (xxiii) A point at Lat. 29°01'9 N., Long. 90°41'7 W., thence to;
- (xxiv) A point at Lat. 29°00'8 N., Long. 90°50'0 W., thence to;
- (xxv) A point at Lat. 29°02'4 N., Long. 91°01'5 W., thence to;

- (xxvi) A point at Lat. 29°28'5 N., Long. 92°10'1 W., thence to;
- (xxvii) A point at Lat. 29°31'1 N., Long. 92°21'8 W., thence to;
- (xxviii) A point at Lat. 29°34'1 N., Long. 92°39'3 W., thence to;
- (xxix) A point at Lat. 29°41'1 N., Long. 92°57'2 W., thence to;
- (xxx) A point at Lat. 29°44'6 N., Long. 93°07'9 W., thence to;
- (xxxi) A point at Lat. 29°45'6 N., Long. 93°13'7 W., thence to;
- (xxxii) A point at Lat. 29°45'6 N., Long. 93°17'3 W., thence to;
- (xxxiii) A point at Lat. 29°44'3 N., Long. 93°21'0 W., thence to;
- (xxxiv) A point at Lat. 29°45'3 N., Long. 93°30'0 W., thence to;
- (xxxv) A point at Lat. 29°43'3 N., Long. 93°43'7 W., thence to;
- (xxxvi) A point at Lat. 29°41'0 N., Long. 93°48'8 W., thence to;
- (xxxvii) A point at Lat. 29°38'8 N., Long. 93°50'8 W., thence to;
- (xxxviii) A point at Lat. 29°40'0 N., Long. 93°57'3 W., thence to;
- (xxxix) A point at Lat. 29°39'3 N., Long. 94°05'0 W., thence to;
- (xl) A point at Lat. 29°27'0 N., Long. 94°37'0 W., thence to;
- (xli) A point at Lat. 29°23'1 N., Long. 94°42'6 W., thence to;
- (xlii) A point at Lat. 29°20'4 N., Long. 94°41'5 W., thence to;
- (xliii) A point at Lat. 29°06'6 N., Long. 95°04'4 W., thence to;
- (xliv) A point at Lat. 29°04'6 N., Long. 95°05'7 W., thence to;
- (xlv) A point at Lat. 29°02'0 N., Long. 95°10'0 W., thence to;
- (xlvi) A point at Lat. 28°57'3 N., Long. 95°16'2 W., thence to;
- (xlvii) A point at Lat. 28°55'3 N., Long. 95°17'9 W., thence to;
- (xlviii) A point at Lat. 28°39'5 N., Long. 95°48'4 W., thence to;
- (xlix) A point at Lat. 28°32'1 N., Long. 96°06'9 W., thence to;
- (l) A point at Lat. 28°26'4 N., Long. 96°17'8 W., thence to;
- (li) A point at Lat. 28°23'6 N., Long. 96°21'5 W., thence to;
- (lii) A point at Lat. 28°19'7 N., Long. 96°23'3 W., thence to;
- (liii) A point at Lat. 28°19'3 N., Long. 96°25'2 W., thence to;
- (liv) A point at Lat. 28°14'8 N., Long. 96°35'0 W., thence to;
- (lv) A point at Lat. 28°09'1 N., Long. 96°43'8 W., thence to;
- (lvi) A point at Lat. 28°02'4 N., Long. 96°52'2 W., thence to;
- (lvii) A point at Lat. 27°56'2 N., Long. 96°58'3 W., thence to;
- (lviii) A point at Lat. 27°52'8 N., Long. 97°01'1 W., thence to;
- (lix) A point at Lat. 27°49'3 N., Long. 97°03'0 W., thence to;
- (lx) A point at Lat. 27°46'4 N., Long. 97°05'6 W., thence to;
- (lxi) A point at Lat. 27°38'9 N., Long. 97°10'6 W., thence to;
- (lxii) A point at Lat. 27°28'3 N., Long. 97°16'2 W., thence to;
- (lxiii) A point at Lat. 27°21'9 N., Long. 97°18'9 W., thence to;
- (lxiv) A point at Lat. 27°13'7 N., Long. 97°21'2 W., thence to;
- (lxv) A point at Lat. 27°05'4 N., Long. 97°22'3 W., thence to;
- (lxvi) A point at Lat. 26°57'1 N., Long. 97°22'2 W., thence to;
- (lxvii) A point at Lat. 26°48'9 N., Long. 97°20'9 W., thence to;
- (lxviii) A point at Lat. 26°39'1 N., Long. 97°18'1 W., thence to;
- (lxix) A point at Lat. 26°28'8 N., Long. 97°14'3 W., thence to;
- (lxx) A point at Lat. 26°18'3 N., Long. 97°11'3 W., thence to;

- (ixxi) A point at Lat. 26°11'7" N., Long. 97°10'2" W., thence to;
- (ixxii) A point at Lat. 26°04'8" N., Long. 97°09'3" W., thence to;
- (ixxiii) A point at Lat. 26°04'2" N., Long. 97°08'8" W., thence to;
- (ixxiv) A point at Lat. 25°58'3" N., Long. 97°08'3" W.

(c) *Seismographic and surveying operations.* (1) All stakes and casings (pipes), except bamboo poles and wooden stakes less than 2 inches in diameter, placed in the water during seismographic or surveying operations shall be marked with flags during the daylight hours. Those casings remaining in place during the hours of darkness shall be marked by a red light as prescribed in Subpart 67.30 of this part.

(2) All buoys used during seismographic operations shall be painted with international orange and white horizontal bands. The buoys shall be of light construction in order that they will not present a hazard to marine commerce.

(d) *Spoil marking.* (1) All submerged spoil resulting from the dredging of channels, laying of pipelines, or any other operation, which constitutes an obstruction to navigation, shall be properly marked. The spoil banks should be examined at frequent intervals in order that the changing conditions may be kept under control. As markers are no longer required due to settling of banks, the Coast Guard will authorize their removal upon application.

(2) All openings in such submerged spoil shall be marked by daybeacons on each side of the openings. When spoil is located on each side of a channel or pipe line, each bank will be considered separately. The daybeacons shall be equipped with arrows designating the safe water through the opening. These daybeacons may also be used as channel markers for the dredged channels providing they are also equipped with arrows designating the spoil bank openings.

(3) When spoil banks constituting an obstruction to navigation about an established traveled waterway, the outboard spoil bank markers shall be equipped with quick flashing lights described in Subpart 67.30 of this part, except that the color shall be in accordance with the provisions of Subpart 62.25 of Part 62 of this subchapter.

(e) *Applications.* All private aids to navigation applications and all correspondence dealing with private aids to navigation and obstruction lighting shall be addressed to Commander, Eighth Coast Guard District, 328 Custom House Building, New Orleans 16, Louisiana, marked for the attention of the Chief, Aids to Navigation Section.

(f) *Enclosures.* Applicants shall append on a separate sheet with each application, the description, including manufacturer, of obstruction lights and fog signals.

(g) *Corps of Engineers correspondence.* A copy of all correspondence directed to the District Engineers, Corps of Engineers, U. S. Army, in accordance with condition (i) of the Department of the Army permit, shall be forwarded to the District Commander for those operations conducted under permits authorizing the erection of structures in areas in which

Class "A", Class "B", or Class "C" requirements must be met.

§ 67.50-30 *Ninth Coast Guard District—(a) Description.* The Ninth Coast Guard District, with office at Cleveland, Ohio, is comprised of Michigan; New York north of latitude 42° North and west of longitude 74°39' West; Pennsylvania north of latitude 41° North and west of longitude 79° West; those parts of Ohio and Indiana north of latitude 41° North; Illinois north of latitude 41° North and east of longitude 90° West; Wisconsin, except that part south of latitude 46°20' North and west of longitude 90° West; and Minnesota north of latitude 46°20' North.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.50-35 *Eleventh Coast Guard District—(a) Description.* The Eleventh Coast Guard District, with office at Long Beach, California, is comprised of Arizona; Clark County in Nevada; the southern part of California comprising the counties of Santa Barbara, Kern, and San Bernardino, and all counties south thereof; and the ocean area bounded by a line from California coast at latitude 34°58' North (mouth of Santa Maria River) southwesterly to latitude 24°15' North, longitude 134°40' West; thence southeasterly to latitude 5° South, longitude 110° West; thence northeasterly to the border between Guatemala and Mexico on the Pacific Coast (14°38' N, 92°19' W).

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.50-40 *Twelfth Coast Guard District—(a) Description.* The Twelfth Coast Guard District, with office at San Francisco, California, is comprised of Utah, Nevada, except Clark County; and the northern part of California comprising the counties of San Luis Obispo, Kings, Tulare and Inyo, and all counties north thereof, the ocean area bounded by a line from the California coast at

latitude 34°58' North (mouth of the Santa Maria River) southwesterly to latitude 24°15' North, longitude 134°40' West; thence northwesterly to latitude 40° North, longitude 150° West; thence easterly to the California-Oregon state line.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.50-45 *Thirteenth Coast Guard District—(a) Description.* The Thirteenth Coast Guard District, with office at Seattle, Washington, is comprised of Washington, Oregon, Idaho, and Montana; the ocean area bounded by a line from the California-Oregon state line westerly to latitude 40° North, longitude 150° West; thence northeasterly to latitude 54°40' North, longitude 140° West; thence due east to the Canadian coast.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

SUBPART 70.01—INTERFERENCE WITH AIDS TO NAVIGATION

1. Section 70.01-1 is amended to read as follows:

§ 70.01-1 *General provisions.* No person, excluding the armed forces, shall obstruct or interfere with any aid to navigation established and maintained by the Coast Guard, or any private aid to navigation established and maintained in accordance with Part 64, 66, 67, or 68 of this subchapter.

SUBPART 70.05—COLLISION WITH OR DAMAGE TO AIDS TO NAVIGATION

2. Section 70.05-20 is amended to read as follows:

§ 70.05-20 *Report required.* Whenever any vessel collides with an aid to navigation established and maintained by the United States or any private aid to navigation established or maintained in accordance with Part 64, 66, 67, or 68 of this subchapter, or is connected with

any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection, in accordance with 46 CFR 136.05.

(Sec. 92, 63 Stat. 503, as amended; 14 U. S. C. 92. Interprets or applies secs. 14, 16, 30 Stat. 1152, as amended, 1153, as amended, sec. 84, 63 Stat. 500, sec. 4, 67 Stat. 462; 33 U. S. C. 408, 411, 14 U. S. C. 84, 43 U. S. C. 1333)

PART 74—COSTS AND CHARGES

1. The citation of authority for the regulations in this part is revised to read as follows:

Authority: §§ 74.01-1 to 74.01-10 issued under sec. 92, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply secs. 86, 633, 642, 63 Stat. 501, 545, 547, sec. 4, 67 Stat. 462; 14 U. S. C. 86, 633, 642, 43 U. S. C. 1333.

SUBPART 74.01—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

Section 74.01-1 is amended by revising the headnote and the introductory sentence (but not "Table B—Standard Charges") to read as follows:

§ 74.01-1 *Charges, general.* Charges for authorized work performed under the provisions of §§ 62.01-10 (b), 62.10-5 (c), 64.15-1, 64.15-5, 67.40-15, and 67.40-20, and Subpart 70.05 of Part 70 of this subchapter, shall be the charge as determined from the table set forth below when performed by the Coast Guard, or the cost incurred by the Coast Guard when having such work performed on contract:

Dated: May 12, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[P. R. Doc. 58-3679; Filed, May 19, 1958;
8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Document 58-1484, appearing in the issue for Thursday, February 27, 1958, at page 1214 make the following change:

In amendatory paragraph A, the reference to "§ 31.3" should read "§ 31.1".

TITLE 43—PUBLIC LANDS: INTERIOR

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

[Circular 2001]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The schedule of service fees and charges related to lands and resources under the jurisdiction of the Bureau of Land Management, dated September 7, 1955 (20 F. R. 6746) effective September

28, 1955, is hereby cancelled and the following changes in the following parts of Title 43 are hereby made:

Subchapter A—Alaska

PART 62—FUR FARMING

Section 62.6 is amended by adding a new paragraph as follows:

§ 62.6 *Application for lease.* * * *

(m) All applications must be accompanied by an application service fee of \$10 which will not be returnable.

PART 64—HOMESITES OR HEADQUARTERS

1. Section 64.5 is amended by adding a new paragraph (k) as follows:

§ 64.5 *Form and contents of application.* * * *

(k) All applications must be accompanied by an application service fee of \$10 which will not be returnable.

2. Section 64.12 is amended by adding a new paragraph (j) as follows:

§ 64.12 *Form and contents of application.* * * *

(j) All applications must be accompanied by an application service fee of \$10 which will not be returnable.

PART 74—RIGHTS-OF-WAY

1. The headnote of § 74.18 is amended, the present text of the section is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 74.18 *Showing required in application; service fee.* (a) * * *

(b) All applications must be accompanied by an application service fee of \$10 which will not be returnable.

2. The following cross reference is inserted immediately after § 74.26:

CROSS REFERENCE: For service fees on applications, see § 244.3 (b) of this chapter.

PART 75—SALES AND LEASES

1. The present text of § 75.8 is designated as paragraph (a) and a new paragraph (b) added as follows:

§ 75.8 *Action by Alaska Rural Rehabilitation Corp.* (a) * * *

(b) All applications must be accompanied by an application service fee of \$10 which will not be returnable.

2. Section 75.23 is amended as follows:

§ 75.23 *Application; service fee; limitation on holdings.* (a) An application may be filed with the appropriate land office by any qualified individual, association of individuals, or corporation, including municipal and public corporations, to purchase land for industrial, commercial, or housing purposes.

(b) The application should be executed and filed in duplicate if the land is surveyed, or in triplicate if the land is unsurveyed. Each application should be for only one tract, reasonably compact

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

in form, containing so much land, not exceeding 160 acres, as is actually required for the contemplated enterprise or project.

(c) Each application must be accompanied by an application service fee of \$10 which will not be returnable, except that the application service fee shall be returned to the applicant where the application is allowed and the sale is held but the applicant is not the successful bidder. In such case, the successful bidder will be required to pay the \$10 application service fee.

(d) An applicant may file any number of applications, but no award may be made nor may patent issue to any purchaser for land which, with other lands under this act then held by such purchaser, shall exceed 160 acres in the aggregate.

(e) The application should contain in substance the following information:

(1) Name and address of applicant; age; general nature of his business and principal place of business.

(2) An association is required to file a certified copy of its articles of association and the same showing, including holdings of its members, as required of an individual as specified herein. A corporation is required to file a certified copy of its articles of incorporation and a showing that it is qualified to hold real estate in Alaska.

(3) Description of the land desired, by legal subdivision, section, township and range, if surveyed, and by metes and bounds with the approximate area, if unsurveyed. The metes and bounds description should be connected by course and distance with some corner of the public land surveys, if practicable, or with reference to rivers, creeks, mountains, towns, islands, or other prominent topographical points or natural objects or monuments. No patent may issue, however, until an official survey is made.

(4) A brief but complete statement as to the use to which the land will be put, supplemented by the showings required in § 75.24.

(5) A statement of the applicant's interests, direct or indirect, whether as a member of an association or stockholder in a corporation or otherwise, in lands covered by purchase certificates or patents issued under the act, with the acreage thereof, identifying the same by land office and serial or by patent number, and a statement that the total amount of such lands then held by the applicant, together with the lands applied for, do not exceed 160 acres in the aggregate.

(f) The application must be signed by the applicant or an attorney in fact; if executed by an attorney in fact it must be accompanied by the power of attorney. Application on behalf of corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto. When a municipal or public corporation is the applicant, the authority of the signing official or officials to act for the corporation must be furnished, evidenced by a certified copy of the resolution of its governing board or body.

PART 80—TOWNSITES

The present text of § 80.6 is designated as paragraph (a) and a new paragraph (b) is added as follows:

§ 80.6 *Filing of application; publication and posting; submission of proof.* (a) * * *

(b) The trustee's application shall be accompanied by a \$10 application service fee which shall not be returnable.

PART 81—TRADE AND MANUFACTURING SITES

The present text of § 81.2 is designated as paragraph (a) and a new paragraph (b) is added as follows:

§ 81.2 *Execution of application.* (a) * * *

(b) All applications must be accompanied by an application service fee of \$10 which will not be returnable.

Subchapter B—Applications and Entries

PART 104—AMENDMENTS

The present text of § 104.2 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 104.2 *Application to amend: form: where filed.* (a) * * *

(b) All applications must be accompanied by an application service fee of \$10 which will not be returnable.

PART 105—RELINQUISHMENTS, CANCELLATIONS AND REINSTATEMENTS

A new paragraph (e) is added to § 105.2, as follows:

§ 105.2 *Application for reinstatement.* * * *

(e) All applications must be accompanied by an application service fee of \$10 which will not be returnable.

Subchapter C—Areas Subject to Special Laws

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECOGNIZED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

The present texts of §§ 115.132 and 115.150 are designated as paragraphs (a), respectively, and a new paragraph (b) added to each, as follows:

§ 115.132 *Application and lease.* (a) * * *

(b) All applications, including applications arising out of the assignment of leased lands, where the application in whole or in part embraces lands that were not under lease to the applicant therefor on the date of filing such application, must be accompanied by an application service fee of \$10 which will not be returnable.

§ 115.150 *Applications: issuance of permits.* (a) * * *

(b) All applications must be accom-

¹² Title 18, U. S. C., sec. 1001, makes it a crime for any person knowingly and wilfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

panied by an application service fee of \$10 which will not be returnable.

Subchapter D—Certificates and Scrip

PART 130—GENERAL REGULATIONS INVOLVING CERTIFICATES AND SCRIP

The present text of § 130.1 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 130.1 *Statement required with location or selection.* (a) * * *

(b) All applications to locate scrip, warrants, certificates, or to make lieu selections must be accompanied by an application service fee of \$10 which will not be returnable.

PART 133—SCRIP

1. Paragraph (f) of § 133.1 is revoked.
2. Subparagraph (15) of paragraph (c) of § 133.2 is revoked.

Subchapter F—Color of Title and Riparian Claims

PART 141—COLOR OF TITLE AND RIPARIAN CLAIMS APPLICABLE TO PARTICULAR STATES

1. The present text of § 141.10 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 141.10 *Applications.* (a) * * *

(b) All applications to purchase under the act must be accompanied by an application service fee of \$10 which will not be returnable.

2. The present text of § 141.16 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 141.16 *Applications.* (a) * * *

(b) All applications to purchase under the act must be accompanied by an application service fee of \$10 which will not be returnable.

Subchapter I—Homesteads

PART 166—ORIGINAL, ADDITIONAL, SECOND, AND ADJOINING FARM HOMESTEADS, AUTHORIZED BY THE GENERAL PROVISIONS OF THE HOMESTEAD LAWS

1. Section 166.26 is amended by adding a new paragraph (c), as follows:

§ 166.26 *Application for extension of time.* * * *

(c) All applications must be accompanied by an application service fee of \$5 which will not be returnable.

2. Section 166.28 is amended by adding a new paragraph (c) as follows:

§ 166.28 *Reduction of residence requirements to six months in each year.* * * *

(c) All applications must be accompanied by an application service fee of \$5 which will not be returnable.

3. The present text of § 166.29 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 166.29 *Reduction of residence requirements to five months in each year.* (a) * * *

(b) All applications must be accompanied by an application service fee of \$5 which will not be returnable.

4. The present text of § 166.39 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 166.39 *Application for leave of absence.* (a) * * *

(b) All applications for leave of absence for one year or less because of failure of crops, sickness, or other unavoidable casualty must be accompanied by an application service fee of \$5 which will not be returnable.

5. Section 166.40 is amended by adding a new paragraph (e), as follows:

§ 166.40 *Conditions under which requirements as to cultivation may be reduced.* * * *

(e) All applications for reduction in area of cultivation must be accompanied by an application service fee of \$5 which will not be returnable.

Subchapter L—Mineral Lands

PART 192—OIL AND GAS LEASES

1. Section 192.51 is amended as follows:

§ 192.51 *Notice of lease offer.* Notice of the offer of lands for lease will be by publication once a week for five consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated, or in such other publications as the authorized officer of the Bureau of Land Management may authorize. The notice published in a newspaper of general circulation in the county will contain a statement that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of that notice which shall be that portion of the total advertising cost that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared. The notice will also state the time and place of sale, the manner in which bids may be submitted, the description of the lands, and the terms and conditions of the sale.

2. Paragraph (b) of § 192.120 is amended as follows:

§ 192.120 *Single extension of a non-competitive lease; segregation of leased lands; notation of records.* * * *

(b) The application for extension must be filed, within ninety days before the expiration date of the lease, on Form 4-1238, "Application for Extension of Oil and Gas Lease", or unofficial copies of that form in current use and must be accompanied by a filing fee of \$10 which will be retained as a service charge even though the application is later withdrawn or rejected and, unless previously paid, the sixth year's rental: *Provided*, That the unofficial copies are exact reproductions on one sheet of both sides of the official approved one-page form, and are without additions, omissions, or other changes or advertising. Form 4-1238 or a valid reproduction of the official form, will also constitute ap-

* Filed with the Federal Register Division as part of the original document.

proval of the extension when signed by an authorized officer.

PART 193—COAL LEASES, PERMITS AND LICENSES

Section 193.13 is amended, as follows:

§ 193.13 *Notice of lease offer.* Notice of offer of lands or deposits for lease by competitive bidding will be by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will show the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the land and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which the bids may be submitted, and statements (a) that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared; and (b) that the Government reserves the right to reject any and all bids. If the sale is by public auction, the statement of terms and conditions of the sale will also specify that sealed bids may be submitted. If any bid be rejected, the deposit will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding is unlawful. See 18 U. S. C. 1860.

PART 194—POTASSIUM PERMITS AND LEASES

Section 194.18 is amended as follows:

§ 194.18 *Notice of lease offer.* Notice of offer of lands or deposits for lease by competitive bidding will be by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will state the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the land and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and statements (a) that the successful bidder will be required, prior to the issuance of a lease,

to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared; and (b) that the Government reserves the right to reject any and all bids. If any bid be rejected, the deposit will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding is unlawful. See 18 U. S. C. 1860.

PART 195—SODIUM PERMITS AND LEASES: USE PERMITS

Section 195.18 is amended as follows:

§ 195.18 *Notice of lease offer.* Notice of offer of lands or deposits for lease by competitive bidding will be by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will state the time and place of sale; whether the sale will be at public auction or by sealed bids; the description of the lands; and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and a statement (a) that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared; and (b) that the Government reserves the right to reject any and all bids. If any bid be rejected, the deposit will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding, is unlawful. See 18 U. S. C. 1860.

PART 196—PHOSPHATE LEASES AND USE PERMITS

Section 196.11 is amended as follows:

§ 196.11 *Notice of lease offer.* Notice of offer of lands or deposits for lease by competitive bidding will be by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will state the time and place of sale; whether the sale will be at public auction or by sealed bids; the description of the lands; and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to

pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and statements (a) that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared; (b) that the terms of minimum production will not be reduced or waived at the lessee's request except as provided in §§ 196.5, 196.6, 191.25, or 191.26 of this chapter, or upon a satisfactory showing that market conditions are such that the lessee cannot operate except at a loss; (c) that the lease will be canceled if production, or the construction of production facilities, including processing plants, is not commenced by the beginning of the fourth year of the lease; and (d) that the Government reserves the right to reject any and all bids. If any bids be rejected, the deposit will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding is unlawful. See 18 U. S. C. 1860.

PART 199—MINERALS SUBJECT TO LEASE UNDER SPECIAL LAWS

1. Section 199.10 is amended to read as follows:

§ 199.10 *Term of lease.* Leases will be issued for a period of 5 years subject to renewal at the expiration thereof for additional periods of 5 years each, on such reasonable terms as may be prescribed at the time of such renewal. An application for renewal of a lease must be filed in duplicate in the appropriate land office within 90 days prior to the expiration of the lease term and be accompanied by a filing fee of \$10, which will be retained as a service charge even though the application should be rejected or withdrawn in whole or in part. Thereafter, the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee files written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the renewal of a lease, the lessee will be required to submit a new bond as prescribed in § 199.11.

2. Section 199.21 is amended to read as follows:

§ 199.21 *Term of lease.* Leases will be issued for a period of 5 years subject to such special terms as may be deemed necessary in the particular case to protect the rights of the surface claimant and, in the discretion of the authorized officer, may be renewed at the expiration thereof for additional periods of 5 years each, on such reasonable terms as he

may prescribe at the time of such renewal. An application for renewal of a lease must be filed in duplicate in the appropriate land office within 90 days prior to the expiration of the lease term and be accompanied by a filing fee of \$10, which will be retained as a service charge even though the application should be rejected or withdrawn in whole or in part. Thereafter the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee files written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the renewal of a lease, the lessee will be required to submit a new bond as prescribed in section 199.22.

3. A new § 199.24 is added to this part, to read as follows:

§ 199.24 *Transfers of leases.* (a) Leases issued under the authority specified in §§ 199.1 and 199.13 may be transferred in whole or in part. To the extent applicable, the regulations in § 188.20 of this title shall govern all transfers of such leases.

Subchapter O—Payments and Repayments

PART 216—PAYMENTS

Sections 216.12, 216.16, and 216.17 are revoked.

Subchapter Q—Reclamation and Irrigation

PART 230—RECLAMATION OF ARID LANDS BY THE UNITED STATES

1. The present text of § 230.26 is designated paragraph (a) and a new paragraph (b) added, as follows:

§ 230.26 *Showing required.* (a) * * * (b) All applications for leave of absence within Federal irrigation projects under the act of June 25, 1910, must be accompanied by an application service fee of \$5 which will not be returnable.

2. A new paragraph (c) is added to § 230.32, as follows:

§ 230.32 *Showing required.* * * * (c) A service fee of \$5 which will not be returnable.

3. The present text of § 230.33 is designated paragraph (a) and a new paragraph (b) added as follows:

§ 230.33 *Notice of interest by mortgagers.* (a) * * * (b) All notices of mortgage interest on homestead or desert land entries filed in accordance with this section must be accompanied by a service charge of \$5 which will not be returnable.

PART 231—STATE IRRIGATION DISTRICTS

A new paragraph (g) is added to § 231.2, as follows:

§ 231.2 *Application by a district for approval.* * * * (g) All applications by State irrigation districts for approval under the act of August 11, 1916, must be accompanied by an application service fee of \$10 which will not be returnable.

PART 232—DESERT LAND ENTRIES

1. Section 232.9 is amended by adding a new paragraph (c), as follows:

§ 232.9 *Applications for desert land entry.* * * *

(c) All applications for desert land entries must be accompanied by an application service fee of \$15 which is not returnable. This fee is in addition to the payment of 25 cents per acre, which is made at the time of filing applications as required by law.

2. Section 232.17 is amended by adding a new paragraph (d), as follows:

§ 232.17 *Showing required of assignees; recognition of assignments.* * * *

(d) All applications for recognition of assignment of desert land entries must be accompanied by an application service fee of \$10 which will not be returnable.

2. Section 232.18 is amended by adding a new paragraph (e), as follows:

§ 232.18 *When lands may be sold, taxed or mortgaged.* * * *

(e) The filing of all notices of recordation of claim by transferred, mortgages, or other encumbrancer under this section must be accompanied by a service charge of \$10 which will not be returnable.

3. Section 232.37 is amended by adding a new paragraph (e), as follows:

§ 232.37 *When extensions of time may be granted.* * * *

(e) All applications for extension of time made under the acts of March 28, 1908, April 30, 1912, or February 25, 1925, must be accompanied by an application service fee of \$10 which will not be returnable.

4. Section 232.40 is amended by adding a new paragraph (c), as follows:

§ 232.40 *Applications for relief.* * * *

(c) All such applications for relief must be accompanied by an application service fee of \$10 which will not be returnable.

PART 234—RECLAMATION OF ARID LANDS IN NEVADA

Section 234.12 is amended by designating the present text of paragraph (c) as paragraph (d), substituting paragraph (c), to read as follows:

§ 234.12 *Extension of time.* * * *

(c) All applications for extension of time for the beginning, commencement, or completion of the work of water development and submission of final proof must be accompanied by an application service fee of \$10 which will not be returnable.

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

Subchapter S—Rights-of-Way

PART 243—RIGHTS-OF-WAY FOR RAILROADS AND STATION GROUNDS

Section 243.4 is amended by adding a new paragraph (c), as follows:

§ 243.4 *Proposed national forest; construction through forests.* * * *

(c) All rights-of-way applications for railroads and station grounds within national forests must be accompanied by a service fee of \$10 which will not be returnable.

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

1. The present text of § 244.3 is designated as paragraph (a) and a new paragraph (b) is added, as follows:

§ 244.3 *Application.* * * *

(b) All applications filed pursuant to this part in the name of individuals, corporations or associations must be accompanied by an application service fee of \$10 except where the right of way will authorize use and occupancy of the lands exclusively for the purposes stated in § 244.21 (c). The service fee will not be returnable. No application service fee will be required of States or agencies or instrumentalities thereof or of Government agencies.

2. The present text of § 244.18 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 244.18 *Transfer of right-of-way.* (a) * * *

(b) All filings of transfers, by assignment, lease, operating agreement, or otherwise, made pursuant to this section, except by States or agencies or instrumentalities thereof, must be accompanied by an application service fee of \$10 which will not be returnable.

Subchapter T—Sale, Lease, or Use, and Acquisitions

PART 251—AIRPORTS AND AVIATION FIELDS

Section 251.4 is amended as follows:

§ 251.4 *Applications for lease.* (a) Applications should be filed in the proper land office. For lands in a State for which there is no land office, applications should be filed with the Bureau of Land Management, Washington 25, D. C. Applications for lands in North Dakota or South Dakota should be filed in the land office at Billings, Montana; for lands in Nebraska or Kansas in the land office at Cheyenne, Wyoming; and for lands in Oklahoma in the land office at Santa Fe, New Mexico.

(b) Applications will be limited to citizens of the United States or associations of such citizens; to corporations organized under the laws of the United States or of any State or Territory thereof; and municipalities.

(c) No specific form of application is required, and no blanks will be furnished; but the application, which must be signed by the applicant, but need not be under oath, should include in substance the following points:

(1) Applicant's name and post office address.

(2) If a corporation, a certified copy of the articles of incorporation.

(3) If a city or town, evidence of authority of the mayor or other officer who may be authorized to execute such lease.

(4) Description of the land for which the lease is desired, by legal subdivisions if surveyed, or by metes and bounds if unsurveyed.

(d) All applications filed by individuals, associations and corporations must be accompanied by an application service fee of \$10 which will not be returnable. No application service fee will be required of a municipality or a corporation which is an instrumentality of the United States, or a State or Territory thereof.

PART 255—TOWN SITES

1. The present text of § 255.11 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 255.11 *Filing in land office, in duplicate, of transcript of plat, field notes and statement.* . . .

(b) All filings made in accordance with this section must be accompanied by a service charge of \$5 which will not be returnable.

2. The present text of paragraph (b) of § 255.16 is redesignated as paragraph (c) and a new paragraph (b) substituted, as follows:

§ 255.16 *Preemption claims, publishing and posting of proof notices.* . . .

(b) All notices of intention to make proof of preemption claims pursuant to this section must be accompanied by a service charge of \$5 which will not be returnable.

PART 258—SPECIAL LAND-USE PERMITS FOR PUBLIC LANDS WITHIN OR OUTSIDE OF GRAZING DISTRICTS

1. Section 258.5 is revised so as to read as follows:

§ 258.5 *Fees.* All applications for special land use permits or renewal thereof, where the applicant is an individual, corporation or association, must be accompanied by an application service fee of \$10 which will not be returnable. No charge will be made for applications by agencies of the Federal Government, or agencies of the States and political subdivisions thereof.

2. The present text of § 258.13 is designated as paragraph (a) and a new paragraph (b) added as follows:

§ 258.13 *Assignment of permit.* (a) . . .

(b) All applications for assignment of special land use permits must be accompanied by an application service fee of \$10 which will not be returnable.

3. Paragraph (a) of § 258.20 is revised to read as follows:

§ 258.20 *Fees and charges.* (a) All applications for a permit to erect one or more advertising displays on public lands must be accompanied by an application service fee of \$10 which will not be returnable.

4. The present text of § 258.22 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 258.22 *Renewal of permit.* . . .

(b) All applications for permit renewal made in accordance with this section must be accompanied by an application service fee of \$10 which will not be returnable.

(Sec. 501, 65 Stat. 290; 5 U. S. C. 140)

FRED A. SEATON,
Secretary of the Interior.

MAY 13, 1958.

[P. R. Doc. 58-3751; Filed, May 19, 1958;
8:49 a. m.]

Appendix—Public Land Orders

[Public Land Order 1636]

[BLM 044621, 1975986, 68673]

MISSISSIPPI

RESERVING PUBLIC LANDS AS THE HORN ISLAND NATIONAL WILDLIFE REFUGE; REVOKING THE EXECUTIVE ORDER OF APRIL 12, 1906 AND EXECUTIVE ORDER NO. 5562 OF FEBRUARY 20, 1931, ENTIRELY, AND THE EXECUTIVE ORDERS OF AUGUST 30, 1847 AND SEPTEMBER 3, 1900, IN PART

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 are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) and reserved under jurisdiction of the Department of the Interior as the Horn Island National Wildlife Refuge:

ST. STEPHENS MERIDIAN

T. 9 S., R. 6 W.,

Sec. 25, lots 1, 2, and 3;

Sec. 27, lots 5 to 8, inclusive;

Sec. 28, lots 5 to 10, inclusive;

Sec. 29, lots 5 to 12, inclusive;

Sec. 30, lots 11 to 14, inclusive;

Sec. 33, lots 2, 3, and 4;

Sec. 34, lots 8 to 11, inclusive.

T. 9 S., R. 7 W.,

Sec. 18, lot 5;

Sec. 19, lots 8 and 9;

Sec. 22, lots 11 to 18, inclusive;

Sec. 23, lots 5 to 8, inclusive;

Sec. 25, lots 11 to 16, inclusive;

Sec. 26, lots 8 to 14, inclusive;

Sec. 27, lots 2, 3, and 4.

T. 9 S., R. 8 W.,

Sec. 13, lot 1;

Sec. 23, lots 1 to 4, inclusive;

Sec. 24, lots 1 to 8, inclusive.

The areas described aggregate approximately 2,484.23 acres.

2. The Executive order of August 30, 1847, so far as it reserved fractional sections 17, 18, 19, 20, and 21, T. 9 S., R. 7 W., "being the west end of Horn Island," fractional section 31, T. 9 S., R. 5 W., and fractional sections 28, 35, and 36, T. 9 S., R. 6 W., "being the east end of Horn Island," is hereby revoked. The lands were transferred to the control of the Secretary of the Interior for disposition under the act of July 5, 1884, by Execu-

tive orders of October 25, 1895 and August 25, 1900.

3. The Executive order of April 12, 1906, reserving sections 23 and 26, T. 9 S., R. 7 W. (307.54 acres), as a target range for the Revenue-Cutter Service is hereby revoked.

4. The Executive order of September 3, 1900, so far as it reserved fractional section 31, T. 9 S., R. 5 W., and fractional section 36, T. 9 S., R. 6 W., east of Pearl River, for lighthouse purposes, is hereby revoked.

5. Executive order No. 5562 of February 20, 1931, reserving lots 1, 2, and 3, sec. 25, T. 9 S., R. 6 W., for lighthouse purposes as an addition to those withdrawn by the Executive order of September 3, 1900, is hereby revoked.

6. The lands described in paragraph 4, and part of sec. 26, T. 9 S., R. 6 W., have been completely eroded by action of the tides. The remaining lands described in paragraphs 2, 3, and 5 of this order, to the extent that they are still public lands, are included in the reservation made by paragraph 1.

HATFIELD CHILSON,
Acting Secretary of the Interior.

MAY 14, 1958.

[P. R. Doc. 58-3738; Filed, May 19, 1958;
8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11990; FCC 58-441]

[Rules Amdt. 10-4]

PART 10—PUBLIC SAFETY RADIO SERVICES

MODIFICATION OF EXISTING SERVICES, CREATION OF NEW SERVICES AND EFFECTING OF CHANGES IN AVAILABILITY OF FREQUENCIES

1. *Introduction.* The Commission adopted, April 3, 1957, a Notice of Proposed Rule Making in the above-entitled proceeding. This Notice of Proposed Rule Making was published in the FEDERAL REGISTER of April 16, 1957 (22 F. R. 2367) and ample opportunity was afforded interested persons to submit comments in support of or in opposition to the rule amendments proposed. The time for filing of both original and reply comments in regard to the proposed rule changes has now expired.

A multitude of comments were filed in this proceeding by organizations representing large numbers of users, by individual users, and by other interested parties. Due to this large number of comments, a substantial number of which are voluminous, it is not feasible to discuss the positions of all interested parties in this Report and Order. Nevertheless, every properly filed comment has been considered and the merits thereof given appropriate weight by the Commission in reaching the determinations set forth herein. Many of the comments contain suggestions and proposals which go beyond the scope of this proceeding. Such suggestions and proposals

have been considered only to the extent that consideration thereof may aid in evaluating the desirability of effectuating the proposals set forth in the Notice of Proposed Rule Making and those parties who wish further consideration of any such suggestion or proposal should file formal petitions for rule making in accordance with provisions of § 1.202 of the Commission's rules.

The primary purpose of the proposed amendments was to determine the "Service-Allocation" of newly assignable frequencies available as a result of the Commission's decision in Docket Number 11253 to reduce the separation between assignable frequencies in the 152-162 Mc band from 60 kc to 30 kc. The proposals would also effectuate the following additional major purposes:

(1) Reduction of the separation between assignable frequencies in the 453.050-453.950 Mc and 458.050-458.950 Mc bands from 100 kc to 50 kc, removal of the developmental limitations presently applicable to assignable frequencies in these bands, and the making of newly assignable frequencies available on a shared basis to users in all of the Public Safety Radio Services except the State Guard Radio Service;

(2) Elimination of the sharing of frequencies in the 152-162 Mc band by Public Safety Radio Services with non-Public Safety Radio Services;

(3) Restriction of "permissible communications" of Police, Fire, Forestry-Conservation, and Highway Maintenance Radio Service stations to communications essential to official police, fire, forestry-conservation, and physical maintenance of highway activities of licensees, respectively; and

(4) Establishment of Local Government and Interstate Highway Radio Services.

In order to effectuate these purposes and other relatively minor purposes, the Notice of Proposed Rule Making sets forth 28 separately numbered proposed amendments to Part 10 of the Commission's rules. Of these numbered proposals, 25 would amend existing sections of Part 10 and 3 would add new sections to this part. The decision as to whether the proposed new sections should be effectuated is vital to a proper disposition of the proposed changes to existing sections. Accordingly, the proposed new sections will be discussed first, and the proposed amendments to existing sections will be discussed subsequently.

2. *Civil defense.* The proposal would establish a new § 10.9, which would provide that stations licensed in the Public Safety Radio Services "may transmit communications necessary for the implementation of civil defense activities assigned such stations by the local civil defense authorities during an actual or simulated emergency, including drills and tests: *Provided*, That such communications relate to the activity or activities which form the basis of the licensee's eligibility in the radio service in which authorized."

The Commission's intent in proposing the adoption of this proposed section was merely to codify its present policy in regard to the use of stations licensed in the

Public Safety Radio Services for civil defense purposes. Under this present policy, the only stations licensed in the existing Public Safety Radio Services which may be used for the function of providing a civil defense communications circuit are those licensed in the Special Emergency Radio Service pursuant to the provisions of § 10.452.¹ Other stations licensed in the Public Safety Radio Services assigned civil defense activities² may be utilized for the transmission of civil defense communications only to the extent that such communications fall within the "permissible communications" applicable to stations involved. For example: Stations licensed in the Police Radio Service may transmit civil defense communications which are directly related to official police activities but may not be utilized as a civil defense communications circuit.

No properly filed comment offered either support for or opposition to the proposed § 10.9, and this section is being adopted as proposed.

3. *Local government radio service.* The Notice of Proposed Rule Making would add a Subpart L, entitled "Local Government Radio Service," to Part 10 of the Commission's rules.

The Commission's purpose in proposing establishment of the Local Government Radio Service was to provide a service wherein governmental entities could perform all communications essential to the accomplishment of any official function of such governmental entity by use of one communication system. Establishment of this service would not prohibit governmental entities from establishing a radio system licensed in the Local Government Radio Service and other systems licensed in other Public Safety Radio Services.

A large percentage of the many comments filed in this proceeding commented upon some aspect of the Local Government Radio Service, but the only comments directly objecting to establishment of the proposed service were filed by certain common carriers.³ In contrast a substantial number of comments are in accord with the position of the Associated Public Communications Officers, Inc., which stated: "This Association heartily concurs in the establishment of a Local Government Radio Service provided such radio service is coordinated with the present licensees of adjacent frequencies in accordance with § 10.8 of this part." The Commission concludes that establishment of the proposed Local Government Radio Service is in the public interest.

The particular rules which the Commission proposed to govern the Local

¹ Stations licensed in the Local Government Radio Service, hereinafter established, may also perform such function if the provision of a civil defense communications system is an official duty of the local government licensee.

² Such activities shall not include responsibility for providing a civil defense communications circuit.

³ Even these comments were primarily concerned with the possible effect that establishment of the service might have on the issues in Docket Number 11866 and are disposed of *infra*.

Government Radio Service are encompassed in proposed §§ 10.551 through 10.555, inclusive, and these proposed sections will now be individually discussed.

Section 10.551. This section proposed that authorizations for stations in the Local Government Radio Service would be issued "only to territories, possessions, states, other governmental subdivisions, including counties, cities, towns and similar governmental entities."

No party entered an objection to this proposal and the section is adopted as proposed.

Section 10.552. This section would provide that Local Government Radio Service stations could transmit only "two-way voice communications essential to official activities of the licensee."

The American Municipal Association requested that this proposed section not be adopted in the form proposed, but rather adopted in the following form:

Stations in the Local Government Radio Service are authorized to transmit communications essential to official activities of the licensee.

The comment of the Electronic Industries Association lends support to this requested change in proposed § 10.552. This comment stated in part:

There should not be imposed a restriction as to the type of intelligence that is carried on a communications system. It would be preferable to recognize that the state of the art is such that types of intelligence other than two-way voice may well be indicated * * * as there is further progress in the state of the art it may well appear that voice communication is not the most effective or efficient utilization of spectrum space in the mobile service and may well be supplemented by more effective techniques such as high-speed teletype, facsimile, tone signals and etc.

The Commission, as noted in the Notice of Proposed Rule Making, envisioned the Local Government Radio Service as a service that would permit governmental entities to use stations licensed therein to perform any communication which stations licensed in other Public Safety Services could perform and, in addition, could be used to transmit certain other communications not allowed to be transmitted by stations licensed in such services as police, fire, forestry-conservation, and highway maintenance. Accordingly, it would seem that the communications which Local Government Radio stations may transmit should be broad enough to encompass all those communications which other public safety stations may transmit. Since stations licensed in other public safety services are not limited to "two-way voice communications," accomplishment of this objective requires modification of proposed § 10.552 in the manner suggested by the American Municipal Association. The Commission finds that adoption of this proposed section, modified in accordance with the American Municipal Association's suggestion, is in the public interest.

Section 10.553. This section would authorize Local Government mobile and base stations to intercommunicate only with other Local Government mobile and base stations.

The American Municipal Association requests that this section be modified so as to permit Local Government base and mobile stations to also intercommunicate with base and mobile stations in other Public Safety Services and to allow such Local Government stations to transmit to receivers at fixed locations: *Provided*, That no harmful interference is caused to the base-mobile operations of any authorized station.

Base and mobile stations licensed in most presently existing Public Safety Services are allowed to intercommunicate with base and mobile units licensed in other Public Safety Services and to transmit to receivers at fixed locations. Since, as indicated in the Notice of Proposed Rule Making, the Commission envisioned the Local Government Radio Service as being a service where stations licensed therein could be used in substitution for or in conjunction with stations licensed in other Public Safety Services; it appears that effective use of this service requires modification of proposed § 10.553 so as to permit intercommunication between stations in this service and stations in other Public Safety Services and to permit stations licensed in this service to transmit to receivers at fixed locations. Accordingly, proposed § 10.553 is adopted as modified in accordance with the request of the American Municipal Association.

Section 10.554. This section would provide, *inter alia*, that mobile relay stations will be authorized in the Local Government Radio Service only where a specified showing of need can be made.

No comment in regard to this section was received. However, subsequent to the issuance of the Notice of Proposed Rule Making in this proceeding, the Commission in its First Report and Order in Docket 12169 reserved a number of frequencies in the 40 Mc band for assignment to Local Government users if the service was ultimately established in this proceeding. In view of this fact, the Commission believes that it will be in the public interest to state in this rule that under no circumstances will mobile relay stations be authorized in this service on any base or mobile frequency below 152.00 Mc. With this slight change designed, as are the modifications previously discussed in regard to §§ 10.552 and 10.553, to bring the rules in regard to the Local Government Radio Service into conformity with the rules governing other Public Safety Services, § 10.554 is adopted as proposed.

Section 10.555. Paragraphs (a) through (e) of proposed § 10.555 would, *inter alia*, provide that: (1) Normally only two frequencies will be assigned to any one licensee unless requests for additional assignments are adequately supported by a satisfactory showing of need; (2) control and repeater stations will be authorized in the Local Government Radio Service only on frequencies allocated for use by operational fixed stations; and (3) that frequencies shown in proposed § 10.555 (g) as being available for assignment to "mobile stations" only may be authorized for use at base sta-

tions after coordination with affected licensees in the area and subject to the further conditions that no harmful interference will be caused to the service of any mobile station using the particular "mobile frequency."

No comment objected to the proposal to limit the number of frequencies which would normally be assigned to Local Government licensees. However, the Associated Public Communications Officers, Inc., recommend that only one frequency be assigned to Local Government Radio licensees in the absence of a satisfactory showing of need for assignments of additional frequencies. Compliance with this recommendation would normally prevent the use of "two frequency duplex operation" by licensees authorized in the Local Government Radio Service, although the same licensee if authorized in the Police, Fire, Forestry-Conservation, or Highway Maintenance Radio Services could normally utilize this type of operation. Furthermore, examination of the Commission's records shows that "two frequency duplex operation" is utilized by a majority of licensees in the aforementioned services. The Commission does not feel that the requested modification is warranted.

The International Municipal Signal Association requested that the proposal be amended so as to provide that "not more than two local government channels should be allowed to any one licensee unless such licensee has already established a police system on a police frequency and a fire system on a fire frequency." The Commission does not believe it advisable to categorically state that establishment of a police or fire system is a condition precedent to the authorization of more than two channels to a given licensee in the Local Government Radio Service. However, the Commission in evaluating the "adequate showing of need", which would be required by the proposal to justify additional frequency assignments, will take such facts into consideration.

No party commented either in support of or in opposition to the proposal to authorize control and repeater stations in the Local Government Radio Service only on frequencies allocated for use by Operational Fixed stations.

No party commented directly upon the merits of the proposal to allow the use of "mobile" frequencies for base station operation under the stated conditions. However, several parties advocated that frequencies proposed to be designated as "mobile" frequencies should not be so designated but rather should be designated as "base and mobile" frequencies. These parties advocated such a redesignation not only in regard to the proposed Local Government Service but also in regard to all Public Safety Services. Such suggestions as related to existing services are not requests for modification of proposals contained in the Notice of Proposed Rule Making but are completely new proposals. Accordingly, these suggestions are beyond the scope of this proceeding and the merits thereof will not be considered herein. The pro-

posed designation is being retained, at this time, in the interest of uniformity.

In view of the above discussion, the Commission finds that the adoption of § 10.555, paragraphs (a) through (e), inclusive, as proposed, is in the public interest.

Section 10.555 (f) would make 81 frequencies between 153.755 Mc and 155.585 Mc available for assignment only to users licensed in the Local Government Radio Service. In addition, this proposed subsection would make 38 frequencies in the 450-460 Mc band available for assignment to users in this service on a shared basis with users in other Public Safety Radio Services. The proposal would also provide for the assignment on a developmental basis to users in this service of frequencies offset by less than 15 kc from the above-mentioned 81 frequencies upon an adequate showing of need for such irregular assignment and other specified conditions. The base, mobile and operational fixed bands above 890 Mc presently available to existing Public Safety Radio Services would also be made available to users in the Local Government Radio Service.

The 81 frequencies which would be made available for assignment exclusively to stations in the Local Government Radio Service are composed entirely of those which became available as the result of the Commission's decision, rendered in Docket Number 11253, to reduce the separation between assignable frequencies in the 152-162 Mc band. Of these frequencies, 26 are offset by 30 kc and 55 are offset by 15 kc from frequencies presently assignable to stations in either the Police or Fire Radio Service. The proposal would limit 59 of these 81 frequencies so that operation with power in excess of 180 watts input to the final radio frequency stage or with an antenna height in excess of 50 feet above ground level at the antenna location would not be permitted.

The 38 channels in the 450-460 Mc band which would be made available on a shared basis to users in this service are those channels presently available to users in all existing Public Safety Radio Services, except the State Guard Radio Service, together with those "split channels" between these presently assignable channels. These "split channels" would become available if the separation between assignable frequencies in this band is reduced from 100 kc to 50 kc as proposed. The presently assignable channels in this band are available to all licensees of all existing Public Safety Services, except the State Guard Radio Service, on developmental basis. The proposal would make these channels as well as those resulting from the proposed reduction in separation between assignable frequencies available on a regular basis.

Several parties commented favorably upon the proposal to reduce the separation from 100 kc to 50 kc in the 450-460 Mc band and to make all assignable channels, in this band, available on a regular basis and no party commented in

opposition to such proposal.* Accordingly, this proposal is adopted.

The primary objections to the frequency proposals in regard to the Local Government Radio Service relate to the 81 channels in the 152-162 Mc band which would be made exclusively available to users in this new service. These objections alleged that allocation of "split channels" to the Local Government Radio Service between channels presently available to users in the Police and Fire Radio Services is not in the public interest. This contention rests upon the following arguments: (1) Users in presently existing Public Safety Radio Services, especially those in the Police and Fire Radio Services, are in need of additional frequencies, and the logical way to meet these needs is to allocate the "split channels" between presently available "police channels" to the Police Radio Service, and those between the presently available "fire channels" to the Fire Radio Service; (2) that interspersal of channels available to Local Government Radio users between those frequencies presently available to police and fire users will increase "intermodulation" problems; and (3) the proposed interspersal would make coordination by users of adjacent channels difficult if not impossible.

The argument that allocation of "split channels" between presently assignable fire and police channels to Local Government Radio Service users would increase "intermodulation" problems is without merit. No more or different "intermodulation" problems would be created by interspersal of Local Government channels between Fire and/or Police channels than would be created by assignment of these "split channels" to Fire and/or Police Radio Service users. Unfortunately, however, the proposed "interspersal" is capable of creating additional frequency coordination problems. The need for establishment of the Local Government Radio Service within the Public Safety Radio Services and the necessity for allocating frequencies in

* The Electronic Industries Association suggested that the requirement for audio low pass filters now applicable to equipment operating in the 25-50 Mc and the 152-162 Mc bands be extended so as to be required in equipment authorized for use of frequencies between 450-470 Mc. Part 16 of the Commission's rules was amended in Docket Number 11993 to require use of such a filter in equipment licensed in the Land Transportation Services for operation on frequencies in this range allocated to such services. In the interest of uniformity and since use of such a filter will aid in reducing adjacent channel interference, this requirement is also being imposed in respect to equipment licensed in the Public Safety Radio Services for operation on frequencies in the bands 453.050-453.950 Mc and 458.050-458.950 Mc.

The proposal to reduce the separation between assignable frequencies in the 450-460 Mc band and to remove the developmental limitations from assignable frequencies is common to all Public Safety Radio Services other than State Guard Radio Service. Accordingly, the adoption of such proposal in connection with the Local Government Radio Service logically requires that it be adopted in regard to the other Public Safety Services.

the 152-162 Mc band to this service, even though no additional spectrum space is available for allocation to the Public Safety Radio Services, create a situation where the lesser of two evils must be chosen. In order to provide assignable frequencies for use of the Local Government Radio Service, either a portion of those "split channels" between frequencies presently assignable to existing Public Safety Services must be allocated to this service, or the frequencies presently assignable to existing services must be substantially altered. If the latter alternative is utilized, frequency coordination problems would be minimized, but a large number of present licensees in the Public Safety Radio Services would be forced to utilize different frequencies. The Commission concludes that "interspersal" of Local Government channels between those presently available to Police and Fire Radio Services will allow earlier use of "split channels" and is preferable to a rule which would require wholesale frequency shifts by existing licensees, thus disrupting a large number of existing systems.

In support of the argument that the allocation of "split channels" between those channels presently available to Police and Fire Radio Services to the new Local Government Radio Service is not in the public interest, the International Municipal Signal Association stated:

In many, many areas the existing 150 megacycles channels are overly crowded and interference between neighboring fire agencies on the same frequency has increased to the point where it is harmful and does distinctly interfere with the ability of said agencies to properly and efficiently dispatch and instruct fire fighting units and, therefore, reduces the fire fighting efficiency of the affected licensees.

This organization further states that "the channels which are now available to the Fire services as 'railroad shared' will be lost to the fire services in accordance with other portions of Docket 11990." The California Public Safety-Radio Association, Inc. states that it:

Concurs with the Commission's action in the creation of the Local Government Service under the proposed amendment, but suggests that the number of frequencies allocated for that service is excessive compared with the needs of existing services of police, fire and highway maintenance. While the creation of the Local Government Radio Service will materially assist in relieving congestion on some of the aforementioned police, fire, or highway maintenance radio systems, it is felt that in severely congested areas, such as Southern California, the amount of relief will not be adequate to keep pace with expansion requirements, and that provisions should be made within the specific categories of the existing services.

A similar comment was made on behalf of the Associated Public Communications Officers, Inc., which stated:

The very service [Police Radio Service], which pioneered the development of all mobile radio because of the great need which existed, is now threatened with lack of suitable frequencies to keep pace with the increased needs for police and other public safety services. In the case of police radio the rapid growth of the population and im-

proved methods of transportation utilized by the criminal have resulted in a new concept of policing. To keep abreast of the modern criminal practices more radio communications are needed. It is apparent that this docket proposed no additional police or fire channels. It is true that certain channels may be shared by police and fire agencies, however, their needs are for many more channels for their own particular use. The same channels which in 1947 were becoming crowded in certain areas with only a few thousand licensed in the country are now forced to accommodate tens of thousands of separate agencies. We are sure the Commission realizes the vital need for police and fire radio for the protection of the citizens and the very protection of our country. This Association recommends that there be provided, in this Docket, a total of 86 frequencies for Police, 39 for Fire, 35 for Local Government, 21 for Highway Maintenance, and 9 for Special Emergency Radio Services in the 152-174 Mc band.

In like vein, the Forestry Conservation Communication Association requests that the Commission provide 15 additional channels for use by Forestry-Conservation licensees in the 150-160 Mc region because: "severe 'skip' interference from foreign and domestic services has seriously disrupted high power forest fire communication channels in the 30 Mc region for weeks at a time within the past few years;" the limited number of channels available at 46 Mc, together with the threat of tropospheric propagation systems, prevents this region from offering much relief; and "the nature of forest fire communications (normally long range over rough terrain) and the detrimental effects of foliage and smoke rule out optimistic consideration of the 450 Mc and higher bands." This party further stated:

We have been recently notified by the United States forest service that continued expansion of state services on the 170.425 through 172.375 Mc frequencies which we share with them would be ill-advised since they are accelerating their FM systems on these channels, and we occupy on the basis of no interference. This means that these channels are effectively unavailable to us since we cannot spend public funds on temporary or evanescent assignments.

The foregoing excerpts are typical of those comments which seek reduction or elimination of the frequencies proposed to be allocated to the Local Government Radio Service in the 152-162 Mc band.

Subsequent to the issuance of the Notice of Proposed Rule Making in this proceeding, the Commission, in its reallocation Order of September 20, 1957, and its First Report and Order in Docket Number 12169 took the following action affecting frequencies available to the Public Safety Radio Services: the Police Radio Service was allocated 23 additional frequencies in the 40 Mc band limited so as to be primarily available to licensees operating state police systems; the Forestry-Conservation Radio Service was allocated eleven 40 Mc frequencies and twelve 150 Mc frequencies in substitution for eight 40 Mc frequencies which were reallocated to other uses; the Highway Maintenance Radio Service was allocated five 150 Mc frequencies and ten 40 Mc frequencies in substitution for four 40 Mc frequencies which were reallocated to governmental use; the Fire Radio Serv-

ice was allocated eleven 40 Mc frequencies in addition to those previously available to it in that band; four additional channels in the 40 Mc band were made available to Special Emergency Radio Service users; fifteen channels in the 40 Mc band were reserved for assignment to Local Government Radio Service users should such service be established by the Report and Order in this proceeding; and six channels in the 40 Mc band were reserved for assignment to Interstate Highway Radio Service users should that service be established by the Report and Order herein.

In view of the comments filed in this proceeding and the fact that the Commission, in Docket Number 12169, reserved fifteen frequencies in the 40 Mc band for assignment to Local Government Radio Service users, the Commission is persuaded that its original proposal to make 81 channels in the 152-162 Mc band exclusively assignable to Local Government Radio Service users is not entirely justified. Accordingly, only 47 "split channels" are so allocated* herein. This leaves unallocated 34 channels, the "service allocation" of which will be determined in a subsequent rule-making proceeding.

One other feature of the proposal to allocate frequencies in the 152-162 Mc band to the Local Government Radio Service remains to be discussed; namely, the proposal to impose power and antenna height limitations upon some of these frequencies. Several comments objected to this proposal on the ground that it would curtail effective and efficient operations in some instances and in other instances, where the topography of the land is suitable, such limitations would have little effect. Despite these objections, the Commission believes that imposition of limitations in regard to power and antenna height upon some of the frequencies allocated to the Local Government Radio Service is necessary in order to effectuate one of the primary purposes for which this service is being established; namely, to provide a radio service wherein small governmental entities may conduct all of their radio communications needs on one system. In its original proposal, the Commission proposed that such power and antenna height limitations be imposed upon 59 of the 81 frequencies which would be allocated to the Local Government Radio Service in this band. In view of the fact that the Commission has concluded that only 47 of the frequencies proposed should be so allocated, it also finds that this power and antenna height limitation should be imposed upon only 35 of these frequencies.

In addition to the limitation in regard to power and antenna heights, the Notice of Proposed Rule Making proposed certain limitations relative to the assignability before November 1, 1963, of "split channels" in the 152-162 Mc band. Identical limitations were proposed in regard to "split channels" in this band

which would, by the proposal, be allocated to other Public Safety Services and are primarily concerned with the coordination which would be required between users as a condition precedent to assignment before November 1, 1963. In view of the above facts these proposed limitations will be considered hereinafter as a group in the section entitled "Availability of Split Channels."

Several parties in their comments pointed out that the proposal as written was subject to an interpretation which would effectively prejudice some of the issues in Docket Number 11866. In the Matter of Allocation of Frequencies in the Bands Above 890 Mc. This was not the intention of the Commission and, therefore, the allocation to the Local Government Radio Service of frequencies above 890 Mc is specifically declared to be subject to the outcome of the proceeding docketed as number 11866. Furthermore, prior to determination of relevant issues in Docket 11866, applications in the Local Government Radio Service for use of a frequency above 890 Mc will be considered on a case by case basis and disposed of in accordance with applicable Commission policy.

4. Interstate Highway Radio Service: The Notice of Proposed Rule Making would add a Subpart M to Part 10 of the Commission's Rules which would be entitled "Interstate Highway Radio Service." This proposal would restrict the issuance of authorizations in this service to those "territories, possessions, states, and other governmental subdivisions including counties, cities, towns, and similar governmental entities charged with the responsibility for maintenance, supervision, or operation of highways which meet the standards prescribed, pursuant to the Federal-Aid Highway Act of 1956 (Public Law 627, 84th Congress, 2d Session), by the Secretary of Commerce of the United States for highways forming a part of the National System of Interstate and Defense Highways." Stations licensed in this service would be permitted to transmit only those "communications essential to maintenance, supervision or operation of highways" which meet the standards referred to in the preceding sentence.

The proposed establishment of this service represents an effort to provide a satisfactory means of meeting the radio communication needs encountered in the operation of highways, including toll roads, which meet the construction standards of the specialized highways that will form the National System of Interstate and Defense Highways. However, under the proposal users charged with the operation of such highways would not be required to utilize such service but could, if they so desired, conduct communications essential to the maintenance of these highways as well as all other public highways by use of stations licensed in the presently existing Highway Maintenance Radio Service.

A large number of state highway departments filed comments in these proceedings and a substantial number of such highway departments commented upon the advisability of establishing an Interstate Highway Radio Service. The

reasons and argumentation in opposition to establishment of this proposed service set forth in the comments of these parties substantially coincide with those advanced by the American Association of State Highway Officials. The comment of this organization stated in part:

While it is true that the Interstate Highways will be similar in many respects to modern toll roads, as the Federal Communications Commission points out, it does not follow that the radio communications requirements will be the same. Toll road authorities have jurisdiction only within their respective rights of way and, therefore, to supervise, maintain and operate these roads they require radio communications only along these narrow ribbons which do not exceed 4,000 miles. Construction, maintenance, supervision and operation of the 41,000 miles of interstate highways are the responsibilities of the state highway departments.

At the present time the supervision, maintenance, and operation of state highways including the interstate system is on an area basis. Most states are divided into highway districts or divisions, and all state roads in the district or division, including any portion of the interstate system, are taken care of by the personnel and equipment assigned to that area. The radio communication requirements to control these operations, therefore, are for area-wide coverage—not a separate system, usable only to cover activities on a narrow ribbon along the interstate sections. This proposal apparently is based upon a belief that there would be a separate and special assignment of road equipment to the ribbon type of road maintenance on the interstate system.

It is quite possible that under certain conditions it may be desirable to assign crews and equipment to some sections of the interstate system. With the expansion of the present state highway department facilities which would be possible if additional badly needed frequencies are allocated to the highway department radio service, the needs of these special crews could be met. It must be remembered, too, that equipment, maintenance, supply and administrative control for these special crews will remain centralized in the state highway district or division.

It is very significant that no request for a separate interstate highway radio service has ever been received from a state highway department, the organization responsible for the maintenance of the interstate system.

By establishing this separate service with the limitations proposed, highway departments are denied the use of the frequencies allocated to the Interstate Highway Radio Service, except in those instances where a second radio system could be justified. The need for these frequencies is great and will continue to grow, in a large part due to the requirements for essential radio communication in connection with the interstate system. It would be in most cases impractical for highway departments to make dual installations in all offices and equipment which have operations both on and off the interstate system which would be necessary under this proposed FCC Rule.

The comment of this party then proceeds to recommend that the Commission not establish the Interstate Highway Radio Service and that it allocate all frequencies, proposed for allocation to the Interstate Highway Service, to the Highway Maintenance Radio Service.

In direct contrast to the above-stated position of the American Association of State Highway Officials and the various state highway departments is the position taken by the American Bridge, Tun-

* These 47 channels will be composed of 15 channels offset by 30 kc from frequencies presently available to stations in either the Police or Fire Radio Services and 32 channels offset by 15 kc from such frequencies.

nel and Turnpike Association. The comment of this party states, in part, that:

The American Bridge, Tunnel and Turnpike Association, formed in 1932, is the representative body for 70 agencies which operate tunnels, bridges and turnpikes on which toll is collected for their use. In this capacity these agencies constitute the bulk of all similar commissions and authorities in this country. The agencies forming the association membership are unquestionably the foremost authorities on the subject of express highway operation. * * *

In addition the Association, because it feels that it has no peer in the field of express highway operational experience, must point out that it believes the 41,000 miles of proposed interstate and defense highways must, through operating experience, develop a need for similar radio systems. It is felt that the operation of these proposed highways, although toll free, will be so similar to the present turnpike operation that problems now being incurred in turnpike communications will unquestionably be faced on the new highways. * * *

The tremendous scope of this proposed highway network and its inherent "ribbon type" physical description can only compound the gravity of interference to future radio systems on these highway. It is therefore the recommendation of the American Bridge, Tunnel and Turnpike Association¹ that the proposed rules, as set forth in Docket Number 11993, Subpart M, Interstate Highway Service be adopted. * * *

The comment of the Massachusetts Turnpike Authority in support of the proposal to establish an Interstate Highway Radio Service states in part:

The Authority supports the proposals because express highways, whether freeways or toll roads, and whether or not limited access, differ from traditional roads leading from one community to another and, accordingly, on experience, must be operated on a ribbon basis, with all the various highway services coordinated by radio communication in the interest of public safety and convenience. * * *

The users of express highways do not have available to them in times of need or emergency the service stations, restaurants, private homes, or farms which dot the ordinary highway. Accordingly, there is an extra duty imposed upon the operators of express highways to fill this vacuum, which can be accomplished only through the means of a reliable radio communication system coordinating police, maintenance, and all of the other various and important highway services. * * *

Expressways with extended mileage, as the science of radio communication advances and grows in general use, will find that their communication systems have become unreliable, if not ineffective, due to interference from local communications systems, unless the proposals of the Commission are adopted. As the national system of expressways is bound to grow in the future, sparked by the federal road program, one can readily forecast a multitude of confusion, if not chaos, unless provision is made now for the assignment of a separate waveband for use in the operation of express highways. The public

safety and convenience now and for the future require it.

Although various other parties also commented in regard to the proposed establishment of the Interstate Highway Radio Service such comments were restricted to statements of position either in support of or in opposition to the proposal and no substantive reasons for such positions were given.

As illustrated by the foregoing quotations, the Commission is faced with two directly contrary views as to the desirability of the proposed Interstate Highway Radio Service. The view of the state highway departments, the unit of state governments which would actually operate and maintain the Interstate and Defense Highway System, as expressed in their comments, is that the proposed service is impractical, unnecessary and will not be extensively utilized. The persons having extensive experience in the operation of long distance, high speed, limited access highways; namely, those operating presently existing turnpikes, maintain to the contrary that not only is establishment of such service desirable but is essential to efficient operation of the vast Interstate and Defense Highway System now being constructed.

Consideration of the comments filed by the American Association of State Highway Officials, which is supported by practically every state highway department in the United States, to the effect that the proposed system would not be utilized except in unusual circumstances leads the Commission to conclude that establishment of the Interstate Highway Radio Service at this time would be futile. Accordingly, the Commission is not adopting the proposal to establish such service.

The service-allocation of the number of frequencies proposed for allocation to the Interstate Highway Radio Service by the Notice of Proposed Rule Making issued in this proceeding and those frequencies in the 40 Mc band which were "reserved" for assignment to this service by the Commission's First Report and Order in Docket Number 12169 will be determined in a subsequent rule-making proceeding.

5. *Police radio service.* The proposals contained in the Notice of Proposed Rule Making which have particular application to Police Radio Service users would amend §§ 10.252, 10.253, and 10.255.

Section 10.252. The proposed change in § 10.252 would restrict the communications which stations licensed in the Police Radio Service may transmit to those "essential to official police activities of the licensee." The present § 10.252 allows a considerably broader scope of communications to be transmitted by stations licensed in this service. Under the present provisions governmental entities are permitted, if they so desire, to conduct those transmissions essential to such public safety activities as fire and highway maintenance, in addition to those essential to police activities.

Several parties, including the Association of Public Communications Officers, Inc., and the Associated Police Communications Officers, Inc., requested that the proposal be modified to allow those

licensees presently conducting public safety activities, in addition to police activities, through use of stations licensed in the Police Radio Service, to continue such operation, but that new licensees be restricted to the proposed "permissible communications."

The proposal as set forth in the Notice of Proposed Rule Making would require that those licensees who wish to continue utilizing police radio stations for other than official police activities to "move their operations to the Local Government Radio Service." The Associated Police Communications Officers, Inc., contends that in this situation such licensees will, in all probability, "choose to leave their police system on the police frequency and establish a new system in the fire, highway maintenance, or Local Government services." * * *. Where one frequency is now in use as many as three separate channels could be required as the result of the amendment. This party further contends that adoption of the suggested modification will "allow those existing licensees who have developed and placed in operation highly integrated coordinated systems to continue with their basic planning without disrupting existing services, creating a mad scramble for additional frequencies and ultimately resulting in approximately twice the number of frequencies now in use by these systems." * * *

The Commission has reason to believe that usage of stations licensed in the Police Radio Service for conduct of communications essential to fire activities is quite extensive but that usage of such stations for other non-police activities is relatively minor. Traditionally, police and fire activities have been more closely aligned than are police and other public safety activities. In consideration of these facts and the aforementioned request for modification of the proposed amendment to § 10.252, the Commission concludes that stations licensed in the Police Radio Service may be utilized for the conduct of official fire activities in addition to the conduct of official police activities until October 31, 1963. During this time appropriate arrangements may be made for the conduct of fire radio activities in accordance with applicable requirements.

Section 10.253. The proposed amendment of § 10.253 is of a clarifying nature only and the comments disclosed no substantial opposition thereto. Therefore, this section is adopted as proposed without discussion.

Section 10.255. The substantive changes in § 10.255 which would be made by the proposal are: providing for the assignability of "split channels" in the 450 Mc band and the making of all assignable frequencies in this band available on a regular rather than developmental basis; and the elimination from the frequencies available to Police Radio Service users of those frequencies which are shared on a "non-interference" basis with non-public safety radio services. The comments in regard to the proposed

* This proposal was adopted in connection with the discussion of the Local Government Radio Service supra.

¹ Governmental entities having responsibility for operation of turnpikes, the construction of which meets the standards prescribed by the Secretary of Commerce as applicable to the highways forming a part of the National System of Interstate and Defense Highways would be eligible under the proposal for licensing in the Interstate Highway Radio Service.

amendment of § 10.255* request that licensees presently authorized to utilize such shared frequencies be allowed to continue their present usage until harmful interference is caused. The proposal as set forth in the Notice of Proposed Rule Making would require such operation to cease by November 1, 1963.

The Commission believes that the suggestion is reasonable and that no party "primarily" authorized to utilize such frequencies will be prejudiced by the granting thereof. Therefore, the proposed rules² will be modified to the extent necessary to allow continued use of these shared frequencies by presently licensed stations in the Public Safety Radio Service until such time as harmful interference is caused to the operation of any station "primarily" authorized to use the particular frequency.

The majority of comments received from users in the Police Radio Service contend that additional frequencies should be made available for use of police radio service users. As pointed out in the discussion relating to the Local Government and the Interstate Highway Radio Services, the service-allocation of those frequencies proposed for allocation to such services but which are not so allocated herein will be determined in subsequent rule-making proceedings. Police Radio Service users, as well as all others who seek additional available frequencies, will be free, at that time, to renew their request for additional frequency allocations.

6. Fire Radio Service. The sections particularly applicable to the Fire Radio Service which the Notice of Proposed Rule Making would amend are §§ 10.302, 10.303, and 10.305.

Section 10.302. The proposed amendment of § 10.302 would restrict the communications which stations licensed in the Fire Radio Service may transmit to those "essential to official fire activities of the licensee." The principal opposition to this proposal came from the International Association of Fire Chiefs which requests that the proposal be modified to permit stations licensed in the Fire Radio Service "to transmit communications essential to official fire service and emergency activities of the licensee."

Since the licensees of stations in the Fire Radio Service are ordinarily governmental entities, adoption of the requested modification would, in fact, permit radio communication needs essential to any emergency service of a governmental entity to be met by use of stations licensed in this service. In view of the fact that the Local Government Radio Service, established herein, would allow

governmental entities to meet all such needs by use of one radio system, if they so desire, adoption of the requested modification is not warranted.

Section 10.303. The proposed amendment of section 10.303 is of a clarifying nature only. In view of this fact and the fact that the comments filed in this proceeding disclose no substantial opposition to such proposed amendment, section 10.303 will be adopted, as proposed, without discussion.

Section 10.305. The principal effects of the proposed amendment of § 10.305 is to split available channels in the 450.050 to 453.950 and 458.050 to 458.950 Mc bands; removal of developmental limitations presently applicable to assignable frequencies in these bands; and to eliminate from the frequencies available for assignment to the Fire Radio Service users those frequencies presently shared with non-Public Safety Radio Services.

These proposals were discussed in connection with the discussion of the Local Government Radio Service or the discussion of the Police Radio Service. The conclusions reached there are applicable to the proposed amendment of this section.

7. Forestry-Conservation Radio Service. Of those sections of Part 10 of the Commission's rules particularly applicable to the Forestry-Conservation Radio Service, §§ 10.352, 10.353, and 10.355 would be amended by the Notice of Proposed Rule Making issued in this proceeding.

Section 10.352. This section would be amended so as to provide that stations in the Forestry-Conservation Radio Service are authorized only to transmit communications "essential to official forestry-conservation activities of the licensee." This proposed amendment was not objected to by any party commenting in this proceeding and was supported by the Forestry Conservation Communications Association. Accordingly, it is adopted as proposed.

Section 10.353. The proposed amendment of § 10.353 is of a clarifying nature only and no party commented in opposition thereto. Accordingly, section 10.353 is being adopted as proposed.

Section 10.355. The proposed amendment of § 10.355 would make 13 additional frequencies in the 152-162 Mc band available for use by licensees in this service; would make available the "split channels" in the 453.050-453.950 and 458.050-458.950 Mc bands resulting from the reduction of separation between assignable frequencies from 100 kc to 50 kc available to users in this service on a shared basis with licensees in other Public Safety Radio Services and remove the developmental limitation on frequencies in this band; and would eliminate from the frequencies available for assignment to Forestry-Conservation Radio Service users those frequencies in the 152-162 Mc band which are shared with non-Public Safety Radio Services.³

³ These proposals, except that relating to allocation of additional frequencies for use of Forestry-Conservation Radio Service users, were discussed previously either in connection with the Local Government Radio Service

The proposed amendment of § 10.355 so as to make 13 additional frequencies available to Forestry-Conservation Radio Service licensees was not objected to by parties commenting in this proceeding although the Forestry-Conservation Communications Association requested that frequencies in addition to those proposed be allocated to this service. A substantial number of additional frequencies in the 40 and 150.8-152 Mc bands were allocated for use by licensees in the Forestry-Conservation Radio Service by the Commission's First Report and Order in Docket Number 12169. Furthermore, additional frequencies are herein allocated for use by users in that service. In view of these facts, the Commission does not feel that the allocation of frequencies in addition to those proposed is warranted.

8. Highway Maintenance Radio Service. The Notice of Proposed Rule Making in this proceeding proposed to amend §§ 10.402, 10.403, 10.404, and 10.405 which sections are particularly applicable to the Highway Maintenance Radio Service.

Section 10.402. This section would be amended so as to provide that stations licensed in the Highway Maintenance Radio Service are authorized only "to transmit communications essential to official activities of the licensee directly related to the physical maintenance of public highways."

This proposed amendment elicited more comment than any other one proposal contained in this proceeding. However, the majority of these proposals fall into one of two categories; those filed on behalf of state highway departments, and those filed on behalf of counties.

The comments filed by state highway departments are all similar and substantially coincide with those filed by the American Association of State Highway Officials which stated:

To limit the permissible communications as contemplated in this amendment will be a serious handicap . . . Radio is required for use by highway departments for facilitating official activities such as the following:

- (1) Collection of data on traffic characteristics.
- (2) Highway location and construction surveys.
- (3) Site distance surveys.
- (4) Transmit field data to computer centers for processing and return results to field offices.
- (5) Intercommunication between field and office personnel for such purposes as:

- a. Collecting road and weather information to alert work crews and warn motorists of approaching storms, hazardous road conditions and the like.
- b. Issue work and change orders.
- c. Secure mechanics and repair parts expeditiously when equipment breaks down in the field.

ice or the Police Radio Service. The conclusions reached there are equally valid with respect to these proposed amendments of § 10.355 and render further discussion unnecessary.

* Identical proposals applicable to other existing Public Safety Radio Services were advanced in the Notice of Proposed Rule Making. Comments received relative to these "identical" proposals request the same modification as sought by Police Radio Service users. Accordingly, the conclusions reached here also dispose of these "identical" proposals.

² The actual modification will be of proposed § 10.101, which is applicable to all Public Safety Radio Services, rather than of proposed § 10.255.

- d. Control the flow of materials and supplies to operating projects.
- e. Secure assistance when accidents occur.
- f. Dispatching and rerouting of highway department equipment and personnel as needed in the field.
- g. Expediting the removal of snow and treatment of icy pavements.
- h. Transmitting the results of laboratory tests back to construction projects.
- i. Securing engineering and administrative decisions and advise expeditiously.
- (6) Coordinate highway activities with civil defense agencies in emergencies.
- (7) Aid highway departments in expediting the restoration of highways and appurtenant facilities damaged by storms, floods, and other natural disasters so that fire, rescue, and police equipment will have access to affected areas.

In the Highway Maintenance Radio Service highway departments are the licensees. In the Police Radio Service and the Fire Radio Service, police departments and fire departments, respectively, are the licensees. In sharp contrast, however, in the proposed amendments, the police and fire departments are permitted to transmit communications essential to any police and fire activities, respectively, while highway departments may transmit communications essential to only one phase of their activities—the physical maintenance of highways.

The American Association of State Highway Officials then recommends that the proposal be amended to provide communications "essential to official activities of the licensee" be permitted.

The comments of county highway departments also seek modification of the proposed amendment of this section so as to allow a broader scope of communications but in most cases recommend that communications "essential to official highway activities of the licensee" be permitted.

The suggested modification advanced by the American Association of State Highway Officials does not appear to be reasonable in view of the fact that, contrary to the belief of this party, governmental entities are the licensees in the Highway Maintenance Radio Service. As such, adoption of the modification requested by this party would cause the Highway Maintenance Radio Service to be coextensive with the Local Government Radio Service. However, the Commission is persuaded that users in this service should be allowed to transmit communications essential to any official highway activity of the licensee. Accordingly, the proposed amendment of § 10.402 will be so modified.

Section 10.403. The proposed amendment of § 10.403, as in the case of the proposed amendment of §§ 10.253, 10.303, and 10.353, is of a clarifying nature only. In view of this fact, this proposal is adopted without discussion.

Section 10.404. The proposed amendment of § 10.404 would provide that "subject to the provisions of § 10.154, com-

munication units of a licensed highway maintenance mobile station may be installed in vehicles of contractors or other persons having a direct responsibility for maintenance of public highways." In view of the fact that the proposed amendment of § 10.402 has been modified to allow communications "essential to official highway activities of the licensee" rather than only those "directly relating to the physical maintenance of public highways," § 10.404 will be modified so as to bring it into conformity with § 10.402 as adopted.

Section 10.405. The principal effect of the proposed amendment of § 10.405 would be to make 23 frequencies in the 152-162 Mc band available for use by Highway Maintenance Radio Service users.¹² This proposal was not objected to by any party. However, several comments requested that the proposal be modified so as to provide that all or at least a portion of the 23 frequencies be made available only for use by governmental entities other than states. Typical of the comments in support of such requested modification is that of the Associated Police Communications Officers, Inc., which states in part:

Frequencies in the 450 Mc range are not suitable for the coverage of large areas such as counties without elaborate repeater systems which are economically unsound . . . the state highway maintenance frequencies, in many cases, are serving some areas smaller than many counties in the western states and have virtually gone to waste while county and other users had urgent need for such frequencies . . .

Therefore, this Association recommends that those frequencies assignable to the Highway Maintenance Service in the 150 Mc band derived from the splitting of the present public safety channels be made available to highway maintenance jurisdictions other than state licensees.

No party filed comments in rebuttal of this requested modification and, as previously pointed out, 6 additional channels in the 40 Mc band, restricted so as to be assignable, primarily to state licensees, were allocated to the Highway Maintenance Radio Service by the First Report and Order in Docket Number 12169. In view of these facts, the Commission is persuaded that 15 of the 23 channels in the 152-162 Mc band proposed for allocation to the Highway Maintenance Radio Service should be restricted so as to not be available for assignment to state licensees. Five of the frequencies so limited will be offset 30 kc from channels assignable to Police Radio Service users and the remainder

¹² The proposal would also eliminate frequencies shared on a "non-interference" basis with non-Public Safety Services. This identical proposal has been considered in regard to proposed amendments of § 10.255, supra, and the same conclusions are equally valid in regard to this proposed amendment. In addition, the proposed amendment of § 10.405 would reduce separation between assignable frequencies in the 453.050-453.950 and 458.050-458.950 Mc bands and make all assignable frequencies in these bands available for assignment on a regular basis. This identical proposal was considered in connection with the discussion, supra, of proposed § 10.555 and conclusions reached therein are applicable to this proposed amendment.

will be offset by 15 kc from frequencies assignable to Police Radio Service users.

9. Special Emergency Radio Service. The Notice of Proposed Rule Making would amend only § 10.462 of those sections having particular application to the Special Emergency Radio Service.

The proposed amendment would allocate 12 additional frequencies in the 152-162 Mc band for use by licensees in the Special Emergency Radio Service. The proposal would also, inter alia, provide that mobile relay stations will be licensed in this service only on frequencies above 453.00 Mc.

In view of the fact that many present licensees in the Special Emergency Radio Service will become eligible for licensing in the new radio service established in this proceeding or those which may be established in Docket Number 11991, in the Matter of Amendment of Part 11, Rules Governing the Industrial Radio Services, to Delete, Modify, and Create Services, and to Effect Changes in the Availability of Frequencies, the Commission is withholding action in regard to this proposed amendment of § 10.462 and contemplates the initiation of a new rule-making proceeding which will encompass a complete review of the Special Emergency Radio Service.

In this connection it should be noted that the Commission has received requests to provide new "eligibilities" in the Special Emergency Radio Service so as to provide for the licensing of hospitals in that service. These requests will be considered in the contemplated review of the Special Emergency Radio Service referred to above.

No comments were received which objected to any proposed amendments affecting the Special Emergency Service other than the proposal to allocate additional frequencies to this service. Therefore, proposed amendments of § 10.462, other than the proposal to allocate 12 additional frequencies to the Special Emergency Radio Service, are adopted.

In addition, the present provision contained in § 10.461 (a) prohibiting entirely the licensing of mobile relay stations in this service is being deleted. This action is taken because this provision is inconsistent with the amendment adopted herein which provides that mobile relay stations will be licensed for use of frequencies above 453.00 Mc.

10. Availability of "split channels". The Notice of Proposed Rule Making proposed that those "split channels" separated by 30 kc from presently assignable frequencies in the 152-162 Mc band which would be made available to users licensed in one of the Public Safety Radio Services would ordinarily become assignable on November 1, 1963. Assignments prior to that date could, under the proposal, be obtained upon compliance with stated conditions.¹³

¹³ These proposed conditions were identical for all public safety services to which "split channels" in the 152-162 Mc band would be allocated by the proposal. In addition, it was proposed that "split channels" in this band which are separated by 15 kc from presently assignable frequencies would be available for assignment only after those separated by 30 kc from presently assignable frequencies have been assigned for use in the area.

The reason for proposing that these "split channels" would be ordinarily available on and after November 1, 1963, was that use of "narrow band" equipment by all Public Safety Radio systems would not, under outstanding Commission Orders, become mandatory until October 31, 1963.

Subsequent to issuance of the Notice of Proposed Rule Making in this proceeding, the Commission issued a Notice of Proposed Rule Making in Docket Number 12295 which stated in part:

The Commission proposes to amend Parts 10, . . . of its Rules to provide in the Public Safety . . . services the narrow-band technical standards previously adopted shall be immediately mandatory with respect to all new radio communication systems authorized to be operated in the bands 25-50 or 152-162 Mc, and that all frequencies derived from "channel splitting" in those bands shall be immediately available for assignment to applicants in the respective services under the condition that a satisfactory showing is made that the selection of each requested frequency has been coordinated in accordance with the relevant provision regarding frequency coordination contained in the Commission's rules governing the particular service involved, and that such coordination has been effective with respect to all frequencies assigned to stations in the same or other services within 30 kc from the frequency or frequencies requested in the application.

In view of the high degree of "interspersal" resulting from Commission findings hereinbefore set forth, the amendments proposed in Docket 12295, regarding usage of narrow band equipment and coordination between users are especially vital to Public Safety Radio Service users.

Thus, Commission is not, in this Report and Order, making any "split channels" in the 152-162 Mc band available prior to November 1, 1963. However, it is expected that the proposals contained in Docket No. 12295 will be disposed of in the near future and the Commission will, at that time, take further action in this proceeding consistent with such disposition.

A number of comments request that the "split channels" in the 152-162 Mc band being made available to particular Public Safety Radio Services be arranged so as to provide assignable channel groupings with sufficient separation between groups to permit mobile relay operation with little or no geographical separation between transmit and receive antennas.

Although mobile relay operations using two frequencies with little frequency separation but considerable geographical separation between transmit and receive antennas can be effected, such a procedure is more expensive than that which may be utilized when the frequencies used are substantially separated. In view of this fact, the Commission is persuaded that the requested modification should be granted to the extent permitted by the hereinbefore stated decision to make only 47 "split channels" in the 152-162 Mc band available to the Local Government Radio Service; the decision not to establish the proposed Interstate Highway Radio Service; and the decision to withhold

action in regard to making 12 "split channels" in this band available to the Special Emergency Radio Service. The modification being made is reflected in §§ 10.405 and 10.555 as set forth below and consists solely of a rearrangement of "split channels" in the 152-162 Mc band being made available to the Local Government and Highway Maintenance Radio Services.

The Notice of Proposed Rule Making herein would provide for assignment of "split channels" in the 453.050-453.950 and 458.050-458.950 Mc bands upon the effective date of these proposed rules. No comment was received which opposed this proposal and the Commission is aware of no reason why it should not be adopted.

11. *Offset frequencies.* The Notice of Proposed Rule Making would provide for assignment, on a developmental basis, of frequencies offset by less than 15 kc from the listed "split channels" in the 152-162 Mc band to users eligible for assignment of such listed "split channels". Assignments of such "offset" frequencies would be made only "upon an adequate showing of need for irregular assignments together with a comprehensive engineering report indicating that harmful interference to the operation of other stations will not be caused thereby."

In view of the fact that the question regarding availability of "split channels" in the 152-162 Mc band is being held in abeyance pending disposition of Docket 12295, the instant proposal will likewise not be disposed of by this Report and Order.

12. *General.* In addition to the proposed amendments of rules relating to particular services hereinbefore discussed, the Notice of Proposed Rule Making would amend §§ 10.1, 10.2, 10.3, 10.8, and 10.101.

Sections 10.1, 10.2, and 10.3. Several parties requested modification of these proposed sections so as to indicate that communications relating to the "routine discharge of governmental functions" are not equivalent to communications relating to the public safety. The Commission is not convinced that the requested modification would serve any useful purpose in view of the other provisions contained in the Commission's rules reflecting this principle.

The proposed amendments of these sections will, however, be modified to reflect the Commission's decision not to establish an Interstate Highway Radio Service at this time.

Section 10.8. The proposed amendment of § 10.8 would require coordination by applicants with all licensees situated within 75 miles of the proposed station location who are authorized in the Public Safety Radio Services to utilize frequencies within 30 kc of the particular frequencies sought by the applicant.

The necessity for amendment of § 10.8 is primarily due to the fact that the Notice of Proposed Rule Making issued in this proceeding would result in "interspersal" of Local Government and other Public Safety Services between the frequencies in the 152-162 Mc band presently available to the Police and Fire

Radio Services. In view of the fact, as hereinbefore stated, that the Commission is not, in this Report and Order, permitting immediate assignment of the "split channels," the primary necessity for immediate amendment of § 10.8 is obviated. Furthermore, the proposed rule changes contained in the Notice of Proposed Rule Making issued in Docket Number 12295 substantially encompass the proposed amendment of § 10.8. Therefore, the Commission is not amending § 10.8 in this Report and Order but will take whatever further action is necessary as a result of the decision which will be rendered in Docket Number 12295.

The principal effects of the proposed amendment of section 10.101 would be to provide: That licensees holding a valid authorization for the utilization of frequencies not shown in applicable Subparts of Part 10 of the Commission's rules on the effective date of these rules may continue such use until October 31, 1963; add to the frequencies assignable to stations in all the services within the Public Safety Radio Services, the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 Mc on a shared basis with other services, and provide that 3 narrow band-edge channels in the 152-162 Mc band will be available for developmental operation to any eligible applicant in the Public Safety Radio Services.

The proposal to allow existing licensees to utilize frequencies other than those listed in applicable subparts of Part 10 until October 31, 1963 applies to those frequencies presently shared by Public Safety Radio Services with non-Public Safety Radio Services users. The desirability of this proposal was considered in connection with the discussion of the Police Radio Service wherein it was concluded that this shared use by existing licensees should be allowed to continue without cutoff date until such time as harmful interference results to any station "primarily" authorized to use the particular frequency.

The other proposed amendments to section 10.101 were not objected to by any party¹⁴ and are adopted as proposed except for minor word changes.

13. *Disposition of petitions.* The General Electric Company filed a petition seeking rule amendments so as to permit the licensing of operational fixed stations in the Public Safety Radio Services utilizing frequencies in the 152-162 Mc and 450-460 Mc bands for use in controlling devices, including traffic lights. A variety of Public Safety Radio Services users filed comments in this proceeding which advocated similar action.

The Commission does not feel that it presently has sufficient information in regard to the operational requirements and other facets of the problem to permit a disposition of the merits of this petition. In view of this situation, the Commission contemplates issuing, in the near future, a Notice of Inquiry designed to elicit needed information relative to

¹⁴ The Radio Corporation of America does not object to the proposals but suggests that the narrow band-edge channels in the 152-162 Mc band be allocated for "control, signaling and telemetering uses on an operational fixed basis."

this problem. Accordingly, the petition of the General Electric Company will not be disposed of until this action has been taken and the results thereof evaluated.

The Forestry Conservation Communication Association filed a petition seeking amendment of § 10.354 to allow authorization of mobile relay stations on frequencies above 150.8 Mc which are available to Forestry Conservation users. This petition was rendered moot by the Commission's Supplemental Orders Number 3 and Number 4, issued in Docket Number 12169 and it is, therefore, dismissed.

Petitions filed by the American Municipal Association and the American Bridge, Tunnel and Turnpike Association were taken into consideration by the Commission in its disposition of proposals relative to the Local Government and Interstate Highway Radio Services, respectively. Accordingly, these petitions are granted to the extent that they are consistent with the actions taken herein and are in all other respects denied.

14. The amendments to Part 10 of the Commission's rules ordered herein are promulgated pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

15. Accordingly: It is ordered, That effective June 30, 1958, Part 10 of the Commission's rules is amended as set forth below.

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

Adopted: May 8, 1958.

Released: May 12, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 10.1 (b) is amended to read as follows:

(b) This part is designed to provide a service of radio communication essential either to the discharge of non-Federal governmental functions or to the alleviation of an emergency endangering life or property.

2. Section 10.2 is amended to read as follows:

§ 10.2 Definitions. For the purpose of this part the following definitions shall be applicable. (For other definitions, refer to Part 2 of this chapter):

(a) Definitions of services:

Fire Radio Service. A public safety service of radio communication essential to official fire activities.

Fixed service. A service of radio communication between specified fixed points.

Forestry-Conservation Radio Service. A public safety service of radio communication essential to forestry-conservation activities.

Highway Maintenance Radio Service. A public safety service of radio communication essential to highway maintenance activities.

Local Government Radio Service. A service of radio communication essential

to official activities of states, possessions, and territories, including counties, towns, cities, and similar governmental subdivisions.

Mobile service. A service of radio communication between mobile and land stations, or between mobile stations.

Police Radio Service. A public safety service of radio communication essential to official police activities.

Public Safety Radio Services. Any service of radio communication essential either to the discharge of non-Federal governmental functions or to the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

Radio service. An administrative subdivision of the field of radio communication. In an engineering sense the subdivisions may be made according to the method of operation; as for example, mobile service and fixed service. In a regulatory sense, the subdivisions may be descriptive of particular groups of licensees; as for example, the groups and subgroups of persons licensed under this part.

Special Emergency Radio Service. A public safety service of radio communication essential to the alleviation of an emergency endangering life or property.

State Guard Radio Service. A public safety service of radio communication essential to official activities of state guards or comparable organizations of states, territories, possessions, or the District of Columbia.

(b) Definitions of stations:

Base station. See "Land station."

Control station. An operational fixed station, the transmissions of which are used to control, automatically, the emissions or operation of another radio station at a specified location.

Fixed station. A station in the fixed service.

Fixed relay station. An operational fixed station established for the automatic retransmission of radio communications received from either one or more fixed stations or from a combination of fixed and mobile stations and directed to a specified location.

Interzone station. A fixed station in the Police Radio Service using radiotelegraphy (A1 emission) for communication with zone stations within the zone and with interzone stations in other zones.

Land station. A station in the mobile service not intended for operation while in motion. (Of the various types of land stations, only the base station is pertinent to this part and will be used interchangeably with land station.)

Mobile station. A station in the mobile service intended to be used while in motion or during halts at unspecified points.

Mobile relay station. A base station established for the automatic retransmission of mobile service communications which originate on the transmitting frequency of the mobile stations and which are retransmitted on the receiving frequency of the mobile stations.

Operational fixed station. A fixed station, not open to public correspond-

ence, operated by and for the sole use of those agencies operating their own radio communication facilities in the Public Safety, Industrial, Land Transportation, Marine, or Aviation Services.

Repeater station. An operational fixed station established for the automatic retransmission of radio communications received from one or more mobile stations and directed to a specified location.

Zone station. A fixed station in the Police Radio Service using radiotelegraphy (A1 emission) for communication with other similar stations in the same zone and with an interzone station.

(c) Miscellaneous definitions:

Antenna structures. The term "antenna structure" includes the radiating system, its supporting structures, and any surmounting appurtenances.

Assigned frequency. The frequency appearing on a station authorization from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

Authorized bandwidth. The maximum width of the band of frequencies, as specified in the authorizations, to be occupied by an emission.

Bandwidth occupied by an emission. The width of the frequency band (normally specified in kilocycles) containing those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power.

Carrier frequency. The frequency of the carrier.

Harmful interference. Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with applicable laws, treaties and regulations. (For purposes of this definition only, a safety service is any radio service, operation of which is directly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property.)

Landing area. A landing area means any locality, either land or water, including airports and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft whether or not facilities are provided for shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

Station authorization. Any construction permit, license, or special temporary authorization issued by the Commission.

3. Section 10.3 is amended to read as follows:

§ 10.3 Organization and applicability of rules. The rules in this part are divided into 12 subparts of which Subparts A to E, inclusive, contain rules of a general nature which apply to every station authorized under this part. Subparts F to L, inclusive, are specific and apply only to the stations authorized under the particular subpart.

4. Add a new § 10.9 to read as follows:

§ 10.9 Civil Defense. A station licensed under this part may transmit

communications necessary for the implementation of civil defense activities assigned such station by the local civil defense authorities during an actual or simulated emergency, including drills and tests: *Provided*, That such communications relate to the activity or activities which form the basis of the licensee's eligibility in the radio service in which authorized.

5. Section 10.101 (a) is amended to read as follows:

§ 10.101 *Frequencies*. (a) Frequencies other than those shown in the applicable subpart of this part are not available for assignment except as provided in paragraphs (b), (d), and (f) of this section, and except that licensees holding a valid authorization on June 30, 1958, may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, until such time as harmful interference is caused to the operation of any authorized station other than those licensed in the Public Safety Radio Services. All applicants for, and licensees of, stations in the services in this part shall cooperate in the selection and use of the designated frequencies to minimize interference and to make effective use of the frequencies assigned. Frequencies listed in this part will not be assigned exclusively to any one applicant. The use of any frequency at a given geographical location may be denied when in the judgment of the Commission its use in that location is not in the public interest; the use of any frequency may be restricted to one or more geographical areas.

6. Section 10.101 (d) is amended to read as follows:

(d) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 Mc may be authorized to any eligible applicant in the Public Safety Radio Services subject to the following conditions and limitations:

(1) Notwithstanding the rule provisions relating to permissible communications, points of communication and emissions in the applicable subpart of this part, the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 Mc may be used to accomplish any radio communication requirement which is necessary to the licensee's activity: *Provided*, That all operations are otherwise in accordance with the rules in this chapter; that the bandwidth of emission does not exceed 8 kc; and that power is limited to no more than 30 watts input to the final radio frequency stage.

(2) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 Mc are available for assignment in the Public Safety Radio Services for use on a shared basis with stations in other services. All fixed and mobile operations on these frequencies are subject to interference from the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

7. Section 10.101 (f) is amended to read as follows:

(f) The frequency bands 153.7325 to 153.7475, 154.4525 to 154.460, and

159.4725 to 159.480 Mc may be authorized for developmental operation to any eligible applicant in the Public Safety Radio Services for narrow band systems only: *Provided*, That:

(1) The band of frequencies occupied by the emission is at all times confined within the band listed;

(2) The proposed station location is removed by at least 40 miles from the station location of each other station authorized to other than the applicant on the same or adjacent channels, at the time application is made; and

(3) The application is accompanied by a statement, under oath, that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on the same or adjacent channels have concurred with such assignment, or is accompanied by a report based on a field study which indicates the probable interference to the operation of existing stations, together with a statement, under oath, that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on the same or adjacent channels have been notified of applicant's intention to request the assignment.

8. Section 10.105 (f) is amended to read as follows:

(f) For the frequency ranges 150 to 162 Mc and 450-460 Mc: Each transmitter first authorized or installed on or after November 1, 1958, other than transmitters operationally integrated with an existing radio system authorized prior to November 1, 1958, and each transmitter operating after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, also shall be provided with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (g) of this section.

9. Section 10.252 is amended to read as follows:

§ 10.252 *Permissible communications*. (a) Stations in the Police Radio Service are authorized to transmit communications essential to official police activities of the licensee: *Provided*, That stations licensed in the Police Radio Service may be used for the conduct of communications essential to official fire activities of the licensee in addition to those essential to official police activities of the licensee until October 31, 1963.

10. Section 10.253 (a) is amended to read as follows:

§ 10.253 *Points of communications*. (a) Police base stations are authorized to intercommunicate with police mobile stations. Police mobile stations are authorized to intercommunicate with police base stations and other police mobile stations.

11. Section 10.253 (b) is amended to read as follows:

(b) Police base and mobile stations are also authorized to intercommunicate with other stations in the Public Safety

Radio Services and to transmit to receivers at fixed locations: *Provided*, That no harmful interference will be caused to the base-mobile operations of any authorized station.

12. Section 10.255 (g) is amended so that the tabulation of frequencies from 156.21 through 458.95 Mc reads as follows:

Frequency or band	Class of station(s)	Limitations
<i>Mc</i>		
156.210	Base and mobile	
156.730	do	
156.790	do	
156.850	do	
156.910	Mobile	
156.970	do	
156.990	do	
159.000	Base and mobile	
159.150	do	
159.210	do	
453.050	do	
453.100	do	
453.150	do	
453.200	do	
453.250	do	
453.300	do	
453.350	do	
453.400	do	
453.450	do	
453.500	do	
453.550	do	
453.600	do	
453.650	do	
453.700	do	
453.750	do	
453.800	do	
453.850	do	
453.900	do	
453.950	do	
458.050	Mobile	
458.100	do	
458.150	do	
458.200	do	
458.250	do	
458.300	do	
458.350	do	
458.400	do	
458.450	do	
458.500	do	
458.550	do	
458.600	do	
458.650	do	
458.700	do	
458.750	do	
458.800	do	
458.850	do	
458.900	do	
458.950	do	

13. Section 10.255 (h) is amended by deleting the text of subparagraphs (4) and (5) and inserting the word "(Reserved)".

14. Section 10.302 is amended to read as follows:

§ 10.302 *Permissible communications*. Stations in the Fire Radio Service are authorized to transmit communications essential to official fire activities of the licensee.

15. Section 10.303 (a) is amended to read as follows:

§ 10.303 *Points of communication*. (a) Fire base stations are authorized to intercommunicate with fire mobile stations. Fire mobile stations are authorized to intercommunicate with fire base stations and other fire mobile stations.

16. Section 10.303 (b) is amended to read as follows:

(b) Fire base and mobile stations are also authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided*, That no harmful interference will be caused to the base-mobile operations of any authorized station.

17. Section 10.305 (f) is amended so that the tabulation of frequencies from 153.89 Mc through 458.95 Mc reads as follows:

Frequency or band	Class of station(s)	Limitations
Mc		
153.890	Mobile	
153.900	do	
154.010	do	
154.070	do	8
154.100	Base and mobile	8
154.190	do	8
154.250	do	8
154.310	do	8
154.370	do	8
154.430	do	8
154.490	do	5
154.550	do	5
154.610	do	
154.670	do	
154.730	do	
154.790	do	
154.850	do	
154.910	do	
154.970	do	
155.030	do	
155.090	do	
155.150	do	
155.210	do	
155.270	do	
155.330	do	
155.390	do	
155.450	do	
155.510	do	
155.570	do	
155.630	do	
155.690	do	
155.750	do	
155.810	do	
155.870	do	
155.930	do	
155.990	do	
156.050	do	
156.110	do	
156.170	do	
156.230	do	
156.290	do	
156.350	do	
156.410	do	
156.470	do	
156.530	do	
156.590	do	
156.650	do	
156.710	do	
156.770	do	
156.830	do	
156.890	do	
156.950	do	
157.010	do	
157.070	do	
157.130	do	
157.190	do	
157.250	do	
157.310	do	
157.370	do	
157.430	do	
157.490	do	
157.550	do	
157.610	do	
157.670	do	
157.730	do	
157.790	do	
157.850	do	
157.910	do	
157.970	do	
158.030	do	
158.090	do	
158.150	do	
158.210	do	
158.270	do	
158.330	do	
158.390	do	
158.450	do	
158.510	do	
158.570	do	
158.630	do	
158.690	do	
158.750	do	
158.810	do	
158.870	do	
158.930	do	
158.990	do	
159.050	do	
159.110	do	
159.170	do	
159.230	do	
159.290	do	
159.350	do	
159.410	do	
159.470	do	
159.530	do	
159.590	do	
159.650	do	
159.710	do	
159.770	do	
159.830	do	
159.890	do	
159.950	do	
160.010	do	
160.070	do	
160.130	do	
160.190	do	
160.250	do	
160.310	do	
160.370	do	
160.430	do	
160.490	do	
160.550	do	
160.610	do	
160.670	do	
160.730	do	
160.790	do	
160.850	do	
160.910	do	
160.970	do	
161.030	do	
161.090	do	
161.150	do	
161.210	do	
161.270	do	
161.330	do	
161.390	do	
161.450	do	
161.510	do	
161.570	do	
161.630	do	
161.690	do	
161.750	do	
161.810	do	
161.870	do	
161.930	do	
161.990	do	
162.050	do	
162.110	do	
162.170	do	
162.230	do	
162.290	do	
162.350	do	
162.410	do	
162.470	do	
162.530	do	
162.590	do	
162.650	do	
162.710	do	
162.770	do	
162.830	do	
162.890	do	
162.950	do	
163.010	do	
163.070	do	
163.130	do	
163.190	do	
163.250	do	
163.310	do	
163.370	do	
163.430	do	
163.490	do	
163.550	do	
163.610	do	
163.670	do	
163.730	do	
163.790	do	
163.850	do	
163.910	do	
163.970	do	
164.030	do	
164.090	do	
164.150	do	
164.210	do	
164.270	do	
164.330	do	
164.390	do	
164.450	do	
164.510	do	
164.570	do	
164.630	do	
164.690	do	
164.750	do	
164.810	do	
164.870	do	
164.930	do	
164.990	do	
165.050	do	
165.110	do	
165.170	do	
165.230	do	
165.290	do	
165.350	do	
165.410	do	
165.470	do	
165.530	do	
165.590	do	
165.650	do	
165.710	do	
165.770	do	
165.830	do	
165.890	do	
165.950	do	
166.010	do	
166.070	do	
166.130	do	
166.190	do	
166.250	do	
166.310	do	
166.370	do	
166.430	do	
166.490	do	
166.550	do	
166.610	do	
166.670	do	
166.730	do	
166.790	do	
166.850	do	
166.910	do	
166.970	do	
167.030	do	
167.090	do	
167.150	do	
167.210	do	
167.270	do	
167.330	do	
167.390	do	
167.450	do	
167.510	do	
167.570	do	
167.630	do	
167.690	do	
167.750	do	
167.810	do	
167.870	do	
167.930	do	
167.990	do	
168.050	do	
168.110	do	
168.170	do	
168.230	do	
168.290	do	
168.350	do	
168.410	do	
168.470	do	
168.530	do	
168.590	do	
168.650	do	
168.710	do	
168.770	do	
168.830	do	
168.890	do	
168.950	do	
169.010	do	
169.070	do	
169.130	do	
169.190	do	
169.250	do	
169.310	do	
169.370	do	
169.430	do	
169.490	do	
169.550	do	
169.610	do	
169.670	do	
169.730	do	
169.790	do	
169.850	do	
169.910	do	
169.970	do	
170.030	do	
170.090	do	
170.150	do	
170.210	do	
170.270	do	
170.330	do	
170.390	do	
170.450	do	
170.510	do	
170.570	do	
170.630	do	
170.690	do	
170.750	do	
170.810	do	
170.870	do	
170.930	do	
170.990	do	
171.050	do	
171.110	do	
171.170	do	
171.230	do	
171.290	do	
171.350	do	
171.410	do	
171.470	do	
171.530	do	
171.590	do	
171.650	do	
171.710	do	
171.770	do	
171.830	do	
171.890	do	
171.950	do	
172.010	do	
172.070	do	
172.130	do	
172.190	do	
172.250	do	
172.310	do	
172.370	do	
172.430	do	
172.490	do	
172.550	do	
172.610	do	
172.670	do	
172.730	do	
172.790	do	
172.850	do	
172.910	do	
172.970	do	
173.030	do	
173.090	do	
173.150	do	
173.210	do	
173.270	do	
173.330	do	
173.390	do	
173.450	do	
173.510	do	
173.570	do	
173.630	do	
173.690	do	
173.750	do	
173.810	do	
173.870	do	
173.930	do	
173.990	do	
174.050	do	
174.110	do	
174.170	do	
174.230	do	
174.290	do	
174.350	do	
174.410	do	
174.470	do	
174.530	do	
174.590	do	
174.650	do	
174.710	do	
174.770	do	
174.830	do	
174.890	do	
174.950	do	
175.010	do	
175.070	do	
175.130	do	
175.190	do	
175.250	do	
175.310	do	
175.370	do	
175.430	do	
175.490	do	
175.550	do	
175.610	do	
175.670	do	
175.730	do	
175.790	do	
175.850	do	
175.910	do	
175.970	do	
176.030	do	
176.090	do	
176.150	do	
176.210	do	
176.270	do	
176.330	do	
176.390	do	
176.450	do	
176.510	do	
176.570	do	
176.630	do	
176.690	do	
176.750	do	
176.810	do	
176.870	do	
176.930	do	
176.990	do	
177.050	do	
177.110	do	
177.170	do	
177.230	do	
177.290	do	
177.350	do	
177.410	do	
177.470	do	
177.530	do	
177.590	do	
177.650	do	
177.710	do	
177.770	do	
177.830	do	
177.890	do	
177.950	do	
178.010	do	
178.070	do	
178.130	do	
178.190	do	
178.250	do	
178.310	do	
178.370	do	
178.430	do	
178.490	do	
178.550	do	
178.610	do	
178.670	do	
178.730	do	
178.790	do	
178.850	do	
178.910	do	
178.970	do	
179.030	do	
179.090	do	
179.150	do	
179.210	do	
179.270	do	
179.330	do	
179.390	do	
179.450	do	
179.510	do	
179.570	do	
179.630	do	
179.690	do	
179.750	do	

accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations will not be caused, together with a statement under oath that the licensee of all stations located within a radius of 75 miles of the proposed location and authorized to operate on frequencies 30 kc or less removed have been notified of applicant's intention to request the assignment.

24. Section 10.355 is amended by adding a new paragraph (f) to read as follows:

(f) The frequencies shown in paragraph (d) of this section as being available for assignment to mobile stations only may be authorized for use by base stations only after coordination with affected licensees in the area and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. Evidence of the required coordination shall be submitted with any request for such use.

25. Section 10.402 is amended to read as follows:

§ 10.402 *Permissible communications.* Stations in the Highway Maintenance Radio Service are authorized to transmit communications essential to official highway activities of the licensee.

26. Section 10.403 (a) is amended to read as follows:

§ 10.403 *Points of communication.* (a) Highway maintenance base stations are authorized to intercommunicate with highway maintenance mobile stations. Highway maintenance mobile stations are authorized to intercommunicate with highway maintenance base stations and other highway maintenance mobile stations.

27. Section 10.403 (b) is amended to read as follows:

(b) Highway maintenance base and mobile stations are also authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided*, That no harmful interference will be caused to the base-mobile operations of any authorized station.

28. Section 10.404 (b) is amended to read as follows:

(b) Subject to the provisions of § 10.154, communication units of a licensed highway maintenance mobile station may be installed in vehicles of contractors or other persons having a direct responsibility for official highway activities.

29. Section 10.405 (e) is amended to read as follows:

(e) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available, and the specific assignment limitations, which are developed in paragraph (f) of this section:

Frequency or band	Class of station(s)	Limitations
<i>Mc</i>		
33.02	Base and mobile	6
33.06	do	6
33.10	do	6
37.90	do	6
37.94	do	6
37.98	do	6
46.86	do	7, 8, 12
46.90	do	7, 8, 12
46.94	do	7, 8, 12
46.98	do	7, 8, 12
47.02	do	7, 8
47.04	do	7, 8
47.06	do	7, 8
47.08	do	7, 8
47.10	do	7, 8
47.12	do	7, 8
47.14	do	7, 8
47.16	do	7, 8
47.18	do	7, 8
47.20	do	7, 8
47.22	do	7, 8
47.24	do	7, 8
47.26	do	7, 8
47.28	do	7, 8
47.30	do	7, 8
47.32	do	7, 8
47.34	do	7, 8
47.36	do	7, 8
47.38	do	7, 8
47.40	do	7, 8
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
150.995	Base and mobile	13
151.025	do	13
151.055	do	13
151.085	do	13
151.115	do	13
156.045	Mobile	15
156.080	do	14
156.075	do	15
156.105	Base and mobile	15
156.120	do	14
156.135	do	15
156.165	do	15, 16
156.180	do	14, 16
156.195	do	15, 16
156.225	do	15, 16
156.240	do	14, 16
157.050	do	9
157.110	do	9
158.955	Mobile	15, 16
159.000	do	14, 16
159.015	do	15, 16
159.045	do	15, 16
159.060	do	14, 16
159.075	do	15, 16
159.105	Base and mobile	15, 16
159.120	do	14, 16
159.135	do	15, 16
159.165	do	15, 16
159.180	do	14
159.195	do	15
453.050	do	
453.100	do	
453.150	do	
453.200	do	
453.250	do	
453.300	do	
453.350	do	
453.400	do	
453.450	do	
453.500	do	
453.550	do	
453.600	do	
453.650	do	
453.700	do	
453.750	do	
453.800	do	
453.850	do	
453.900	do	
453.950	do	
458.050	Mobile	
458.100	do	
458.150	do	
458.200	do	
458.250	do	
458.300	do	
458.350	do	
458.400	do	
458.450	do	
458.500	do	
458.550	do	
458.600	do	
458.650	do	
458.700	do	
458.750	do	
458.800	do	
458.850	do	
458.900	do	
458.950	do	
912 to 960	Operational fixed	1
1850 to 1900	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed	1, 2, 11
2600 to 2700	Operational fixed	1
6425 to 6575	Base and mobile	1
6575 to 6575	Operational fixed	1

Frequency or band	Class of station(s)	Limitations
<i>Mc</i>		
10500 to 10550	Radio location	1, 10
11700 to 12200	Base and mobile	1
12200 to 12700	Operational fixed	1
16000 to 18000	do	1, 2
26000 to 30000	do	1

30. Section 10.405 (f) is amended by deleting the text of subparagraphs (4) and (5) and inserting the word "[Reserved]"; and by adding subparagraphs (13), (14), (15), and (16) as follows:

(13) Available for assignment: *Provided*, That the equipment used meets the technical standards, set forth in Subpart C of this part, applicable to equipment in use on and after November 1, 1963.

(14) Available for assignment on and after November 1, 1963.

(15) Available for assignment on and after November 1, 1963, for developmental operation: *Provided*, That

(i) The equipment proposed to be used meets the technical standards, set forth in Subpart C of this part, applicable to equipment in use on and after November 1, 1963; and

(ii) Listed frequencies 15 kc or less removed are presently assigned for use in the same area or the use of such frequencies is shown to be impractical at the location proposed; and

(iii) The proposed station location is removed by at least 40 miles from the station location of each other station, except those of the applicant, to operate on frequencies 30 kc or less removed; and

(iv) The application is accompanied by a statement under oath that the licensee of all stations located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations will not be caused, together with a statement under oath that the licensee of all stations located within a radius of 75 miles of the proposed location and authorized to operate on frequencies 30 kc or less removed, have been notified of applicant's intention to request the assignment.

(16) This frequency is reserved for assignment for use in highway maintenance systems operated by licensees other than states.

31. Section 10.405 is amended by adding a new paragraph (g) to read as follows:

(g) The frequencies shown in paragraph (e) of this section as being available for assignment to mobile stations only may be authorized for use by base stations only after coordination with affected licensees in the area and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. Evidence of the required coordination shall be submitted with any request for such use.

32. Section 10.461 (a) is amended by deleting the text thereof and inserting the word "[Reserved]".

33. Section 10.462 (c) is amended to read as follows:

(c) The operation of mobile systems in the Special Emergency Radio Service will be restricted to the use of only one frequency: *Provided*, That an additional frequency may be authorized when mobile relay stations are authorized pursuant to paragraph (h) of this section.

34. Section 10.462 (e) is amended to read as follows:

(e) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available, and the specific assignment limitations, which are developed in paragraph (f) of this section:

Frequency or band	Class of station(s)	Limitations
<i>Kc</i>		
2000 to 3000	Fixed	9
2725	Base and mobile	10
2201	do	
<i>Mc</i>		
33.02	do	6
33.06	do	6
33.10	do	6
37.00	do	6
37.04	do	6
37.08	do	6
45.02	do	6
45.06	do	6
45.10	do	6
47.02	do	7
47.06	do	7
47.10	do	7
47.14	do	7
47.18	do	7
47.22	do	7
47.26	do	7
72.02 to 74.58	Operational fixed	3
75.02 to 75.98	do	3
433.050	Base and mobile	
433.100	do	
433.150	do	
433.200	do	
433.250	do	
433.300	do	
433.350	do	
433.400	do	
433.450	do	
433.500	do	
433.550	do	
433.600	do	
433.650	do	
433.700	do	
433.750	do	
433.800	do	
433.850	do	
433.900	do	
433.950	do	
434.000	Mobile	
434.050	do	
434.100	do	
434.150	do	
434.200	do	
434.250	do	
434.300	do	
434.350	do	
434.400	do	
434.450	do	
434.500	do	
434.550	do	
434.600	do	
434.650	do	
434.700	do	
434.750	do	
434.800	do	
434.850	do	
434.900	do	
434.950	do	
902 to 900	Operational fixed	1
1890 to 1990	do	1
2110 to 2200	do	1
2430 to 2500	do	1
2500 to 2700	Base and mobile and operational fixed	1, 2, 14
6025 to 6075	Operational fixed	1
6075 to 6085	Base and mobile	1
6085 to 6095	Operational fixed	1
10500 to 10550	Radiolocation	1, 13
11700 to 12200	Base and mobile	1
12200 to 12700	Operational fixed	1
10900 to 18000	do	1, 2
20000 to 30000	do	1

35. Section 10.462 (f) is amended by:

Deleting the text of subparagraphs (4), (5), and (8) and inserting the word "[Reserved]".

36. Section 10.462 is amended by adding new paragraphs (g) and (h) to read as follows:

(g) The frequencies shown in paragraph (e) of this section as being available for assignment to mobile stations only may be authorized for use by base stations only after coordination with affected licensees in the area and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. Evidence of the required coordination shall be submitted with any request for such use.

(h) Mobile relay stations in the Special Emergency Radio Service will be authorized only on frequencies above 453.00 Mc and only where:

(1) a special emergency radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication; or

(2) an integrated system of radio communication is desirable between two or more licensees in the Special Emergency Radio Service and where, by use of a mobile relay station, the integrated system results in an actual reduction in the number of frequencies required in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

37. Part 10 is amended by adding a new Subpart L to read as follows:

Subpart L—Local Government Radio Service

Sec.

10.551 Eligibility.

10.552 Permissible communications.

10.553 Points of communication.

10.554 Station limitations.

10.555 Frequencies available to the Local Government Radio Service.

AUTHORITY: §§ 10.551 to 10.555 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1062, as amended; 47 U. S. C. 303.

SUBPART L—LOCAL GOVERNMENT RADIO SERVICE

§ 10.551 *Eligibility.* Authorizations for stations in the Local Government Radio Service will be issued only to territories, possessions, states, other governmental subdivisions including counties, cities, towns and similar governmental entities.

§ 10.552 *Permissible communications.* Stations in the Local Government Radio Service are authorized to transmit communications essential to official activities of the licensee.

§ 10.553 *Points of communication.* (a) Local government base stations are authorized to intercommunicate with local government mobile stations. Local government mobile stations are authorized to intercommunicate with local government base stations and other local government mobile stations.

(b) Local government base and mobile stations are also authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided*, That no harmful interference will be caused to the base-mobile operations of any authorized station.

(c) Local government fixed stations are authorized to intercommunicate with other fixed stations in the Public Safety Radio Services and to transmit to receivers at fixed locations.

§ 10.554 *Station limitations.* Mobile relay stations in the Local Government Radio Service will be authorized only on frequencies above 152 Mc and where a showing of need can be made in accordance with either of the following conditions:

(a) Where a local government radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be effected by direct car-to-car communication.

(b) Where an integrated system of radio communication is desirable between two or more Local Government Radio Service licensees and where by the use of a mobile relay station, the integrated system provides an actual reduction in the number of frequencies which would be needed in the area if the same number of licensees operate separate systems.

§ 10.555 *Frequencies available to the Local Government Radio Service.* (a) The frequencies or bands of frequencies listed herein are available for assignment to stations in the Local Government Radio Service subject to the conditions and limitations of this section.

(b) The frequencies shown in paragraph (f) of this section as being available for assignment to mobile stations only may be authorized for use by base stations only after coordination with affected licensees in the area and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. Evidence of the required coordination shall be submitted with any request for such use.

(c) The amount of separation between assignable frequencies listed in paragraph (f) of this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(d) Normally no more than two frequencies will be assigned unless a request therefor is adequately supported by a satisfactory showing of need.

(e) Control and repeater stations in the Local Government Radio Service will be authorized only on frequencies allocated to operational fixed stations.

(f) The following tabulation indicates the frequencies or bands of frequencies, class of stations to which they are normally available, and the specific assignment limitations, which are developed in paragraph (g) of this section:

Frequency or band	Class of station(s)	Limitations
Mc		
45.08	Base and mobile	
45.12	do	
45.16	do	
45.20	do	
45.24	do	
45.28	do	
45.32	do	
45.36	do	
45.40	do	
45.44	do	
45.48	do	
45.52	do	
45.56	do	
45.60	do	
45.64	do	
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
153.755	Mobile	5, 6
153.785	do	5, 6
153.800	do	4, 6
153.815	do	5, 6
153.845	do	5, 6
153.860	do	4, 6
153.875	do	5, 6
153.905	do	5, 6
153.920	do	4, 6
153.935	do	5, 6
153.955	do	5, 6
153.980	do	4, 6
153.995	do	5, 6
154.025	Base and mobile	4, 6
154.040	do	5, 6
154.055	do	5, 6
154.085	do	4, 6
154.100	do	4, 6
154.115	do	5, 6
155.715	do	5
155.745	do	5
155.760	do	4
155.775	do	5
155.805	do	5
155.820	do	4
155.835	do	5, 6
155.865	do	5, 6
155.880	do	4, 6
155.895	do	5, 6
155.925	do	5, 6
155.940	do	4, 6
155.955	do	5, 6
155.985	Mobile	5, 6
156.000	do	4, 6
156.015	do	5, 6
158.745	Base and mobile	5
158.760	do	4
158.775	do	5
158.805	do	5
158.820	do	4
158.835	do	5
158.865	Mobile	5, 6
158.880	do	4, 6
158.895	do	5, 6
158.925	do	5, 6
158.940	do	4, 6
158.955	do	5, 6
433.050	Base and mobile	
433.100	do	
433.150	do	
433.200	do	
433.250	do	
433.300	do	
433.350	do	
433.400	do	
433.450	do	
433.500	do	
433.550	do	
433.600	do	
433.650	do	
433.700	do	
433.750	do	
433.800	do	
433.850	do	
433.900	do	
433.950	do	
438.050	Mobile	
438.100	do	
438.150	do	
438.200	do	
438.250	do	
438.300	do	
438.350	do	
438.400	do	
438.450	do	
438.500	do	
438.550	do	
438.600	do	
438.650	do	
438.700	do	
438.750	do	
438.800	do	
438.850	do	
438.900	do	
438.950	do	
922 to 960	Operational fixed	1
1870 to 1900	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed	1, 2, 5
2500 to 2700	Operational fixed	1
6425 to 6575	Base and mobile	1

Frequency or band	Class of station(s)	Limitations
Mc		
6575 to 6875	Operational fixed	1
10500 to 10550	Radiolocation	1, 7
11700 to 12200	Base and mobile	1
12200 to 12700	Operational fixed	1
16000 to 18000	do	1, 2
26000 to 30000	do	1

NOTE: Frequencies between 952 and 30,000 Mc will be assigned on a case by case basis and assignments will be subject to the outcome of Docket Number 11866.

(g) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (f) of this section:

(1) Limited to the developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific and medical devices in this band.

(3) Assignable frequencies spaced by 40 kc beginning with the frequencies 72.02 and 75.42 Mc and ending with the frequencies 74.58 and 75.98 Mc, respectively, are available on a shared basis with other services only in accordance with the provisions of § 10.101 (c).

(4) Available for assignment on and after November 1, 1963.

(5) Available for assignment on and after November 1, 1963 for developmental operation: *Provided*, That:

(i) The equipment proposed to be used meets the technical standards, set forth in Subpart C of this part, applicable to equipment in use on and after November 1, 1963; and

(ii) Listed frequencies 15 kc or less removed are presently assigned for use in the same area or the use of such frequencies is shown to be impractical at the location proposed; and

(iii) The proposed station location is removed by at least 40 miles from the station location of each other station, other than those of the applicant, authorized on frequencies 30 kc or less removed at the time application is made; and

(iv) The application is accompanied by a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed station and authorized to operate on frequencies 30 kc or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference will not be caused to the operation of existing stations together with a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location authorized to operate on frequencies 30 kc or less removed have been notified of applicant's intention to request the assignment.

(6) The power which may be used for operation on these frequencies may not exceed 180 watts plate input power to the final radio frequency stage and the antenna height may not exceed 50 feet above ground level at the antenna location.

(7) Continuous wave (cw) emission only may be employed.

(8) Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450-2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

[F. R. Doc. 58-3682; Filed, May 19, 1958; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-19]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 7th day of May A. D. 1958.

Upon consideration of the record in the above-entitled proceeding, of the rules and regulations heretofore prescribed herein, and of the representations filed pursuant to the notice of rule making dated March 4, 1958 (23 F. R. 1796); and

It appearing, that no oral hearing concerning the matter under consideration is deemed necessary, and good cause appearing therefor;

It is ordered, That § 176.3 *Determination of weights*, be and it is hereby revised as hereafter indicated:

1a. In paragraph (a) *Loaded weight, tare weight, and constructive weight*, amend the last sentence of subparagraph (1) and the second subparagraph to read as follows: "Where no adequate scale is available at point of origin, the loaded weight shall be obtained at the nearest certified scale either in the direction of the movement of the shipment, or in the direction of the next pickup or delivery in the case of part loads."

b. Amend paragraph (a) (2) in its entirety to read as follows:

(2) If no adequate scale is available at origin, at any point en route, or at destination, a constructive weight, based upon 7 pounds per cubic foot of properly loaded van space, may be used. Such a constructive weight also may be used for a part load where the circumstances are such that its scale weight could not be obtained at origin, en route, or at destination without first unloading it or other part loads being carried in the same vehicle.

2. In paragraph (c) *Weight ticket*, amend the form of household goods uniform weight ticket prescribed therein to read as follows:

HOUSEHOLD GOODS UNIFORM WEIGHT TICKET

Date _____
Name of carrier _____
Vehicle identification _____
Name of shipper _____
Origin of shipment _____

Destination of shipment -----
 Gross weight of loaded vehicle without the
 crew thereon ----- pounds.
 Tare weight of vehicle without the crew
 thereon, including full gasoline tank and
 all necessary pads, chains, dollies, hand
 trucks, and other equipment -----
 pounds.
 Net weight of the shipment ----- pounds.
 The above gross and tare weights were ob-
 tained at scales—

Gross:

(Name of scales)

(Location)

Tare:

(Name of scales)

(Location)

as shown by attached weight ticket(s) pre-
 pared by weighmaster(s).

List of shipments, if any, on vehicle at time
 above weights were obtained:

Shipper	Net weight
-----	-----
-----	-----
-----	-----
-----	-----

I certify the above entries are true and
 correct.

(Driver's signature)

It is further ordered, That this order
 shall be effective June 16, 1958, and shall
 continue in effect until the further order
 of the Commission; however, supplies of
 the form of weight ticket heretofore pre-
 scribed presently in the hands of carriers
 may be used;

And it is further ordered, That notice
 of this order shall be given to the general
 public by depositing a copy thereof in
 the office of the Secretary of the Com-
 mission at Washington, D. C., and by
 filing a copy with the Director, Division
 of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304.
 Interpret or apply 49 Stat. 558, as amended;
 560, as amended; 49 U. S. C. 316, 317)

By the Commission, Division 1.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3748; Filed, May 19, 1958;
 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service,
Department of the InteriorSubchapter C—Management of Wildlife
Conservation Areas

PART 17—LIST OF AREAS

HORN ISLAND NATIONAL WILDLIFE REFUGE

Cross Reference: For order reserving
 certain lands as the Horn Island Na-
 tional Wildlife Refuge (§ 17.3) see Pub-
 lic Land Order 1636 in the Appendix to
 Title 43, Chapter I, *supra*.

EXPIRATION OF CODIFIED MATERIAL

Notice is hereby given that the follow-
 ing regulations have expired by their
 own limitations:

PART 31—PACIFIC REGION

SUBPART—DESERT GAME RANGE, NEVADA

HUNTING

Section 31.116 Hunting of bighorn
 sheep permitted (22 F. R. 8455).

SUBPART—FORT PECK GAME RANGE,
MONTANA

HUNTING

Section 31.128 Hunting of elk per-
 mitted (22 F. R. 8876).

SUBPART—MALHEUR NATIONAL WILDLIFE
REFUGE, OREGON

HUNTING

Section 31.207 Hunting of deer per-
 mitted (22 F. R. 7366).

Section 31.208 Hunting of migratory
 game birds permitted (22 F. R. 7691).

PART 32—SOUTHWESTERN REGION

SUBPART—MONTE VISTA NATIONAL
WILDLIFE REFUGE, COLORADO

HUNTING

Section 32.110 Hunting of pheasants
 and rabbits permitted (22 F. R. 8005).

PART 35—NORTHEASTERN REGION

SUBPART—MONTEZUMA NATIONAL WILD-
LIFE REFUGE, NEW YORK

HUNTING

Section 35.21 Hunting of deer per-
 mitted (22 F. R. 7860).

SUBPART—PARKER RIVER NATIONAL
WILDLIFE REFUGE, MASSACHUSETTS

HUNTING

Section 35.81 Hunting of deer per-
 mitted (22 F. R. 8066).

A. V. TUNISON,
 Acting Director,
 Bureau of Sport Fisheries
 and Wildlife.

MAY 14, 1958.

[F. R. Doc. 58-3737; Filed, May 19, 1958;
 8:45 a. m.]

PART 36—ALASKA REGION

SUBPART—ALEUTIAN ISLANDS NATIONAL
WILDLIFE REFUGE, ALASKA

HUNTING

Basis and purpose. Pursuant to the
 authority conferred upon me by Com-
 missioner's Order 4 (22 F. R. 8126) and
 the provisions of § 18.11 of Title 50, Code
 of Federal Regulations, I have deter-
 mined that hunting can be permitted on
 certain islands of the refuge without in-
 terfering with the objectives or primary
 purpose of the Aleutian Islands National
 Wildlife Refuge. Accordingly, § 36.11 is
 amended to read as follows:

§ 36.11 Hunting of designated species
 permitted. Subject to compliance with
 the provisions of Parts 6 and 46 of this
 chapter, the hunting of designated
 species of wild animals is permitted on
 the islands of the Aleutian Islands Na-
 tional Wildlife Refuge, Alaska, as
 follows:

(a) On Attu, Shemya, Great Sitkin,
 Unimak, and Adak Islands hunting of
 ptarmigan and waterfowl is permitted.
 (b) On Atka Island the hunting of
 caribou is permitted.

(c) On Unimak Island brown bear may
 be hunted by permit only. Upon re-
 ceipt of written applications addressed
 to the Refuge Manager, Aleutian Islands
 National Wildlife Refuge, Cold Bay,
 Alaska, the Manager may issue, in the
 order of the receipt of the applications,
 not to exceed 25 permits in any one
 fiscal year authorizing the taking of one
 bear per hunter.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 7151)

Since the foregoing amendment in-
 volves public property, it is exempt from
 the procedural requirements of section
 4 of the Administrative Procedure Act,
 and it shall become effective immediately
 (5 U. S. C. 1003).

Issued at Washington, D. C., and dated
 May 14, 1958.

A. V. TUNISON,
 Acting Director,
 Bureau of Sport Fisheries
 and Wildlife.

[F. R. Doc. 58-3736; Filed, May 19, 1958;
 8:45 a. m.]

PROPOSED
RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING
AFTER DECEMBER 31, 1953

MEASUREMENT OF SUPPORT OF A DEPENDENT

Notice is hereby given, pursuant to the
 Administrative Procedure Act, approved
 June 11, 1946, that the regulations set
 forth in tentative form below are pro-
 posed to be prescribed by the Commis-
 sioner of Internal Revenue, with the
 approval of the Secretary of the Treas-
 ury or his delegate. Prior to the final
 adoption of such regulations, considera-
 tion will be given to any comments or
 suggestions pertaining thereto which are
 submitted in writing, in duplicate, to the
 Commissioner of Internal Revenue, At-
 tention: T:P, Washington 25, D. C.,
 within the period of 30 days from the
 date of publication of this notice in the
 FEDERAL REGISTER. Any person submit-
 ting written comments or suggestions
 who desires an opportunity to comment
 orally at a public hearing on these pro-
 posed regulations should submit his re-
 quest, in writing, to the Commissioner
 within the 30-day period. In such a case,
 a public hearing will be held and notice
 of the time, place, and date will be pub-
 lished in a subsequent issue of the
 FEDERAL REGISTER. The proposed regu-
 lations are to be issued under the author-
 ity contained in section 7805 of the

Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL O. HARRINGTON,
Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR (1954) Part 1) are amended by deleting the last two sentences of paragraph (a) (2) (1) of § 1.152-1 and by inserting in lieu thereof the following: "Generally, the amount of an item of support will be the amount of expense incurred by the one furnishing such item. If the item of support furnished an individual is in the form of property or lodging, it will be necessary to measure the amount of such item of support in terms of its fair market value."

[F. R. Doc. 58-3759; Filed, May 19, 1958;
8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 955]

[Docket No. AO-85-A2]

GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

DECISION WITH RESPECT TO PROPOSED AMENDMENT OF AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Coachella, California, on October 31, 1957, after notice thereof published in the FEDERAL REGISTER (22 F. R. 8262) on proposed amendment of the marketing agreement, as amended, and to Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

On the basis of the evidence introduced at the hearing, and the record thereof, the Administrator, Agricultural Marketing Service, on March 20, 1957, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 58-2189; 23 F. R. 1954). No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 58-2189; 23 F. R. 1954) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Grapefruit Grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, Situated South and East of White Water, California" and "Order Amending the Order, as Amended, Regulating the Handling of Grapefruit Grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, Situated South and East of the San Gorgonio Pass" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: May 14th, 1958.

[SEAL]

DON PAARLBERG,
Assistant Secretary.

Order Amending the Order, as Amended, Regulating the Handling of Grapefruit Grown in Arizona, in Imperial County, California, and in That Part of Riverside County, California, Situated South and East of the San Gorgonio Pass

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

(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Coachella, California, on October 31, 1957, upon a proposed amendment of the marketing agreement,

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met. When this order becomes effective, the part heading thereof that will appear in Title 7 of the Code of Federal Regulations will be "Part 955—Grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California."

as amended, and to Order No. 55, as amended (7 CFR Part 955) regulating the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as amended and as hereby further amended, regulates the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

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

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the grapefruit covered thereunder.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Delete the provisions of §§ 955.1 through 955.4 and substitute in lieu thereof the following:

§ 955.1 Secretary. "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 955.2 Act. "Act" means Public Law No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047).

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

§ 955.4 Grapefruit. "Grapefruit" means grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California.

2. Amend the provisions of paragraph (b) of § 955.5 by deleting therefrom the words "the San Geronio Pass" and inserting in lieu thereof the words "White Water, California."

3. Delete the provisions of §§ 955.6 through 955.9 and substitute in lieu thereof the following:

§ 955.6 *Producer*. "Producer" means any person engaged in a proprietary capacity in the commercial production of grapefruit.

§ 955.7 *Handler*. "Handler" means any person (except a common or contract carrier of grapefruit owned by another person) who handles grapefruit in fresh form.

§ 955.8 *Handle*. "Handle" means to transport, ship, sell, or in any other way to place grapefruit in the current of commerce between the State of California and any point outside thereof, or between the State of Arizona and any point outside thereof.

§ 955.9 *Carton*. "Carton" means either standard container No. 58 or standard container No. 59 as described in section 828.23 of the Agricultural Code of California, as amended, having a capacity of approximately 32 pounds of grapefruit, or such other container and capacity as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

4. Delete the provisions of § 955.11 and substitute in lieu thereof the following:

§ 955.11 *Variety*. "Variety" or "varieties" means either or both of the following classifications or groupings of grapefruit: (a) White seeded grapefruit, and white seedless grapefruit, and (b) pink or red seeded grapefruit, and pink or red seedless grapefruit.

5. Delete the provisions of §§ 955.20 through 955.22 and substitute in lieu thereof the following:

§ 955.20 *Establishment and membership*. (a) An Administrative Committee, consisting of the number of members prescribed in paragraph (c) of this section, is hereby established for the 1958-59 fiscal period and for each fiscal period thereafter. There shall be an alternate member for each member of the committee, who shall have the same qualifications as the member. Each such member and alternate member shall be a producer.

(b) The members and alternate members shall hold office for a period of one year commencing on the first day of August and continuing for one year, or until their successors are selected and have qualified. The members, alternate members, and their respective successors shall be nominated by producers and shall be selected by the Secretary, as provided in §§ 955.21 and 955.22.

(c) Each district shall be represented on the committee by one member for each million cartons, or fraction thereof, of production of grapefruit in such district during the fiscal period preceding the date on which the nomination meetings for members and alternate members are held: *Provided*, That no district shall be represented by more than three mem-

bers, regardless of the production of grapefruit in such district. If production in any district during such fiscal period is less than for the preceding fiscal period by 25 percent or more, the average production during the three fiscal periods preceding such nomination meetings shall be used to determine the representation from such district.

§ 955.21 *Nomination*. (a) The Secretary shall cause to be held each year a meeting or meetings of the producers in each of the several districts for the purpose of making nominations for members and alternate members of the Administrative Committee.

(b) In those districts entitled to two members on the Administrative Committee, one nominee for member and one nominee for alternate member shall be affiliated with a cooperative marketing organization, and one nominee for member and one nominee for alternate member shall not be affiliated with a cooperative marketing organization.

(c) In those districts entitled to one member on the Administrative Committee, the nominees for member and alternate member shall, in odd numbered years, be affiliated with a cooperative marketing organization, and the nominees for member and alternate member shall, in even numbered years, not be affiliated with a cooperative marketing organization.

(d) In those districts entitled to three members on the Administrative Committee, two nominees for members and two nominees for alternate members shall, in even numbered years, be affiliated with a cooperative marketing organization, and two nominees for members and two nominees for alternate members shall, in odd numbered years, not be affiliated with a cooperative marketing organization.

(e) Not more than one nominee for member and not more than one nominee for alternate member of the Administrative Committee from each district may be affiliated with the same packing house.

(f) Only producers affiliated with cooperative marketing organizations may elect the nominees affiliated with such organizations; and only producers not affiliated with cooperative marketing organizations may elect the nominees not so affiliated. At least one nominee shall be elected for each member and alternate member position to be filled. If nominations are not made by a particular group of producers in a district, as provided in this section, the producers of the other group may make nominations for all the positions to be filled in such district and, in such event, any limitations as to the affiliation of the nominees shall not apply.

(g) The committee may, with the approval of the Secretary, change the representation on the committee with respect to the number of nominees affiliated with cooperative marketing organizations and those not affiliated with cooperative marketing organizations in the event there is a substantial change in the number of producers affiliated with cooperative marketing organizations in any district.

(h) In voting for nominees each producer shall be entitled to vote in only one district, regardless of the number of districts in which he is producing grapefruit. Each vote shall be cast on behalf of himself, his agents, partners, subsidiaries, affiliates, and representatives. Producers who are affiliated with cooperative marketing organizations may cast one vote for each of the nominees, from the district in which the producers are producing grapefruit, who are affiliated with cooperative marketing organizations. Producers who are not affiliated with cooperative marketing organizations may cast one vote for each of the nominees, from the district in which the producers are producing grapefruit who are not affiliated with cooperative marketing organizations.

(i) Nominations shall be submitted to the Secretary on or before July 1 each year.

§ 955.22 *Selection*. From the nominations made pursuant to § 955.21, or from other qualified producers, the Secretary shall select the members and alternate members from each district. If a district is represented by two members, the Secretary shall select one member and one alternate member who are affiliated with cooperative marketing organizations and one member and one alternate member who are not affiliated with cooperative marketing organizations. If a district is represented by one member, the Secretary shall, in odd numbered years, select a member and an alternate member who are affiliated with cooperative marketing organizations, and, in even numbered years, select a member and an alternate member who are not affiliated with cooperative marketing organizations. If a district is represented by three members, the Secretary shall, in even numbered years, select two members and two alternate members who are affiliated with cooperative marketing organizations, and, in odd numbered years, select two members and two alternate members who are not affiliated with cooperative marketing organizations. In the event nominations are not made in accordance with the provisions of paragraphs (b), (c), and (d) of § 955.21, the Secretary may select the members and alternate members without regard to their affiliation.

6. Delete from § 955.23 the reference to "§ 955.21 (e)" and substitute in lieu thereof "§ 955.21 (i)."

7. Delete the provisions of paragraphs (h) and (i) of § 955.28 and substitute in lieu thereof the following:

(h) To determine as near as practicable the total crop of grapefruit, and to make such determinations, including determinations by grade and size as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part; and

(i) To investigate the growing, handling and marketing conditions with respect to grapefruit and to assemble data in connection therewith.

8. Delete the provisions of paragraphs (a), (b), and (d) of § 955.31 and substitute in lieu thereof the following:

§ 955.31 *Procedure.* (a) Three-fourths of the members of the Administrative Committee shall be necessary to constitute a quorum of the committee.

(b) For any decision of the Administrative Committee to be valid, three-fourths of the members of the Administrative Committee must cast a concurring vote. At all assembled meetings each vote must be cast in person.

(d) Except at an assembled meeting, the Administrative Committee may vote by telephone, telegraph, or other means, and any such vote so cast shall be confirmed promptly in writing.

9. Delete the provisions of § 955.41 and substitute in lieu thereof the following:

§ 955.41 *Assessments.* (a) Each handler who first handles grapefruit shall, with respect to the grapefruit so handled by him, pay to the Administrative Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the said committee for its maintenance and functioning during each fiscal period. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of grapefruit handled by him as the first handler thereof, during the applicable fiscal period, and the total quantity of grapefruit so handled by all handlers during the same fiscal period.

(b) The Secretary shall fix the rate of assessment to be paid by handlers. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the Administrative Committee. Any such increase shall be applied to all grapefruit handled during the given fiscal period. In order to provide funds to carry out the functions of the Administrative Committee, handlers may make advance payment of assessments.

(c) The payment of assessments for the maintenance and functioning of the Administrative Committee may be required under this part throughout the period it is in effect, irrespective of whether regulations are established by the Secretary, or whether particular provisions thereof are suspended or become inoperative.

10. Re-letter paragraph (b) of § 955.42 as paragraph (c) and insert a new paragraph (b) as follows:

(b) Notwithstanding the provisions of paragraph (a) of this section, the Administrative Committee may, with the approval of the Secretary, establish an operating reserve from funds remaining at the end of a fiscal period, which are in excess of expenses incurred during such period. Such operating reserve shall be accumulated over such period of time as the committee determines is fair and equitable to all handlers and shall not exceed an amount in excess of the preceding year's budget. The reserve shall be managed as a revolving fund and the credits and refunds provided in para-

graph (a) of this section deferred until such time as the reserve reaches the amount prescribed by the committee.

11. Delete the provisions of paragraph (a) of § 955.51 and substitute in lieu thereof the following:

(a) It shall be the duty of the Administrative Committee to investigate the supply and demand conditions for grades and sizes of the varieties of grapefruit. Whenever the committee finds that such conditions make it advisable to regulate the handling of particular grades or sizes of any variety of grapefruit during any period, it shall recommend the particular grades or sizes thereof deemed advisable by it to be handled during such period, and any such recommendation may include a proposal that the handling of such variety in export, including Canada, shall be limited to sizes different from the proposed size limitation applicable to the handling of the same variety in interstate commerce. Thereafter, the committee shall promptly report such findings and recommendations, together with supporting information, to the Secretary.

12. Delete the words "shipment" and "fruit" wherever they appear in §§ 955.50 and 955.52 and in paragraph (b) of §§ 955.51 and 955.53 and substitute in lieu thereof the words "handling" and "grapefruit," respectively.

13. Delete the provisions of paragraph (a) of § 955.53 and substitute in lieu thereof the following:

§ 955.53 *Issuance of regulations.* (a) Whenever the Secretary shall find, from the recommendation and information submitted by the Administrative Committee or from other available information, that to limit the handling of any variety or varieties of grapefruit to particular grades and sizes thereof would tend to effectuate the declared policy of the act, he shall so limit the handling of such variety or varieties during a specified period; and any such regulation may provide that shipments of any such variety or varieties in export, including Canada, shall be limited to sizes different from the limitation applicable to the handling of the same variety or varieties in interstate commerce. The Administrative Committee shall be informed immediately of any such regulation issued by the Secretary, and the said committee shall promptly give adequate notice thereof to handlers.

14. Delete the provisions of § 955.55 and substitute in lieu thereof the following:

§ 955.55 *Inspection and certification.* (a) During any period in which the Secretary has regulated the handling of any variety or varieties of grapefruit pursuant to § 955.53, each handler shall, prior to the handling of any lot of such variety or varieties, cause such lot to be inspected by an authorized representative of the Federal or Federal-State Inspection Service. Promptly thereafter, such handler shall submit to the Administrative Committee a copy of the inspection certificate issued thereon. The provisions of this section shall not be applicable to a handler who handles any lot

which has been so inspected and a copy of such inspection certificate has been submitted to the Administrative Committee.

(b) The Administrative Committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

15. Delete from § 955.60 the words "standard box" and substitute in lieu thereof the word "carton".

16. Delete the words "fruit" and "shipped" wherever they appear in §§ 955.61 and 955.74 and substitute in lieu thereof the words "grapefruit" and "handled," respectively.

17. Delete the provisions of § 955.70 and substitute in lieu thereof the following:

§ 955.70 *Grapefruit not subject to regulation.* Nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to handle grapefruit (a) by express, parcel post, or common or contract carrier in units of five cartons or less; (b) for consumption by charitable institutions or distribution by relief agencies; (c) for conversion into by-products; or (d) directly to a destination in Mexico. No assessment shall be levied on grapefruit handled under the exemptions provided in this section. The committee may prescribe adequate safeguards to prevent grapefruit handled for the purposes designated in this section from entering commercial fresh fruit channels of trade contrary to the provisions of this subpart. The term "by-products" as used in this section includes all processed and manufactured products of grapefruit, including canned or bottled grapefruit or grapefruit juices.

18. Delete the provisions of § 955.71 and substitute in lieu thereof the following:

§ 955.71 *Compliance.* Except as provided in this subpart, no handler shall handle any variety of grapefruit, the handling of which has been prohibited by the Secretary in accordance with the provisions of this subpart; and no handler shall handle any variety of grapefruit except in conformity with the provisions of this subpart.

Order Directing That a Referendum Be Conducted; Designation of Referendum Agents To Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1956, through July 31, 1957 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and

east of the San Geronio Pass, in the production of grapefruit for market, to ascertain whether such producers favor the issuance of an order amending Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the aforesaid production area, which amendatory order is annexed to the decision of the Secretary of Agriculture—filed simultaneously herewith. Warren C. Noland, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 1005, 1031 South Broadway, Los Angeles, California, is hereby designated agent of the Secretary to conduct said referendum.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (15 F.R. 5176).

Copies of the aforesaid annexed order, of Order No. 55, of the aforesaid referendum procedure (15 F.R. 5176), and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D. C. Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained at the said office, or from any appointee hereunder.

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

Dated: May 14, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3774; Filed, May 19, 1958;
8:54 a. m.]

[9 CFR Part 201]

REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

FINALITY OF SALES

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that it is proposed to amend § 201.55 (9 CFR 201.55) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), by designating the text of present § 201.55 of the regulations as paragraph "(a)" and by adding thereto a new paragraph "(b)" reading as follows:

(b) *Finality of sales.* In any sale transaction subject to the provisions of the act, in the absence of fraud, deceit or misrepresentation, and, unless it is expressly agreed between the parties that purchase of livestock is subject to post mortem inspection or other express terms and conditions, the sale shall be final after the price is agreed upon and the weight determined. Settlement therefor shall be upon the basis of the purchase price agreed upon, and the sale and purchase shall be binding on the parties, without regard to the results of post mortem inspection.

The purpose of the proposed amendment is to establish a uniform rule concerning the finality of sales at all stockyards posted under the Packers and Stockyards Act.

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

Done at Washington, D. C., this 15th day of May 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-3768; Filed, May 19, 1958;
8:53 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

EVAPORATED MILK INDUSTRY

MINIMUM WAGE DETERMINATIONS; PUBLIC HEARING

This matter is before the Department pursuant to the act of June 30, 1936 (49 Stat. 2036, as amended; 41 U. S. C. 35-45), known as the Walsh-Healey Public Contracts Act.

For purposes of this hearing the Evaporated Milk Industry is defined as that industry which manufactures or furnishes evaporated milk.

Now, therefore, notice is hereby given that a public hearing will be held on June 12, 1958, at 10 a. m. in Room No. 2203, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Secretary of Labor or a duly assigned Hearing Examiner, at which hearing interested persons may appear and submit evidence, views and arguments as to the following subjects and issues: (1) The appropriateness of the proposed definition of the industry; (2) what are the prevailing minimum wages in the industry; (3) whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limitation for such areas) should be determined for this industry, and (4) whether there should be included in any determination for this industry provision for the employment of probationary workers at wages lower than the prevailing minimum wages, and on what terms or limitations, if any, such employment should be permitted.

Employment and wage data as of September 1957 for this industry have been prepared in the Department of Labor for consideration at the hearing and will be made available to interested persons upon request. Data collected in the Department of Labor for use in preparing its monthly series on "Earnings and Hours" showing the movement of average hourly earnings in this industry subsequent to September, 1957, will be pre-

pared for consideration at the hearing on the question of what changes have occurred in the prevailing minimum wages in this industry since September 1957 to the date of hearing.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the date of the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statements shall be under oath or affirmation, and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the Presiding Officer shall determine whether it shall be received in evidence.

To the extent possible, evidence with respect to the subjects and issues involved constituting the testimony of each witness or the sworn or affirmed statements of persons who cannot appear personally, should permit evaluation on a plant by plant basis and state (1) (a) the number and location of establishments in the industry, to which the testimony of such witness or such written statement is applicable, (b) the number of workers employed in each such establishment, (c) the minimum rates paid to covered workers and the number of covered workers at each such establishment receiving such rates and the occupations in which they are employed, (d) the minimum wages paid to probationary workers in each such establishment, the scale of wages paid during the probationary periods, the length of such periods, the number of workers receiving such wages, and the occupations in which they are employed; (2) the geographic area or areas of competition within this industry; and (3) the changes in the minimum wages since September, 1957, for persons employed in this industry.

This hearing shall be conducted pursuant to the rules of practice set forth in Part 203, Subpart C (41 CFR Part 203).

Signed at Washington, D. C., this 14th day of May 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-3760; Filed, May 19, 1958;
8:51 a. m.]

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS

WOMEN'S APPAREL DIVISION OF APPAREL INDUSTRY

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U. S. C. 214), the Administrator has heretofore issued regulations for the employment of learners in the apparel industry at wages lower than the wage applicable under section 6 of the Act (52 Stat. 1062, as amended; 29 U. S. C. 206) which are published in Title 29, Code of Federal Regulations, Part 522, § 522.24.

These regulations, as they apply to the women's apparel division, have been re-examined in the light of recent changes in wage levels and experience gained in their administration. All relevant information presently available indicates that it is necessary to increase the special minimum rates presently authorized for learner occupations in the women's apparel division of the apparel industry from 80 cents and 85 cents an hour to 85 cents and 90 cents an hour, respectively.

Accordingly, notice is hereby given in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) and pursuant to authority contained in section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, that I propose to amend Title 29, Code of Federal Regulations, Part 522, § 522.24, as indicated below:

1. Amend subparagraph (1) of paragraph (a) to read as follows:

(1) Not less than 85 cents per hour for the first 320 hours and not less than 90 cents per hour for the next 160 hours, if employed in the Women's Apparel Division of the Apparel Industry as defined in § 522.21 (a).

2. Amend subparagraph (3) of paragraph (a) to read as follows:

(3) An experienced worker in any of the occupations shown in § 522.23 (a) for which a 480-hour learning period is authorized, who is being retrained in any other occupation shown in that paragraph, having such a 480-hour maximum period, shall be paid at wage rates not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the next 160 hours, if employed in the Women's Apparel Division of the Apparel Industry, as defined in § 522.21 (a); and at wage rates not less than 75 cents per hour for the first 160 hours and not less than 80 cents per hour for the next 160 hours, if employed in any of the other divisions of the Apparel Industry, as defined in § 522.21 (b), (c), (d), (e), and (f).

3. Amend subparagraph (1) of paragraph (b) to read as follows:

(1) Not less than 90 cents per hour, if employed in the Women's Apparel Division of the Apparel Industry as defined in § 522.21 (a).

4. Amend paragraph (c) to read as follows:

(c) A learner employed in any occupation for which a 160-hour learning period is authorized in § 522.23 (a) shall be paid not less than 85 cents per hour if employed in the Women's Apparel Division, as defined in § 522.21 (a), and not less than 75 cents per hour if employed in any of the divisions of the Apparel Industry, as defined in § 522.21 (b), (c), (d), (e), and (f).

Prior to the final adoption of the proposed amendments, consideration will be

given to any data, views, or arguments pertaining thereto which are submitted in writing to the Acting Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within fifteen days of the publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 14th day of May 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-3761; Filed, May 19, 1958;
8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

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

NOTICE OF PROPOSAL TO ESTABLISH TOLERANCES FOR RESIDUES OF TOTAL COMBINED BROMINE IN OR ON CHERRIES AND PLUMS AFTER FUMIGATION WITH ETHYLENE DIBROMIDE

The Oregon State Department of Agriculture and Oregon State College have requested that action be taken to permit the use of ethylene dibromide as a fumigant on cherries.

Oregon State College has furnished data indicating that residues from the use of ethylene dibromide as a fumigant to control the cherry fruit fly include both inorganic and organic bromide compounds and do not exceed 25 parts per million of total combined bromine. Such residues on cherries will not constitute a hazard to man.

Data now available indicate the probability that small amounts of ethylene dibromide will be present on fumigated plums at the time of shipment. Accordingly, a tolerance should also be established of 25 parts per million for residues of total combined bromine on plums instead of the present tolerance of 20 parts per million for residues of inorganic bromides. Such residues on plums will not constitute a hazard to man.

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), (c), 68 Stat. 514; 21 U. S. C. 346a (b), (c)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 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 Part 120; 21 CFR, 1956 Supp., 120, 146 (23 F. R. 1736)) be amended as indicated below:

§ 120.146 *Tolerances for residues of inorganic bromides or total combined bromine resulting from fumigation with ethylene dibromide*—(a) *Tolerances for inorganic bromide residues.* (1) Tolerances of 50 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following

grains that have been fumigated with ethylene dibromide: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

(2) Tolerances of 10 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodities that have been fumigated with ethylene dibromide in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U. S. Department of Agriculture: Beans (string), bitter melons (*Mormodica charantia*), cantaloups, Cavendish bananas, citrus fruits, cucumbers, guavas, litchi fruit, litchi nuts, mangoes, papayas, peppers (bell), pineapples, zucchini squash.

(b) *Tolerances for total combined bromine residues.* Tolerances of 25 parts per million are established for residues of total combined bromine (which include bromine from both inorganic and organic compounds, resulting from fumigation with ethylene dibromide in accordance with the Mediterranean Fruit Fly Control Program, the Quarantine Program of the U. S. Department of Agriculture, or to meet State quarantine requirements) in or on cherries, plums (fresh prunes).

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 ethylene dibromide may request, within 30 days from publication of this proposal, that the proposal be referred to an advisory committee in accordance with section 408 (c) 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: May 12, 1958.

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

[F. R. Doc. 58-3757; Filed, May 19, 1958;
8:50 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 50]

[File No. 21-163]

TRADE PRACTICE RULES FOR CUT AND WIRE TACK INDUSTRY

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

In the matter of proposed trade practice rules for the Cut and Wire Tack Industry to supersede trade practice rules for the Cut Tack, Cut Nail, and Staple Industry (16 CFR Part 50).

The Federal Trade Commission has released for public hearing proposed

trade practice rules for the "Cut and Wire Tack Industry." These rules are being proposed as an amendment and revision of trade practice rules which were promulgated by the Commission on August 31, 1931, under the title of "Cut and Wire Tack, Small Cut Nail and Staple Industry" and which appear in the Code of Federal Regulations (16 CFR Part 50) under the title "Cut Tack, Cut Nail, and Staple Industry." All interested or affected parties are hereby notified that a hearing on such proposed rules will be held in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., commencing at 10 a. m., e. d. t., June 2, 1958. Opportunity will be afforded at such hearing for all industry members and other interested parties, including consumers, to express their objections, if any, to the proposed limitation of coverage of the rules to cut and wire tacks, and their views, suggestions, or objections to the proposed rules or any of the provisions thereof. Industry members may also present their views concerning the desirability of an industry trade practice committee provision in the form appended to the proposed rules for the industry. Such views, suggestions, or objections may also be submitted by letter, memorandum, brief, or other communication, filed with the Commission not later than June 2, 1958. Copies of the proposed rules may be obtained upon request to the Commission. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action.

The industry for which these rules are proposed is composed of persons, firms, corporations, and organizations engaged in the manufacture, importation, sale, offering for sale, or distribution of cut tacks and wire tacks. Thumb tacks are not included.

Proceedings to revise the existing trade practice rules for this industry were instituted by the Commission upon application from manufacturers of cut and wire tacks. The announced hearing constitutes the first step in the proceedings.

Issued: May 15, 1958.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3746; Filed, May 19, 1958;
8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[SF-93680]

CALIFORNIA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS

MAY 12, 1958.

1. Pursuant to the following vacation order of the Federal Power Commission and in accordance with the authority No. 99—6

delegated to me by the California State Supervisor, Bureau of Land Management, Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), the public lands within the areas described are hereby restored to disposition under the applicable public land laws from the withdrawal for Federal Power Project named, subject to valid existing rights and the provisions of existing withdrawals:

Order of the Federal Power Commission dated April 8, 1947, vacating the withdrawal of May 5, 1922, for the Federal Power Project No. 30:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 8 N., R. 23 E.,
Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 22, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 36, Lot 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$.
T. 6 N., R. 24 E.,
Sec. 2, Lots 1, 2, 3, and 4;
Sec. 3, Lots 1, 2, 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 11, Lots 1, 2, 3, 4, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 14, Lots 1, 2, 3, 4, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 23, Lots 1, 2, 3, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 24, Lots 1, 2, 3, 4, and 5;
Sec. 26, Lots 1, 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$;
Sec. 36, Lots 1, 2, 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$.
T. 7 N., R. 24 E.,
Sec. 6, Lots 1 to 8 inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 8, Lots 1, 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 15, Lot 1;
Sec. 16, 1, 2, 3, 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$;
Sec. 22, Lots 1, 2, 3, 4, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 27, Lots 1, 2, 3, 4, 5, 6, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 34, Lots 1, 2, 3, 4, 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 8 N., R. 24 E.,
Sec. 31, All unsurveyed.
T. 4 N., R. 25 E.,
Sec. 5, Lots 1, 3, 4, 5, 6, 7, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 6, Lots 3, 4, 5, 6, 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, All;
Sec. 8, Lots 1, 2, 3, 4, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, Lots 1, 2, 3, 4, 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, Lots 1, 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$;
Sec. 16, Lots 1, 2, 3, 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 17, Lots 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
SE $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$;
Sec. 23, Lots 1, and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 24, Lots 1, 2, 3, 4, 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$.
T. 5 N., R. 25 E.,
Sec. 6, Lots 1, 2, 3, 4, 5, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 7, Lots 1, 2, 3, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, Lot 1;
Sec. 17, Lots 1, 2, 3, 4, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 18, All;
Sec. 19, All;
Sec. 20, Lots 1, 2, 3, 4, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 29, Lots 1, 2, 3, 4, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 30, All;
Sec. 31, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 32, Lots 1, 2, 3, 4, E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 6 N., R. 25 E.,
Sec. 31, Lots 1, 2, 3, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 3 N., R. 26 E.,
Sec. 3, Lots 6, 7, 8, 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 4, Lots 6, 7, 8, 9, 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$;
Sec. 10, Lots 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
(SE $\frac{1}{4}$);

Sec. 11, Lots 6, 7, 8 and 9, S $\frac{1}{2}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 12, Lots 5, 6, 7, 8 and 9, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 13, All;
Sec. 14, N $\frac{1}{2}$.
T. 4 N., R. 26 E.,
Sec. 19, Lots 1, 2, 3;
Sec. 30, Lots 1, 2, 3, 4, 5, W $\frac{1}{2}$;
Sec. 31, Lots 1, 2, 3, 4, 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 32, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 33, Lots 1, 2, 3, 4, 5, 6, W $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 2 N., R. 27 E.,
Sec. 3, Lots 1, 2, 3, 4;
Sec. 4, All;
Sec. 5, All;
Sec. 6, All;
Sec. 7, All;
Sec. 8, All;
Sec. 9, All.
T. 2 N., R. 27 E.,
Sec. 10, Lots 1, 2, 3, 4;
Sec. 15, Lots 1, 2, 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 16, Lots 1, 2, 3, 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$;
Sec. 17, Lots 1, 2, 3, 4, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18, All;
Sec. 19, Lots 1, 2, 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, Lots 1, 2;
Sec. 30, Lots 1, 2.
T. 3 N., R. 27 E.,
Sec. 7, Lot 1;
Sec. 17, Lots 1, 2;
Sec. 18, Lots 1, 2, 3, 4, 5, 6, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 19, All;
Sec. 20, Lots 1, 2, 3, 4, 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 28, Lots 1, 2;
Sec. 29, Lots 1, 2, 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
Sec. 33, Lots 1, 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$,
NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$,
SE $\frac{1}{4}$;
Sec. 34, Lots 1, 2.

The areas described totals approximately 31,452 acres of public and private lands in San Bernardino County.

2. The following described parcel is classified as suitable for exchange to the State of California in aid of a Federal Land Program and this opening is limited to the disposition contemplated by this classification:

T. 7 N., R. 24 E.,

Sec. 8, Lot 1, 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

3. The above described lands extend along the west side of the Colorado River from the vicinity of Needles southeasterly to the vicinity of Parker Dam, a distance of about 50 miles. Most of the lands are included in the Havasu National Wildlife Refuge, the Chemehuevi Valley Indian Reservation and First Form Reclamation Withdrawals which are not restored by the provision of this order. The land is characterized by steep topography, poor soils and low rainfall. Scattered annual forbs provide a very limited amount of grazing in the spring of favorable years. Summertime temperatures average from 90° to 130° and winter low temperatures vary from 50° to 15°. Drying winds of gale force are prevalent.

4. No application for unreserved lands which are listed below, will be allowed under the homestead, desert land, small tract, or any other non-mineral public

land laws, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

T. 8 N., R. 23 E.,
Sec. 15, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 22, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 6 N., R. 24 E.,
Sec. 3, Lot 1, 2;
Sec. 14, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

5. The lands described shall be subject to application by the State of California for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with the provisions of the Act of May 28, 1948 (62 Stat. 275).

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

a. Applications and selections under non-mineral public land laws and offers under the mineral leasing 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 allowances and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and 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., local time, on June 15, 1958, and, 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., local time, on September 14, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., local time, on September 14, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been opened to location and entry under the United States

Mining Laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621), and to applications and offers under the mineral leasing laws.

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

8. Inquiries regarding these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 215 West Seventh Street, Los Angeles 14, California.

RAY BROWN,
Acting Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58-3739; Filed, May 19, 1958;
8:46 a. m.]

[Montana 022071]

MONTANA

RESTORATION AND OPENING ORDER UNDER FEDERAL POWER ACT

MAY 12, 1958.

In DA-145, 146, of the Federal Power Commission, issued December 2, 1955, the Commission determined that the value of the following-described lands classified for power purposes in Power Site Classification No. 276, would not be injured or destroyed for the purposes of power development by location, entry or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act.

MONTANA PRINCIPAL MERIDIAN

T. 28 N., R. 9 W.,
Sec. 3: Lots 6, 7 and 9;
Sec. 8: Lot 9;
Sec. 9: Lots 4, 5, 6 and 7; SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 18: Lots 8, 9, 10, 12 and 13.
T. 29 N., R. 9 W.,
Sec. 34: Lots 4 and 5;
Sec. 35: Lots 11, 12, 13, 14; SW $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 36: Lots 1, 2 and 4.
T. 28 N., R. 10 W.,
Sec. 23: Lots 6, 7, 8, 9, 10 and 11;
SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 24: Lots 3, 9 and 12.

The areas described aggregate 1127.55 acres.

The lands produce grass and forage that is used for support of livestock and wildlife. They support scattered, open stands of Douglas Fir with an under story of bunch grasses and browse. The topography varies from rolling lands to rough and steep mountains. The lands are suited for multiple use purposes such as grazing and watershed protection.

In accordance with the authority delegated by Order No. 541, section 2.5, of the

Director, Bureau of Land Management, of April 21, 1954, it is ordered as follows:

1. With respect to lots 8, 9, 10, 12 and 13, Sec. 18, T. 28 N., R. 9 W., this opening is made in furtherance of an exchange under sec. 8 of the act of June 28, 1934, as amended by sec. 3 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal land program. As to such lands, therefore, this opening is not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

2. The remaining lands shall be subject to application by the State of Montana for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER, for rights-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act (supra).

3. No application for the remaining lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights, the requirements of applicable law, and the provisions of section 24 of the Federal Power Act of June 10, 1920 (supra), the remaining lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral 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, Desert Land, 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 June 17, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on September 16, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on September 16, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their 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.

6. The lands have been open to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682) and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands shall be addressed to the State Supervisor, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58-3740; Filed, May 19, 1958;
8:46 a. m.]

VETERANS ADMINISTRATION

STATEMENT OF ORGANIZATION

ADDRESSES OF INSTALLATIONS AND JURISDICTIONAL AREAS OF DISTRICT OFFICES

The Veterans Administration statement of organization (21 F. R. 3812 and 22 F. R. 3996) is amended as follows:

Section 4 is revised to read as follows (in paragraph (a) changes have been made only in the following: California, District of Columbia, Florida, Georgia, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, Texas, Virginia, Washington, and Wisconsin):

Sec. 4. *Addresses of Veterans Administration installations and jurisdictional areas of district offices*—(a) *Addresses of Veterans Administration installations.* This is a guide to the location of Veterans Administration field stations in each State (also Alaska, Canal Zone, Hawaii, Philippines, and Puerto Rico) where information may be obtained by personal contact or correspondence concerning benefits to veterans and their dependents and beneficiaries. The parent regional offices, and centers having regional office activities, are listed with the VA Offices (formerly subregional and contact offices) indented thereunder. VA Offices having medical activities are preceded by an asterisk.

ALABAMA

Type of activity and location	Address
Regional Office, Montgomery 4.....	400 Lee Street.
VA Office, Birmingham 3.....	1724 Third Avenue North.
VA Office, Decatur.....	201 Gordon Drive.
VA Office, Gadsden.....	King Building, 524 Chestnut Street.
VA Office, Mobile 10.....	U. S. Court House and Customs House.
Hospital, Birmingham 3.....	Veterans Administration Hospital.
Hospital, Montgomery 10.....	Perry Hill Road.
Hospital, Tuscaloosa.....	Veterans Administration Hospital.
Hospital, Tuskegee.....	Veterans Administration Hospital.

ALASKA

Regional Office, Juneau.....	Goldstein Building.
VA Office, Anchorage.....	P. O. Box 1399, Federal Building.
VA Office, Fairbanks.....	P. O. Box 869, Federal Building.
VA Office, Ketchikan.....	P. O. Box 2621, Federal Building.

ARIZONA

Regional Office, Phoenix.....	Ellis Building, 137 North Second Avenue.
VA Office, Tucson.....	Greenway Station.
VA Office, Yuma.....	Post Office Building.
Hospital, Phoenix.....	Seventh Street and Indian School Road.
Hospital, Tucson.....	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Whipple.....	Veterans Administration Center.

ARKANSAS

Regional Office, Little Rock.....	555 Building, 211 Broadway.
VA Office, Batesville.....	Post Office Building.
VA Office, El Dorado.....	Federal Building.
VA Office, Forrest City.....	Post Office Building.
VA Office, Fort Smith.....	Post Office Building.
VA Office, Harrison.....	Seville Hotel.
VA Office, Jonesboro.....	Jonesboro Clinic Building.
VA Office, Pine Bluff.....	203½ West Fifth Street.
VA Office, Texarkana.....	Post Office Building, Fifth and State Line.
Hospital, Fayetteville.....	Veterans Administration Hospital.
Hospital, Little Rock.....	300 East Roosevelt Road.
Hospital, North Little Rock.....	Veterans Administration Hospital.

CALIFORNIA

Regional Office, Los Angeles 25.....	Manager's Office: 1031 South Broadway, Mail: 1380 South Sepulveda Boulevard.
VA Office, Bakersfield.....	1100 Golden State Highway.
VA Office, Las Vegas, Nev.....	120 South Third Street (P. O. Box 1751).
VA Office, Long Beach.....	Post Office Building, Third and American Avenues.
VA Office, Pasadena.....	137 North Marengo Avenue.
VA Office, San Bernardino.....	1120 North "E" Street.
VA Office, *San Diego 1.....	2131 Third Avenue.
VA Office, San Luis Obispo.....	864 Santa Rosa Street (P. O. Box 207).
Regional Office, San Francisco 3.....	49 Fourth Street.
VA Office, Fresno 21.....	Room 8, Post Office Building.
VA Office, *Oakland 12.....	1305 Franklin Street.
VA Office, Sacramento 14.....	921 Tenth Street.
VA Office, San Jose 10.....	192 St. Augustine Street.
*VA Office, Stockton 2.....	142 North California Street.
Hospital, Fresno.....	2615 Clinton Avenue.
Hospital, Livermore.....	Veterans Administration Hospital.
Hospital, Long Beach.....	5901 Seventh Street.
Center (Hospital and Domiciliary), Los Angeles 25.....	Sawtelle and Wilshire Boulevards.
Hospital, Oakland 12.....	13th and Harrison Streets.
Hospital, Palo Alto.....	Veterans Administration Hospital.
Hospital, San Fernando.....	Veterans Administration Hospital.
Hospital, San Francisco 21.....	Forty-second Avenue and Clement Street.
Hospital, Sepulveda.....	Veterans Administration Hospital.

CANAL ZONE

Veterans Administration Office, Balboa.....	Balboa Clubhouse. Mail: P. O. Box 3672.
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COLORADO

Center (Regional Office and District Office), Denver 2.....	Denver Federal Center.
VA Office, Boulder.....	1245 Pearl Street.
VA Office, Colorado Springs.....	121 East Pikes Peak Avenue.
VA Office, Pueblo.....	Federal Building.
Hospital, Denver 20.....	1055 Clermont Street.
Hospital, Fort Lyon.....	Veterans Administration Hospital.
Hospital, Grand Junction.....	Veterans Administration Hospital.

CONNECTICUT

Regional Office, Hartford 4.....	95 Pearl Street.
VA Office, *Bridgeport 3.....	355 Fairfield Avenue.
VA Office, New Haven 11.....	294 Cedar Street.
VA Office, Waterbury.....	111 Grand Street.

CONNECTICUT—continued

Type of activity and location	Address
Hospital, Newington 11	Veterans Administration Hospital.
Hospital, West Haven 16	West Spring Street.
DELAWARE	
Regional Office, Wilmington (No VA Office).	Dravo Building.
Hospital, Wilmington	Veterans Administration Hospital.
DISTRICT OF COLUMBIA	
Hospital, Washington 7	2650 Wisconsin Avenue NW.
Veterans Benefits Office, Washington 25.	Munitions Building.

FLORIDA

Regional Office, St. Petersburg	P. O. Box 1437.
VA Office, Fort Lauderdale	Radio Center Building, 100 East Las Olas Boulevard.
VA Office, Fort Pierce	118 Arcade Building.
VA Office, Gainesville	212 Southeast First Street.
VA Office, Jacksonville 1	Haverly Building, 317 Main Street.
VA Office, Key West	P. O. Box 609, Room 104, Post Office Building.
VA Office, Lakeland	Broderick Building.
VA Office, Marianna	Corner Estes and Lafayette Streets.
VA Office, Miami 10	3300 Northeast Second Avenue.
VA Office, Orlando	Federal Office Building.
VA Office, Pensacola	25 East Wright Street.
VA Office, Tallahassee	115 South Adams Street.
VA Office, Tampa 2	106 East Cass Street.
VA Office, West Palm Beach	712 Commerce Building.
Center (Hospital and Domiciliary), Bay Pines	Veterans Administration Center.
Hospital, Coral Gables	Veterans Administration Hospital.
Hospital, Lake City	Veterans Administration Hospital.

GEORGIA

Regional Office, Atlanta 8	441-449 West Peachtree Street NE.
VA Office, Albany	509 Citizens and Southern Bank Building, 100 North Washington Street.
VA Office, Athens	Room 306, New Post Office Building.
VA Office, Augusta	217 Masonic Building, 801 Broad Street.
VA Office, Brunswick	392½ Gloucester Street.
VA Office, Columbus	413 Flowers Building, 1204 First Avenue.
VA Office, Macon	220 Southern United Building, 407 Cherry Street.
VA Office, Rome	Room 305, West Building.
VA Office, Savannah	35 Bull Street.
VA Office, Valdosta	601 North Toombs Street.
Hospital, Atlanta 19	4158 Peachtree Road NE.
Hospital, Augusta	Veterans Administration Hospital.
Hospital, Dublin	Veterans Administration Hospital.
Domiciliary, Thomasville	Veterans Administration Domiciliary.

HAWAII

Regional Office, Honolulu 1	P. O. Box 3198.
VA Office, Hilo, Hawaii	P. O. Box 1779 (Post Office Building).

IDAHO

Center (Hospital and Regional Office), Boise	Fifth and Fort Streets.
VA Office, Coeur d'Alene	214 North Third Street.
VA Office, Idaho Falls	Post Office Building.
VA Office, Moscow	135 West Third Street.
VA Office, Pocatello	424 West Center Street.
VA Office, Twin Falls	249 Main Avenue East.

ILLINOIS

Type of activity and location	Address
Regional Office, Chicago 12	2030 West Taylor Street.
VA Office, Champaign	607 South Neil Street.
VA Office, East St. Louis	435 Missouri Avenue.
VA Office, Gary, Ind.	Gerometta Building, 301 East Fifth Avenue.
VA Office, Moline	1630 Fifth Avenue.
VA Office, Peoria	Central National Bank Building, Main and Adams.
VA Office, Rockford	312 South Main Street.
VA Office, Springfield	U. S. Post Office Building.
Hospital, Chicago 11	533 East Huron Street (Veterans Administration Research Hospital).
Hospital, Chicago 12	820 South Damen Avenue (Veterans Administration (West Side) Hospital).
Hospital, Danville	Veterans Administration Hospital.
Hospital, Downey	Veterans Administration Hospital.
Hospital, Dwight	Veterans Administration Hospital.
Hospital, Hines	Veterans Administration Hospital (Edward Hines, Jr. Hospital).
Hospital, Marion	Veterans Administration Hospital.

INDIANA

Regional Office, Indianapolis 9	36 South Pennsylvania Street.
VA Office, Evansville	206 Main Street.
VA Office, Fort Wayne 2	Post Office Building.
VA Office, Gary	(See Regional Office, Chicago.)
VA Office, Muncie	105 West Main Street.
VA Office, New Albany	304½ Pearl Street.
VA Office, South Bend 2	224 West Jefferson Boulevard.
VA Office, Terre Haute	Post Office Building.
Hospital, Fort Wayne 3	1600 Randallia Drive.
Hospital, Indianapolis 7	1481 West 10th Street.
Tenth Street Hospital Division	Mail: 1481 West 10th Street, Indianapolis 7.
Cold Spring Road Hospital Division	Mail: 1481 West 10th Street, Indianapolis 7.
Hospital, Marion	Veterans Administration Hospital.

IOWA

Center (Regional Office and Hospital), Des Moines 8	Veterans Administration Center.
VA Office, Cedar Rapids	Room 303, Federal Building.
VA Office, Mason City	Room 313, Post Office Building.
VA Office, Sioux City	Room 228, Federal Building.
VA Office, Waterloo	Room 322, Post Office Building.
Hospital, Iowa City	Veterans Administration Hospital.
Hospital, Knoxville	Veterans Administration Hospital.
Domiciliary, Clinton	Veterans Administration Domiciliary.

KANSAS

Center (Regional Office and Hospital), Wichita 8	5500 East Kellogg.
VA Office, Hutchinson	Post Office Building.
VA Office, Pittsburg	City Auditorium, Fifth and Pine Streets.
VA Office, Topeka	3701-9 West 21st Street.
Center (Hospital and Domiciliary), Wadsworth (within the Kansas territory)	Veterans Administration Center.
City, Mo., Regional Office territory	
Hospital, Topeka	Veterans Administration Hospital.
KENTUCKY	
Regional Office, Louisville 3	1405 West Broadway.
VA Office, Ashland	1617 Greenup Avenue.

KENTUCKY—continued

Type of activity and location	Address
Region Office, Louisville 3—Con.	Room 3, Post Office Building.
VA Office, Bowling Green.	Old Post Office Building, Third Street and Court Avenue.
VA Office, Covington.	Post Office Building.
VA Office, Harlan.	Chamber of Commerce Building.
VA Office, Hazard.	Room 7, Federal Building, Barr and Limestone Streets.
VA Office, Lexington.	(See Hospital, Cincinnati 20, Ohio.)
Hospital, Fort Thomas.	Veterans Administration Hospital.
Hospital, Lexington.	Mellwood and Zorn Avenue.
Hospital, Louisville 2.	Mail: Outwood Station, Dawson Springs, Kentucky.
Hospital, Outwood.	
LOUISIANA	
Regional Office, New Orleans 13.	2026 St. Charles Avenue.
VA Office, Baton Rouge 2.	Reynolds Building, 263 North Third Street.
VA Office, Hammond.	City Hall.
VA Office, Houma.	Terrebonne Parish Courthouse.
VA Office, Lafayette.	515 South Buchanan Street.
VA Office, Lake Charles.	921 1/2 Ryan Street.
Center (Regional Office and Hospital), Shreveport 12.	510 East Stoner Avenue.
Hospital, Alexandria.	Veterans Administration Hospital.
Hospital, New Orleans 12.	1601 Perdido Street.
MAINE	
Center (Regional Office and Hospital), Togus.	Veterans Administration Center.
VA Office, Bangor.	96 Harlow Street.
VA Office, Portland.	171 Middle Street.
MARYLAND	
Regional Office, Baltimore 2.	St. Paul and Fayette Streets.
VA Office, Cumberland.	Post Office Building, Pershing Street.
Hospital, Baltimore 18.	3900 Loch Raven Boulevard.
Hospital, Fort Howard.	Veterans Administration Hospital.
Hospital, Perry Point.	Veterans Administration Hospital.
MASSACHUSETTS	
Regional Office, Boston 8.	1 Beacon Street.
VA Office, Brockton.	Post Office Building.
VA Office, Fall River.	(See Providence, R. I., Regional Office.)
VA Office, Fitchburg.	230 Main Street.
VA Office, Greenfield.	Post Office Building.
VA Office, Lawrence.	477 Essex Street.
VA Office, Lowell.	Old Post Office Building.
VA Office, New Bedford.	(See Providence, R. I., Regional Office.)
VA Office, Pittsfield.	246 North Street.
VA Office, Salem.	126 Washington Street.
VA Office, Springfield.	1200 Main Street.
VA Office, Worcester 8.	7 Chatham Street.
Hospital, Bedford.	Veterans Administration Hospital.
Hospital, Boston 30.	150 South Huntington Avenue.
Hospital, Brockton.	Veterans Administration Hospital.
Hospital, Northampton.	Veterans Administration Hospital.
Hospital, Rutland Heights.	Veterans Administration Hospital.
Hospital, West Roxbury 32.	Veterans of Foreign War Parkway.
Outpatient Clinic, Boston 8.	17 Court Street.
MICHIGAN	
Regional Office, Detroit 31.	310 East Jefferson Avenue.
VA Office, Flint 3.	432 North Saginaw Street, Metropolitan Building.
VA Office, Grand Rapids.	Helmer Building, 21 Ottawa Avenue NW.
VA Office, Lansing.	300 East Michigan Avenue.

MICHIGAN—continued

Type of activity and location	Address
Hospital, Ann Arbor.	2215 Fuller Road.
Hospital, Battle Creek.	Veterans Administration Hospital.
Hospital, Dearborn.	Veterans Administration Hospital.
Hospital, Iron Mountain.	Veterans Administration Hospital.
Hospital, Saginaw.	1500 Weiss Street.
MINNESOTA	
Center (Regional Office and District Office), St. Paul 11.	Fort Snelling.
VA Office, Duluth 2.	Post Office Building.
Hospital, Minneapolis 17.	54th Street and 48th Avenue South.
Hospital, St. Cloud.	Veterans Administration Hospital.
MISSISSIPPI	
Center (Regional Office and Hospital), Jackson.	Veterans Administration Center.
VA Office, Meridian.	Room 306, Post Office Building.
Center (Hospital and Domiciliary), Biloxi.	Veterans Administration Center.
Biloxi Hospital and Domiciliary Division.	Mail: Biloxi.
Gulfport Hospital Division.	Mail: Biloxi.
MISSOURI	
Regional Office, Kansas City 8.	1223 Walnut Street.
VA Office, Joplin.	McKinley Building, 505 Joplin Avenue.
VA Office, St. Joseph.	Post Office Building, Eighth and Edmund Streets.
VA Office, Sedalia.	208 South Lamine Street.
VA Office, Springfield.	Wilhoit Building, Pershing and Jefferson Streets.
Regional Office, St. Louis 2 (No VA office).	415 Pine Street.
Hospital, Excelsior Springs.	Veterans Administration Hospital.
Hospital, Jefferson Barracks 23.	Veterans Administration Hospital.
Hospital, Kansas City 28.	4301 Linwood Boulevard.
Hospital, Poplar Bluff.	Veterans Administration Hospital.
Hospital, St. Louis 6.	915 North Grand Boulevard (John J. Cochran Veterans Hospital).
MONTANA	
Center (Regional Office and Hospital), Fort Harrison.	Veterans Administration Center.
VA Office, Billings.	Room 219, U. S. Post Office and Court House, 26th Street and First Avenue. Mail: P. O. Box 1718.
VA Office, Butte.	Room 303, Medical Arts Building, Park and Main Streets.
VA Office, Great Falls.	Room 304, Federal Building, First Avenue North and Third Street North. Mail: P. O. Box 1788.
VA Office, Missoula.	Room 513, Savings Center Building, Broadway and Higgins.
Hospital, Miles City.	Veterans Administration Hospital.
NEBRASKA	
Regional Office, Lincoln 1.	Veterans Building, 12th and O Streets.
VA Office, Omaha 2.	1612 Harney Street.
Hospital, Grand Island.	Veterans Administration Hospital.
Hospital, Lincoln 1.	Veterans Administration Hospital.
Hospital, Omaha 5.	4101 Woolworth Avenue.
NEVADA	
Center (Regional Office and Hospital), Reno.	Veterans Administration Center.
VA Office, Las Vegas.	(See Los Angeles, Calif., Regional Office.)

NEW YORK—continued

Type of activity and location	Address
Hospital, Northport, Long Island	Veterans Administration Hospital.
Hospital, Sunmount	Veterans Administration Hospital.
Hospital, Syracuse 10	Irving Avenue and University Place.

NORTH CAROLINA

Regional Office, Winston-Salem	310 West Fourth Street.
VA Office, Asheville	Room 421, City Building.
VA Office, Charlotte	127 West Seventh Street.
VA Office, Durham	302 Morris Street.
VA Office, Goldsboro	Rooms 806-807, Wachovia Bank Building.
VA Office, New Bern	Post Office Building, P. O. Box 352.
VA Office, Raleigh	1212-13 Capital Club Building.
VA Office, Wilmington	Room 200, Custom House.
Hospital, Durham	Fulton Street and Erwin Road.
Hospital, Fayetteville	Veterans Administration Hospital.
Hospital, Oteen (includes Division at Swannanoa)	Veterans Administration Hospital.
Hospital, Salisbury	Veterans Administration Hospital.

NORTH DAKOTA

Center (Regional Office and Hospital), Fargo	Veterans Administration Center.
VA Office, Bismarck	Federal Building.
VA Office, Grand Forks	102 North Fourth Street.
Hospital, Minot	Veterans Administration Hospital (John Moses Veterans Memorial Hospital).

OHIO

Regional Office, Cincinnati 2	209 East Sixth Street.
VA Office, Cambridge	118½ North Ninth Street.
VA Office, Columbus 22	48 Starling Street.
VA Office, Dayton 2	15 East Fourth Street.
VA Office, Hamilton	182 High Street.
VA Office, Ironton	411 Center Street.
VA Office, Marietta	Room 523, First National Bank Building, 200 Putnam Street.
VA Office, Portsmouth	Post Office Building, 610 Gay Street.
VA Office, Springfield	McAdams Building, 31 East High Street.
VA Office, Zanesville	406 Market Street.
Regional Office, Cleveland 14	Cuyahoga Building.
VA Office, Akron	72-76 South High Street.
VA Office, Canton 2	117 Walnut Avenue NE.
VA Office, Lorain	Broadway Building, 305 Broadway Avenue.
VA Office, Soudersville	227 North Fifth Street.
VA Office, Toledo 4	604 Jackson Street.
VA Office, Warren	Post Office Building.
VA Office, Youngstown 3	Union National Bank Building, 6 West Federal Street.
Hospital, Brecksville	Veterans Administration Hospital.
Hospital, Chillihothe	Veterans Administration Hospital.
Hospital, Cincinnati 20	3300 Vine Street.
Cincinnati Hospital Division	Mail: 3200 Vine Street, Cincinnati 20.
Fort Thomas (Ky.) Hospital Division	Mail: 3200 Vine Street, Cincinnati 20.
Hospital, Cleveland 80	7300 York Road.
Center (Hospital and Domiciliary), Dayton	Veterans Administration Center.

OKLAHOMA

Regional Office, Muskogee	Second and Court Streets.
VA Office, Ardmore	Federal Building.
VA Office, Bartlesville	Rooms 220-222, Post Office Building.
VA Office, Enid	Federal Building, 105 West Broadway.

NEW HAMPSHIRE

Type of activity and location	Address
Regional Office, Manchester	497 Silver Street.
VA Office, Dover	90 Washington Street.
VA Office, Laconia	Room 208, Forestry Building, 719 Main Street.
Hospital, Manchester	Smyth Road.

NEW JERSEY

Regional Office, Newark 2	20 Washington Place.
VA Office, Atlantic City	Old Post Office Building, Pacific and Pennsylvania Avenues.
VA Office, Camden	Broadway Stevens Building, 300 Broadway.
VA Office, Jersey City	880 Bergen Avenue.
VA Office, Paterson	Room 201, Post Office Building.
VA Office, Trenton	200 East State Street.
Hospital, East Orange	Veterans Administration Hospital.
Hospital, Lyons	Veterans Administration Hospital.

NEW MEXICO

Regional Office, Albuquerque	11th Street and Tijeras Avenue.
VA Office, Carlsbad	County Courthouse.
VA Office, Clovis	County Courthouse.
VA Office, Gallup	Post Office Building, P. O. Box 791.
VA Office, Las Cruces	Dona Ana County Courthouse.
VA Office, Las Vegas	Post Office Building, P. O. Box 638.
VA Office, Santa Fe	Suite 3, Healy Building, 120 East Marcy Street.
Hospital, Albuquerque	Veterans Administration Hospital.
Hospital, Fort Bayard	Veterans Administration Hospital.

NEW YORK

Regional Office, Albany 1	Watervliet Arsenal.
VA Office, Kingston	Rooms 201-203, Main Post Office.
VA Office, Poughkeepsie	City Hall Building.
VA Office, Poughkeepsie	15 Washington Street.
Regional Office, Schenectady	Lorraine Building, 601-605 State Street.
VA Office, Schenectady	256 Livingston Street.
Regional Office, Buffalo 3	1621 Main Street.
VA Office, Niagara Falls	1506 United Office Building, 220 First Street.
VA Office, Rochester	38 State Street.
Regional Office, New York City 1	352 Seventh Avenue.
VA Office, Jamaica, Long Island	88-09 Surphin Boulevard.
VA Office, Middletown	16 King Street.
VA Office, Minneola, Long Island	320 Old County Road.
VA Office, Newburgh	Post Office Building.
VA Office, White Plains	County Office Building.
Regional Office, Syracuse 2	Chimes Building, 500 South Salina Street.
VA Office, Binghamton	Press Building, 19 Chenango Street.
VA Office, Utica 2	110 Genesee Street.
Outpatient Clinic, Brooklyn 1	35 Ryerson Street. Mail: 250 Livingston Street.
Hospital, Albany	Veterans Administration Hospital.
Hospital, Batavia	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Bath	Veterans Administration Center.
Hospital, Bronx 68	130 West Kingsbridge Road.
Hospital, Brooklyn 9	200 Poly Place.
Hospital, Buffalo 15	3495 Bailey Avenue.
Hospital, Canandaigua	Veterans Administration Hospital.
Hospital, Castle Point	Veterans Administration Hospital.
Hospital, Montrose	Veterans Administration Hospital.
Hospital, New York 10	Boosevelt Hospital.
	First Avenue at East 24th Street.

(Franklin Delano)

OKLAHOMA—Continued

Type of activity and location	Address
Regional Office, Muskogee—Cont.	
VA Office, Hugo	Room 6, Post Office Building.
VA Office, Lawton	Federal Building, P. O. Box 1185.
VA Office, McAlester	Rooms 203-207, Post Office Building.
VA Office, *Oklahoma City 3	210 Northwest Fifth Street.
VA Office, Ponca City	213 Federal Building.
VA Office, Shawnee	107 North Broadway.
VA Office, Tulsa	Room 602, Petroleum Building, 420 South Boulder Street.
Hospital, Muskogee	Memorial Station, Honor Heights Drive.
Hospital, Oklahoma City 4	921 Northeast 13th Street.
OREGON	
Regional Office, Portland 4	208 Southwest Fifth Avenue.
VA Office, Eugene	610 Willamette Street.
VA Office, Medford	33 North Riverside Avenue.
Domiciliary, Camp White	Veterans Administration Domiciliary.
Hospital, Portland 7	Sam Jackson Park.
Hospital, Roseburg	Veterans Administration Hospital.
PENNSYLVANIA	
Regional Office, Philadelphia 2	128 North Broad Street.
VA Office, Allentown	1122 Hamilton Street.
VA Office, Reading	U. S. Post Office Building.
Regional Office, Pittsburgh 22	107 Sixth Street.
VA Office, Altoona	Crist Building, 1114 12th Street.
VA Office, Erie	U. S. Court Building, State Street and South Park Row.
VA Office, Johnstown	Old Post Office Building, Market and Locust Streets.
VA Office, Uniontown	Union Trust Building, 37 Main Street.
VA Office, *Wheeling, W. Va.	11th and Chapline Streets.
Regional Office, Wilkes-Barre	19-27 North Main Street.
VA Office, *Harrisburg	100 North Cameron Street.
VA Office, Lancaster	250 West Orange Street.
VA Office, Pottsville	Thompson Building, 23-27 North Centre Street.
VA Office, Scranton 3	Select Building, 116-18 North Washington Avenue.
VA Office, Shamokin	24 South Market Street.
VA Office, Williamsport	153 West Fourth Street.
VA Office, York	60 South Beaver Street.
District Office, Philadelphia 1	5000 Wissahickon Avenue. Mail: P. O. Box 8079. Re-mittance: P. O. Box 7787.
Hospital, Altoona	Veterans Administration Hospital.
Hospital, Butler	Veterans Administration Hospital.
Hospital, Coatesville	Veterans Administration Hospital.
Hospital, Erie 5	135 East 38th Street Boulevard.
Hospital, Lebanon	Veterans Administration Hospital.
Hospital, Philadelphia 4	University and Woodland Avenues.
Hospital, Pittsburgh 6	Leach Farm Road.
Hospital, Pittsburgh 40	University Drive.
Aspinwall Hospital Division	Mail: University Drive, Pittsburgh 40.
Pittsburgh Hospital Division	Mail: University Drive, Pittsburgh 40.
Hospital, Wilkes-Barre	East End Boulevard.
PHILIPPINES	
Regional Office, Manila	AFPO 928, San Francisco, Calif.
VA Office, Cebu City, Philippines	City Hall.

PUERTO RICO

Type of activity and location	Address
Center (Regional Office and Hospital), San Juan	320 Ponce de Leon Avenue.
VA Office, Arecibo	28 De Diego Street.
VA Office, Caguas	45 Celis Aguilera Street.
VA Office, Cayey	11 Barbosa and Baldorioty Streets.
VA Office, Humacao	Munoz Marin Avenue and Ulises Martinez Street.
VA Office, Ponce	Post Office Building, Atocha Street.
VA Office, Mayaguez	Post Office Building.
SHORE ISLAND	
Regional Office, Providence 3	100 Fountain Street.
VA Office, Fall River, Mass.	144 North Main Street.
VA Office, *New Bedford, Mass.	757 Pleasant Street.
Hospital, Providence 8	Davis Park.
SOUTH CAROLINA	
Regional Office, Columbia	1801 Assembly Street.
VA Office, Charleston 10	The Old Citadel Building.
VA Office, Greenville	Federal Courthouse and Post Office Building.
VA Office, Orangeburg	370 St. Paul Street NE.
VA Office, Spartanburg	Montgomery Building.
Hospital, Columbia	Veterans Administration Hospital.
SOUTH DAKOTA	
Center (Regional Office and Hospital), Sioux Falls	Veterans Administration Center (Royal C. Johnson Veterans Memorial Hospital).
VA Office, Rapid City	414 Seventh Street.
Hospital, Fort Meade	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Hot Springs	Veterans Administration Center.
TENNESSEE	
Regional Office, Nashville 3	U. S. Court House, 801 Broadway.
VA Office, *Chattanooga 2	733 Georgia Avenue, Dome Building.
VA Office, Knoxville	618 West Church Avenue.
VA Office, Memphis 3	328 Dermon Office Building, 46 North Third Street.
Hospital, Memphis 15	Park Avenue and Getwell Street.
Hospital, Murfreesboro	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Mountain Home	Veterans Administration Center.
Hospital, Nashville 5	90 White Bridge Road.
TEXAS	
Regional Office, Dallas	912 South Erway Street.
VA Office, Fort Worth	300 West Vickery Street.
VA Office, Wichita Falls	Federal Building, Lamar at 10th Streets.
Regional Office, Houston 4	2500 LaBranch Street.
VA Office, Beaumont	Post Office Building, P. O. Box 751.
VA Office, Brenham	County Court House, 105 East Main Street.
VA Office, Galveston	Post Office Building.
Regional Office, Lubbock	1612-20 19th Street.
VA Office, Abilene	Room 306, New Post Office Building.
VA Office, Amarillo	Room 306, New Post Office Building.
VA Office, El Paso	102 South El Paso Street.
VA Office, Odessa	County Courthouse.
VA Office, San Angelo	Rooms 400-401, McBurnett Building.

TEXAS—continued

Type of activity and location	Address
Regional Office, San Antonio 8	307 Dwyer Avenue.
VA Office, Corpus Christi	Rooms 114-115, Federal Building.
VA Office, Del Rio	Post Office Building.
VA Office, Harlingen	Post Office Building.
VA Office, Laredo	Post Office Building.
VA Office, Victoria	Federal Building.
Center (Regional Office and Hospital), Waco	Veterans Administration Center.
VA Office, Austin	314 West 11th Street. Mail: P. O. Box 42.
VA Office, Brownwood	207 Brown Street.
VA Office, Corsicana	State National Bank Building, 101 North Boston Street.
Hospital, Amarillo	Veterans Administration Hospital.
Hospital, Big Spring	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Bonham	Veterans Administration Center.
Hospital, Dallas 2	Veterans Administration Hospital.
Hospital, Houston 31	2002 Holcombe Boulevard.
Hospital, Kerrville	Veterans Administration Hospital.
Hospital, Marlin	Veterans Administration Hospital.
Hospital, McKinney	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Temple	Veterans Administration Center.
Regional Office, Salt Lake City 4	1750 South Redwood Road.
VA Office, Ogden	Post Office Building, 24th Street and Grant Avenue.
Hospital, Salt Lake City 1	Fort Douglas Station.
Fort Douglas Hospital Division	Mail: Fort Douglas Station, Salt Lake City 1.
Twelfth Avenue Hospital Division	Mail: Fort Douglas Station, Salt Lake City 1.
Center (Regional Office and Hospital), White River Junction	
VA Office, Burlington	86 St. Paul Street.

VERMONT

Center (Regional Office and Hospital), White River Junction	
VA Office, Burlington	86 St. Paul Street.

VIRGINIA

Regional Office, Roanoke 11	211 West Campbell Avenue.
VA Office, Danville	Room 306, Post Office Building.
VA Office, Lynchburg	Room 317, Post Office Building.
VA Office, Norfolk	Room 217, Post Office Building.
VA Office, Richmond 30	900 North Lombardy Street.
Center (Hospital and Domiciliary), Keesoughtan	Veterans Administration Center.
Hospital, Richmond, 19	Broad Rock Road and Belt Boulevard.
Hospital, Roanoke 17	Veterans Administration Hospital.

WASHINGTON

Regional Office, Seattle 1	Tower Building, Seventh Avenue and Olive Way.
VA Office, Bellingham	223 Kulkhan Building, Magnolia and Cornwell.
VA Office, Everett	Room 407, Colby Building, Hewitt and Colby Avenues.
VA Office, Richland	1329 George Washington Way.
VA Office, Spokane 8	208 Hutton Building, Sprague and Washington Streets.
VA Office, Tacoma	Room 232, Security Building, 915 1/2 Pacific Avenue.
VA Office, Wenatchee	Cheban County Courthouse.
VA Office, Yakima	Room 424, Liberty Building.
Hospital, American Lake	Veterans Administration Hospital.
Hospital, Seattle 8	4435 Beacon Avenue.
Hospital, Spokane 15	North 4315 Assembly Street.

WASHINGTON—continued

Type of activity and location	Address
Hospital, Vancouver	Veterans Administration Hospital.
Hospital, Walla Walla	Veterans Administration Hospital.
Regional Office, Huntington 1	824 Fifth Avenue.
VA Office, Beckley	104 McCreary Street.
VA Office, Bluefield	318 Federal Street.
VA Office, Charleston 1	U. S. Courthouse.
VA Office, Clarksburg	227 West Pike Street.
VA Office, Martinsburg	Boyd Building, 202 South Queen Street.
VA Office, Morgantown	223 Fayette Street.
VA Office, Parkersburg	221 Fourth Street.
VA Office, Wheeling	(See Regional Office, Pittsburgh 22, Pa.)
Hospital, Beckley	Veterans Administration Hospital.
Hospital, Clarksburg	Veterans Administration Hospital.
Hospital, Huntington 1	1540 Spring Valley Drive.
Center (Hospital and Domiciliary), Martinsburg	Veterans Administration Center.

WISCONSIN

Regional Office, Milwaukee 2	342 North Water Street.
VA Office, Ashland	209 Vaughn Avenue.
VA Office, Eau Claire	319 South Farwell Street.
VA Office, Green Bay	311 South Adams Street.
VA Office, La Crosse	Sixth and Vine Streets.
VA Office, Madison	237 West Gilman Street.
VA Office, Racine	Arche Building, 423 North Main Street.
VA Office, Superior	Post Office Building.
VA Office, Wausau	Courthouse Annex, Fourth and Scott Streets.
Hospital, Madison	Veterans Administration Hospital.
Hospital, Tomah	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Wood	Veterans Administration Center.
Waukesha Hospital Division	Mail: Wood, Wisconsin.
Wood Hospital and Domiciliary Division	Mail: Wood, Wisconsin.

WYOMING

Center (Regional Office and Hospital), Cheyenne	Veterans Administration Center.
VA Office, Casper	140-150 East Midwest Avenue.
Hospital, Sheridan	Veterans Administration Hospital.

(b) Jurisdictional areas of district offices (see sec. 3 (a) for district office functions):

LOCATION AND AREA

Denver, Colo. (district office): Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, Territory of Hawaii, Texas, Utah, and Wyoming.

Philadelphia, Pa. (district office): Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico (including Virgin Islands), Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

Note: Records of National Service Life Insurance paid by allotment, and records of persons residing in foreign countries including the Republic of the Philippines, and all records of United States Government Life Insurance are located in the Philadelphia District Office.

St. Paul, Minn. (district office): Alaska, Idaho, Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wisconsin.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-3758; Filed, May 19, 1958; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

Sogemar, S. A. (SOCIETE GENERALE D'ENTREPRISES MARITIMES)

ORDER DENYING EXPORT PRIVILEGES FOR AN INDEFINITE PERIOD

In the matter of Sogemar, S. A. (Societe Generale d'Entreprises Maritimes), 14, Rue du Margrave, Antwerp, Belgium, respondent; File 23-506.

There is pending an investigation concerning nondelivery and consequent unauthorized diversion of two lots of diesel engine spare parts exported from the United States under validated licenses authorizing such exportations to Saudi Arabia, and the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, has applied for an order denying to Sogemar, S. A. (Societe Generale d'Entreprises Maritimes) of Antwerp, Belgium, the forwarding agent which handled the shipping documents at Antwerp, Belgium, all export privileges for an indefinite period by reason of its failure and refusal to respond to written interrogatories duly served on it. The application was made pursuant to § 382.15 of the Export Regulations (15 CFR, Chapter III, Subchapter B) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

Now, upon receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, in which evidence it appears (1) that the respondent, during the course of its handling of the goods involved herein, became informed from destination control notices on the documents of title thereof that the delivery of such goods was restricted to Saudi Arabia and (2) that the goods, in fact, were not delivered to Saudi Arabia, and finding that relevant and material interrogatories were duly served on the respondent which, although informed as aforesaid, claimed that it was absolved from answering said interrogatories by reason of its position as a forwarding agent responsible only to its principal and, having concluded that the relationship of a forwarding agent to its principal does not excuse the forwarding agent from answering interrogatories directed to such forwarding agent's acts and conduct with respect to the movement of goods exported from the United States and subject to its controls, it is hereby held that such failure and refusal of the respondent to answer and furnish written information and documents in response to the interrogatories are without reasonable cause and without adequate explanation and, having concluded further (a) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended, and (b) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order

of the provisions hereafter set forth so that the respondent may be prevented from receiving and transshipping commodities exported from the United States so long as it is effective;

It is hereby ordered:

I. All outstanding validated export licenses in which the respondent appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

II. The respondent, its successors or assigns, partners, directors, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any past, present, or future exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondent's and such other persons' and firms' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

III. This denial of export privileges shall apply not only to the respondent, but also to any person, firm, corporation, or business organization with which it now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

IV. This order shall remain in effect until the respondent satisfactorily answers or furnishes written information or documents in response to the interrogatories heretofore served on it or gives adequate reason for its failure or refusal to respond, except insofar as it may be amended or modified hereafter in accordance with the Export Regulations;

V. No person, firm, corporation, or other business organization, within the United States or elsewhere (whether or not engaged in trade relating to exports from the United States) shall, on behalf of or in any association with the respondent or any related party, without prior disclosure of the facts to and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, or do any of the foregoing acts with respect to any

exportation in which respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

VI. In accordance with the provisions of § 382.11 (c) of the Export Regulations, the respondent may move, at any time prior to the cancellation or termination hereof, to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner, and it may request oral hearing thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D. C., at the earliest convenient date.

Dated: May 15, 1958.

JOHN C. BORTON,

Director,

Office of Export Supply.

[F. R. Doc. 58-3752; Filed, May 19, 1958; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-331]

ACCIDENT OCCURRING AT FREELAND, MICH.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 7437, which occurred at Freeland, Michigan, April 6, 1958.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, June 3, 1958, at 9:30 a. m. (local time) in the Bancroft Hotel Jenesee and Washington Avenue, Saginaw, Michigan, and will reconvene at 9:30 a. m., on Tuesday, July 8, 1958, in Room, "B," Departmental Auditorium, Department of Labor Building, Washington, D. C.

Dated at Washington, D. C., May 12, 1958.

[SEAL]

VAN R. O'BRIEN,

Presiding Officer.

[F. R. Doc. 58-3762; Filed, May 19, 1958; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-622]

DURANT FUND

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

MAY 15, 1958.

Notice is hereby given that The Durant Fund ("Durant"), a trust which was organized under the laws of the State of Michigan on March 3, 1953, and which is registered under the Investment Company Act of 1940 ("act") as an open-end, diversified investment company, has filed an application pursuant to section 8 (f) of the act for an order of the Commission declaring that it has ceased to be an investment company.

Durant registered under the act on March 10, 1953. On January 23, 1957,

the trustees of Durant, having decided to terminate the fund, adopted a plan of liquidation pursuant to which an agreement was entered into with Manufacturers National Bank of Detroit appointing the latter custodian of the assets of Durant and disbursing agent to carry out the liquidation.

As permitted by the plan, securities of Durant were liquidated and shares held by the public redeemed on the basis of original cost less capital gains distributed in respect of such shares. The last redemption of shares held by a public shareholder took place on June 11, 1957. The balance remaining after such liquidation and redemption was turned over to the regular custodian for Durant for the benefit of Richard Durant and members of his family, who are now the sole stockholders in the fund.

Applicant represents that there are presently no public shareholders of Durant and that the trustees do not intend to make any public offering of shares of Durant in the future.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 29, 1958 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 58-3791; Filed, May 19, 1958;
8:55 a. m.]

[File No. 811-414]

FIDEL ASSOCIATION OF NEW YORK, INC.
NOTICE OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

MAY 15, 1958.

Notice is hereby given that Fidel Association of New York, Incorporated ("Applicant"), a New York corporation and a face-amount certificate investment company registered as such under the Investment Company Act of 1940 ("act"), has filed an application and amendments thereto pursuant to section 8 (f) of the act for an order declaring that Applicant has ceased to be an investment company under the act, by

virtue of the provisions of section 3 (c) (1) of the act.

Applicant was organized November 6, 1931, under the laws of the State of New York for the purpose of issuing and selling securities of its own issue commonly known as "face amount certificates". Such business was carried on by the corporation in the State of New York prior to the effective date of the Investment Company Act of 1940. No new face-amount certificates have been issued subsequent to December 31, 1940, except certificates issued in lieu of certificates theretofore outstanding. During the intervening years the only business activity carried on by the corporation was the investing of its funds and the servicing of its outstanding face-amount certificates in accordance with the provisions of such certificates and the Collateral Trust Indentures under which they were issued.

The maximum aggregate liability of the corporation with respect to principal and interest on all outstanding face-amount certificates (held by 58 persons), calculated to maturity, is approximately \$10,000. Cash and securities in excess of that amount are in the hands of the Trustee in the Collateral Trust Funds for payment of such liability. Applicant states that in any event, cash in an amount sufficient to pay the maximum amount due on the certificates and coupons, calculated to maturity, will remain in the hands of the Trustee under the Collateral Trust Indentures in lieu of securities which may fluctuate in value. As the statute of limitations runs the Trustee will pay over the various amounts unclaimed under the Abandoned Property Law of the State of New York as may be required.

Applicant's stockholders at a meeting held April 29, 1958, voted unanimously to dissolve and liquidate the corporation. After payment of all liabilities or provision therefor having been made the remaining assets, having an approximate book value at December 31, 1957, of \$600,000, will be distributed pro rata per share among the stockholders, seven (7) in number.

Section 3 (c) (1) of the act excepts from the definition of an "investment company" any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. Section 8 (f) of the act provides, in part, that whenever the Commission, upon application finds that a registered company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect. Section 8 (f) further provides that an order thereunder may be made upon conditions necessary for the protection of investors.

Notice is further given that any interested person may, not later than May 29, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of

his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 58-3792; Filed, May 19, 1958;
8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-9572, G-9573]

UNITED CARBON CO. AND COLUMBIAN
FUEL CORP.

NOTICE OF RECONVENING OF HEARING

MAY 14, 1958.

Notice is hereby given that the Presiding Examiner will reconvene the hearing in the above-designated matters on June 19, 1958, at 10:00 a. m., e. d. t., in a Federal Power Commission Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3741; Filed, May 19, 1958;
8:46 a. m.]

[Docket Nos. G-3664, G-9045, G-9046]

HOUSTON NATURAL GAS PRODUCTION CO.

NOTICE OF POSTPONEMENT OF HEARING

MAY 14, 1958.

Upon consideration of the request filed May 13, 1958 by Counsel for Houston Natural Gas Production Company for postponement of the hearing now scheduled for May 19, 1958 in the above-designated matter:

The hearing now scheduled for May 19, 1958 is hereby postponed to June 19, 1958, at 10:00 a. m., e. d. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3742; Filed, May 19, 1958;
8:47 a. m.]

[Docket No. G-14465]

MICHIGAN GAS STORAGE CO.

NOTICE OF APPLICATION AND DATE OF
HEARING

MAY 14, 1958.

Take notice that Michigan Gas Storage Company (Applicant), a Michigan corporation, with its principal place of business in Jackson, Michigan, filed an application on February 11, 1958, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience

and necessity authorizing the construction and operation of the following described natural gas facilities, subject to the jurisdiction of the Commission, as more fully described in the application on file with the Commission, and open for public inspection. The facilities are:

(1) Approximately 40 miles of 26-inch transmission pipeline extending from Ithaca Junction in Gratiot County, Michigan, to Stevenson Lake Junction in Isabella County, Michigan, looping Applicant's existing 16- and 22-inch pipelines.

(2) 25 new wells in the Winterfield and Cranberry Lake Storage Fields, together with the appurtenant facilities to connect the new wells to the existing gathering systems in the fields.

The application recites that the proposed facilities are required to enable it to meet the increasing requirements of its sole customer, Consumers Power Company (Consumers), during the winter of 1958-1959. Applicant's estimated natural gas requirements for sale to Consumers are as follows:

Year of service	Requirements in Mcf (actual)	
	Annual	Peak day
1957 (actual).....	81,762,123	498,073
1958.....	82,019,000	523,519
1959.....	89,291,000	537,985

The application recites the requirements for the 1958-1959 peak day over that of 1957-1958 is due to an anticipated increase of approximately 19,000 non-space heating customers on Consumers' system, and to declining production from local fields. The proposed 26-inch pipeline is necessary to enable Applicant to deliver 438,500 Mcf on peak day from storage, and the 25 new wells in Winterfield and Cranberry Lake Storage Fields would increase the deliverability of the fields approximately 8 percent at the 463 psig field pressure expected on March 1, 1959, when peak demand might occur. Applicant states that to meet the estimated peak day requirements of 523,500 during the 1958-1959 season, Applicant would have to withdraw 438,500 Mcf from its storage fields to augment the 85,000 Mcf to be received from Panhandle Eastern Pipe Line Company on a peak day; whereas the present capacity of Applicant's transmission system from the storage fields to Consumers' system is only 407,500 Mcf per day.

The estimated total capital cost of constructing the proposed facilities is \$3,990,000, which will be financed by short-term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 2, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.,

concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 30, 1958. Failure of any party to appear and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the immediate decision procedure in cases where a request therefor is made.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.[F. R. Doc. 58-3743; Filed, May 19, 1958;
8:47 a. m.]

[Docket No. G-15083]

RESLER & SHELDON ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

MAY 14, 1958.

Resler & Sheldon (Operator) et al. (Resler & Sheldon), on April 14, 1958, tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Resler & Sheldon's FPC Gas Rate Schedule No. 1.

Effective date: May 15, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Resler & Sheldon merely cite the contract provisions therefor and submit a copy of a letter from El Paso Natural Gas Company agreeing to pay the increased price subject to the Commission's approval.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Resler & Sheldon's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regu-

lations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Resler & Sheldon's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 15, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission (Commissioner Kline dissenting).

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.[F. R. Doc. 58-3744; Filed, May 19, 1958;
8:47 a. m.]

[Docket No. G-15087]

O. NEATHERY, JR., ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

MAY 14, 1958.

O. Neathery, Jr. (Operator) et al. (Neathery), on April 14, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 10, 1958.

Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 1 to Neathery's FPC Gas Rate Schedule No. 3.
Effective date: May 15, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Neathery cites the favored-nation clause of the contract and states that his costs of drilling and producing gas have increased. However, no cost data are submitted. Neathery also states that the well covered by the rate schedule is located in river bottom land and has been covered by water seven times in the last year causing shutting in the well and expensive maintenance problems. In addition, Neathery submits a copy of a letter from Trunkline Gas Company in which the new rate of 15.0 cents per Mcf is stated. The letter also states that the increased price is subject to the Commission's approval.

* Filing completed on April 24, 1958.

* Includes 0.25 cent per Mcf for dehydration of gas.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Neathery's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Neathery's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 15, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3745; Filed, May 19, 1958;
8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

EDUARD MEYRAT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Eduard Meyrat, Basel, Switzerland; Claim No. 61498; \$179.00 in the Treasury of the United States. Vesting Order No. 17903.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

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

[F. R. Doc. 58-3753; Filed, May 19, 1958;
8:49 a. m.]

JOHAN VAN LEEUWEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Johan van Leeuwen, Krammerstraat 14 h., Amsterdam, The Netherlands; Claim No. 60431; \$567.14 in the Treasury of the United States. Vesting Order No. 17901.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

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

[F. R. Doc. 58-3754; Filed, May 19, 1958;
8:50 a. m.]

HANS WEINBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Hans Weinberg, Hilversum, The Netherlands; Claim No. 60774; \$1,400.00 in the Treasury of the United States. Vesting Order No. 17742.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

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

[F. R. Doc. 58-3755; Filed, May 19, 1958;
8:50 a. m.]

ELISABETHFONDS

AMENDED NOTICE OF INTENTION TO RETURN VESTED PROPERTY

The Notice of Intention to Return Vested Property to Elisabeth Wilhemina

le Comte which was published on October 3, 1957 (22 F. R. 7877), is hereby amended to delete the identity of the claimant and description of the property and to substitute the following:

Elisabethfonds, Heemraadsingel 233, Rotterdam, Holland; Claim No. 60708; \$146.84 in the Treasury of the United States. Vesting Order No. 17836.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

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

[F. R. Doc. 58-3756; Filed, May 19, 1958;
8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32385]

[No. 32385 (Sub-No. 1)]

CENTRAL STATES TERRITORY, 1958

INCREASED RATES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 13th day of May A. D. 1958.

Increased rates, Central States Territory, 1958; No. 32385; emergency increased rates, Central States Territory, 1958; No. 32385 (Sub-No. 1).

Upon consideration of petition dated February 24, 1958, of Central States Motor Freight Bureau, Inc., for general investigation into the reasonableness and lawfulness of the class and commodity rates of all motor common carriers of property in central territory, and supporting petition of the Motor Carriers Tariff Bureau, Inc., dated March 25, 1958; petition dated April 4, 1958, of the Central States Motor Freight Bureau, Inc., for (1) an immediate investigation and for emergency relief, and (2) for withholding action on the petition dated February 24, 1958, referred to above; replies of The National Industrial Traffic League; Ramus Trucking Line, Inc.; Oscar Mayer & Company, et al.; National Small Shipments Traffic Conference, Inc.; Central Territory Traffic Conference; Louisville Chamber of Commerce; Ezra Taft Benson, Secretary of Agriculture; and it appearing that this proceeding should embrace the class rates, commodity rates, and classification of property, and the rules and regulations, and practices relating thereto, of motor common carriers of property operating between points in central territory as defined in the next succeeding paragraph; and it further appearing that this is a proceeding in which petitioner should assume the burden of establishing the need for the relief sought; and good cause appearing therefore:

It is ordered, That the proceeding be, and the same is hereby, instituted into and concerning the reasonableness and lawfulness otherwise of the class rates, commodity rates, and classification of property, and the rules and regulations, and practices relating thereto, except on

iron and steel articles, household goods, as defined by the Commission, livestock, lumber, commodities in bulk transported in dump trucks, coal, liquid bulk products in tank trucks, and glassware; viz., bottles (not siphon bottles), jars and packing glasses, common, not exceeding 5 gallons in capacity with or without their equipment of caps, covers, tops or stoppers, maintained by motor common carriers for the transportation of property in interstate and foreign commerce between points in central territory as defined in Surcharge on Small Shipments within Central States, 63 M. C. C. 157, with a view to making such findings and entering such order and orders and

taking such other action as the facts and circumstances shall appear to warrant:

It is further ordered, That the burden of establishing the necessity for the relief sought in these proceedings shall be upon petitioner:

It is further ordered, That the petition in No. 32385 (Sub-No. 1), for emergency relief, be, and the same is held in abeyance pending the submission of all evidence and the conclusion of the hearings in these proceedings.

It is further ordered, That all common carriers by motor vehicle engaged in the transportation described in the first ordering paragraph of this order, be, and they are hereby, made respondents; that

a copy of this order be forthwith served upon the said respondents and that a notice of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of Federal Register.

And it is further ordered, That these proceedings be assigned for hearing at such times and places as may hereafter be fixed.

By the Commission,

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3747; Filed, May 19, 1958;
8:48 a. m.]

