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## CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

Title 26, Parts 80-169 (\$0.20)  
Parts 170-182 (\$0.20)  
Title 32A (\$0.40)

Previously announced: Title 3, 1958 Supp. (\$0.35); Title 8 (\$0.35); Title 9, Rev. Jan. 1, 1959 (\$4.75); Titles 22-23 (\$0.35); Title 24, Rev. Jan. 1, 1959 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Titles 35-37 (\$1.25); Title 38 (\$0.55); Titles 40-42 (\$0.35); Title 46, Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Part 30 to end (\$0.30); Title 49, Parts 71-90 (\$0.70); Parts 91-164 (\$0.40)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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## CODIFICATION GUIDE

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produced by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on rice produced by him only in those States where the issuance and pledge of such warehouse receipts are valid under State law.

(f) *Cooperative associations.* A cooperative marketing association which satisfies the requirements of this paragraph shall be deemed an eligible producer and shall be eligible for warehouse-storage loans and purchase agreements on eligible rice as defined in § 421.4338: *Provided*, That warehouse-storage loans may be made to an association which tenders to CCC warehouse receipts issued by it on its own rice only in those States where the issuance and pledge of such warehouse receipts are valid under State law. To be eligible for price support, the association must meet the following requirements:

(1) The association must be a producer-owned and producer-controlled cooperative marketing association of producers which operates in good faith as a cooperative marketing association of producers under the control of its producer members.

(2) All eligible rice delivered to the association by producer members must be marketed through the association pursuant to a uniform marketing agreement between the association and each of its producer members who delivered such eligible rice.

(3) The major part of the rice marketed by the association must be eligible rice produced by members who are eligible producers.

(4) The association must have authority to obtain a loan on the security of the rice and to give a lien thereon as well as authority to sell such rice.

(5) The association must maintain a record by varieties, grade and milling yields of the quantities of rice eligible for price support under § 421.4338 acquired by or delivered to the association from each source, and such record must show the disposition of the rice. Similar records must be maintained separately for ineligible rice. The association must keep in inventory at all times a quantity of rice of the varieties, average grade and milling yield equal to its outstanding warehouse receipts. Rice stored modified commingled or identity preserved must be stored separately by lot and so kept in storage so long as receipts for such rice are outstanding.

(6) Before the association supplies for price support or before December 1, 1959, whichever is earlier, the association must set aside in physically segregated storage separate from all other rice a quantity of each variety of rice of the 1959 crop equivalent in quality and quantity to the eligible rice of the 1959 crop which was delivered by eligible producer members and which remains undisposed of in its inventory at the time of such segregation. Eligible rice which is received by the association on or after the date of such segregation shall also be set aside in physically segregated storage and may be included with quantities of eligible rice.

(7) Price support may be obtained only on the rice segregated in accordance with subparagraph (6) of this paragraph.

(8) The association shall distribute the proceeds from the disposition of all rice segregated in accordance with subparagraph (6) of this paragraph and of all eligible rice disposed of prior to the date of segregation to only the eligible producers who delivered eligible rice to the association and only on a basis which results in the proceeds being distributed proportionally to such producers according to the quantity and quality of the eligible rice delivered by each eligible producer. This provision shall not be construed to prohibit the association from establishing separate pools based on varieties, grades and qualities of the rice.

(9) Rice held by the association must be made available for inspection by CCC at all reasonable times so long as the association has rice under price support and the books and records of the association must be available to CCC for inspection at all reasonable times through May 1, 1965.

(10) Notwithstanding the requirement of subparagraph (1) of this paragraph that the association shall consist of producers, a cooperative marketing association, which includes in its membership other cooperative marketing associations, composed of producer members, shall be eligible for price support if its member associations meet the requirements for price support under this paragraph, except that the requirement in subparagraph (4) of this paragraph shall be deemed to be satisfied if such member associations have the right to deliver rice of its producer members to the association applying for price support and to authorize such association to sell the rice and to obtain a loan on the security of the rice and to give a lien thereon. The association applying for price support shall: (i) In its charter, by-laws, marketing contracts or by other legal means require that its member associations meet such requirements for price support; (ii) certify to CCC that its member associations are in fact eligible for price support under such requirements; and (iii), except for the requirement that it consist of producers, otherwise qualify for price support under this paragraph.

(11) Determinations with respect to the eligibility of cooperative marketing associations of producers pursuant to this section for either warehouse-storage loans or purchase agreements, or both, shall be made by the Executive Vice President, CCC.

#### § 421.4338 Eligible rice.

Rice to be eligible for price support must meet the following requirements:

(a) The rice must have been produced in 1959 by an eligible producer on a farm on which the rice acreage allotment was not exceeded.

(b) (1) The beneficial interest in the rice must be in the eligible producer tendering the rice for loan or for purchase under a purchase agreement and must always have been in him, or must have been in him and a former producer

whom he succeeded before the rice was harvested.

(2) In the case of cooperative marketing associations, the beneficial interest in the rice must have been in the eligible producer members who delivered the rice to the association or to member associations meeting the requirements of § 421.4337(f)-(10) and must have always been in them and former producers whom they succeeded before the rice was harvested. Rice acquired by a cooperative marketing association shall not be eligible for price support if the producer members who delivered the rice to the association or to a member association do not retain the right to share proportionally in the proceeds from the marketing of the rice as provided in § 421.4336(f)-(8). Rice acquired by the association other than from producer members and other than from member associations is not eligible for price support.

(3) Any producer or association in doubt as to whether the requirements of this paragraph have been fulfilled should make available to the county committee prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(4) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the rice was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) The rice must be of one of the classes within the Official Standards of the United States for Rough Rice other than "mixed rough rice."

(d) The rice, at the time it is placed under loan or purchased under purchase agreement, must (1) grade U.S. No. 5 or better (rice of special grades shall not be eligible rice); (2) contain not more than 14 percent moisture; and (3) must not contain mercurial compounds or other substances poisonous to man or animals.

(e) If offered as security for a farm-storage loan, the rice must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the ASC State committee.

#### § 421.4339 Bagged and bulk rice.

Rice may be either in bags or in bulk when a loan is obtained or when rice is purchased under a purchase agreement.

(a) *Farm storage.* (1) Loans on farm-stored rice will be made on a bagged or bulk basis in accordance with the manner in which the rice is stored.

(2) Settlement with respect to farm-stored rice acquired by CCC in bulk under loan or purchase agreement shall be on the basis of the net weight of the bulk rice acquired by CCC.

(3) Settlement with respect to farm-stored rice acquired by CCC in bags under loan or purchase agreement shall be on the basis of the combined weight

of the rice and bags acquired by CCC, and title to the bags shall pass with the rice. CCC shall not otherwise pay any amounts representing the value of the bags.

(b) *Approved warehouse storage.* (1) In the case of rice in approved warehouse storage, loans shall be made and rice under purchase agreement shall be acquired on a bagged or bulk basis in accordance with the manner in which the rice is to be loaded out by the warehouseman as indicated on the warehouse receipt. Therefore, if a loan is made on the basis of loading out the rice in bags, the rice must be in bags at the time of load out by the warehouseman and, if a loan is made on the basis of loading out the rice in bulk, the rice must be in bulk at the time of load out by the warehouseman.

(2) Settlement with respect to rice in approved warehouse storage which the warehouseman is required to load out in bulk shall be on the basis of the net weight of bulk rice acquired by CCC under loan or purchase agreements.

(3) Settlement with respect to rice in approved warehouse storage, acquired by CCC under loans or purchase agreements, which the warehouseman is required to load out in bags shall be on the basis of the combined weight of the rice and bags, and title to the bags shall pass with the rice, except that, if the rice is not in bags at the time of acquisition by CCC title to the bags shall pass to CCC at the time of load out. CCC shall not otherwise pay any amounts representing the value of the bags. In the event any person should successfully dispute the passing of title to the bags, the producer shall indemnify CCC for any loss sustained by reason thereof.

#### § 421.4340 Warehouse receipts.

(a) Warehouse receipts must be issued in the name of the producer, or cooperative marketing association, must be properly endorsed in blank so as to vest title in any holder, and must be issued by an approved warehouse as defined in § 421.4006(b)(1). The receipts must be negotiable, must cover eligible rice actually in store in the warehouse and must clearly indicate whether the rice is stored in bulk or in bags (sacks), and whether the rice is to be delivered in bulk or in bags (sacks). Under the uniform rice storage agreement, the warehouseman guarantees the quantity and quality of the rice unless the warehouse receipts or accompanying supplemental certificates state that the rice is stored "identity preserved" or "modified commingled." In the case of rice stored identity preserved, the warehouseman is not a guarantor but is required to load out the identical rice for which the warehouse receipt was issued. In the case of rice stored modified commingled, the warehouseman guarantees quantity but not quality and the rice is stored in one lot, the identity of which the warehouseman is required to maintain. The warehouse receipts or accompanying supplemental certificates representing rice stored modified commingled shall contain the following statement:

Modified commingled means the storage or handling of rice in bulk or in bags by commingling in one lot rice of a single class and of a similar grade and quality, in such manner that rice actually deposited in that lot prior to a sample being drawn for quality determination, and no other, may be delivered to the holder of each warehouse receipt issued with respect to such rice.

(b) If the receipt is issued for rice of which the warehouseman is the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law.

(c) In order to be acceptable as security for a warehouse-storage loan, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the rice is insured to the extent required by CCC Form 26, "Uniform Rice Storage Agreement," and if such insurance was not effective as of the date of deposit of the rice in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the rice is in the warehouse and undamaged. Insurance on commingled and modified-commingled rice must be obtained by the warehouseman. Insurance on identity-preserved rice must be obtained by either the producer or the warehouseman. If the insurance on identity-preserved rice is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. Insurance is not required in order for rice represented by warehouse receipts to be purchased under the purchase agreement program.

(d) A supplemental certificate will be required to be executed in duplicate when all of the following information is not contained in the warehouse receipt or inspection certificate: Variety, grade, grade factors, milling yield, moisture, gross and net weight, method of storage, manner in which the rice will be delivered (bulk or bagged), and manner by which the rice was received. When required, the supplemental certificate (completed for all items) shall be executed by the warehouseman for commingled rice, by the warehouseman and producer for modified-commingled rice and by the producer for identity-preserved rice.

(e) When the warehouse receipt represents identity-preserved rice, the producer's responsibility will be the same as stated in § 421.4015 for farm-stored rice. The producer's responsibility for modified-commingled rice shall be the same as stated in § 421.4015 for farm-stored rice except that he shall not be responsible for the quantity.

(f) A separate warehouse receipt must be submitted for each class or variety, grade, and milling yield of rice.

(g) Warehouse receipts covering rice which is in approved warehouse storage on or before the maturity date for loans and which is to be placed under

loan or acquired by CCC under purchase agreement must carry an endorsement by the warehouseman in substantially the following form:

Warehouse charges through (insert the applicable maturity date for loans for the State where stored), including, but not limited to, receiving and loading out charges accrued or to accrue, and all other charges incident to the acquisition of the rice by CCC, on the rice represented by this warehouse receipt have been paid or otherwise provided for and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt. If the rice represented by this warehouse receipt is to be loaded out in bags (sacks), the warehouseman agrees that any and all right, title, and interest which he has in such bags (sacks) shall pass with the rice when such rice is acquired under the price support program or shall pass at the time the rice is loaded out, if the rice is not in bags at the time of acquisition by CCC.

(h) The warehouse receipt shall not contain any statement indicating that the quantity is subject to a shrinkage factor.

#### § 421.4341 Determination of quantity.

(a) Loans and purchase agreements shall be made on the basis of rice expressed in units of 100 pounds, and fractional units of less than 100 pounds shall be disregarded except in the case of loans made on the basis of commingled warehouse receipts the exact weight shown on the warehouse receipt shall be used. The quantity of rice placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rice placed under a warehouse-storage loan shall be determined on the basis of weight. Determination of the quantity of rice delivered under a farm-storage loan, or for making settlement on an identity-preserved warehouse-storage loan or under a purchase agreement shall be on the basis of weight.

(b) In determining the quantity of bagged rice by weight, the gross weight, including bags, shall be used. When necessary to convert bagged rice to a bulk basis or bulk rice to a bagged basis, an adjustment of 0.6 pound for 100 pounds of gross weight shall be made as allowance for the weight of the bag.

(c) When the quantity of rice is determined by measurement, a cubic foot of rice testing 45 pounds per bushel, shall be 36 pounds. The quantity determined will be the following percentages of 36 pounds:

For rice testing:	Percent
45 pounds or over	100
44 pounds or over, but less than 45 pounds	98
43 pounds or over, but less than 44 pounds	96
42 pounds or over, but less than 43 pounds	93
41 pounds or over, but less than 42 pounds	91
40 pounds or over, but less than 41 pounds	89

The percentages shall be proportionately lower for rice testing below 40 pounds.

(d) In the case of commingled rice, loans will be made and settlement with

the producer will be made on 100 percent of the quantity of the rice determined in accordance with this section, based on the quantity shown on the warehouse receipt or the supplemental certificate. In all other cases, loans will be made on 95 percent of the quantity of rice determined in accordance with this section, and the determination of quantity for settlement purposes will be made on the basis of the actual quantity acquired by CCC, except that in the case of rice stored modified commingled, settlement with the producer will be made on the basis of 100 percent of the quantity shown on the warehouse receipt or the supplemental certificate.

(e) In the case of rice under purchase agreement, the producer shall, at the time he notifies the county committee of his intention to sell rice to CCC, specify the quantity of each class or variety of rice included in the total quantity to be sold.

**§ 421.4342 Determination of quality.**

(a) The class, grade, grade factors, milling yield and all quality factors for price support purposes shall be determined in accordance with the methods set forth in the Official United States Standards for Rough Rice.

(b) In the case of commingled rice, loans will be made and settlement with the producer, either on loans or purchase agreements, will be on the basis of the quality shown on the warehouse receipt or supplemental certificate. In all other cases, loans will be made on the basis of quality shown on the official (Federal or Federal-State) sample inspection certificate, based on a representative sample drawn by the county committee for each lot of rice at the time application is made for the loan, and settlement with the producer, both with respect to loans and purchase agreements, will be on the basis of quality determined by a Federal or Federal-State lot inspection certificate dated not earlier than 30 days prior to the applicable maturity date for loans, and submitted by the producer in accordance with the settlement provisions of this bulletin. Sample inspection fees incurred by the county committee in connection with the making of loans will be for the account of CCC. Lot inspection fees incurred in connection with the acquisition of rice by CCC will be for the account of the producer.

**§ 421.4343 Maturity of loans.**

Unless demand is made earlier, loans on rice will mature on March 14, 1960.

**§ 421.4344 Support rates.**

Loans and purchases under purchase agreement will be made at the support rates set forth in this section.

(a) *Basic rates.* The basic support rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results

of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE<sup>1</sup>

Group	Rice class or variety	Head rice	Broken rice
I.....	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark).	-----	-----
II.....	Blue Bonnet, Nira and Rexark.	-----	-----
III.....	Century, Patna, Toro, Fortuna, R.N. and Edith.	-----	-----
IV.....	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose and Arkrose), Magnolia, Zenith Prelude, Lady Wright and Nato.	-----	-----
V.....	Pearl, Calrose, Early Profile, Calady, and other varieties.	-----	-----

<sup>1</sup> The value factors will be published as an amendment to this section shortly after Aug. 1, 1959.

(b) *Premiums and discounts.* The basic support rates, determined under paragraph (a) of this section, per 100 pounds of rice shall be adjusted by the following premium or discount for the grade applicable to an individual lot of rice:

- Grade U.S. No. 1: Premium of 20 cents per 100 pounds.
- Grade U.S. No. 2: Premium of 10 cents per 100 pounds.
- Grade U.S. No. 3: Discount of 5 cents per 100 pounds.
- Grade U.S. No. 4: Discount of 20 cents per 100 pounds.
- Grade U.S. No. 5: Discount of 40 cents per 100 pounds.

(c) *Location differentials.* For rice produced in the following areas, discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any adjustment in accordance with paragraph (b) of this section: *Provided, however,* That such location differentials shall not apply to rice produced in these areas if the rice is transported to a rice-producing area where no location differential is applicable and is there placed under loan or delivered to CCC under a purchase agreement:

Area	Discount per 100 pounds
State of Florida.....	\$0.97
States of South Carolina and North Carolina.....	.94
Counties of Lafayette, Little River, and Miller in Arkansas; Bowie in Texas; McCurtain in Oklahoma; and Bossier Parish in Louisiana.....	.42
Imperial County, California, and adjacent counties in Arizona and California.....	.96
Counties of Holt, Lincoln, Marion, Pike, and St. Charles in Missouri, and Adams in Illinois.....	.60

**§ 421.4345 Warehouse charges.**

(a) CCC will refund to the producer an amount computed at the rate of 8 cents per hundred pounds as compensation for any receiving and loading out

charges paid by the producer on rice stored in an approved warehouse on or before loan maturity date prior to acquisition by CCC and acquired by CCC in such approved storage.

(b) CCC will assume receiving charges on (1) rice delivered under the price support program to an approved warehouse for the account of CCC in satisfaction of a farm-storage loan, and (2) rice delivered under the price support program after loan maturity date to an approved warehouse for the account of CCC pursuant to a purchase agreement and acquired by CCC.

(c) CCC will assume warehouse-storage charges accruing on and after the day following the loan maturity date on rice which is in approved warehouse storage on the maturity date for loans and acquired by CCC under a warehouse-storage loan or under a purchase agreement.

(d) CCC will assume warehouse-storage charges from and after the date of completion of deposit of the rice in the warehouse on (1) rice delivered under the price support program to an approved warehouse for the account of CCC in satisfaction of a farm-storage loan, and (2) rice delivered from other than approved warehouse storage under the price support program to an approved warehouse after loan maturity date for the account of CCC pursuant to a purchase agreement and acquired by CCC.

(e) Fees for inspection and weighing and any special charges assessed by the warehouseman shall be for the account of the producer.

**§ 421.4346 Settlement.**

(a) *Farm storage loans.* (1) For settlement on loans on farm-stored rice the producer shall, at his own expense at the time of delivery of the rice, furnish to the county committee official weight certificates, and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date, covering the rice. Settlement on such loans will be made at the applicable support rate for the grade and quality of the quantity of rice as shown by such weight certificates and inspection certificates. However, notwithstanding the foregoing provisions of this subparagraph, if, at the time of delivery to CCC of the rice, the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt.

(2) If the inspection certificate for the rice under farm-storage loan, or, where applicable, the commingled receipt for rice originally covered by a farm-storage loan, shows that the rice is of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection and weight certificates, or the commingled receipts, are delivered to the county committee, be-

tween the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled warehouse receipts, as determined by CCC: *Provided, however*, That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further*, That if, upon delivery the rice contains mercurial compounds or other substances poisonous to man or animals, such rice shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and settlement value shall be the same as the sales price, except that if CCC is unable to sell such commodity for the use specified above, the settlement value shall be the market value of such rice, as determined by CCC, as of the date of delivery.

(3) If rice, placed under farm-storage loan in an area where a location differential is in effect, is delivered to CCC by the producer in satisfaction of the loan in a rice producing area where no location differential is applicable, settlement will be made on the basis of the applicable support rate for the area where the rice is delivered.

(b) *Identity-preserved warehouse-storage loans.* (1) For settlement on loans on identity-preserved warehouse stored rice not repaid by maturity, the producer shall, at his own expense and within 10 days after maturity, furnish to the county committee official weight certificates and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date, covering the rice. Settlement on such loans will be made at the applicable support rate for the grade and quality of the quantity of rice as shown by such weight certificates and inspection certificates. However, notwithstanding the foregoing provisions of this subparagraph, if, at the time of acquisition by CCC of rice covered by an identity-preserved warehouse-storage loan, the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt. Notwithstanding the foregoing provisions of this subparagraph, if CCC determines that the warehouseman failed to maintain the identity of rice covered by an identity-preserved warehouse-storage loan, the producer will not be required to furnish lot inspection and weight certificates, and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and supporting documents.

(2) If the inspection certificate for the rice under identity-preserved warehouse-storage loan, or, where applicable, the commingled receipt for rice originally stored identity-preserved, shows that the rice is of a grade for which no support rate has been established, the settlement value shall be the

support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection and weight certificate, or the commingled receipts, are delivered to the county committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled receipt, as determined by CCC: *Provided, however*, That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further*, That if upon delivery the rice contains mercurial compounds or other substances poisonous to man or animals, such rice shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rice for the uses specified above, the settlement value shall be the market value of such rice, as determined by CCC, as of the date of delivery.

(c) *Modified-commingled warehouse-storage loans.* (1) For settlement on loans on modified-commingled warehouse-storage rice not repaid by maturity, the producer shall at his own expense and within 10 days after maturity, furnish to the county committee a Federal or Federal-State lot inspection certificate dated not earlier than 30 days prior to the applicable maturity date, covering the lot of rice acquired by CCC which must have been taken from the modified-commingled lot against which the warehouse receipt representing the rice under loan was issued. Settlement on such loans shall be made at the applicable support rate for the grade and quality of rice as shown on the inspection certificate and for the quantity shown on the warehouse receipt. However, notwithstanding the foregoing provisions of this subparagraph, if, at the time of acquisition of the rice by CCC, the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt. Notwithstanding the foregoing provisions of this subparagraph, if CCC determines that the warehouseman failed to maintain the identity of any lot of rice covered by a modified-commingled warehouse-storage loan, the producer will not be required to furnish lot inspection certificates, and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and supporting documents.

(2) If the inspection certificate for the rice under modified-commingled warehouse-storage loan, or, where applicable, the commingled warehouse receipt for rice originally stored modified commingled, shows that the rice is of a grade for which no support rate has been estab-

lished, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection certificate, or commingled receipt, is delivered to the county committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled warehouse receipt, as determined by CCC: *Provided, however*, That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided, further*, That if upon delivery the rice contains mercurial compounds or other substances poisonous to man or animals, such rice shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rice for the uses specified above, the settlement value shall be the market value of such rice, as determined by CCC, as of the date of delivery.

(d) *Commingled warehouse-storage loans.* Settlement will be made with the producer at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and accompanying documents.

(e) *Purchase agreements.* (1) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the rice to CCC. However, he may sell to CCC any quantity of eligible rice not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the rice to CCC, he will have a 30-day period during which he must notify the county committee in writing of his intentions to sell. Such period shall end on the applicable loan maturity date specified in § 421.4343 or such earlier date as may be prescribed by the Executive Vice President, CCC.

(2) In the case of eligible rice stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of rice he elects to sell to CCC. In the case of eligible rice stored in other than approved warehouse storage, or stored identity-preserved or modified commingled in approved warehouse storage, the county committee will, on or after the final date of such 30-day period, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery.

(3) The producer may be required to retain rice stored in other than approved warehouse storage for a period of 60

days after the applicable loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of rice covered by a purchase agreement, occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60-day period that the rice is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the rice is going out of condition or is in danger of going out of condition and that the rice cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. If such inspection shows the rice to be of an eligible grade, settlement, when delivery is completed, shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

(4) Eligible rice sold to CCC under a purchase agreement will be purchased at the applicable support rate for the grade and quality of the rice sold. CCC will accept modified commingled warehouse receipts under the purchase agreement program only when the entire quantity of rice in the modified commingled lot against which the warehouse receipt was issued, is delivered to CCC in a single unit. Otherwise, rice so stored must be removed from such storage and, if the producer desires to deliver warehouse receipts to CCC under the sale, new warehouse receipts representing the lot to be sold must be obtained from an approved warehouse. Where the rice sold to CCC is represented by modified commingled warehouse receipts, the producers shall, at their expense, furnish to the county committee at the time of sale Federal or Federal-State lot inspection certificates covering the entire quantity of rice in the modified-commingled lot issued on a single date not earlier than 30 days prior to the applicable maturity date for loans and settlement with each producer will be made at the applicable support rate for the quality of rice shown on such inspection certificates and the quantity of rice shown on the warehouse receipt. Where the rice sold is represented by an identity-preserved warehouse receipt or is physically delivered to CCC, the producer shall, at his expense, furnish to the county committee at the time of sale official weight certificates and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date for loans and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on such weight and inspection certificates. Where the rice

sold is represented by commingled warehouse receipts, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

(5) Where rice of an ineligible quality is inadvertently accepted by CCC, such rice shall be sold by CCC in order to determine its market price, and the settlement value shall not be less than such sales price. Where the rice contains mercurial compounds or other substance poisonous to man or animals and is inadvertently accepted by CCC such rice shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rice for the uses specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery. Nothing contained in this section shall be construed to waive or modify any right of CCC or of the United States arising out of the pledge for a loan or the sale under a purchase agreement of rice containing a mercurial compound or other substance poisonous to man or animals.

(f) *Storage payment where CCC is unable to take delivery of rice stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain rice stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the applicable maturity date without any cost to CCC. However, if CCC is unable to take delivery of such rice within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the rice to CCC: *Provided, however,* That a storage payment shall be paid a producer whose rice is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the rice to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after maturity and extend through the final date of delivery, or the final day for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of 2½ cents per cwt. for each 30 days or fraction thereof for the eligible rice accepted for delivery by CCC.

(g) *Weight or inspection certificates.* In any instance where the producer fails to furnish to CCC weight or inspection certificates required for settlement on loans, CCC may obtain such certificates. The cost incurred by CCC in obtaining such certificates and any other fees or

expenses incurred in connection with settlement on loans shall be for the account of the producer.

Done at Washington, D.C., this 8th day of April 1959.

[SEAL] CLARENCE D. PALMBY,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 59-3101; Filed, Apr. 13, 1959; 8:49 a.m.]

**PART 430—DAIRY PRODUCTS**

**Subpart—Milk and Butterfat Price Support Program**

The U.S. Department of Agriculture has announced a price support program for milk and butterfat for the marketing year April 1959 through March 1960, through purchases by Commodity Credit Corporation (CCC) of dairy products as provided herein.

**§ 430.210 Price support program for milk and butterfats.**

(a) The general levels of prices to producers for milk and butterfat will be supported from April 1, 1959 through March 31, 1960 at \$3.06 per hundred-weight for manufacturing milk of yearly average butterfat content (approximately 3.9 percent) and 56.6 cents per pound of butterfat.

(b) Price support for milk and butterfat will be through purchases by CCC of butter, nonfat dry milk and Cheddar cheese offered by manufacturers and handlers, subject to terms and conditions of purchase announcements issued by the Livestock and Dairy Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C. CCC will consider offers of such products at the following prices:

Commodity and location	Price per pound
<b>Butter:</b>	
U.S. Grade A or higher:	
New York, N.Y., Jersey City, N.J. and Newark.....	\$0.5875
Seattle, Wash., and San Francisco, Calif.....	.5800
California.....	.5800
Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine.....	.5875
Arizona, New Mexico, Texas and Louisiana, Mississippi, Alabama, Georgia, Florida and South Carolina.....	.5775
U.S. Grade B.....	( <sup>1</sup> )
Cheddar cheese (standard moisture basis).....	.3275
<b>Nonfat dry milk:</b>	
Spray process:	
Barrels and drums.....	.1425
Bags.....	.1340
Roller process:	
Barrels and drums.....	.1225
Bags.....	.1140

<sup>1</sup> 0.02 less than U.S. Grade A price.

(1) Offers to sell butter at any locations not specifically provided for in this section will be considered at the price set forth in this section for the designated market (New York, San Francisco or Seattle) named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound gross weight in effect when the offer is

accepted from such point to such designated market.

(2) For cheese offered on a "dry" basis the price per pound shall be that indicated below, according to the percentage of moisture.

Percent moisture	Price
37.3-37.7	\$0.3356
36.8-37.2	.3382
36.3-36.7	.3409
35.8-36.2	.3436
35.3-35.7	.3463
34.8-35.2	.3490
34.3-34.7	.3517
33.8-34.2	.3543
33.3-33.7	.3570
32.8-33.2	.3597

(c) The butter shall be U.S. Grade B or higher. The nonfat dry milk shall be U.S. Extra Grade (except that maximum moisture content shall be 3½ percent and the direct microscopic clump bacteria count shall be not more than 250 million per gram as determined by U.S. Department of Agriculture test). The Cheddar cheese shall be U.S. Grade A or higher.

(d) The foregoing purchase prices apply to bulk butter, Cheddar cheese and bulk nonfat dry milk packaged in accordance with specifications set forth in announcements issued by the Department of Agriculture. Purchases at the foregoing prices may be made in other bulk containers specifically approved by the Director, Livestock and Dairy Division, or the CSS Commodity Office, Commodity Stabilization Service, provided CCC, at the time of offer, has an outlet for an equivalent quantity of the product in the container offered. Products meeting other specifications or in containers other than bulk containers may be purchased at prices determined by competitive bids or at prices stated in the respective purchase announcements for such other specifications or packaging.

(e) The products purchased shall be produced and located in the continental United States. Purchases will be made in carlots. Grades and weights shall be evidence by inspection certificates issued by the U.S. Department of Agriculture.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, sec. 201, 63 Stat. 1052; as amended by 68 Stat. 899, 15 U.S.C. 714c, 7 U.S.C. 1446)

Issued this 8th day of April 1959.

[SEAL] CLARENCE D. PALMBY,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 59-3100; Filed, Apr. 13, 1959;  
8:49 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

#### SUBCHAPTER G—PROCUREMENT

#### PART 590—GENERAL PROVISIONS

#### PART 591—PROCUREMENT BY FORMAL ADVERTISING

#### Miscellaneous Amendments

1. Item 3 of F.R. Document 59-2043, appearing at 24 F.R. 1738, March 11,

1959, is corrected by changing so much as reads "\$ 590.201" to read "\$ 591.201."

2. Revise paragraph (d) of § 590.701-51 and add new §§ 590.701-52 and 590.701-53, as follows:

#### § 590.701-51 Equitable opportunity.

An "equitable opportunity to compete" is defined as that opportunity which exists when the following conditions are met:

(d) The quantities are appropriate for supply by small business concerns or partial bidding is permitted.

#### § 590.701-52 Purchasing activity.

The term purchasing activity as used in Subpart G, Part 1 of this title means purchasing office as defined in § 590.251-1.

#### § 590.701-53 Class.

The term class as used in Subpart G, Part 1 of this title and this subpart in the terms "class set-asides" and "class of procurements" means a selected item of supplies or services, or a group of like items or services.

3. Add new subparagraph (11) to § 590.702(a), and revise § 590.704-2(d), as follows:

#### § 590.702 General policy.

(a) \* \* \*

(11) Labor surplus area preference.

#### § 590.704-2 Departmental small business advisors.

(d) *Duties and functions of small business advisor.* (1) Serves as a point of reference and coordination to which small business concerns may make inquiry concerning participation in the military procurement program.

(2) Furnishes counsel and guidance to small business concerns relative to the Department of the Army policies and procedures which small business concerns are required to comply with in order to become responsive and responsible suppliers on appropriate bidders' lists.

(3) Initiates programs to include additional competent small business sources capable of participating in procurements to meet current and anticipated requirements.

(4) Discusses with representatives of small business concerns whether it is to the best interest of their concerns to attempt to compete for a prime contract or to adapt their production mainly to subcontracting.

(5) Appraises small business concerns for possible inclusion in military procurement programs for the purpose of current procurement or industrial mobilization programs of planned procurement.

(6) When designated, represents his procuring activity at meetings with industry and with other Government agencies and departments to explain and describe types of items commonly being purchased or planned to be purchased.

(7) Analyzes and initiates actions and recommends policy to insure that small business is given consideration and opportunity to become an important ele-

ment in procurement planning and industrial mobilization.

(8) Evaluates the effect of current procurement policies on the degree of small business participation and recommends changes in existing policies or the formulation of new policies to increase the amount of small business participation.

(9) Serves as the point of reference and coordination for the procuring activity on all matters concerning policies, procedures, and practices to be followed in developing and maintaining cooperation between the procuring activity and the Small Business Administration.

(10) Supervises and assures the effective implementation of small business policies and procedures at all echelons down to and including field purchasing offices.

(11) When necessary, reviews and analyzes reports which reflect small business activity, such as DA Form 1877 (Data on Proposed Procurement Action), DD Form 1057 (Monthly Procurement Summary by Purchasing Office), and DD Form 350 (Individual Procurement Action Report).

(12) Maintains liaison and effects coordination with procurement personnel responsible for procurement policies and procedures affecting small business.

(13) Consults with procurement commodity specialists, research and development personnel, and appropriate personnel responsible for the programs set forth in § 590.702(a) (1) to (11) to insure that when changes or deviations in specifications are made, or are permitted to be made, which make production feasible for small business concerns, they are fully recognized on future procurements.

(14) Visits field purchasing offices and agencies at periodic intervals to assure compliance with the small business program and policies. DD Forms 350 and DA Forms 1057, preaward activities (such as preaward surveys, DA Form 1877, and other media relating to procurement) will be utilized to evaluate and analyze the effectiveness of the program at the installation, and to insure that qualified small business concerns are being afforded an equitable opportunity to compete for appropriate procurements.

(15) Represents the procuring activity as a member of the Army Small Business Council (§ 590.704-50) and serves as cochairman of the Council on a rotation basis or as designated by the chairman.

4. Sections 590.704-3, 590.704-50, 590.705-3, and 590.706-2 are revised to read as follows:

#### § 590.704-3 Small business specialists.

(a) *Technical service class II installations and activities; Chief, Research and Development; Armed Forces Special Weapons Project; U.S. Army Security Agency; and the U.S. Military Academy—(1) Appointment.* Commanders of technical service Class II installations and activities; the Chief, Research and Development, Headquarters, Department of the Army; Chief, Armed Forces Special Weapons Project; the Chief, United States Army Security Agency; and the

Superintendent, United States Military Academy shall nominate small business specialists for appointment by the head of the procuring activity. The individual nominated shall be high caliber, preferably a civilian, whose experience in or with small business concerns especially qualifies him as a small business specialist. The appointment of a small business specialist may be recommended on a full-time or part-time basis as deemed necessary in consideration of the procurement mission, the dollar volume of procurement, the number of individual procurement actions, the accessibility of the installation to small business concerns and the recommendation of the small business advisor of the head of the procuring activity. If Small Business Administration has a full-time or a part-time representative at the installation or activity, this fact will be considered in determining the full-time or part-time assignment of the small business specialist. Small business specialists appointed on a part-time basis shall give preference to small business matters. Civilian personnel who serve as small business specialists on either a full-time or part-time basis, will be appointed at an adequate Civil Service grade, commensurate with responsibilities assigned and the level of procurement performed at the installation.

(2) *Functions and duties of small business specialists.* (i) Serves as a point of reference and coordination to which small business concerns may make or direct inquiry concerning participation in the military procurement program.

(ii) Furnishes counsel and guidance to small business concerns relative to the Department of the Army policies and procedures which small business concerns are required to comply with in order to become responsive and responsible suppliers on appropriate bidders' lists.

(iii) Initiates programs to include additional competent small business sources capable of participating in procurements to meet current and anticipated requirements.

(iv) Discusses with representatives of small business concerns whether it is to the best interest of their concerns to attempt to compete for a prime contract or to adapt their production mainly to subcontracting.

(v) Appraises small business concerns for possible inclusion in military procurement programs for the purpose of current procurement or industrial mobilization programs of planned procurement.

(vi) When designated, represents his purchasing office at meetings with industry and with other Government agencies and departments to explain and describe types of items commonly being purchased or planned to be purchased.

(vii) Analyzes and initiates actions and recommends policies to insure that small business is given consideration and opportunity to become an important element in procurement planning and industrial mobilization.

(viii) Reviews each proposed procurement of \$2,500 or more to determine suitability for participation by small business concerns.

(ix) When necessary, reviews and analyzes reports which reflect small business activity, such as DA Form 1877 (Data on Proposed Procurement Action), DD Form 1057 (Monthly Procurement Summary by Purchasing Office), and DD Form 350 (Individual Procurement Action Report).

(x) Consults with procurement commodity specialists, research and development personnel, and appropriate personnel responsible for the programs set forth in § 590.702(a) (1) through (11) to insure that when changes or deviations in specifications are made, or are permitted to be made, which make production feasible for small business concerns, they are fully recognized on future procurements.

(xi) Makes recommendations to the contracting officer, after coordination with other appropriate procurement personnel, with respect to competency, capacity, and credit of specific small business concerns capable of performing a proposed contract.

(xii) Reviews and analyzes all pre-award surveys made on small business concerns, in accordance with the definition of small business or certification as issued by Small Business Administration.

(xiii) Initiates, establishes, and maintains appropriate and adequate files of all activities relating to small business, to properly evaluate and convey the accomplishments of the purchasing office in carrying out the Department of Defense, the Department of the Army, and the procuring activity program, policy, and procedures as set forth in Subpart G, Part 1 of this title and this subpart, and procuring activity instructions.

(xiv) Stresses to all procurement personnel, including contracting officers, negotiators, and middle management groups, the importance of the policy relating to progress and advance payments as enunciated in AR 715-6 (Army regulations pertaining to contract financing).

(xv) Participates as a voting member, when small business concerns are involved, in meetings of Boards of Contract Awards and other procurement groups, where such boards or groups are established.

(b) *All other purchasing offices.* Commanding officers of field purchasing offices under the jurisdiction of the ZI armies; the Military District of Washington, U.S. Army; the National Guard Bureau; the Chief, Armed Forces Special Weapons Project; and The Adjutant General shall designate the contracting officer to perform the functions stipulated in paragraph (a) (2) (i), (ii), (iii), (vii), and (viii) of this section.

#### § 590.704-50 Army Small Business Council.

(a) *Establishment.* There is established a Department of the Army Small Business Council (hereinafter referred

to as the Council) consisting of the small business advisor from (1) each of the technical services, (2) the Second United States Army, (3) the Military District of Washington, U.S. Army, (4) the National Guard Bureau, (5) The Adjutant General, (6) the Small Business Specialist, Office of the Chief, Research and Development, Headquarters, Department of the Army; and (7) the Army Small Business Advisor, who will be the Chairman of the Council.

(b) *Purpose and function.* (1) The purpose of the Council is to assist the Army Small Business Advisor in formulating uniform policies and procedures concerning small business matters.

(2) The Council will meet upon call by the Chairman, but not less often than twice monthly, to discuss the special problems arising in the technical services, ZI armies, the Military District of Washington, U.S. Army, and the National Guard Bureau, which have or which may have an impact on the Department of the Army Small Business Program or the relationship between the Army Small Business Advisor and the small business advisors of the procuring activities and purchasing offices. The Council will develop a recommended unified Department of the Army position in disposing of such problems.

(3) Small business specialists in field offices are authorized and are urged to submit recommendations on certain routine or administrative small business matters direct to their respective small business advisors for ultimate submission to the Council for the purpose of bettering the Small Business Program and making more effective the operations of same.

#### § 590.705-3 Screening of procurements.

(a) In recommending procurements for consideration as 100 percent set-asides, partial set-asides, class set-asides, or for participation by small business concerns, small business specialists will assure that procurement directives are carefully reviewed and analyzed to determine suitability of the procurement from small business concerns. Procurement directives will be screened to cover contractual areas such as the scope, the items required, quantities required, delivery schedules, adequacy of specifications and drawings, and related manufacturing processes. (§§ 590.701-50 and 590.701-51.)

(b) Where the Small Business Administration representative recommends the inclusion of a small business concern in the list of bidders to be solicited for a particular procurement and a Qualified Manufacturers List has been established for Clothing and Textiles, the small business concern must be eligible and must have been placed on the Qualified Manufacturers List for the particular item prior to the date set for opening of bids.

(c) Where the Small Business Administration representative recommends a class set-aside for current and future procurements (§ 1.705-3(b)(1) of this title) of an item for which the purchasing office does not have a known require-

ment, the Small Business Administration recommendation will be tentatively disapproved and the Small Business Administration representative will be informed of the reasons therefor, and the recommendation will be automatically reconsidered as soon as a requirement exists.

**§ 590.706-2 Review of Small Business Administration set-aside proposals.**

(a) Where the Small Business Administration representative appeals the contracting officer's disapproval of a recommended set-aside or requests the suspension of a procurement action, the appeal or request shall be required to be made in writing.

(b) Where the contracting officer has been notified that an appeal has been taken by the Administrator of Small Business Administration, under § 1.706-2 of this title the following procedure shall be followed:

(1) The contracting officer shall suspend further action pending a decision by higher authority.

(2) The contracting officer shall promptly forward to the Head of the Procuring Activity concerned a written justification for his decision including a complete statement of the facts.

(3) The Head of the Procuring Activity, if supporting the views of the contracting officer, shall forward the contracting officer's decision, including the justification and supporting information, to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., ATTN: Chief, Contracts Branch.

(4) The Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, after coordination with the Army Small Business Advisor, and if supporting the views of the Head of the Procuring Activity, will forward the information to the Assistant Secretary of the Army (Logistics) for determination and will furnish appropriate instructions to the Head of the Procuring Activity.

5. Add §§ 590.706-3 and 590.706-6 and revise § 591.250, as follows:

**§ 590.706-3 Withdrawal or modification of set-asides.**

The review, required by § 1.706-3(a) of this title for each individual procurement governed by a class set-aside, shall be effected prior to issuing invitations for bids or requests for proposals.

**§ 590.706-6 Partial set-asides.**

In addition to the notice required by § 1.706-6(c) of this title to be contained in each invitation for bid or request for proposal involving partial set-asides for small business concerns, the following notice shall be included:

Notwithstanding the provisions of the (insert appropriate clause, i.e., Notice of Labor Surplus Set-Aside or Notice of Small Business Set-Aside), the Government reserves the right in determining eligibility or priority for set-aside negotiations, not to consider token prices or prices designed to secure an unfair advantage of other bidders/offerors.

**§ 591.250 Distribution of invitations for bids and requests for proposals.**

In addition to the distribution of invitations for bids or requests for proposals to prospective bidders referred to in §§ 2.202-1 and 3.101 of this title; and § 591.202-1 and § 592.101 (c) of this chapter distribution shall also be made as follows:

(a) *Procurement Information Center.* One copy of every unclassified request for proposals issued in the United States, other than Alaska, which is subject to being published in the Department of Commerce publications "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards" (§§ 2.206-1 and 3.106-1 of this title) and one copy of every unclassified invitation for bids issued in the United States, other than Alaska, and one copy of every amendment to each such request for proposals or invitation for bids, shall be sent directly, on the date issued, to the Procurement Information Center, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Old Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington 25, D.C. Letters of transmittal are not necessary.

(b) *Small business specialist at purchasing office.* One copy of each invitation for bids or request for proposals and amendments thereto, described in paragraph (a) of this section, will be supplied for display purposes (§ 2.202-2 of this title) to the small business specialist at the purchasing office of issuance. Two copies of DA Form 1877, properly completed by the contracting officer or his authorized representative in accordance with instructions contained in § 590.752 of this chapter, both will then be completed by the small business specialist in accordance with the referenced instructions.

(c) *Equal or identical bids.* See § 591.406-4(b) for distribution of copies of invitations for bids in connection with the procedure on the submission of information on equal or identical bids.

(d) *Classified purchases.* See AR 380-5 for instructions as to the distribution of classified documents. In such cases, instead of the action indicated in paragraph (a) of this section, a letter will be forwarded to the office named therein, in substance as follows: This form has invitation for bids No. \_\_\_\_\_, dated \_\_\_\_\_, bids to be opened on \_\_\_\_\_, under Top Secret, Secret, or Confidential Project No. \_\_\_\_\_.

(e) *Other internal distribution.* Heads of procuring activities may direct such additional internal distribution of invitations for bids as may be considered necessary.

(C 15, APP, 25 February 1959) (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

[SEAL] R. V. LEE,  
Major General, U.S. Army,  
The Adjutant General.

[F.R. Doc. 59-3075; Filed, Apr. 13, 1959; 8:45 a.m.]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

[CGFR-59-8]

#### PART 45—ENLISTED PERSONNEL

##### Issuance of Discharges

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 167-17, dated June 29, 1955 (20 F.R. 4976) to promulgate regulations in accordance with 14 U.S.C. 351 and 633: It is ordered, That the below amendment to § 45.10-5 is prescribed and shall become effective on April 14, 1959:

##### § 45.10-5 Issuance of discharges.

(a) An honorable discharge may be issued to an enlisted person who is discharged for any one of the following reasons:

- (1) Expiration of enlistment.
- (2) Convenience of the Government.
- (3) Dependency or hardship.
- (4) Minority.
- (5) Disability.
- (6) Unsuitability.
- (7) Security.
- (8) When directed by the Commandant.

(b) A general discharge shall be issued to an enlisted person who is discharged for any of the reasons set forth in paragraph (a) of this section whose military record is not sufficiently meritorious to warrant an honorable discharge.

(c) An undesirable discharge may be issued to an enlisted person who is discharged for any of the following reasons:

- (1) Unfitness for reasons other than physical disability.
- (2) Misconduct.
- (3) Security.

(d) Bad conduct discharges and dishonorable discharges shall only be issued to enlisted persons who are discharged in accordance with the approved sentences of Coast Guard courts-martial.

Dated: March 30, 1959.

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

[F.R. Doc. 59-3112; Filed, Apr. 13, 1959; 8:50 a.m.]

#### Chapter II—Corps of Engineers, Department of the Army

##### PART 207—NAVIGATION REGULATIONS

##### York River, Va., Gulf of Mexico, Fla., and Pacific Ocean, Calif.

1. Pursuant to the provisions of Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 207.128 prescribing naval restricted areas in the York River, Virginia, is hereby amended revoking the naval mine-sweeping practice area and the

naval drill mine field area described in paragraph (a) (3) and (4) and the regulations governing their use contained in paragraph (b) (3), (4), and (5), as follows:

**§ 207.123 York River, Va.; naval prohibited and restricted areas.**

- (a) *The areas.* \* \* \*
- (3) *Naval mine-sweeping practice area (restricted).* [Revoked]
- (4) *Naval drill mine field area (restricted).* [Revoked]
- (b) *The regulations.* \* \* \*
- (3) [Revoked]
- (4) [Revoked]
- (5) [Revoked]

[Regs., March 26, 1959, 285/91 (York River, Va.)—ENGWO] (40 Stat. 892; 33 U.S.C. 3)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.174 is hereby amended to correct the boundary of a seaplane restricted area in the Gulf of Mexico, Florida, and § 207.615 establishing and governing the use and navigation of a naval restricted area in the Pacific Ocean around San Nicolas Island, California, is hereby amended to change the organizational title of the Navy enforcement agency, as follows:

**§ 207.174 Gulf of Mexico, seaplane restricted area, Naval Air Station, Key West, Fla.**

(a) *The area.* An irregular area north of Key West Island, east of Fleming Key, and north and west of Dredgers Key, bounded as follows: Beginning at latitude 24°34'02", longitude 81°47'36"; thence due north to latitude 24°35'30"; thence to latitude 24°35'55", longitude 81°47'50"; thence to latitude 24°35'59", longitude 81°47'41"; thence due east to longitude 81°47'24"; thence to latitude 24°35'55", longitude 81°46'30"; thence to latitude 24°35'42", longitude 81°46'18"; thence to latitude 24°35'26", longitude 81°46'33"; thence due south to latitude 24°35'16"; thence due east to longitude 81°46'00"; thence due south to latitude 24°35'09"; thence due west to longitude 81°46'29"; thence to latitude 24°34'27", longitude 81°47'14"; thence to latitude 24°34'02", longitude 81°47'20", and thence to the point of beginning.

**§ 207.615 Pacific Ocean, around San Nicolas Island, California, naval restricted area.**

- (b) *The regulations.* (1) No vessels other than Pacific Missile Range craft and those cleared for entry by the Commander, Pacific Missile Range, or the Officer-in-Charge, San Nicolas Island, shall enter the area at any time except in an emergency, proceeding with extreme caution.
- (2) Dredging, dragging, seining, or other fishing operations within these boundaries are prohibited.
- (3) No seaplane, other than those approved for entry by the Pacific Missile Range, may enter the area.

(4) The regulations of this section shall be enforced by personnel attached to the Pacific Missile Range, Point Mugu, California, and by such agencies as may be designated by the Commandant, Eleventh Naval District, San Diego, California.

[Regs., March 30, 1959, 285/91 (Gulf of Mexico and Pacific Ocean, Calif.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

[SEAL] R. V. LEE,  
Major General, U.S. Army,  
The Adjutant General.

[F.R. Doc. 59-3076; Filed, Apr. 13, 1959; 8:45 a.m.]

**Title 42—PUBLIC HEALTH**

**Chapter I—Public Health Service, Department of Health, Education, and Welfare**

**SUBCHAPTER E—FELLOWSHIPS, INTERNSHIPS, TRAINING**

**PART 61—FELLOWSHIPS**

**Travel Expenses; Service Fellowships**

Notice of proposed rule making, public rule-making procedures and postponement of effective date have been omitted in the issuance of the following amendments of provisions which involve matters relating essentially to agency management, personnel, grants and benefits.

- 1. Section 61.9(c) is repealed.
- 2. Section 61.9(d) is amended to read as follows:

(d) *Travel expenses.* Any individual awarded a fellowship may, when authorized in advance by the Public Health Service, be granted separate allowances for transportation and subsistence expenses, not exceeding such amounts as may be prescribed by the Surgeon General on account of (1) travel to the place at which he is to be located during the term of the fellowship; (2) travel to return him at the end of the fellowship term to his home or other place he left to carry out the fellowship, provided such return travel is to or from a place outside the continental United States; and (3) in the case of an individual awarded a regular fellowship, travel required in carrying out the purposes of the fellowship, including attendance at meetings. Individuals awarded service fellowships shall be entitled to transportation and subsistence expenses while traveling on official business during the term of the fellowship on the same basis as other civilian employees of the Public Health Service. Allowances will not be granted for transportation expenses of dependents or for shipping charges for personal effects or household goods.

- 3. Paragraphs (d) and (e) of § 61.9 are renumbered as paragraphs (c) and (d), respectively.

4. The foregoing amendments shall become effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 215, 58 Stat. 690, as amended, 42 U.S.C. 216. Interpret or apply secs. 207(g), 301(c), 402(d), 58 Stat. 686, as amended, 692, 707, secs. 412, 422, 62 Stat. 465, 598, sec. 433, 64

Stat. 444, sec. 4, 70 Stat. 499; 42 U.S.C. 209(g), 241(c), 282(d), 287a, 288a, 289c, 33 U.S.C. 466c)

Dated: March 26, 1959.

[SEAL] L. E. BURNEY,  
Surgeon General.

Approved: April 8, 1959.

ARTHUR S. FLEMMING,  
Secretary.

[F.R. Doc. 59-3069; Filed, Apr. 13, 1959; 8:45 a.m.]

**Title 47—TELECOMMUNICATION**

**Chapter I—Federal Communications Commission**

[FCC 59-315]

**PART 1—PRACTICE AND PROCEDURE**

**Filing and Processing of Broadcast Applications**

In the matter of amendment of §§ 1.106 (b) (1), 1.354, and 1.361(b) of the Commission's rules relating to the processing of standard broadcast applications and the timely filing of broadcast applications for consideration with earlier filed applications.

1. The Commission has under consideration its rules governing the processing of standard broadcast applications (§ 1.354) and the timely filing of standard broadcast applications for comparative consideration and consolidation for hearing with applications already on file (§§ 1.106(b)(1) and 1.361(b)).

2. The Commission has been concerned for some time about the continuously mounting backlog of applications for new or major changes in standard broadcast facilities and the time elapsing between the filing of such applications and Commission action thereon by either grant or designation for hearing. The number of pending applications has reached an all-time high, and applicants must now expect to wait from seven months to a year for action on their applications after filing. During the past year the rate of filing has increased substantially, and there is no reason to believe that there will be any significant decrease in the near future. Despite the assignment of more engineers to the processing line and the improvement of processing techniques, we are faced with the possibility that the application backlog will even exceed its present size and that even greater delay will ensue before applications can be acted upon unless additional steps are taken to meet the problem at this time. It is, therefore, incumbent upon us to reexamine our processing procedures to determine to what extent amendments may ameliorate or eliminate the reasons for the increasing backlog.

3. There are at present almost 3,500 outstanding authorizations for standard broadcast stations. With this number of authorizations and the continuous flow of applications for new facilities, it is understandable that the processing time of an individual application will necessarily be substantially greater than it was ten years ago if for no other reason

than that the study of interference conditions is far more complex. As a result of this increase in the average processing time, it has followed that the time during which applications are pending in the Commission has been steadily increasing, and it is axiomatic that the longer an application is pending, the greater is the possibility that it will become involved in a conflict with a later filed application or applications. When such conflict appears, there is still further delay during which additional complications are likely to develop, before the application may be even designated for hearing because of the procedural requirements of section 309(b) of the Communications Act. Inasmuch as under our present procedures (§§ 1.106(b)(1) and 1.361(b) of the Commission's rules) an application is entitled to consideration with a prior filed application or applications if it is on file by the close of business on the day before the prior filed application or applications are granted or designated for hearing, it has not been unusual that an application, which has been completely processed and is ripe for action, must be reprocessed in consideration of a newly filed application or applications.

4. Further, since under § 1.311 of the rules an application may be freely amended as a matter of right at any time before it is designated for hearing, reprocessing of an application under consideration has been necessary because of amendments not only to other applications but even to the very application itself. Thus, it has not been uncommon that an application had to be reprocessed many times before action could be taken thereon because of new filings and amendments to pending applications. Indeed, it appears that for several months the Commission's staff has been engaged in the constant reprocessing of the same 400 or so applications, which either have been taken from the top of the processing line or have been grouped for study with the older applications because of conflicts, with little or no hope that the various groups of conflicting applications may be designated for hearing so long as amendments continue to be filed. For each amendment affecting radiation, however minor, requires further study to determine whether new conflicts have been created or some existing conflicts may have been resolved. As an example, during a recent 30 day period more than 300 applications were at least partially processed by the engineering staff to determine the effect of amendments or new filings on interference conditions. During that same period only 33 applications were placed on the Commission's agenda, and, more significantly, although not a single application was removed from the top of the processing line, the number of applications under study increased because of the necessity of grouping additional applications with those already under study.

5. The situation outlined above has seriously impaired the handling of applications for new or changed standard broadcast facilities, and has been very wasteful of the time of the Commission's staff. It is now clear that there can be

no improvement in the status of the processing line unless applications may be processed to a conclusion without interruption and the necessity of reprocessing because of new filings and amendments to pending applications, including those in the processing stage.

6. We have carefully considered many proposals for affording a protected status to applications which have been on file for a long period of time and have concluded that the following plan would be most conducive to the public interest and most equitable to the applicants, both new and old. Periodically, the Commission will publish in the FEDERAL REGISTER a list of applications which are near the top of the processing line and announce a date (not less than 30 days after publication) by which applications must be on file if they are to be considered with any of the listed applications. In order to carry this plan into effect we are amending § 1.354(c) of our rules by the addition of a sentence thereto and are making necessary changes in §§ 1.106(b)(1) and 1.361(b). We are contemporaneously publishing the first Public Notice pursuant to the amendment, listing all applications which have been taken from the top of the processing line and the 50 applications which are next in line, and announcing May 15, 1959, as the date by which applications must be filed if they are to be entitled to consideration with those on the list.

7. It is to be noted that the "cut-off" dates set forth in §§ 1.106(b)(1) and 1.361(b), as amended, are stated in the alternative, whichever is earlier: (1) The close of business on the day before action on the earlier filed application, or (2) the close of business on the day before the date fixed by the Public Notice. Thus, the date fixed by the Public Notice is no guaranty that an application will be entitled to consideration with listed applications if filed by that date, but rather is the last possible filing date for comparative consideration even if the earlier filed application has not been acted upon by that time. Potential applicants, as in the past, must be guided in their decisions as to filing their applications by the public notices of the acceptance for filing of competing applications and the status of the processing line.

8. It is also to be noted that according to the language and intent of § 1.106(b)(1), as amended, the consolidation rights of a new application are governed by the earliest action (designation for hearing or listing in a Public Notice) with respect to one of the earlier filed applications. Thus, contrary to the present procedure, if application B is timely filed for consideration with application A, and application C is not timely filed for consideration with application A, application C will not be consolidated in the hearing on applications A and B even though it were timely filed as to B.

9. We believe that the rule changes already noted will be of some assistance in reducing the backlog of standard broadcast applications, but we strongly feel that there will be no substantial reduction unless steps are also taken to alle-

viate the impact of constant amendment of applications on the processing line. Amendments with respect to frequency, power, and antenna system have been an even greater reason for delay in the processing of applications than the filing of new applications. Moreover, when an application, which has reached the processing stage, is amended to change the frequency requested, the work done in the study of interference conditions is entirely wasted. Therefore, we are amending § 1.354(h) to provide that a new file number will be assigned to an application when it is amended to change its engineering proposal other than with respect to the type of equipment specified. The assignment of a new file number will not only result in the removal of an application from the processing stage to the bottom of the processing line, but will also cause the amended application to lose its right to consideration with applications having a protected status. In short, any application which has been assigned a new file number will be treated as though it were a new application filed on the day of its amendment, and its rights will be determined accordingly. This intention is made clear in amended §§ 1.106(b)(1) and 1.361(b). We are also making appropriate editorial changes in § 1.354(b) of the rules.

10. We believe that the adoption of the foregoing amendments to the Commission's rules will be of great assistance in obviating the delays in the processing of standard broadcast applications and that the public interest, convenience, and necessity will be served thereby. If they are to receive the full benefits of the new procedure, it behooves all applicants to reexamine their proposals and make any amendments they deem necessary or advisable before the new rules become effective. Likewise, potential applicants would be well advised to make certain that their applications are in good order before filing, since in both cases later amendments may result in delay that could have been avoided.

11. Inasmuch as the amendments herein ordered are procedural in nature, compliance with the requirements of sections 4(a) and (b) of the Administrative Procedure Act is not required.

12. Authority for the adoption of the amendments herein is contained in sections 4(i), 5(e) and 303(r) of the Communications Act of 1934, as amended.

13. In view of the foregoing: *It is ordered*, That, effective May 16, 1959, §§ 1.106(b)(1), 1.361(b) and 1.354 of the Commission's rules are amended as set forth below.

Adopted: April 8, 1959.

Released: April 9, 1959.

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

I. Amend § 1.106(b)(1) to read as follows:

(1) In broadcast cases, no application will be consolidated for hearing with a previously filed application or applications unless such application, or such application as amended if amended so

as to require a new file number, is substantially complete and tendered for filing by whichever date is earlier: (i) The close of business on the day preceding the day the previously filed application or one of the previously filed applications is designated for hearing; or (ii) the close of business on the day preceding the day designated by public notice published in the FEDERAL REGISTER as the day any one of the previously filed applications is available and ready for processing.

NOTE: Subdivision (ii) of this subparagraph applies only to standard broadcast applications for new stations or for major changes in the facilities of authorized stations. See also § 1.354 (c) and (h) and 1.361(b).

II. Amend § 1.354 as follows:

A. Amend § 1.354(b) to read as follows:

(b) The Commission will not act on applications in paragraph (a) (1) of this section until 30 days after the date on which "Public Notice" is given by the Commission of acceptance for filing of such application. If an application is amended so as to require a new file number (See paragraph (h) of this section), the Commission will take no action until 30 days have elapsed since the date on which "Public Notice" is given of the acceptance for filing of such amendment. Where a later filed application, or an application as amended if amended so as to require a new file number, is in conflict with another application, the 30-day limitation shall be applicable only to the earlier of the conflicting proposals.

B. Amend § 1.354(c) to read as follows:

(c) Applications for new stations or for major changes in the facilities of authorized stations are processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and are drawn by the staff for study, the lowest file number first. Thus, the file number determines the order in which the staff's work is begun on a particular application. There is one exception thereto: the Broadcast Bureau is authorized to group together for processing applications which involve interference conflicts where it appears that the applications must be designated for hearing in a consolidated proceeding. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the Commission will periodically publish in the FEDERAL REGISTER a Public Notice listing applications which are near the top of the processing line and announcing a date (not less than 30 days after publication) on which the listed applications will be considered available and ready for processing and by which applications must be filed if they are to be grouped with any of the listed applications.

C. Amend § 1.354(h) to read as follows:

(h)(1) A new file number will be assigned to an application for a new station or for major changes in the facilities of authorized stations when it is amended to change its engineering proposal other than with respect to the type of equipment specified.

(2) A new file number will be assigned to an application for a new station when it is amended to specify a change in ownership as a result of which one or more parties with an ownership interest in the original application do not have, on a collective basis, a 50 percent or more ownership interest in the amended application.

(3) An application for changes in the facility of an existing station will continue to carry the same file number although an assignment of license or transfer of control of said licensee (permittee)-applicant has been consented to by the Commission, provided the application for changes in facility (FCC Form 301) is amended jointly by the assignor and assignee or transferor and transferee, upon consummation of the assignment or transfer, to reflect the ownership changes and to include the financial and programming proposals of the new licensee (permittee)-applicant.

III. Amend § 1.361(b) to read as follows:

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the Commission will not consider any other application, or any other application as amended if amended so as to require a new file number, as being mutually exclusive or in conflict with the application under consideration unless such other application was substantially complete and tendered for filing by whichever date is earlier: (1) The close of business on the day preceding the day on which the Commission takes action with respect to the application under consideration; or (2) the close of business on the day preceding the day designated by public notice in the FEDERAL REGISTER as the day the application under consideration is available and ready for processing.

NOTE: Paragraph (b) (2) of this section applies only to standard broadcast applications for new stations or for major changes in the facilities of authorized stations. See also §§ 1.106(b) (1) and 1.354 (c) and (h).

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

[F.R. Doc. 59-3102; Filed, Apr. 13, 1959; 8:49 a.m.]

[FCC 59-320]

**PART 3—RADIO BROADCAST SERVICES**

**Use of Television Test Signals**

APRIL 9, 1959.

A rule making proceeding (Docket No. 11986) is outstanding for the purpose of

considering the adoption of a standard test signal to be transmitted by television broadcast stations. The time for filing comments in this proceeding has expired.

When the Commission released its Notice of Proposed Rule Making in the proceeding referred to above, it issued a Public Notice (FCC 57-342) on April 4, 1957, pointing out that it would be helpful if during the course of the proceeding television stations were authorized, without further specific authority, to transmit test signals during programming. The Commission noted that such test transmissions could be employed for the purpose of developing and testing the feasibility of the particular method used and would be helpful in the preparation of comments and data in the rule making proceeding.

Station licensees were cautioned, however, that the specifications of any test signal which may be adopted would be determined after the completion of the rule making proceeding, and that equipment employed under the test authorization may become obsolete as a result of the specifications finally adopted. The Commission provided, further, that the transmission of test signals during program transmissions shall not interfere with synchronization nor significantly degrade the picture reception.

Pending a final decision in Docket No. 11986, television broadcast stations are authorized to continue to conduct test transmissions in accordance with the Public Notice of April 4, 1957, for the period ending October 3, 1959. Stations originating test signals pursuant to this authorization are requested to notify the Commission.

Adopted: April 8, 1959.

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

[F.R. Doc. 59-3105; Filed, Apr. 13, 1959; 8:49 a.m.]

**Title 50—WILDLIFE**

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

**SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES**

**PART 108—KODIAK AREA**

**Closed Season, King Crabs**

Basis and purpose: Field observations in the Kodiak area disclose that the moulting of king crabs has now resulted in an excess take of soft shelled male crabs, and that fishing, except by pots, should be suspended throughout the area as quickly as possible.

Therefore, § 108.74 as published in the FEDERAL REGISTER, on March 19, 1959, 24 F.R. 2061, is amended to read as follows:

**§ 108.74 Closed season, king crabs.**

Fishing for or the taking of king crabs, except by pots, is prohibited throughout the Kodiak area from April 13 through May 27, 1959.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

DONALD L. MCKERNAN,  
Director,

Bureau of Commercial Fisheries,

[F.R. Doc. 59-3144; Filed, Apr. 10, 1959;  
5:07 p.m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ 43 CFR Part 270 ]

#### STATE GRANTS FOR EDUCATIONAL, INSTITUTIONAL, AND PARK PURPOSES

##### Notice of Proposed Rule Making

*Basis and purpose.* Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and section 2478 of the Revised Statutes (43 U.S.C. 1201), it is proposed to amend 43 CFR 270.1-270.22a as set forth below. The purpose of this amendment is to revise the regulations to conform with the provisions of the act of August 27, 1958, supra, which amended the sections 2275 and 2276 of the Revised Statutes relating to State selections for school lands lost in place and to simplify the regulations generally.

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

ROGER ERNST,

Assistant Secretary of the Interior.

APRIL 7, 1959.

Sections 270.1 through 270.22a are revoked and the following issued in lieu thereof:

#### INDEMNITY SELECTIONS

##### § 270.1 Statutory authority.

(a) Sections 2275 and 2276 of the Revised Statutes, as amended August 27, 1958 (43 U.S.C. 851, 852), referred to in §§ 270.1 to 270.6 as "the law," authorize the public land States except Alaska to select lands of equal acreage within their boundaries as indemnity for grant lands in place lost to the States because of appropriation prior to survey or because of natural deficiencies resulting from such causes as fractional sections and fractional townships.

(b) The law provides that indemnity for lands lost because of natural deficiencies will be selected from the unappropriated, nonmineral, surveyed public lands, and that indemnity for lands lost because of appropriation prior to survey will be selected from the unappropriated, surveyed public lands subject to the following restrictions:

(1) No lands mineral in character may be selected except to the extent that the selection is made as indemnity for mineral lands.

(2) No lands on a known geologic structure of a producing oil or gas field may be selected except to the extent that the selection is made as indemnity for lands on such a structure.

(c) The law also provides that lands subject to a mineral lease or permit may be selected, but only if the lands are otherwise available for selection, if all the lands subject to that lease or permit are selected, and if none of the lands subject to that lease or permit are in a producing or producible status. It permits the selection of lands withdrawn, classified, or reported as valuable for coal, phosphate, nitrate, potash, oil, gas, asphaltic minerals, oil shale, sodium, and sulphur and lands withdrawn by Executive Order No. 5327 of April 15, 1930, if such lands are otherwise available for, and subject to, selection, provided that, except where the base lands are mineral in character, such minerals are reserved to the United States in accordance with and subject to the regulations in Part 102 of this chapter. Except for the withdrawals mentioned in this paragraph and for lands subject to classification under section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315f), as amended, the law does not permit the selection of withdrawn or reserved lands.

(d) The law further provides that upon the revocation not later than 10 years after August 27, 1958, of any order of withdrawal, in whole or in part, the order or notice taking such action shall provide for a period of not less than six months before the date on which it otherwise becomes effective in which the State in which the lands are situated shall have a preferred right of application for selection under the law, except as against prior existing valid settlement and preference rights conferred by existing law other than the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C. 282), as amended, or as against equitable claims subject to allowance and confirmation, and except where a revocation of an order of withdrawal is made in order to assist in a Federal land program.

(e) Subsection (b) of the section 2276 of the Revised Statutes, as amended, sets forth the principles of adjustment where selections are made to compensate for deficiencies of school lands in fractional townships.

##### § 270.2 Waiver of State preference right of application.

Where the proper selecting agent of the State files in writing in the appropriate land office a waiver of the preference provisions of paragraph (d) of § 270.1 in connection with the proposed revocation of an order of withdrawal, the order or notice effecting such revocation will not provide for such preference.

##### § 270.3 Applications for selection.

(a) An application for selection will be considered as a petition for classification of the land under section 7 of the Taylor Grazing Act, as amended, in the manner prescribed by Part 296 of this chapter.

(b) Applications for selection of lands under the law will be made by the proper selecting agent of the State and will be filed, in duplicate, in the proper land office in the State or for lands in a State in which there is no land office, will be filed with the Bureau of Land Management, Washington 25, D.C., except that applications for lands in North Dakota or South Dakota shall be filed in the land office at Billings, Montana, applications for lands in Kansas or Nebraska shall be filed in the land office at Cheyenne, Wyoming, and for lands in Oklahoma in the land office at Santa Fe, New Mexico.

(c) No special form of application is required but it must be typewritten and must contain, or be accompanied by, the following information:

(1) A reference to the Act of August 27, 1958 (72 Stat. 928).

(2) A certificate by the selecting agent showing

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

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

(iii) That no portion of the selected land is occupied for any purpose by the United States and that the land is unoccupied, unimproved, and unappropriated by any person claiming the land other than the applicant.

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

(v) That indemnity has not been previously granted for the assigned base lands and that no other selection is pending for such assigned base.

(3) A statement by a qualified party, having a personal knowledge of the land, describing the mineral or nonmineral character of each smallest legal subdivision of the base and selected lands.

(4) A certificate by the officer or officers charged with the care and disposal of school lands that no instrument purporting to convey, or in any way incur, the title to any of the land used as base or bases, has been issued by the State or its agents.

(d) In addition to the requirements of paragraph (c) of this section, applica-

tions for selection must conform with the following rules:

(1) The selected and base lands must be described in accordance with the official plats of survey except that unsurveyed base lands will be described in terms of their probable legal description, if and when surveyed in accordance with the rectangular system of surveys.

(2) The selection in any one application must not exceed 640 acres.

(3) Separate base or bases must be assigned to each smallest legal subdivision of selected land and such base or bases must correspond in area with each subdivision. A portion of a smallest actual or probable legal subdivision may be assigned as base but such assignment is an election to take indemnity for the entire subdivision and is a waiver of the State's rights to such subdivision, except that any remaining balance may be used as base for future selections.

(4) The cause of loss of the base lands to the State must be specifically stated for each separate base.

(e) Applications for selection must be accompanied by a fee of \$2 for each 160 acres, or fraction thereof, except that applications by the States of Arizona and New Mexico must be accompanied by a fee of \$1 for each 160 acres, or fraction thereof. The fee will be retained by the Government only to the extent that the selections are approved.

**§ 270.4 Publication and protests.**

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

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

**§ 270.5 Certifications; mineral leases and permits.**

(a) Certifications will be issued for all selections approved under the law by the authorized officer of the Bureau of Land Management.

(b) Where lands subject to a mineral lease or permit are certified to a State, the State shall succeed to the position of the United States thereunder.

**§ 270.6 Appeals.**

An appeal pursuant to the rules of practice, Part 221 of this chapter, may be taken from the decision of the authorized officer of the Bureau of Land Management.

**QUANTITY AND SPECIAL GRANT SELECTIONS**

**§ 270.7 Scope of regulations.**

Sections 270.7 to 270.9 apply generally to quantity and special grants made to States other than Alaska.

**§ 270.8 Lands subject to selection.**

Selections made in satisfaction of quantity and special grants can generally

be made only from the vacant, unappropriated, nonmineral, surveyed public lands within the State to which the grant was made. If the lands are otherwise available for selection, the States may select lands which are withdrawn, classified, or reported as valuable for coal, phosphate, nitrate, potash, oil, gas, asphaltic minerals, sodium, or sulphur, provided that the appropriate minerals are reserved to the United States in accordance with and subject to the regulations of Part 102 of this chapter.

**§ 270.9 Applicable regulations.**

The regulations in §§ 270.3 to 270.6 apply to quantity and special grants with the following exceptions and modifications:

(a) Section 270.5(b) and §§ 270.3(c)(4), 270.3(d)(3), and 270.3(d)(4), and all references to base lands, do not apply.

(b) Section 270.3(c)(1) is modified to require reference to the appropriate granting act; § 270.3(c)(3) is modified to require a statement by a qualified party, having personal knowledge of the land, testifying to the nonmineral character of the selected land; § 270.3(d)(2) is modified to permit as much of 6,400 acres in a single selection; § 270.3(e) is modified to be consistent with § 216.14 of this chapter; and § 270.3(c)(2)(v) is modified to require a certificate that the selection and those pending, together with those approved, do not exceed the total amount granted for the stated purpose of the grant.

[F.R. Doc. 59-3093; Filed, Apr. 13, 1959; 8:48 a.m.]

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**[ 7 CFR Part 968 ]**

[Docket No. AO-173-A10]

**MILK IN WICHITA, KANSAS, MARKETING AREA**

**Notice of Revised Recommended Decision and Opportunity To File Written Exceptions With Respect To Proposed Amendments to Tentative Marketing Agreement and to Order**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Wichita, Kansas, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 9, 1959 (24 F.R. 1097) filed with the Hearing Clerk, United States Department of

Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

On the basis of the exceptions to the recommended decision, certain changes have been made in the regulations proposed, particularly with respect to the pooling provisions. In view of these changes, interested parties are being given further opportunity to file exceptions. Interested parties may file written exceptions to the revised decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed marketing agreement and order hereinafter set forth were formulated, was conducted at Wichita, Kansas, on August 5-7, 1958, pursuant to notice thereof which was issued on July 16, 1958 (23 F.R. 5509).

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (24 F.R. 1097; Doc. 59-1288) are hereby approved and adopted as if set forth in full herein subject to the following modifications:

1. On page 1098, column 1, delete the first complete paragraph and substitute therefor the following:

A review of the record in the light of exceptions taken by interested parties shows that in Butler County the combined sales of presently regulated handlers represent approximately 27 percent of the total volume of Grade A milk sold. To this would be added the volume of sales from the El Dorado plant which would be fully or partially regulated by virtue of its Grade A distribution in Cowley County. The combined volume distributed by the Wichita handlers and from the El Dorado plant was shown by uncontroverted evidence to approximate 60 percent of the total quantity of fluid milk distributed in the county. The evidence was based on the actual sales data from 5 handlers and observations of competitors' operations, and was checked against population data and average rates of consumption.

2. On page 1099, columns 1 and 2, delete all of the findings under the heading "5. Cottage cheese.", and substitute therefor the following:

5. *Cottage cheese.* Milk used to produce cottage cheese in plants approved for the sale of cottage cheese in jurisdictions within the marketing area which require that it be made from Grade A milk should continue to be classified as Class II and priced at 80 cents per hundredweight above the Class III price. However, milk used to produce cottage cheese at plants from which sales are made only outside such jurisdictions should be classified and priced as Class III.

In the recommended decision, cottage cheese was considered a Class-II use regardless of the territory where it was sold. However, the provisions for compensatory payments on fluid milk prod-

ucts and on cottage cheese received from other Federal order markets were eliminated. In their exceptions, interested parties pointed out that a handler regulated under the Kansas City order operates a plant located only a few miles from the edge of the area recommended to be included in the expanded Wichita market and has a substantial distribution of milk and cottage cheese in such area. This handler, and any others similarly situated, would have a considerable competitive advantage in the sale of cottage cheese in the Wichita market.

In the circumstances, cottage cheese should be considered as Class II utilization only if it is made in plants from which distribution is made in those portions of the marketing area where cottage cheese is required to be made from Grade A milk. Such area presently includes the city of Wichita, where the city ordinance with respect to milk and milk products is in effect, and the territory within three miles of the city limits, which is covered by a resolution of the Sedgwick County Board of County Commissioners. There was no proposal made at the hearing to modify the Class II price with respect to such milk.

Outside these specified jurisdictions there is no requirement that cottage cheese be produced from Grade A milk. In this territory, cottage cheese can be made from manufacturing grade milk. Also, considerable quantities are currently being distributed by a Kansas City handler. Under that order cottage cheese and all other manufacturing uses are Class II. The Class II price is the higher of a local plant price, which differs only slightly from the local plant prices included in the Wichita Class III formula, or a butter-powder formula. The Kansas City Class II prices may, therefore, differ somewhat from the Class III price in Wichita but can be expected to approximate the same general level. Official notice is taken of the fact that for the calendar year 1958 the simple average of the Kansas City Class II price was 8 cents below the Wichita Class III price.

Handlers proposed that Class II milk be accounted for on the basis of actual sales of cottage cheese rather than on the basis of the milk used to produce the cottage cheese. However, this objective is already being achieved to a major degree. If a vat of milk fails to set, the handler can dispose of the milk under the dumping provision or leave it to be accounted for as plant loss. Under present procedures, milk used in the manufacture of cottage cheese has been exclusively accounted for as a "used-to-produce" basis. However, it appears that reclassification to Class III would be appropriate if route returns of Class II cottage cheese were disposed of as livestock feed, under conditions permitting adequate verification by the market administrator.

3. On page 1102, column 1, in the fifth paragraph, change the third sentence to read as follows: "It is recommended that of this group only the Pet Milk Company plant at Iola be retained, inasmuch as the plants operated by the Arkansas City Cooperative, Bennett

Creamery Company and the Page Milk Company are operated in conjunction with Grade A plants which are prospectively subject to the Wichita order and currently regulated under the Kansas City and Neosho Valley orders, respectively."

4. On page 1102, column 2, insert after the first complete paragraph the following:

A conforming change which should have been included in the recommended decision relates to the administrative expense charged to handlers operating nonpool plants. Under § 968.62 of the present order, such handlers pay into the equalization fund the lesser of two alternative charges. The market administrator has followed the practice of making a complete audit and determining which of the two is least. Administrative expense has, therefore, been charged on the entire quantity of approved milk.

The order has been revised to have the handler operating a nonpool plant elect whether he will pay the difference between class prices on the in-area sales or any amount by which he may have paid his approved dairy farmers less than the class utilization value of such milk at order prices.

The assessment of administrative expense should depend upon which option is chosen by the nonpool distributor. If he elects to pay the difference between class prices on his in-area sales, he should pay administrative expense only on such quantities. However, if he elects the payment-to-dairy farmers option, he should pay administrative expense on his entire receipts from the approved dairy farmers. Obviously, the second option involves fully as much verification of receipts and utilization by the market administrator as at a pool plant. Such verification might well include the checking of weights and butterfat tests of receipts from dairy farmers and of the product sold as well as an audit of the books and records.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Recommended marketing agreement and order.* The following order regulating the handling of milk in the Wichita, Kansas, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administra-

tor, Agricultural Marketing Service, on February 9, 1959, and published in the FEDERAL REGISTER on February 12, 1959 (24 F.R. 1097; Doc. 59-1288), shall be and are the terms and provisions of this order, as if set forth in full herein subject to the following revisions:

1. In § 968.15, page 1104, delete the parenthetical phrase "(except bulk ice cream mix)" and substitute therefor the phrase "(except frozen dessert mixes and eggnog)".

2. Change § 968.41(b) to read as follows:

(b) Class II shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat used to produce cottage cheese in plants approved for the sale of cottage cheese in jurisdictions within the marketing area which require that cottage cheese be made from Grade A milk.

3. Insert, as a section heading for the first paragraph beginning in column 2, page 1105, the phrase "§ 968.42 Shrinkage."

4. Revise § 968.51(c) (2) page 1106, to read as follows:

(2) The average price reported by the Department for the current month for milk used in the manufacture of American Cheese, evaporated milk, and butter and by-products, f.o.b. plant, United States, adjusted to 3.8 percent butterfat basis by direct ratio.

5. In § 968.62(a), page 1107, delete the phrase "cottage cheese so disposed of" and substitute therefor the phrase "cottage cheese disposed of as Class II".

6. In § 968.10(d) (2) page 1103, delete the phrase pursuant to § 968.11(c)", and substitute therefor the phrase "pursuant to § 968.11".

7. In § 968.51(c) (1), page 1106, delete the phrase "average of the prices reported to have been paid" and substitute therefor the phrase "average of the basic or field prices reported to have been paid".

8. In § 968.87, page 1108, delete the phrase "with respect to all milk received from approved dairy farmers and other source milk allocated to Class I" and substitute therefor the phrase "(1) with respect to all milk received from approved dairy farmers, except that in the case of a handler who elects to compute his obligation under § 968.62(a) only with respect to the quantity of milk disposed of as Class I or Class II in the marketing area and (2) with respect to other source milk allocated to Class I or Class II".

9. In § 968.46, page 1105, delete the phrase "classification of milk received from producers", and substitute therefor the phrase "classification of producer milk".

10. In § 968.51, page 1106, delete the phrase "basic formula price", and substitute therefor the phrase "basic formula price for the preceding month".

Issued at Washington, D.C., this 9th day of April 1959.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator.

[F.R. Doc. 59-3099; Filed, Apr. 13, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

PROJECTOR CARBONS FROM WEST GERMANY

Determination of No Sales at Less Than Fair Value

APRIL 8, 1959.

A complaint was received that projector carbons from West Germany were being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that projector carbons from West Germany are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* The projector carbons sold for home consumption in West Germany were found to be similar to the projector carbons sold to the United States within the meaning of the Antidumping Act as amended by Public Law 630 of August 14, 1958, despite certain differences in materials used and in the manufacturing process.

The quality of projector carbons sold for home consumption was sufficient in relation to the quantity sold otherwise than for exportation to the United States to form an adequate basis of comparison.

After due adjustment for the differences in the compared carbons, for circumstance of sale differences due to higher administrative costs and selling expenses, and to technical services and warehousing costs applicable solely to home market sales, and for differences in the quantities sold to purchasers for home consumption as compared with the quantities sold to the United States purchaser, purchase price was found to be not less than home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,  
Acting Secretary of the Treasury.

[F.R. Doc. 59-3113; Filed, Apr. 13, 1959; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[I-19]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 6, 1959.

The Bureau of Public Roads has filed an application, Serial No. U-033577, for the withdrawal of the lands described

No. 72-3

below, from location and entry under the public land laws, including the General Mining Laws, but not the Mineral Leasing Laws. Grazing administration will be continued by the Bureau of Land Management.

The applicant desires the withdrawal of the lands for future right-of-way purposes for locating an interstate highway, the location of which has not definitely been determined. Upon determination of the location of the highway, the excess lands will be restored.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, P.O. Box 777, Salt Lake City 10, Utah.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands requested for withdrawal are as follows:

SALT LAKE MERIDIAN, UTAH

T. 21 S., R. 19 E.,  
Sec. 34: NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ ;

Sec. 35: N $\frac{1}{2}$ .

T. 21 S., R. 20 E.,

Sec. 25: S $\frac{1}{2}$ ;

Sec. 26: S $\frac{1}{2}$ ;

Sec. 27: S $\frac{1}{2}$ ;

Sec. 28: S $\frac{1}{2}$ ;

Sec. 29: S $\frac{1}{2}$ ;

Sec. 30: S $\frac{1}{2}$ ;

Sec. 31: N $\frac{1}{2}$ .

T. 21 S., R. 22 E.,

Sec. 29: S $\frac{1}{2}$ ;

Sec. 30: S $\frac{1}{2}$ ;

Sec. 31: N $\frac{1}{2}$ ;

Sec. 33: All;

Sec. 34: All;

Sec. 35: All;

Sec. 36: All.

T. 21 S., R. 23 E.,

Sec. 1: All;

Sec. 11: All;

Sec. 12: W $\frac{1}{2}$ ;

Sec. 14: NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ ;

Sec. 15: S $\frac{1}{2}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ ;

Sec. 20: SE $\frac{1}{4}$ ;

Sec. 21: All;

Sec. 22: W $\frac{1}{2}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ ;

Sec. 28: NE $\frac{1}{4}$ ; W $\frac{1}{2}$ NW $\frac{1}{4}$ ;

Sec. 29: E $\frac{1}{2}$ ;

Sec. 31: NW $\frac{1}{4}$ .

T. 21 S., R. 24 E.,

Sec. 6: NW $\frac{1}{4}$ .

T. 20 S., R. 24 E.,

Sec. 1: All;

Sec. 10: SE $\frac{1}{4}$ ;

Sec. 11: All;

Sec. 12: NW $\frac{1}{4}$ ;

Sec. 14: NW $\frac{1}{4}$ ;

Sec. 15: All;

Sec. 20: SE $\frac{1}{4}$ ;

Sec. 21: All;

Sec. 22: NW $\frac{1}{4}$ ;

Sec. 28: NW $\frac{1}{4}$ ;

Sec. 29: All;

Sec. 30: SE $\frac{1}{4}$ ;

Sec. 31: All.

T. 20 S., R. 25 E.,

Sec. 6: NW $\frac{1}{4}$ .

T. 19 S., R. 25 E.,  
Sec. 3: S $\frac{1}{2}$ , NE $\frac{1}{4}$ ;  
Sec. 9: SE $\frac{1}{4}$ ;  
Sec. 10: S $\frac{1}{2}$ , NW $\frac{1}{4}$ ;  
Sec. 15: W $\frac{1}{2}$ ;  
Sec. 20: SE $\frac{1}{4}$ ;  
Sec. 21: All;  
Sec. 28: NW $\frac{1}{4}$ ;  
Sec. 29: All;  
Sec. 30: SE $\frac{1}{4}$ ;  
Sec. 31: All.  
T. 18 S., R. 26 E.,  
Sec. 29: S $\frac{1}{2}$ ;  
Sec. 30: S $\frac{1}{2}$ ;  
Sec. 31: N $\frac{1}{2}$ .

UNSURVEYED

T. 21 S., R. 21 E.,  
Secs. 25 to 36, incl.  
T. 18 S., R. 25 E.,  
Secs. 25, 26, 27, 34, 35, 36.

The above area aggregates 32,840 acres.

VAL B. RICHMAN,  
State Supervisor.

[F.R. Doc. 59-3087; Filed, Apr. 13, 1959; 8:47 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The City of Douglas, Alaska has filed an application, Serial No. J-010761, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws, the mineral leasing laws, and laws pertaining to the disposition of materials. The applicant desires the land for a municipal watershed reserve.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 2511, Juneau, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

From Corner 3 of U.S. Survey #1762, which is also Corner 1 of U.S. Survey #2393, which is in the "Juneau Townsite Elimination from the Tongass National Forest", from said survey:

Thence on a bearing of N. 4°35' E., 86.50 chains distant to Corner 2 of U.S. Survey 2393;

Thence on a bearing of N. 27°51' E., 76.48 chains distant, to Corner 3 of U.S. Survey 2393;

Thence on a bearing of N. 40°28' E., 41.05 chains distant, to Corner 4 of U.S. Survey 2393 and also the most southerly corner of Boston Lode Mineral Survey #66-A, from which U.S.L.M. No. 5 bears N. 13°34' W., 69.392 chains distant;

Thence in a southeastern direction approximately 37.58 chains distant to the most west-

erly corner of Extension of Section Lode, Mineral Survey No. 340;

Thence in a southeastern direction along western side of said Survey about 1,500 ft., to the most southerly corner, which is also designated as the most westerly corner of Section Lode, Mineral Survey No. 340;

Thence in a southeastern direction along western side of said survey about 1,500 ft., to the most southern corner of said survey, which is also the most westerly corner of Hatea Lode, Mineral Survey No. 340;

Thence in a southeastern direction along the western side of said survey about 1,500 ft., to the most southern corner, which is also the most westerly corner of Eagle Lode, Mineral Survey No. 109;

Thence in a southeastern direction along western side of said survey about 1,500 ft., to the most southern corner of said survey, which is also the most westerly corner of Excelsior Lode, Mineral Survey No. 98;

Thence in a southeastern direction along western side of said survey about 1,500 ft., to the most southern corner;

Thence in a southwestern direction for about 161.00 chains to a point designated as an Intermediate Station which is on the boundary of U.S. Survey 1762.

Thence N. 59°53'30" W., 128.83 chains distant to Corner 3 of U.S. Survey 1762 and point of beginning, containing approximately 2,740 acres.

WARNER T. MAY,  
Operations Supervisor.

[F.R. Doc. 59-3088; Filed, Apr. 13, 1959;  
8:47 a.m.]

## ALASKA

### Notice of Proposed Withdrawal and Reservation of Land; Amendment

APRIL 3, 1959.

Notice of the proposed withdrawal and reservation of land for the Department of the Air Force in the Anchorage Land District, Alaska, was published in the FEDERAL REGISTER on February 10, 1959, Volume 24, Number 28; and was amended on March 26 in Volume 24, Number 59.

The amended notice erroneously specified the Bureau of Public Roads as the applicant for the withdrawal. Correction is hereby made to designate the Department of the Air Force as being the applicant for the request serialized as Anchorage 033714.

L. T. MAIN,  
Operations Supervisor,  
Anchorage.

[F.R. Doc. 59-3091; Filed, Apr. 13, 1959;  
8:47 a.m.]

[Area Order 20]

## VARIOUS OFFICIALS

### Delegation of Authority To Enter Into Contracts and Leases

APRIL 3, 1959.

Pursuant to the authority contained in Section One of Order No. 615 of the Director of the Bureau of Land Management, and Public Law 85-800, approved August 28, 1958, the following are authorized to enter into contracts for supplies, or services, including rental of equipment) as provided above, when the

amount in any contract does not exceed amounts indicated below:

STATE ADMINISTRATIVE ASSISTANTS WYOMING AND MONTANA	
Construction.....	\$2,000
Equipment rental.....	2,000
Supplies and materials.....	2,500

STATE ADMINISTRATIVE ASSISTANTS COLORADO AND NEW MEXICO, AREA 3	
Construction.....	\$500
Equipment rental.....	500
Supplies and materials.....	500

DISTRICT ADMINISTRATIVE ASSISTANTS AND/OR PRINCIPAL DISTRICT CLERKS, AREA 3	
Supplies and materials.....	\$500

W. B. WALLACE,  
Area Administrator.

[F.R. Doc. 59-3089; Filed, Apr. 13, 1959;  
8:47 a.m.]

[82039]

## FLORIDA

### Notice of Filing of Plat of Survey

APRIL 8, 1959.

Plat of Survey of the land described below, accepted February 2, 1959, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C., effective 10:00 a.m., on May 15, 1959.

TALLAHASSEE MERIDIAN, FLORIDA

T. 19 S., R. 20 E.,  
Sec. 4, Lot 9 (Island)  
containing 12.87 acres.

This plat represents the survey of an island in Lake Tsala Apopka which was not included in the original surveys of T. 19 S., R. 20., represented upon the plat approved August 2, 1854, nor the subsequent island surveys as represented on the plat accepted February 18, 1929.

The island is of sandy loam formation and reaches approximately five feet above water level. Timber consists of live oak, sweet gum, and cabbage palm, ranging from four to 36 inches in diameter; undergrowth is palmetto with a rim of myrtle around the island. There were no improvements on the island at the date of survey in 1958. The island is reported as upland in character.

On February 24, 1923, the unsurveyed lands in the above township and range were withdrawn and reserved under the act of February 16, 1921 (41 Stat. 1103), for the benefit of the State in order that it might file selections of land for the satisfaction of its school land grant. This withdrawal expires 60 days after the official filing of the plat of survey of the land involved.

Until further notice, the lands shall be subject only to application by the State of Florida, in accordance with and subject to the limitations and requirements of the Act of February 16, 1921 (41 Stat. 1103). Except as to prior existing valid settlement rights and preference rights conferred by existing law other than the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C. 282) as amended,

or as to equitable claims subject to allowance and confirmation, they will not be subject to application, petition, location, selection, or to any other appropriations under any other public land law, including the mining and mineral leasing laws, unless and until a further order is issued by an appropriate officer of the Bureau of Land Management.

All inquiries relating to the land should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. SCHOLL,  
Manager.

[F.R. Doc. 59-3090; Filed, Apr. 13, 1959;  
8:47 a.m.]

## Bureau of Mines

### DESIGNATED OFFICIALS

#### Delegation of Authority To Execute Contracts

Subparagraph 205.2.4A(1), Designated Officials, Bureau of Mines Manual (F.R. Document 59-2548, 24 F.R. 2374), is hereby amended as follows:

After "Assistant Director—Health and Safety" and "Chief, Division of Anthracite, Washington Office" add "Except that contracts included in this subparagraph shall also include those contracts for the control and extinguishment of outcrop and underground fires in coal formations as authorized by Public Law 738 (68 Stat. 1009)."

Dated: April 8, 1959.

MARLING J. ANKENY,  
Director, Bureau of Mines.

[F.R. Doc. 59-3092; Filed, Apr. 13, 1959;  
8:47 a.m.]

## HOUSING AND HOME FINANCE AGENCY

### Public Housing Administration DESCRIPTION OF AGENCY AND PROGRAMS

#### Miscellaneous Amendments

Section I, Description of Agency and Programs, is amended as follows:

1. Paragraph D1 is amended by changing the last clause to read: "the Commissioner has Special Assistants in the fields of defense planning, compliance, and liaison."

2. Paragraph D7 is amended by changing "b" and "c" to "d" and "e" and inserting "b. Intergroup Relations. c. Labor Relations."

3. Paragraph G5 is amended by deleting "P.O. Box 9197," and inserting in lieu thereof "Credite and Ahorro Building, Stop 17, Ponce de Leon Avenue."

Approved: April 7, 1959.

[SEAL] CHARLES E. SLUSSER,  
Commissioner.

[F.R. Doc. 59-3085; Filed, Apr. 13, 1959;  
8:46 a.m.]

**DELEGATIONS OF FINAL AUTHORITY**

**Deletion and Additions**

Section II, Delegations of Final Authority, is amended as follows: Paragraph C3 is amended by deleting therefrom "Special Assistant to the Commissioner (Labor Relations)" and inserting in lieu thereof "Assistant Commissioner for Management" and "Director of the Labor Relations Branch".

Approved: April 7, 1959.

[SEAL] CHARLES E. SLUSSER,  
Commissioner.

[F.R. Doc. 59-3086; Filed, Apr. 13, 1959; 8:47 a.m.]

**OFFICE OF CIVIL AND DEFENSE MOBILIZATION**

**GEORGE ROSS LeSAUVAGE**

**Appointee's Statement of Business Interests**

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended. Since my last report, I have purchased the following stocks:

- Southern National Gas.
- Sacony.
- American Sugar.
- General Electric.
- Stouffer Corp.
- General Baking Co.
- General Motors.
- American Can Co.
- Borden.
- Howe Sound.
- International Shoe.
- Long Island Lighting.
- R. H. Macy.
- Comptometer.

This amends statement published September 10, 1958 (23 F.R. 7015).

Dated: February 1, 1959.

GEORGE ROSS LeSAUVAGE.

[F.R. Doc. 59-3074; Filed, Apr. 13, 1959; 8:45 a.m.]

**DEPARTMENT OF COMMERCE**

**Defense Air Transportation Administration**

[Order No. 1]

**AIRCRAFT ALLOCATION**

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1-8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense the aircraft identified herein by FAA registration number for the Civil Reserve Air Fleet Program of the Department of Defense for the fiscal years 1959, 1960 and 1961.

FISCAL 1959 FLEET

DC-4

350 E	67566	88934
1220 V	68579	88935
1221 V	75298	88937
1435 V	75416	88938
1437 V	79012	88939
2079 A	79999	88940
4000 A	88709	90407
4726 V	88722	90420
5517 V	88819	90421
5518 V	88884	90423
5519 V	88886	90425
5521 V	88888	90427
30042	88890	90428
30048	88891	90434
30052	88893	90436
30054	88894	90440
30061	88897	90444
30064	88898	90445
33679	88900	90448
37472	88901	90450
37473	88903	90902
45343	88904	90905
48762	88907	90906
49529	88908	95411
54373	88909	95413
57670	88912	95415
65142	88921	
67067	88922	

DC-6A

401 US	6575 C	37595
402 US	6576 C	37596
566	6813	90776
571	6815	90777
630 NA	7822 C	90778
640 NA	11817	90779
650 NA	34955	90780
660 NA	34956	90781
6118 C	34957	90782
6258 C	34958	90783
6259 C	37590	90784
6260 C	37591	90785
6539 C	37592	90808
6540 C	37593	90809
6541 C	37594	

L-1049H

101 R	6502 C	6922 C
102 R	6504 C	6923 C
1006 C	6911 C	6924 C
1007 C	6912 C	6925 C
1008 C	6913 C	6931 C
1009 C	6914 C	6932 C
1880	6915 C	6933 C
5401 V	6916 C	7131 C
5402 V	6917 C	7132 C
5403 V	6918 C	7133 C
5404 V	6919 C	7134 C
6501 C	6921 C	

L-1649A

7301 C	7310 C	7319 C
7302 C	7311 C	7320 C
7303 C	7312 C	7321 C
7304 C	7313 C	7322 C
7305 C	7314 C	7323 C
7306 C	7315 C	7324 C
7307 C	7316 C	7325 C
7308 C	7317 C	
7309 C	7318 C	

DC-7

301 AA	316 AA	4875 C
302 AA	317 AA	4876 C
303 AA	318 AA	4877 C
304 AA	319 AA	4878 C
305 AA	320 AA	4879 C
306 AA	321 AA	4880 C
307 AA	322 AA	6306 C
308 AA	323 AA	6307 C
309 AA	324 AA	6308 C
310 AA	325 AA	6309 C
311 AA	326 AA	6310 C
312 AA	327 AA	6311 C
313 AA	328 AA	6312 C
314 AA	4873 C	6313 C
315 AA	4874 C	6314 C

FISCAL 1959 FLEET—Continued

DC-7B

801 D	813 D	824 D
802 D	814 D	825 D
803 D	815 D	826 D
804 D	816 D	827 D
805 D	817 D	828 D
806 D	818 D	829 D
807 D	819 D	4882 C
809 D	820 D	4883 C
810 D	821 D	4884 C
811 D	822 D	
812 D	823 D	

DC-7C

284	295	739 PA
285	296	741 PA
286	297	743 PA
287	731 PA	746 PA
288	732 PA	747 PA
289	733 PA	5900
290	734 PA	5901
291	735 PA	5902
292	736 PA	5903
293	737 PA	5905
294	738 PA	5906

DC-6B

37574	37578	37582
37575	37579	37583
37576	37580	37584
37577	37581	37585

FISCAL 1960 FLEET

DC-4

350 E	67566	88934
1220 V	68579	88935
1221 V	75298	88937
1435 V	75416	88938
1437 V	79012	88939
2079 A	79999	88940
4000 A	88709	90407
4726 V	88722	90420
5517 V	88819	20421
5518 V	88884	90423
5519 V	88886	90425
5521 V	88888	90427
30042	88890	90428
30048	88891	90434
30052	88893	90436
30054	88894	90440
30061	88897	90444
30064	88898	90445
33679	88900	90448
37472	88901	90450
37473	88903	90902
45343	88904	90905
48762	88907	90906
49529	88908	95411
54373	88909	95413
57670	88912	95415
65142	88921	
67067	88922	

DC-6A

401 US	6575 C	37595
402 US	6576 C	37596
566	6813	90776
571	6815	90777
630 NA	7822 C	90778
640 NA	11817	90779
650 NA	34955	90780
660 NA	34956	90781
6118 C	34957	90782
6258 C	34958	90783
6259 C	37590	90784
6260 C	37591	90785
6539 C	37592	90808
6540 C	37593	90809
6541 C	37594	

L-1049H

101 R	5401 V	6911 C
102 R	5402 V	6912 C
1006 C	5403 V	6913 C
1007 C	5404 V	6914 C
1008 C	6501 C	6915 C
1009 C	6502 C	6916 C
1880	6504 C	6917 C

## NOTICES

## FISCAL 1960 FLEET—Continued

## L-1049H—Continued

6918 C	6924 C	7131 C
6919 C	6925 C	7132 C
6921 C	6931 C	7133 C
6922 C	6932 C	7134 C
6923 C	6933 C	

## L-1649A

7301 C	7308 C	7315 C
7302 C	7309 C	7316 C
7303 C	7310 C	7317 C
7304 C	7311 C	7318 C
7305 C	7312 C	7319 C
7306 C	7313 C	7320 C
7307 C	7314 C	7321 C

## DC-7

6306 C	6310 C	6314 C
6307 C	6311 C	6315 C
6308 C	6312 C	6316 C
6309 C	6313 C	6317 C

## DC-7C

284	295	739 PA
285	296	741 PA
286	297	743 PA
287	731 PA	747 PA
288	732 PA	5900
289	733 PA	5901
290	734 PA	5902
291	735 PA	5903
292	736 PA	5905
293	737 PA	5906
294	738 PA	

## B-707

(120 series)

707 PA	7501	7507
708 PA	7502	7508
709 PA	7503	7509
710 PA	7504	7510
711 PA	7505	7511
712 PA	7506	7512

## FISCAL 1961 FLEET

## DC-4

350 E	37473	88939
1220 V	48762	88940
1221 V	49529	90407
1435 V	54373	90420
1437 V	57670	90421
2079 A	65142	90423
4000 A	67067	90425
4726 V	67566	90427
5517 V	68579	90428
5518 V	75298	90434
5519 V	75416	90436
5521 V	79999	90440
30042	88709	90444
30048	88722	90445
30052	88819	90448
30054	88890	90450
30061	88891	95411
30064	88894	95413
33679	88904	95415
87472	88937	

## DC-6A

401 US	6575 C	37595
402 US	6576 C	37596
566	6813	90776
571	6815	90777
630 NA	7822 C	90778
640 NA	11817	90779
650 NA	34955	90780
660 NA	34956	90781
6118 C	34957	90782
6258 C	34958	90783
6259 C	37590	90784
6260 C	37591	90785
6539 C	37592	90808
6540 C	37593	90809
6541 C	37594	

## FISCAL 1961 FLEET—Continued

## L-1049H

101 R	6502 C	6922 C
102 R	6504 C	6923 C
1006 C	6911 C	6924 C
1007 C	6912 C	6925 C
1008 C	6913 C	6931 C
1009 C	6914 C	6932 C
1880	6915 C	6933 C
5401 V	6916 C	7131 C
5402 V	6917 C	7132 C
5403 V	6918 C	7133 C
5404 V	6919 C	7134 C
6501 C	6921 C	

## B-707 (320)

714 PA	721 PA	764 TW
715 PA	722 PA	765 TW
716 PA	723 PA	766 TW
717 PA	724 PA	767 TW
718 PA	761 TW	768 TW
719 PA	762 TW	769 TW
720 PA	763 TW	770 TW

## DC-8

800 PA	805 PA	810 PA
801 PA	806 PA	811 PA
802 PA	807 PA	812 PA
803 PA	808 PA	813 PA
804 PA	809 PA	

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order supersedes all prior allocation orders.

Dated: March 25, 1959.

THEODORE HARDEEN, Jr.,  
Administrator, DATA.

[F.R. Doc. 59-3065; Filed, Apr. 13, 1959;  
8:45 a.m.]

[Order No. 2]

## AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1-8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense for the fiscal years indicated the aircraft identified herein by FAA registration number as a reserve fleet for use in certain contingencies in the Civil Reserve Air Fleet Program of the Department of Defense. Any aircraft in this reserve fleet may, at the direction of the Administrator, DATA, be added to the list of aircraft allocated by DATA Allocation Order No. 1, dated March 25, 1959, to replace an aircraft in the Civil Reserve Air Fleet that is

determined by the Department of Defense to be unavailable.

## FISCAL YEAR 1959

## DC-7

329 AA	332 AA	6317 C
330 AA	6315 C	6318 C
331 AA	6316 C	6320 C

## DC-7B

830 D	835 D	840 D
831 D	836 D	841 D
832 D	837 D	4885 C
833 D	838 D	4886 C
834 D	839 D	

## DC-7C

742 PA		
742 PA	749 PA	753 PA
744 PA	750 PA	754 PA
745 PA	751 PA	
748 PA	752 PA	

## L-1649A

7322	7324
7323	7325

## B-707 (120)

731 TW	733 TW	7513
732 TW	734 TW	7514

## FISCAL YEAR 1961

## B-707 (320)

726 PA	771 TW	774 TW
727 PA	772 TW	
728 PA	773 TW	

## DC-8

814 PA	816 PA
815 PA	817 PA

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order supersedes all prior contingency reserve allocation orders.

THEODORE HARDEEN, Jr.,  
Administrator, DATA.

MARCH 25, 1959.

[F.R. Doc. 59-3066; Filed, Apr. 13, 1959;  
8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12823]

### CRAIN'S GARAGE

#### Order To Show Cause

In the Matter of James L. Houston, d/b as Crain's Garage, P.O. Box 1055, Marietta, Georgia, order to show cause why there should not be revoked the license for automobile emergency Radio Station KIM-855; Docket No. 12823.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated February 4, 1959, calling attention to the following violation which was observed on January 29, 1959:

Section 16.152(a) (b)—failure to use complete assigned call letters. (The station identification required by this section must be assigned call letters unless a different method is specifically authorized by the Commission. During the period of observation the digits "855" were used for identification.)

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated February 25, 1959, and sent by Certified Mail, Return Receipt Requested (No. 67092), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee, James L. Houston, on February 27, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response thereto has been received; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 9th day of April 1959, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing<sup>1</sup> to be held

<sup>1</sup>Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to

at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: April 9, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-3103; Filed, Apr. 13, 1959;  
8:49 a.m.]

[FCC 59-299]

### PARTICIPATION OF STATIONS IN NATIONAL CIVIL DEFENSE TEST EXERCISES "OPERATION ALERT" AND OTHER CIVIL DEFENSE DRILLS OR EXERCISES

APRIL 9, 1959.

The Federal Communications Commission (FCC), in cooperation with the Office of Civil and Defense Mobilization is re-issuing this Public Notice, formerly Public Notice FCC 55-641, for the purpose of advising Commission licensees as to the extent they are authorized to participate in the national civil defense exercises "Operation Alert" which are scheduled annually, or any other similar test exercise or drill held in the future. In staff meetings between the two agencies, it has been indicated that other drills and exercises, either local or national in character, may be required to be held from time to time in the future. Such future exercises may be conducted without prior special coordination and arrangement. This Public Notice is an interpretation of radio operating authority applicable to any future instances of civil defense drills or exercises.

Participation in civil defense test exercises by FCC licensed stations operating in accordance with the Commission's rules, is authorized subject to the following:

(a) Domestic fixed (point-to-point) communications service for civil defense shall not be rendered on frequencies below 25 Mc except by those stations licensed in the Amateur or Disaster Communication Services or by broadcast stations. However, this does not serve

a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

to prevent the regularly authorized fixed service use of frequencies for the purpose of performing functions of normal character already authorized within a single service. For example, police fixed stations and land stations may intercommunicate for the purpose of handling civil defense drill police business in addition to normal police business.

(b) When the civil defense organization diverts an activity which utilizes an FCC licensed radio system from its normal civil function and integrates it into a civil defense exercise, radio stations licensed to that system shall be used only in the conduct of the civil defense task assigned to that system. For example, if a mobile system is to perform the civil defense task of an ambulance corps, its radio facilities shall be utilized only within its existing system and under the control of the licensee of the stations in that system. However, this does not preclude a licensee from operating a transmitter at or near a civil defense control center for liaison purposes. Furthermore, as a special exception to this policy, stations of taxicab systems may be utilized temporarily to furnish a civil defense communications service in a civil defense exercise in the hypothetical absence of stations in the Radio Amateur Civil Emergency Services (RACES), Disaster or Domestic Public services. However, stations of such taxicab systems shall cease to perform this function as soon as RACES, Disaster or Domestic Public services can be re-established.

(c) Any radio station having limited hours of normal service specified in the rules governing its operation or in the terms of its instrument of authorization is authorized to operate only during the hours so specified.

(d) A valid station authorization is necessary before a radio transmitter may be utilized in any exercise.

(e) No interference shall be caused to the regular service of stations which are not participating in an exercise and the normal communications required by any station for the purpose of carrying on its regular functions takes priority over the communications required by the exercise. This does not preclude voluntary arrangements being made in particular areas so as to minimize possibilities of interference to regular service.

(f) Due to the safety requirements of services and stations governed by Part 9 of the Commission's rules, the only aviation facilities permitted to participate in a civil defense exercise are aeronautical advisory stations, civil air patrol stations, and aircraft stations authorized to communicate with these stations.

(g) Stations in the Domestic Fixed Public or Domestic Public Land Mobile service are not authorized to participate in an exercise beyond the authority contained in the regular rules and regulations governing these services.

(h) CONELRAD. Standard broadcast stations may, if the licensee so desires, operate during the experimental period in accordance with the station's National Defense Emergency Authorization

and the CONELRAD rules and regulations of the Commission. Any such operation initiated by Civil Defense authorities (National, State or local) should be voluntary on the part of the broadcast station and shall be approved by the FCC Field Supervisor in the NORAD Region in which the station is located as follows:

FCC Field Supervisor (CONELRAD), Eastern NORAD Region, Stewart Air Force Base, Newburgh, New York.

FCC Field Supervisor (CONELRAD), Central NORAD Region, P.O. Box 308, Richards-Gebaur Air Force Base, Missouri.

FCC Western Supervisor (CONELRAD), Western NORAD Region, Drawer 12, Hamilton Air Force Base, California.

(i) The Office of Civil and Defense Mobilization has requested the voluntary cooperation of all amateurs to the end that the planned RACES procedures will be effective in the portions of this exercise which will be conducted by amateurs. In order to accomplish this the local civil defense organizations may enlist voluntary cooperation as follows:

Any RACES stations operating under an approved plan may be asked to participate in the exercises on RACES frequencies. It is planned that such activities will be carried out in accordance with all the operational requirements of the RACES rules as outlined in Subpart B of Part 12 of the Commission's rules. Amateur radio operators who are not included in an approved RACES plan may be asked to participate in the exercise on RACES frequencies as specifically required by the cognizant Civil Defense Director of any geographic area and their operation must be in accordance with Subpart A of Part 12. It is further planned that all such communications will be conducted on the RACES frequencies on radio frequency channels which have been established for each geographic area as agreed to by the State and local Civil Defense organization and the Office of Civil and Defense Mobilization. Amateurs who do not participate in this exercise are expected to cooperate by not operating on RACES frequencies during the period of the exercise.

(j) Only those stations in the Amateur, Disaster, Domestic Public, Citizen's Radio and Special Emergency communications services are authorized to perform the function of a "Civil Defense Communications Service" during an exercise. However, this does not preclude the use of the communications facilities associated with licensed systems in other services for the purpose of handling the communications necessary to perform the activity assigned such services by the civil defense authorities. For example, a taxi mobile radio system may not, except as an interim measure as indicated in paragraph (b) above, serve as the communication service to take the place of public communication facilities which, for purposes of an exercise, are considered destroyed. On the other hand, the taxi radio system may continue to operate its system in connection with the emergency function assigned it by the civil defense authorities as indicated in paragraph (b) above.

A definite policy regarding the availability of frequencies of non-Government services referred to in this Notice under the extremes of emergency conditions and areas of attack is being pre-

pared within the Federal Government and appropriate information in this regard will be made known at the earliest possible date. The Commission in the interim reminds its licensees that there might be occasions wherein, depending upon the nature of the attack and the area in question, some of the frequencies that are presently allocated to non-Government services referred to in this Notice may be withdrawn and reassigned to better meet an extreme emergency. It is emphasized that nothing in this Public Notice in any way alters the existing situation or earlier announcements with respect to frequencies for the RACES and Disaster Communications services.

The Commission will not accept applications for special authority to operate any radio station in such exercises.

Adopted: April 8, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-3106; Filed, Apr. 13, 1959;  
8:49 a.m.]

[FCC 59-298]

#### DESIGNATION OF TYPE APPROVED RADIOTELEGRAPH TRANSMITTERS COMPLYING WITH SPURIOUS EMISSION SPECIFICATIONS

APRIL 9, 1959.

Section 8.136(b) of the Commission's rules specifies spurious emission limitations which are applicable to ship radiotelegraph transmitters pursuant to § 8.136(d). The Radio Equipment List, Part C, includes all type approved ship radiotelegraph transmitters. Type approval of ship radiotelephone transmitters is required for compulsorily equipped installations.

The present requirements in § 8.136 were adopted August 1, 1957, subsequent to the type approval of many radiotelegraph transmitters which are contained in the Radio Equipment List, Part C. It is, therefore, necessary to designate which of these type approved transmitters have not been shown to meet the existing spurious emission specifications of § 8.136.

Accordingly, the Commission will designate by an asterisk following the rule part number, i.e., 8\*, in the Radio Equipment List, Part C, those type approved ship radiotelegraph transmitters, except lifeboat transmitters, which have not been shown to meet the spurious emission specifications of § 8.136(b). The asterisk (\*) will be removed when the transmitter has been shown to comply with § 8.136(b).

Each ship radiotelegraph transmitter type approved prior to August 1, 1957, will be designated "8\*" unless the manufacturer submits data to show that the transmitter meets the existing spurious emission specifications of § 8.136(b). Data for such a showing should be taken in accordance with § 2.524(d) of the rules concerning type acceptance.

Ship radiotelegraph transmitters type approved after August 1, 1957, have been, or will be, tested for compliance with § 8.136 as a prerequisite to type approval.

Adopted: April 8, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-3107; Filed, Apr. 13, 1959;  
8:49 a.m.]

[FCC 59-316]

#### STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

APRIL 9, 1959.

Notice is hereby given, pursuant to § 1.354(c) of the Commission's rules, that on May 16, 1959, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to §§ 1.106(b)(1) and 1.361(b) of the Commission's rules, an application, in order to be considered with any application appearing on the list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than the close of business on May 15, 1959, or, if action is taken by the Commission on any listed application prior to May 16, 1959, no later than the close of business on the day preceding the day on which such application is taken. After May 15, 1959, an application amended so as to require a new file number as provided in § 1.354(h) of the rules will be treated for the purpose of this notice as an application newly filed on the date of such amendment.

Adopted: April 8, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

Fifty applications from the top of the processing line:

BP-12197 NEW, Bibb City, Georgia, Bibb City Broadcasting Company. Req: 850 kc, 500 w, DA-1, U.

BP-12198 NEW, Tazewell, Tennessee, Claiborne Broadcasting Company. Req: 1430 kc, 500 w, Day.

BP-12199 KGFY, Pierre, South Dakota, Ida A. McNeill, Administratrix. Has: 630 kc, 200 w, S.H. Req: 630 kc, 250 w, S.H.

BP-12205 NEW, Houston, Texas, Southern Radio Company. Req: 1070 kc, 10 kw, DA-1, U.

BP-12207 KBRK, Brookings, South Dakota, Brookings Broadcasting Company. Has: 1430 kc, 500 w, D. Req: 1430 kc, 1 kw, D.

BP-12211 KBLI, Blackfoot, Idaho, KBLI, Inc. Has: 690 kc, 1 kw, Day. Req: 690 kc, 10 kw, Day.

BP-12213 NEW, Jamestown, Kentucky, Lake Cumberland Broadcasting Company. Req: 940 kc, 10 kw, DA, D.

BP-12214 NEW, Buckhannon, West Virginia, Upshur County Broadcasting Company. Req: 1380 kc, 1 kw, D.

BP-12221 NEW, Orangeburg, South Carolina, Frank B. Best, Jr. Req: 1440 kc, 1 kw, D.

BP-12222 NEW, Madison, South Dakota, Madison Broadcasters. Req: 1570 kc, 250 w, D.

BP-12223 NEW, Madras, Oregon, Jefferson County Broadcasting Company. Req: 900 kc, 1 kw, D.

BP-12226 WITY, Danville, Illinois, Vermillion Broadcasting Corp. Has: 980 kc, 1 kw, DA-1, U. Req: 980 kc, 1 kw, DA-2, U.

BP-12227 NEW, Clermont, Florida, Duane F. McConnell. Req: 1340 kc, 250 w, U.

BP-12228 WXGI, Richmond, Virginia, Radio Virginia, Inc. Has: 950 kc, 1 kw, D. Req: 950 kc, 5 kw, D.

BP-12236 WPON, Pontiac, Michigan, Chief Pontiac Broadcasting Company. Has: 1460 kc, 500 w, DA-N, U. Req: 1460 kc, 500 w, 1 kw-LS, DA-N, U.

BP-12240 NEW, Winchester, Virginia, John Clemon Greene, Jr. Req: 610 kc, 500 w, DA.

BP-12241 NEW, Anaheim, California, Orange County Broadcasters. Req: 1250 kc, 1 kw, DA, D.

BP-12242 NEW, Presque Isle, Maine, Presque Isle Radio Company. Req: 1390 kc, 5 kw, DA-N, U.

BP-12244 NEW, Lafayette, Louisiana, General Communications, Inc. Req: 1520 kc, 1 kw, DA-1, U.

BP-12246 WALD, Walterboro, South Carolina, Walterboro Radiocasting Company. Has: 1220 kc, 1 kw, D. Req: 1370 kc, 1 kw, D.

BP-12247 NEW, Ukiah, California, Jack L. & Alyce M. Powell, Joint Tenants. Req: 1250 kc, 500 w, D.

BP-12252 KOOO, Omaha, Nebraska, Central Plains Broadcasting Company, Inc. Has: 1420 kc, 500 w, DA, D. Req: 1420 kc, 1 kw, DA, D.

BP-12253 KOWB, Laramie, Wyoming, Kowboy Broadcasting Company. Has: 1340 kc, 250 w, U. Req: 1290 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-12255 NEW, Nome, Alaska, Artic Broadcasting Association. Req: 850 kc, 5 kw, U.

BP-12256 WCMW, Canton, Ohio, Stark Broadcasting Corp. Has: 1060 kc, 1 kw, D. Req: 1060 kc, 10 kw, DA-D.

BP-12257 KURY, Brookings, Oregon, Joseph F. Sheridan. Has: 910 kc, 500 w, D. Req: 910 kc, 1 kw, D.

BP-12258 WVIP, Mount Kisco, New York, Radio Mount Kisco, Inc. Has: 1310 kc, 1 kw, DA-D. Req: 1310 kc, 5 kw, DA-D.

BP-12259 WDBY, Delray Beach, Florida, Boca Raton Bible Conference Grounds, Inc. Has: 1420 kc, 500 w, D. Req: 1420 kc, 5 kw, DA-D.

BP-12266 NEW, Ellenville, New York, Catskills Broadcasting Company. Req: 1370 kc, 500 w, D.

BP-12267 NEW, Lemoore, California, Radio Lemoore. Req: 1320 kc, 1 kw, DA-D.

BP-12268 NEW, Laconia, New Hampshire, The Lawrence Broadcasting Company. Req: 1490 kc, 250 w, U.

BP-12283 NEW, Indianola, Iowa, James R. & Barbara J. Roberts, his wife. Req: 1490 kc, 100 w, U.

BP-12284 KTW, Seattle, Washington, The First Presbyterian Church of Seattle, Washington. Has: 1250 kc, 1 kw, D, S-KWSC Night. Req: 1250 kc, 1 kw, 5 kw-LS, S-KWSC Night.

BP-12285 NEW, Tampa, Florida, Dixieland Broadcasters. Req: 1550 kc, 10 kw, D.

BP-12293 KDEF, Albuquerque New Mexico, KDEF Broadcasting Company. Has: 1150 kc, 1 kw, D. Req: 1150 kc, 500 w, 1 kw-LS, DA-N, U.

BP-12300 NEW, Jacksonville, North Carolina, W. E. Baysden. Req: 1290 kc, 1 kw, D.

BP-12302 WTYN, Tryon, North Carolina, Polk County Broadcasters. Has: 1580 kc, 250 w, D. Req: 1550 kc, 1 kw, D.

BP-12305 WONW, Defiance, Ohio, Tri State Broadcasting Company. Has: 1280 kc, 500 w, U. Req: 1280 kc, 500 w, 1 kw-LS, U.

BP-12307 NEW, Madison, South Dakota, Madison Broadcasting Company. Req: 1390 kc, 500 w, D.

BP-12308 NEW, Tuscumbia, Alabama, Tuscumbia Broadcasting System. Req: 1410 kc, 500 w, D.

BP-12314 NEW, Livonia-Garden City, Michigan, Livonia Broadcasting Company. Req: 1090 kc, 250 w, DA-1, U.

BP-12315 NEW, Wisconsin Rapids, Wisconsin, Bill S. Lahm. Req: 1220 kc, 500 w, D.

BP-12319 NEW, Lima, Ohio, Citizens Broadcasting Company. Req: 940 kc, 250 w, DA, D.

BP-12324 NEW, Weldon, North Carolina, Twin City Broadcasting Company. Req: 1400 kc, 250 w, U.

BP-12326 WNRG, Grundy, Virginia, Virginia-Kentucky Broadcasting Company, Inc. Has: 1250 kc, 1 kw, D. Req: 940 kc, 5 kw, D.

BP-12329 NEW, Odessa, Texas, Western Broadcasting Company. Req: 1550 kc, 50 kw, D.

BP-12332 NEW, Liberal, Kansas, The Plains Enterprise, Inc. Req: 1470 kc, 500 w, D.

BP-12334 WCLE, Cleveland, Tennessee, Southeastern Enterprises, Inc. Has: 1570 kc, 1 kw, D. Req: 1550 kc, 10 kw, DA, D.

BP-12335 NEW, Canyon, Texas, W. J. Harpole. Req: 1550 kc, 1 kw, D.

BP-12337 NEW, Tucson, Arizona, Southwest B/Cing Co. Req: 1550 kc, 50 kw, D.

APPLICATIONS PRESENTLY UNDER STUDY

BP-10850 NEW, Brownsville, Tennessee, Florence B/Cing Co. Inc. Req: 940 kc, 250 w, D.

BP-11127 KSWS, Roswell, New Mexico, John A. Barnett. Has: 1230 kc, 250 w, U. Req: 810 kc, 10 kw, DA-1, U.

BP-11148 NEW, Williamsburg, Virginia, James J. Williams. Req: 1450 kc, 250 w, U.

BP-11202 NEW, Shelbyville, Indiana, Shelby County B/Cing Co. Req: 1520 kc, 250 w, DA-1, U.

BP-11230 WITA, San Juan, Puerto Rico, Electronic Enterprises, Inc. Has: 1140 kc, 500 w, U. Req: 1030 kc, 1 kw, U.

BP-11362 KJBS, San Francisco, California, KJBS Broadcasters. Has: 1100 kc, 1 kw, L-KYW. Req: 1100 kc, 1 kw, 50 kw-LS, DA-D.

BP-11446 NEW, Sarasota, Florida, Gulf Coast B/Cing Co. Inc. Req: 1280 kc, 500 w, DA, D.

BP-11518 NEW, Cookeville, Tennessee, Cookeville B/Cing Co. Req: 1550 kc, 250 w, D.

BP-11528 NEW, Mobile, Alabama, Springhill Broadcasting Company, Inc. Req: 1550 kc, 50 kw, DA, D.

BP-11642 WLBA, Gainesville, Georgia, Hall County Broadcasting Company. Has: 1580 kc, 1 kw (CR) 5 kw, D. Req: 1550 kc, 10 kw, D.

BP-11703 NEW, Dunedin, Florida, Sound Radio, Inc. Req: 1550 kc, 50 kw, DA, D.

BP-11736 NEW, Urbana, Ohio, Charles H. Camberlain. Req: 940 kc, 1 kw, D.

BP-11738 NEW, Sacramento, California, Northern California Broadcasting Company. Req: 1030 kc, 500 w, DA-1, U.

BP-11742 WPEF, Greensboro, North Carolina, Guilford Advertising, Inc. Has: 950 kc, 500 w, D. Req: 950 kc, 5 kw, DA-2, U.

BP-11744 WMAX, Grand Rapids, Michigan, WMAX, Inc. Has: 1480 kc, 1 kw, D. Req: 1480 kc, 5 kw, D.

BP-11776 KLUV, Magnolia, Arkansas, Charles Edward Ray. Has: 1580 kc, 250 w, D (Haynesville, Louisiana).

BP-11796 WRCA, New York, New York, National Broadcasting Company, Inc. Has: 660 kc, 50 kw, DA-1, U. Req: 660 kc, 50 kw, U.

BP-11829 WMIX, Mt. Vernon, Illinois, Mt. Vernon Radio & Television Company. Has: 940 kc, 1 kw, U. Req: 940 kc, 5 kw, U.

BP-11846 KVEM, Monahans, Texas, Monahans Broadcasters. Has: 1340 kc,

250 w, U. Req: 1330 kc, 1 kw, 5 kw-LS, DA-N, U.

BP-11847 KVFC, Cortez, Colorado, KVFC, Inc. Has: 740 kc, 1 kw, D. Req: 740 kc, 250 w, 1 kw-LS, DA-N, U.

BP-11855 NEW, Cedar Rapids, Iowa, Laird Broadcasting Company, Inc. Req: 1360 kc, 1 kw, DA-D.

BP-11856 NEW, Media, Pennsylvania, Brandywine Broadcasting Corp. Req: 690 kc, 500 w, DA, D.

BP-11857 NEW, Ocean City, Maryland, The Wett Corporation. Req: 1420 kc, 500 w, D.

BP-11872 NEW, Chicago Heights, Illinois, Seaway Broadcasting Company, Inc. Req: 1470 kc, 1 kw, DA, D.

BP-11877 NEW, Potomac, Maryland, Seven Locks Broadcasting Company. Req: 950 kc, 1 kw, DA, D.

BP-11883 NEW, Portage, Pennsylvania, Mainline Broadcasting Company. Req: 1470 kc, 500 w, D.

BP-11886 NEW, North Charleston, South Carolina, Louis M. Neale, Jr., and Robert S. Taylor. Req: 910 kc, 500 w, D.

BP-11889 NEW, Middletown, Maryland, Frederick County Broadcasting Company. Req: 1550 kc, 5 kw, D.

BP-11932 NEW, Coffeyville, Kansas, A. F. Misch. Req: 1370 kc, 500 w, D.

BP-11939 KWIN, Ashland, Oregon, Rogue Valley Broadcasters, Inc. Has: 1400 kc, 250 w, U. Req: 580 kc, 500 w, D.

BP-11951 NEW, Tolleson, Arizona, William P. Ledbetter. Req: 1190 kc, 1 kw, DA-1, U.

BP-11970 NEW, Beardstown, Illinois, Beardstown Broadcasting Company. Req: 790 kc, 500 w, DA, D.

BP-11975 NEW, Cheyenne, Wyoming, Robert L. Howsam. Req: 1480 kc, 1 kw, D.

BP-11994 NEW, Dowagiac, Michigan, Voice of Dowagiac. Req: 1240 kc, 250 w, U.

BP-12002 WHLM, Bloomsburg, Pennsylvania, Bloom Radio. Has: 550 kc, 500 w, DA-2, U. Req: 550 kc, 1 kw, DA-2, U.

BP-12006 NEW, Denver, Colorado, Robert W. Cahill. Req: 1470 kc, 1 kw, DA, D.

BP-12008 WKOK, Sunbury, Pennsylvania, Sunbury Broadcasting Corporation. Has: 1240 kc, 250 w, U. Req: 1070 kc, 1 kw, 10 kw-LS, DA-2, U.

BP-12021 NEW, Pratt, Kansas, Wilmer E. Huffman. Req: 1290 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-12024 NEW, South Toms River, New Jersey, Asbury Park Press, Inc. Req: 1350 kc, 500 w, DA, D.

BP-12027 WHEY, Millington, Tennessee, Millington Broadcasting Company. Has: 1220 kc, 250 w, D. Req: 1220 kc, 500 w, D.

BP-12044 NEW, Goleta, California, Goleta Broadcasting Associates. Req: 1290 kc, 500 w, D.

BP-12053 NEW, Boise, Idaho, Boise Broadcasting Associates. Req: 790 kc, 1 kw, D.

BP-12056 KWJJ, Portland, Oregon, Rodney F. Johnson. Has: 1080 kc, 10 kw, DA-2, U. Req: 1080 kc, 10 kw, 50 kw-LS, DA-2, U.

BP-12059 WPEG, Arlington, Florida, Regional Broadcasting Company. Has: 1220 kc, 250 w, D. Req: 1220 kc, 1 kw, D.

BP-12075 WALT, Tampa, Florida, Tampa Broadcasting Company, Inc. Has: 1110 kc, 10 kw, DA, D. Req: 1110 kc, 50 kw, DA, D.

BP-12101 WBEL, South Beloit, Illinois, Beloit Broadcasters, Inc. Has: 1380 kc, 5 kw, DA-2, U. Req: 1380 kc, 5 kw, DA-N, U.

BP-12014 KJCF, Festus-St. Louis, Missouri, Jefferson County Radio and Television Company. Has: 1010 kc, 250 w, D. Req: 1010 kc, 5 kw, 50 kw-LS, DA-2, U.

BP-12110 NEW, Liberal, Kansas, The Dodge City Broadcasting Company, Inc. Req: 600 kc, 500 w, DA-2, U.

BP-12112 NEW, Ashland, Virginia, John Laurino. Req: 1430 kc, 1 kw, D.

BP-12118 NEW, Washington, Iowa, Washington County Broadcasting Company. Req: 1380 kc, 500 w, D.

- BP-12121 WGMA, Hollywood, Florida, Melody Music, Inc. Has: 1320 kc, 1 kw, D. Req: 1320 kc, 5 kw, DA-2, U.
- BP-12135 NEW, Princeton, Illinois, Bureau Broadcasting Company. Req: 1490 kc, 100 w, U.
- BP-12140 WMRO, Aurora, Illinois, Vincent G. Coffey-Benjamin A. Oswalt, Co-Partners. Has: 1280 kc, 250 w, D. Req: 1280 kc, 500 w, 1 kw-LS, DA-2, U.
- BP-12154 NEW, Santa Barbara, California, Bert Williamson & Lester W. Spillane. Req: 1290 kc, 500 w, D.
- BP-12157 NEW, Sumter, South Carolina, B. D. S. Radio and Television Company. Req: 1240 kc, 250 w, U.
- BP-12159 KMLW, Marlin, Texas, KMLW, Inc. Has: 1010 kc, 250 w, D. Req: 1010 kc, 10 kw, DA, D.
- BP-12166 NEW, Laramie, Wyoming, Laramie Broadcasters. Req: 1490 kc, 100 w, U.
- BP-12171 WPOP, Portland, Maine, Hill-dreth Broadcasting Company. Has: 1490 kc, 250 w, U. Req: 1140 kc, 10 kw, DA-1, U.
- BP-12187 NEW, Cheyenne, Wyoming, Robert S. Pommer. Req: 1290 kc, 500 w, D.
- BP-12191 WPAW, Pawtucket, Rhode Island, Roger Williams Broadcasting Company, Inc. Has: 550 kc, 1 kw, D. Req: 550 kc, 500 w, 1 kw-LS, DA-N, U.
- BP-12194 KCMC, Texarkana, Texas, KCMC, Inc. Has: 1230 kc, 250 w, U. Req: 740 kc, 1 kw, DA-1, U.
- BP-12196 NEW, Red Bluff, California, Mt. Lassen Radio and Television Broadcasting, Inc. Req: 1360 kc, 500 w, D.
- BP-12930 (was BP-11537) NEW, Mariposa, California, Universal Electronics Network. Req: 790 kc, 500 w, D.
- BP-12018 NEW, East Grant Forks, Minnesota, Marlin T. Obie. Req: 1590 kc, 1 kw, D.
- BP-12163 WOOW, Greenville, North Carolina, WOOW, INC. Has: 1340 kc, 250 w, U (Washington, North Carolina).
- BML-1786 WINE, Amherst, New York; Western N.Y. Broadcasting Co. Has: 1080 kc, 1 kw, D; Req: Change location from Kenmore, N.Y.
- BML-1804 KCOG, Centerville, Iowa; Centerville Broadcasting Co. Has: 1400 kc, 100 w, U; Req: Specified Hours.
- APPLICATIONS ON WHICH SECTION 309(B) LETTERS HAVE BEEN ISSUED
- BML-1778 WSAC, Fort Knox, Kentucky, Fort Knox Broadcasting Corp. Has: 1470 kc, 1 kw, D (Radcliff, Ky.). Req: 1470 kc, 1 kw, B (Fort Knox).
- BML-1790 WPGC, Washington, D.C., WPGC, Inc. Has: 1580 kc, 10 kw, D (Morningside, Md.). Req: 1580 kc, 10 kw, D (Washington, D.C.).
- BMP-8115 KPAP, Redding, California, High Fidelity Stations, Inc. Has: 1270 kc, 1 kw, D. Req: 1330 kc, 5 kw, D.
- BP-9497 NEW, Portland, Oregon, Multnomah Broadcasters. Req: 1550 kc, 5 kw, D.
- BP-9763 NEW, Waco, Texas, Waco Radio Co. Req: 940 kc, 250 w, D.
- BP-10001 NEW, Waco, Texas, Hugh M. McBeath. Req: 940 kc, 250 w, D.
- BP-10345 NEW, Fresno, California, Robert L. Lippert. Req: 1550 kc, 500 w, D.
- BP-10427 NEW, Boulder, Colorado, David M. Segal. Req: 1550 kc, 1 kw, D.
- BP-10518 NEW, Grafton-Cedarburg-Thiensville, Wisconsin, Beacon Broadcasting Broadcasting Co. Req: 1240 kc, 250 w, U.
- BP-10632 NEW, Honolulu, Hawaii, Windward Broadcasting Co., Ltd. Req: 1170 kc, 1 kw, U.
- BP-11126 NEW, Tucson, Arizona, W. H. Hansen. Req: 940 kc, 250 w, D.
- BP-11132 NEW, Oil City, Michigan, Central Michigan Broadcasting Co. Req: 1370 kc, 5 kw, DA, D.
- BP-11160 WGHM, Grand Haven, Michigan, Grand Haven Broadcasting Company. Has: 1370 kc, 500 w, D. Req: 1370 kc, 500 w, 1 kw-LS, DA-2, U.
- BP-11293 NEW, Easton, Maryland, Eastern Shore Broadcasting Co. Req: 940 kc, 500 w, DA, D.
- BP-11301 KBUD, Athens, Texas, The Henderson County Broadcasting Co. Has: 1410 kc, 250 w, D. Req: 1410 kc, 1 kw, D.
- BP-11315 NEW, Caro, Michigan, Stevens-Wismer Broadcasting Co. Req: 1360 kc, 500 w, D.
- BP-11350 NEW, Fitzgerald, Georgia, Charles W. Dowdy. Req: 1050 kc, 500 w, D.
- BP-11392 NEW, Tiffin, Ohio, Tiffin Broadcasting Company. Req: 1240 kc, 100 w, U.
- BP-11417 NEW, Chester, Illinois, Chester Broadcasting Company. Req: 1450 kc, 100 w, U.
- BP-11438 NEW, Woodbridge, Virginia, S & W Enterprises, Inc. Req: 900 kc, 1 kw, DA, D.
- BP-11439 WBCK, Battle Creek, Michigan, Michigan Broadcasting Company. Req: 930 kc, 1 kw, 5 kw-LS, DA-2, U.
- BP-11456 KSGM, Chester, Illinois, Donze Enterprises, Inc. Has: 980 kc, 500 w, DA-N, U (Ste. Genevieve, Mo.). Req: Chg. station location to Chester, Illinois.
- BP-11510 WJAC, Johnstown, Pennsylvania, WJAC, Inc. Has: 1400 kc, 250 w, U. Req: 850 kc, 10 kw, DA-1, U.
- BP-11511 NEW, Rapid City, South Dakota, John L. Brece. Req: 1150 kc, 1 kw, D.
- BP-11522 KUTY, Palmdale, California, Palmdale Broadcasters. Has: 1470 kc, 1 kw, D. Req: 1470 kc, 5 kw, D.
- BP-11534 KXOA, Sacramento, California, Cal-Val Radio, Inc. Has: 1470 kc, 1 kw, DA-N, U. Req: 1470 kc, 1 kw, 5 kw-LS, DA-2, U.
- BP-11551 NEW, Sarasota, Florida, Radio Sarasota Company. Req: 1220 kc, 1 kw, DA, D.
- BP-11573 NEW, Santa Rosa, California, Santa Rosa Broadcasting Company. Req: 1460 kc, 1 kw, DA, D.
- BP-11601 WAMS, Wilmington, Delaware, Rollins Broadcasting of Delaware, Inc. Has: 1380 kc, 1 kw, DA-1, U. Req: 1380 kc, 1 kw, 5 kw-LS, DA-2, U.
- BP-11602 NEW, Gloucester, Massachusetts, County Broadcasting Corporation. Req: 1550 kc, 500 w, D.
- BP-11605 NEW, Sapulpa, Oklahoma, Creek County Broadcasting Company. Req: 1220 kc, 500 w, D.
- BP-11611 NEW, Greenville, Michigan, Flat River Broadcasting Company. Req: 1380 kc, 500 w, DA, D.
- BP-11617 NEW, Lima, Ohio, Lima Quality Radio Corporation. Req: 930 kc, 500 w, DA, D.
- BP-11625 NEW, Richmond, Indiana, Richmond Broadcasting Company. Req: 930 kc, 500 w, DA, D.
- BP-11630 NEW, Brockton, Massachusetts, Associated Enterprises. Req: 1410 kc, 1 kw, DA, D.
- BP-11632 NEW, Bloomington, Minnesota, South Minneapolis Broadcasters. Req: 1370 kc, 500 w, DA, D.
- BP-11635 NEW, Greenville, North Carolina, H and R Electronics, Inc. Req: 1550 kc, 1 kw, D.
- BP-11640 NEW, Spokane, Washington, Pacific Broadcasting Co. Req: 1280 kc, 1 kw, D.
- BP-11663 NEW, Riverhead, New York, Patchogue Broadcasting Company, Inc. Req: 1570 kc, 1 kw, D.
- BP-11667 NEW, Gloucester, Massachusetts, Simon Geller. Req: 1410 kc, 500 w, D.
- BP-11669 WETO, Gadsden, Alabama, Gadsden Radio Company. Has: 930 kc, 1 kw, D. Req: 930 kc, 5 kw, D.
- BP-11673 NEW, Tiffin, Ohio, Sayger Broadcasting Company. Req: 1250 kc, 500 w, 1 kw-LS, DA-2, U.
- BP-11676 NEW, San Antonio, Texas, Bamray Broadcasting Company. Req: 1480 kc, 500 w, DA, D.
- BP-11677 NEW, Natick, Massachusetts, Consolidated Broadcasting Industries, Inc. Req: 1550 kc, 5 kw, D.
- BP-11678 NEW, Spanish Fork, Utah, Pioneer Broadcasting Company. Req: 1480 kc, 1 kw, D.
- BP-11680 NEW, Redwood City, California, South Bay Broadcasting Company. Req: 850 kc, 500 w, DA-1, U.
- BP-11685 NEW, Granite City, Illinois, Madison County Broadcasters. Req: 920 kc, 500 w, DA, D.
- BP-11688 NEW, Rio Piedras, Puerto Rico, Julio Morales Ortiz. Req: 630 kc, 1 kw, D.
- BP-11689 NEW, Highland Park, Illinois, Mid-America Broadcasting System, Inc. Req: 1430 kc, 1 kw, DA, D.
- BP-11708 NEW, Lima, Ohio, Allen County Broadcasting Co. Req: 1240 kc, 250 w, U.
- BP-11727 NEW, Salt Lake City, Utah, William Farmer Fuller, III. Req: 630 kc, 1 kw, DA, D.
- BP-11730 KTKT, Tucson, Arizona, Copper State Broadcasting Corporation. Has: 990 kc, 10 kw, DA, D. Req: 990 kc, 1 kw, 10 kw-LS, DA-2, U.
- BP-11733 NEW, Moss Point, Mississippi, Gulf Coast Broadcasters. Req: 1440 kc, 1 kw, D.
- BP-11734 KGON, Oregon City, Oregon, Clackamas Broadcasters. Has: 1520 kc, 10 kw, DA-1, U. Req: 1520 kc, 50 kw, DA-1, U.
- BP-11740 NEW, Toms River, New Jersey, WFGC, Inc. Req: 1230 kc, 100 w, U.
- BP-11746 NEW, Fontana, California, Louis Helfman. Req: 1470 kc, 500 w, D.
- BP-11747 NEW, Phillipsburg, Kansas, North Central Broadcasting, Inc. Req: 1490 kc, 250 w, S. H.
- BP-11766 WBSM, New Bedford, Massachusetts, Bay State Broadcasting Company. Has: 1420 kc, 1 kw, DA-1, U. Req: 1420 kc, 1 kw, 5 kw-LS, DA-2, U.
- BP-11767 KBMX, Hanford, California, Sheldon Anderson. Has: 1470 kc, 500 w, D (Coalinga, California). Req: Chg. station location to Hanford, Calif.
- BP-11779 WEEX, Easton, Pennsylvania, Easton Publishing Co. Has: 1230 kc, 250 w, U. Req: CP to make changes in antenna & ground system.
- BP-11781 NEW, Ellenville, New York, Ulster County Broadcasting Co. Req: 1570 kc, 500 w, D.
- BP-11783 NEW, Haines City, Florida, Haines City Broadcasters. Req: 1400 kc, 100 w, S. H.
- BP-11788 WWGS, Tifton, Georgia, Tifton Broadcasting Corporation. Has: 1430 kc, 5 kw, Day. Req: 1430 kc, 500 w, 5 kw-LS, DA-N, Unl.
- BP-11791 NEW, Denver, Colorado, Denver Broadcasting Company. Req: 1550 kc, 10 kw, Day.
- BP-11797 WRSA, Glens Falls, New York, Radio Saratoga. Has: 1280 kc, 1 kw, Day. Req: 1280 kc, 5 kw, Day.
- BP-11801 NEW, Charlotte Amalie, Virgin Islands, Island Broadcasting Corporation. Req: 1000 kc, 1 kw, Unl.
- BP-11812 NEW, Gatesville, Texas, Robert W. Cahill. Req: 1580 kc, 250 w, Day.
- BP-11813 NEW, Kanab, Utah, Kanab Broadcasting Co. Req: 630 kc, 1 kw, Day.
- BP-11814 WRWB, Kissimmee, Florida, Frank A. Taylor. Has: 1220 kc, 250 w, Day. Req: 1220 kc, 1 kw, Day.
- BP-11817 NEW, Hobbs, New Mexico, Clarence E. Wilson. Req: 1390 kc, 5 kw, Day.
- BP-11832 NEW, Williamsburg, Kentucky, Howell B. Phillips. Req: 1370 kc, 1 kw, DA-Day.
- BP-11836 NEW, Caro, Michigan, Caro Broadcasting Company. Req: 1360 kc, 500 w, Day.
- BP-11837 NEW, Pittsfield, Massachusetts, Pittsfield Broadcasters. Req: 1260 kc, 1 kw, DA-Day.

BP-11842 NEW, Albuquerque, New Mexico, CHE Broadcasting Co., (NSL). Req: 1240 kc, 250 w, Unl.  
 BP-11851 NEW, Waco, Texas, Audicasting of Texas, Inc. Req: 1580 kc, 500 w, 1 kw-LS, DA-2, Unl.  
 BP-11854 WJW, Cleveland, Ohio, Storer Broadcasting Company. Has: 850 kc, 5 kw, DA-1, Unl. Req: 850 kc, 5 kw, 10 kw-LS, DA-2, Unl.  
 BP-11866 WMGR, Bainbridge, Georgia, John A. Dowdy. Has: 930 kc, 5 kw, Day. Req: 930 kc, 500 w, 5 kw-LS, DA-N, Unl.  
 BP-11870 NEW, Texarkana, Texas, Floyd Bell. Req: 550 kc, 500 w, Day.  
 BP-11873 WSGW, Saginaw, Michigan, Booth Broadcasting Company. Has: 790 kc, 1 kw, DA-2, Unl. Req: 790 kc, 1 kw, 5 kw-LW, DA-2, Unl.  
 BP-11875 New, Granite City, Illinois, Tri-Cities Broadcasting Company. Req: 990 kc, 500 w, DA-Day.  
 BP-11881 NEW, Poplar Bluff, Missouri, Cecil W. Roberts and Jane A. Roberts. Req: 1340 kc, 250 w, Unl.  
 BP-11884 NEW, Haines City, Florida, Frank A. Taylor. Req: 1400 kc, 100 w, Unl.  
 BP-11898 WGIV, Charlotte, North Carolina, Charlotte Radio & TV Corp. Has: 1600 kc, 1 kw, Day. Req: 1600 kc, 500 w, 1 kw-LS, DA-N, Unl.  
 BP-11902 WFBG, Altoona, Pennsylvania, Triangle Publications, Inc. Has: 1340 kc, 250 w, Unl. Req: 1290 kc, 1 kw, 5 kw-LS, DA-2, Unl.  
 BP-11907 NEW, Price, Utah, Inland Empire Broadcasting Co. Req: 620 kc, 1 kw, Day.  
 BP-11920 NEW, Blanding, Utah, Jack W. Watkins. Req: 790 kc, 1 kw, Day.  
 BP-11922 KVOG, Ogden, Utah, United Broadcasting Company. Has: 1490 kc, 250 w, Day. Req: Install new antenna system.  
 BP-11923 NEW, Laurel, Mississippi, East Central Broadcasting Co. Req: 1490 kc, 250 w, Unl.  
 BP-11924 KTRY, Bastrop, Louisiana, Morehouse Broadcasting Co. Has: 730 kc, 250 w, Day. Req: 730 kc, 500 w, Day.  
 BP-11925 WORA, Mayaguez, Puerto Rico, Radio Americas Corp. Has: 1150 kc, 1 kw, Unl. Req: 760 kc, 5 kw, DA-1, Unl.  
 BP-11926 NEW, Johnstown, New York, Martin Karig. Req: 1280 kc, 1 kw, Day.  
 BP-11936 NEW, Tallahassee, Florida, Southern Broadcasters. Req: 1410 kc, 5 kw, Day.  
 BP-11944 NEW, Clewiston, Florida, Peoples Broadcasting Service. Req: 1350 kc, 500 w, Day.  
 BP-11948 NEW, Fargo, North Dakota, Music Broadcasters. Req: 1550 kc, 5 kw, Day.  
 BP-11950 NEW, Morgantown, North Carolina, Beatrice Cobb. Req: 1360 kc, 500 w, Day.  
 BP-11954 NEW, San Luis Obispo, California, the Valley Electric Company. Req: 1280 kc, 500 w, D.  
 BP-11957 NEW, Clewiston, Florida, Sugarland Broadcasting Company. Req: 1050 kc, 250 w, D.  
 BP-11958 NEW, Poplar Bluff, Missouri, Don M. Lidenton. Req: 1340 kc, 250 w, U.  
 BP-11982 WCMC, Wildwood, New Jersey, Francis J. Matrangola. Has: 1230 kc, 100 w, U. Req: 1230 kc, 250 w, U.  
 BP-11983 NEW, San Luis Obispo, California, Rex O. Stevenson. Req: 1400 kc, 250 w, U.  
 BP-11995 NEW, Manati, Puerto Rico, Areldo Broadcasting Corporation, Inc. Req: 1500 kc, 250 w, U.  
 BP-11998 NEW, Bellefonte, Pennsylvania, Bald Eagle-Nittany Broadcasters. Req: 1390 kc, 500 w, D.  
 BP-12000 KVEL, Vernal, Utah, Uintah Broadcasting & TV Company. Has: 1250 kc, 1 kw, D. Req: 790 kc, 1 kw, D.  
 BP-12005 NEW, Shelbyville, Tennessee, Bedford County Broadcasting Company. Req: 1580 kc, 1 kw, D.

BP-12007 NEW, State College, Pennsylvania, Suburban Broadcasting Corp. Req: 1390 kc, 500 w, D.  
 BP-12012 NEW, Willcox, Arizona, Paul Merrill. Req: 1340 kc, 250 w, U.  
 BP-12013 NEW, Caro, Michigan, Tuscola Broadcasting Company. Req: 1360 kc, 500 w, D.  
 BP-12014 WCAP, Lowell, Massachusetts, Northeast Radio, Inc. Has: 980 kc, 1 kw, D. Req: 980 kc, 5 kw, D.  
 BP-12015 KRSC, Othello, Washington, Othello Radio. Has: 1450 kc, 100 w, U. Req: 1400 kc, 250 w, U.  
 BP-12016 KJOE, Shreveport, Louisiana, Audicasting, Inc. Has: 1480 kc, 1 kw, D. Req: 1480 kc, 1 kw, 5 kw-LS, DA-2, U.  
 BP-12017 KVNU, Logan, Utah, Cache Valley Broadcasting Company. Has: 610 kc, 1 kw, DA-N, U. Req: 610 kc, 1 kw, 5 kw-LS, DA-N, U.  
 BP-12019 WALM, Albion, Michigan, Calhoun Broadcasting Company. Has: 1260 kc, 1 kw, D. Req: 1260 kc, 500 w, 1 kw-LS, DA-N, U.  
 BP-12022 KLGW, Logan, Utah, Atlas Engineering Company. Has: 1390 kc, 1 kw, D. Req: 1390 kc, 500 w, 1 kw-LS, DA-N, U.  
 BP-12023 NEW, Palo Alto, California, Redwood City Broadcasting Company. Req: 1430 kc, 1 kw, DA, D.  
 BP-12031 NEW, Sacramento, California, Radio Carmichael. Req: 1430 kc, 500 w, DA, D.  
 BP-12032 NEW, Paris, Arkansas, Logan County Broadcasting Company. Req: 1460 kc, 500 w, D.  
 BP-12036 WIOU, Kokomo, Indiana, Booth Broadcasting Company. Has: 1350 kc, 1 kw, DA-2, U. Req: 1350 kc, 1 kw, 5 kw-LS, DA-2, U.  
 BP-12058 NEW, Laurel, Maryland, Interurban Broadcasting Corporation. Req: 900 kc, 1 kw, DA, Day.  
 BP-12063 WELM, Elmira, New York, Has: 1400 kc, 250 w, U. Req: 1410 kc, 500 w, 1 kw-LS, DA-N, U.  
 BP-12068 NEW, Atascadero, California, Radio Atascadero. Req: 1490 kc, 100 w, U.  
 BP-12082 NEW, Watertown, New York, Thousand Islands Broadcasting Company, Inc. Req: 1410 kc, 5 kw, Day.  
 BP-12088 NEW, Oceanside, California, Benjamin C. Brown. Req: 1260 kc, 1 kw, DA, Day.  
 BP-12092 NEW, Farmington, Maine, Franklin Broadcasting Corporation. Req: 1380 kc, 1 kw, Day.  
 BP-12108 WGOR, Georgetown, Kentucky, Robert E. Johnson. Has: 1580 kc, 250 w, Day. Req: 1580 kc, 10 kw, DA, Day.  
 BP-12113 NEW, West Memphis, Arkansas, Newport Broadcasting Company. Req: 730 kc, 250 w, Day.  
 BP-12115 NEW, Del Rio, Texas, Queen City Broadcasting Company. Req: 1490 kc, 250 w, U.  
 BP-12116 WLSV, Wellsville, New York, Radio Services of Wellsville. Has: 790 kc, 500 w, Day. Req: 790 kc, 1 kw, Day.  
 BP-12117 WMAM, Marinette, Wisconsin, M & M Broadcasting Co., Inc. Has: 570 kc, 100 w, 250 w-LS, Unl. Req: 570 kc, 1 kw, 5 kw-LS, DA-2, Unl.  
 BP-12120 WZPY, Covington, Kentucky, Greater Cincinnati Radio, Inc. Has: 1050 kc, 250 w, Day. Req: 1050 kc, 1 kw, Day.  
 BP-12133 WAMO, Pittsburgh, Pennsylvania, Dynamic Broadcasting, Inc., Has: 860 kc, 250 w, Day (Homestead, Pennsylvania); Req: 860 kc, 1 kw, DA-Day (Pittsburgh, Pennsylvania).  
 BP-12136 NEW, Bowling Green, Kentucky, Bowling Green Broadcasting Co. Req: 1340 kc, 250 w, Unl.  
 BP-12138 NEW, Lexington, Kentucky, Homes County Broadcasting Co. Req: 1150 kc, 500 w, Day.  
 BP-12139 KEEL, Shreveport, Louisiana, Foster & Associates, Inc. Has: 710 kc, 5 kw,

10 kw-LS, DA-2, Unl. Req: 710 kc, 5 kw, 50 kw-LS, DA-2, Unl.  
 BP-12143 NEW, Sturgis, South Dakota, Sturgis Radio, Inc. Req: 1280 kc, 1 kw, Day.  
 BP-12181 NEW, Mobile, Alabama, Jemcon Broadcasting Co. Req: 1360 kc, 5 kw, DA-D.  
 BP-12182 WATR, Waterbury, Connecticut, WATR, Inc. Has: 1320 kc, 1 kw, DA-1, Unl. Req: 1320 kc, 1 kw, 5 kw-LS, DA-2, Unl.  
 BP-12183 WPHB, Philipsburg, Pennsylvania, Moshannon Valley Broadcasting Co. Has: 1260 kc, 1 kw, Day. Req: 1260 kc, 5 kw, Day.  
 BP-12184 NEW, Concord, California, Service Broadcasting Company. Req: 1480 kc, 500 w, DA-Day.  
 BP-12201 KWMT, Fort Dodge, Iowa, American Broadcasting Stations, Inc. Has: 540 kc, 1 kw, DA, D. Req: 540 kc, 5 kw, DA, D.  
 BP-12210 WMRC, Milford, Massachusetts, Milford Broadcasting Corporation. Has: 1490 kc, 100 w, U. Req: 1490 kc, 250 w, U.  
 BP-12239 NEW, Salt Lake City, Utah, Fortune Broadcasting. Req: 1470 kc, 1 kw, D.  
 BP-12249 NEW, Albany, Georgia, Radio Albany. Req: 1050 kc, 1 kw, D.  
 BP-12291 NEW, Zephyrhills, Florida, Zephyr Broadcasting Corporation. Req: 1400 kc, 250 w, U.  
 BP-12296 WGTA, Summerville, Georgia, Tri-State Broadcasting Company, Inc. Has: 950 kc, 1 kw, D. Req: 950 kc, 5 kw, D.  
 BP-12306 KVON, Napa, California, Jack L. Powell & Alyce M. Powell, Joint Tenants. Has: 1440 kc, 500 w, U. Req: 1440 kc, 500 w, 1 kw-LS, U.  
 BP-12316 NEW, Norwalk, Ohio, Malrite Broadcasting Company. Req: 1240 kc, 100 w, U.  
 BP-12318 NEW, Highland Park, Illinois, North Suburban Radio, Inc. Req: 1430 kc, 1 kw, DA, D.  
 BP-12320 NEW, Fredericktown, Missouri, Robert F. Neathery. Req: 1450 kc, 250 w, U.  
 BP-12321 NEW, San Antonio, Texas, Top Broadcasters, Inc. Req: 1480 kc, 500 w, DA, D.  
 BP-11860 KVOS, Bellingham, Washington, KVOS, Incorporated. Has: 790 kc, 1 kw, DA-N, U. Req: 790 kc, 1 kw, 5 kw-LS, DA-N, U.  
 BP-11465 NEW, West Memphis, Arkansas, Birney Imes, Jr. Req: 730 kc, 250 w, D.  
 BP-11869 WSJC, Magee, Mississippi, Southeast Mississippi Broadcasting Co. Has: 1280 kc, 500 w, D. Req: 1280 kc, 1 kw, D.

[F.R. Doc. 59-3110; Filed, Apr. 13, 1959; 8:49 a.m.]

[FCC 59-255]

**CONELRAD DRILL**

MARCH 25, 1959.

The Office of Civil and Defense Mobilization (OCDM) has requested that a CONELRAD Drill be conducted on April 17, 1959. Procedures to authorize this action as required by § 3.970 of the Commission's rules have been completed.

A CONELRAD Drill will be conducted on April 17, 1959, for a thirty minute period beginning at:

- 11:30 a.m., e.s.t.
- 10:30 a.m., c.s.t.
- 9:30 a.m., m.s.t.
- 8:30 a.m., P.s.t.

Participation in this Drill is mandatory for all Standard (AM), FM and TV broadcast stations NOT holding National Defense Emergency Authorizations (NDEA's) for operation on 640 or 1240

Kc, as well as all FM and TV broadcast stations (unless specifically authorized by the FCC to operate) shall leave the air and remain silent during the thirty minute period of the Drill. All other classes of radio stations licensed by the Commission will not be required to take part.

State Industry Advisory Committees desiring to do so may activate and test their post-attack emergency FM broadcast networks during the period of this CONELRAD Drill with Civil Defense program material. FM broadcast stations participating in these emergency network tests are authorized to operate as a part of such emergency networks during this Drill. Advisory Committees which test such post-attack emergency networks are requested to furnish the Commission with a copy of the evaluated results.

#### DRILL PROCEDURE

The normal CONELRAD Alerting System will not be used to signal or initiate the beginning of this Drill; however, all broadcast stations are requested to proceed as follows in order to notify radio stations in all services that a real CONELRAD radio alert has not been declared and that a thirty minute CONELRAD Drill will follow immediately:

1. At precisely 11:30:00 a.m., e.s.t. (10:30:00 a.m., c.s.t., 9:30:00 a.m., m.s.t., 8:30:00 a.m., P.s.t.) the following aural announcement will be made on the station's normal frequency: "For the next thirty minutes this station will interrupt our normal programs to cooperate with the United States Government in testing the CONELRAD "Emergency Broadcast System".
  2. Cut transmitter carrier for 5 seconds (sound carrier only for TV).
  3. Return carrier to the air for 5 seconds.
  4. Cut transmitter carrier for 5 seconds (sound carrier only for TV).
  5. Return carrier to the air and transmit 15 seconds of 1000 cycle tone.
  6. At the conclusion of the 1000 cycle tone make the following announcement: "This station now leaves the air to cooperate with the United States Government in conducting a CONELRAD Drill. Please tune your radio to 640 or 1240 kilocycles for a special Civil Defense program. Normal broadcasting will be resumed in approximately thirty minutes." (During 1 through 6 above, all TV broadcast stations should display a Civil Defense emblem.)
  7. All standard (AM), FM and TV broadcast stations shall cease normal operations.
  8. All standard (AM) broadcast stations holding NDEA's for operation on 640 or 1240 kc shall commence operation on their assigned CONELRAD frequency.
- It is anticipated that both national and local Civil Defense programming will be available. National programming will be provided over the facilities of the four nationwide radio networks (ABC, CBS, MBS and NBC). Details regarding recommended programming prepared by OCDM and the National Industry Advisory Committee will be furnished each individual CONELRAD broadcast station prior to the Drill.

All stations with NDEA's participating in this Drill shall not cease CONELRAD operation earlier than 11:55:00 a.m., e.s.t. (10:55:00 a.m., c.s.t., 9:55:00 a.m., m.s.t., 8:55:00 a.m., P.s.t.), and shall make provision to return to their normal frequency at 11:59:30 a.m., e.s.t. (10:59:30 a.m., c.s.t., 9:59:30 a.m., m.s.t., 8:59:30 a.m., P.s.t.).

All standard (AM) FM and TV broadcast stations shall begin operation on their normal frequency at 11:59:30 a.m., e.s.t. (10:59:30 a.m., c.s.t., 9:59:30 a.m., m.s.t., 8:59:30 a.m., P.s.t.) (and not before) opening with the following announcement: "This has been a CONELRAD Drill conducted in cooperation with the United States Government. Your comments regarding your reception of this CONELRAD Drill should be directed to your local Civil Defense Headquarters or this station." (TV broadcast stations should display a Civil Defense emblem during this announcement.)

All stations may resume normal operation at 12:00:00 noon, e.s.t. (11:00:00 a.m., c.s.t., 10:00:00 a.m., m.s.t., 9:00:00 a.m., P.s.t.).

The Commission appreciates the continuing cooperation of the broadcast industry in this vital national defense activity.

By direction of the Commission.

[SEAL] JOHN C. DOERFER,  
Chairman.

[F.R. Doc. 59-3111; Filed, Apr. 13, 1959;  
8:49 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-17588]

### HOPE NATURAL GAS CO.

#### Notice of Application and Date of Hearing

APRIL 8, 1959.

Take notice that on January 21, 1959, and supplemented on March 6, 1959, Hope Natural Gas Company (Applicant) filed in Docket No. G-17588 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity to construct and operate certain natural gas transmission facilities in Wetzel and Monongalia Counties, West Virginia, and for authority to retire and abandon other facilities in Wetzel, Marion and Monongalia Counties, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities proposed to be constructed and operated are:

(1) Approximately 20 miles of 24-inch transmission pipeline extending from Applicant's main line Hastings Compressor Station in Wetzel County northeast to the West Virginia-Pennsylvania state line to connect with a proposed new line to be built in Pennsylvania by Peoples Natural Gas Company (Peoples), a customer and affiliate of Hope.

(2) Two metering stations and miscellaneous appurtenant equipment on the proposed pipeline facilities, one at the West Virginia-Pennsylvania state line for

delivery of gas to Peoples, and the other near Hundred, West Virginia, for delivery of gas to The Manufacturers Light and Heat Company (Manufacturers), an existing customer.

The facilities proposed to be retired and abandoned are:

(1) Applicant's 16-inch transmission pipeline Line H-6, including appurtenances, extending northeast from Applicant's Hastings Compressor Station to the West Virginia-Pennsylvania state line where it presently serves Peoples. This line also serves Manufacturers at Hundred.

(2) Applicant's 16-inch high pressure transmission pipeline Line H-17 extending northerly from Applicant's Wright Compressor Station in Marion County, West Virginia, to the West Virginia-Pennsylvania state line where it presently serves Peoples.

It is stated that the two lines to be abandoned are old, in poor condition and cannot be operated safely at the pressures required for transmission purposes. The proposed new line will replace the two old lines and provide assurance of continuous adequate service to Peoples and Manufacturers.

The maximum delivery capacity of the two old lines to Peoples approximates 123,000 Mcf per day. The proposed new line will have a maximum capacity of approximately 153,000 Mcf per day to Peoples and will also be able to supply up to 16,000 Mcf per day to Manufacturers at Hundred, the same quantity presently being delivered.

The estimated total capital cost of constructing the proposed new facilities is \$2,134,700, to be financed by the sale of capital stock to Applicant's parent company, Consolidated Natural Gas Company. The original cost of the facilities to be retired is shown on Applicant's books as \$398,305.44 as of December 31, 1958. Applicant proposes to return any useable equipment or material to its warehouse at original cost, and to sell the rest as junk.

Applicant will continue to render service to Manufacturers and Peoples under its presently effective rates.

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 May 12, 1959, 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 May 1, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-3077; Filed, Apr. 13, 1959;  
8:45 a.m.]

[Docket No. G-17018]

### PACIFIC NORTHWEST PIPELINE CORP.

#### Notice of Application and Date of Hearing

APRIL 8, 1959.

Take notice that on November 20, 1958, Pacific Northwest Pipeline Corporation (Applicant) filed in Docket No. G-17018 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to purchase and receive natural gas produced in the Big Piney Area, Sublette County, Wyoming, all as more fully set forth in the application and appended exhibits which are on file with the Commission and open to public inspection.

The facilities for which authorization is sought consist of one tap on Applicant's existing 16-inch Big Piney lateral pipeline, two taps on Applicant's existing 30-inch Big Piney lateral loop pipeline, and 3 lateral pipelines extending therefrom consisting of a total of approximately 3.3 miles of 10 $\frac{3}{4}$ -inch and 800 feet of 4-inch pipeline, all in Sublette County, Wyoming.

The service of natural gas to be taken through these facilities has been authorized to be rendered to Applicant by the following independent producers in the respective dockets indicated: Belfer Natural Gas Company in Docket No. G-10208, Belco Petroleum Corporation and David C. Bintliff in Docket No. G-10207, General Petroleum Corporation in Docket Nos. G-10145 and G-10525, and Phillips Petroleum Company in Docket No. G-10663.

The estimated initial cost of Applicant's proposed facilities is \$112,323, which cost will be financed from funds currently on hand.

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 May 5, 1959, 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 May 1, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-3078; Filed, Apr. 13, 1959;  
8:46 a.m.]

[Dockets Nos. G-16355, G-16356]

### W. S. CLINE ET AL.

#### Notice of Applications and Date of Hearing

APRIL 8, 1959.

Take notice that on September 17, 1958, W. S. Cline, W. B. O'Brien and J. G. O'Brien, Individually and as Executors and Trustees of the Estate of C. L. O'Brien, Deceased, (Applicants) filed applications pursuant to section 7 of the Natural Gas Act as follows:

(1) In Docket No. G-16356, pursuant to section 7(b) of the Act, to abandon natural gas service to Lone Star Gas Company (Lone Star) from the Atkins and Franks Leases in the East Panhandle Field, Wheeler County, Texas. The Atkins Lease is dedicated under a contract dated September 22, 1945, and the Franks Lease under a contract dated September 17, 1946. Certificate authorization to make the subject sales was granted by order of the Commission issued May 31, 1956, in Docket No. G-5278 (Docket Nos. G-2867, et al. proceedings).

(2) In Docket No. G-16355, pursuant to section 7(c) of the Act, to sell natural gas from the above leases to Warren Petroleum Corporation (Warren) in lieu of Lone Star.

The foregoing applications are on file with the Commission and open to public inspection.

Applicants state that due to low pressure and the fact that the properties are located at the end of Lone Star's gathering system, the takes by Lone Star have been inconsequential and insufficient to protect the leases from drainage. Lone Star has consented to the cancellation of the contracts of September 22, 1945, and September 17, 1946, by agreements with Applicants dated July 23, 1958.

Applicants and Warren have entered into a sales contract dated August 6, 1958, which has been filed with the Com-

mission and tentatively designated as W. S. Cline, et al., FPC Gas Rate Schedule No. 1, under which Warren has agreed to purchase the low pressure gas from the aforementioned Atkins and Franks Leases.

These related matters should be heard on a consolidated record and 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 May 12, 1959, 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 applications: *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 Applicants 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 May 1, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-3079; Filed, Apr. 13, 1959;  
8:46 a.m.]

[Docket No. G-18206]

### PHILLIPS PETROLEUM CO. ET AL.

#### Order for Hearing and Suspending Proposed Change in Rates

APRIL 7, 1959.

Phillips Petroleum Company (Operator) et al. (Phillips) on March 13, 1959, tendered for filing a proposed change in its presently effective rate schedule<sup>1</sup> 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 March 11, 1959.

Purchaser: El Paso Natural Gas Company.  
Rate schedule designation: Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 256.

Effective date: April 13, 1959 (stated effective date is the effective date proposed by Phillips).

<sup>1</sup>Present rate previously suspended and is in effect subject to refund in Docket No. G-15314 (also subject to Commission's order in Docket No. G-14006).

In support of the proposed favored-nation rate increase, Phillips cites the contract provisions and the triggering rate of Humble Oil & Refining Company which became effective subject to refund in Docket No. G-16416 on March 3, 1959, and states that the proposed price is substantially less than the going market price and is not unjust or unreasonable. In addition, Phillips makes reference to cost of service exhibits presented in evidence in the rate proceedings in Docket Nos. G-1148, et al.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 256 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 256.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 13, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission,

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-3080; Filed, Apr. 13, 1959;  
8:46 a.m.]

[Docket Nos. G-15542, G-15813]

### OHIO OIL CO. AND MPS PRODUCTION CO., INC., ET AL.

#### Order Fixing Date of Hearing

APRIL 7, 1959.

The Ohio Oil Company (Ohio), an Ohio corporation with principal place of business at 539 South Main Street, Findlay, Ohio, filed an application for

a certificate of public convenience and necessity in Docket No. G-15542 on July 24, 1958, pursuant to section 7(c) of the Natural Gas Act, authorizing Ohio to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Ohio proposes to sell natural gas in interstate commerce to United Gas Pipe Line Company (United) for resale. Ohio and United have entered into a gas sales contract, dated July 11, 1958, and having a 20-year term from the date of commencement of deliveries, wherein Ohio has dedicated to the performance thereof all of the natural gas, subject to certain reservations, produced from, or attributable to, its interests in all lands and leaseholds now owned or hereafter acquired, in the American Island Field, St. Martin Parish, Louisiana, as it now exists or as said field may hereafter be extended or enlarged during the term of the contract. The contract provides for an initial price of 21.20 cents per Mcf at 12.025 psia plus applicable tax reimbursement.

MPS Production Co., Inc., Oil Drilling, Inc., Investment Corporation of Philadelphia, Riddell Petroleum Corporation, Stephen C. Clark, Johnny Mitchell, Trustee, R. E. Smith, Dean Myers, Louis Pulaski, Ruth Freed Pulaski and Robert I. Sud (MPS, et al.), with addresses c/o MPS Production Co., Inc., 529 Bank of the Southwest Building, Houston 2, Texas, filed a joint application for a certificate of public convenience and necessity in Docket No. G-15813 on August 4, 1958, pursuant to section 7(c) of the Natural Gas Act, authorizing MPS et al., to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

MPS, et al. proposes to sell natural gas in interstate commerce to United Fuel Gas Company (United Fuel) for resale. MPS, et al. have entered into an agreement with United Fuel, dated July 17, 1958, whereby MPS, et al. have severally adopted as their own, except for dedicated acreage, a gas purchase agreement between Pan American Petroleum Corporation (Pan American) and United Fuel, dated January 9, 1958, to terminate January 1, 1979, and filed as Pan American's FPC Gas Rate Schedule No. 219, whereby Pan American has dedicated to the performance of its contract all of the natural gas, subject to certain reservations, produced from, and attributable to, Pan American's interest in certain leases in the Erath Field, Vermilion Parish, Louisiana. This contract provides for an initial price of 20.6 cents per Mcf at 15.025 psia plus applicable tax reimbursement. Under the aforesaid agreement of adoption, MPS, et al. adopt all of the terms and conditions of the Pan American contract and MPS, et al. severally dedicate to the performance thereto their respective interests in 9 leases located in Erath Field,

Vermilion Parish, Louisiana. This adoption agreement also states that MPS, et al. have entered into an Operating Agreement with Pan American covering said 9 leases under the terms of which Pan American is obligated to deliver their gas to United Fuel.

The Commission finds: These matters should be heard on a consolidated record.

The Commission orders:

(A) 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 May 13, 1959 at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

(B) 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 April 27, 1959.

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-3081; Filed, Apr. 13, 1959;  
8:46 a.m.]

[Docket No. G-18205]

### PETROLEUM LEASEHOLDS, INC., ET AL.

#### Order for Hearing and Suspending Proposed Changes in Rates

APRIL 7, 1959.

Petroleum Leaseholds, Inc. (Operator) et al. (Petroleum Leaseholds) on March 12, 1959, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of change, dated March 9, 1959.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 11 to Petroleum Leaseholds' FPC Gas Rate Schedule No. 1. Supplement No. 11 to Petroleum Leaseholds' FPC Gas Rate Schedule No. 2.

Effective date: April 12, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed re-determined rate increases, Petroleum Leaseholds states that the contracts were negotiated at arm's length in good faith and that the increased price is necessary to offset substantial increases in costs of exploration and production.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 11 to Petroleum Leaseholds' FPC Gas Rate Schedules Nos. 1 and 2, respectively, 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 rates and charges contained in Supplement No. 11 to Petroleum Leaseholds' FPC Gas Rate Schedules Nos. 1 and 2, respectively.

(B) Pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof deferred until September 12, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.  
[F.R. Doc. 59-3082; Filed, Apr. 13, 1959;  
8:46 a.m.]

[Docket No. G-18207]

**PHILLIPS PETROLEUM CO.**

**Order for Hearing and Suspending Proposed Change in Rates**

APRIL 7, 1959.

Phillips Petroleum Company (Phillips) on March 13, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated March 11, 1959.

Purchaser: El Paso Natural Gas Company and Hunt Oil Company.

Rate schedule designation: Supplement No. 4 to Phillips' FPC Gas Rate Schedule No. 309.

Effective Date: April 13, 1959 (stated effective date is the effective date proposed by Phillips).

In support of the proposed favored-nation rate increase, Phillips cites the contract provisions and the triggering rate of Humble Oil & Refining Company which became effective subject to refund in Docket No. G-16416 on March 3, 1959, and states that the proposed price is substantially less than the going market price and is not unjust or unreasonable. In addition, Phillips makes reference to cost of service exhibits presented in evidence in the rate proceedings in Docket Nos. G-1148, et al.

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 Phillips' FPC Gas Rate Schedule No. 309 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Phillips' FPC Gas Rate Schedule No. 309.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 13, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.  
[F.R. Doc. 59-3083; Filed, Apr. 13, 1959;  
8:46 a.m.]

[Docket No. G-18208]

**ATLANTIC REFINING CO. ET AL.**

**Order for Hearing and Suspending Proposed Change in Rates**

APRIL 7, 1959.

The Atlantic Refining Company (Operator) et al. (Atlantic) on March 16,

1959, tendered for filing a proposed change in its presently effective rate schedule<sup>1</sup> 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 March 11, 1959.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 9 to Atlantic's FPC Gas Rate Schedule No. 133.

Effective date: May 10, 1959 (stated effective date is the effective date proposed by Atlantic).

In support of the proposed periodic rate increase, Atlantic cites the contract provisions and states that such periodic price escalation provisions are common in long-term contracts and enable the buyer to receive initial deliveries of gas at a low price during the time its unamortized capital investment is high and enable the seller to receive progressively higher returns contemporaneously with increasing costs.

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. 9 to Atlantic's FPC Gas Rate Schedule No. 133 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. 9 to Atlantic's FPC Gas Rate Schedule No. 133.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 10, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

<sup>1</sup> Present rate previously suspended and is in effect subject to refund in Docket No. G-15027 (also subject to the Commission's order in Docket No. G-12461).

practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-3084; Filed, Apr. 13, 1959;  
8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3788]

### AMERICAN NATURAL GAS CO.

#### Notice of Proposed Payment of Stock Dividend

APRIL 7, 1959.

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company has filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction which is described below:

American Natural, pursuant to a declaration of the Board of Directors on March 24, 1959, proposes to pay a dividend on the 5,349,571 outstanding shares of its \$25 par value common stock, payable in shares of common stock at the rate of one additional share for each ten shares outstanding and held of record on May 15, 1959. Distribution of the stock dividend is to be made on or about June 10, 1959.

No fractional shares are to be issued in payment of the stock dividend, but American Natural proposes to issue non-transferable order forms with respect to fractional interests. These order forms will enable stockholders, on or before July 10, 1959, to instruct The First National City Bank of New York ("First National"), as agent (this bank being the transfer agent for American Natural's common stock), to purchase additional fractional interests as may be required to make up one full share, or to sell the fractional interest covered by the order form. To assist stockholders, the company has made arrangements with First National to buy and sell fractional interests for the account of stockholders. All shares held to cover fractional interests with respect to which First National does not receive completed order forms before the close of business on July 10, 1959, will be sold in due course for the account of the holders thereof, and checks for the proceeds will be mailed to the stockholders entitled thereto at their last address on the records of the company. After the close of business on July 10, 1959, all unclaimed and all undeliverable proceeds of these sales will become the absolute property of American Natural.

American Natural proposes to assign a value of \$60 per share to each of the 534,957 shares of its common stock to be issued as a stock dividend, or an aggregate of \$32,097,420. It proposes to debit that amount to earnings retained in the

business; to credit its common stock account with the par value of such shares, \$25 per share, or an aggregate of \$13,373,925; and to credit its other paid-in capital with the excess of the assigned value over the par value, \$35 per share, or an aggregate of \$18,723,495.

The corporate retained earnings of American Natural was \$36,801,206, and the consolidated retained earnings of the company and its consolidated subsidiaries was \$56,232,024, at December 31, 1958. After giving effect, as of that date, to charges and credits to retained earnings as a result of the special cash dividends to be paid to American Natural by certain subsidiaries in amounts aggregating \$10,040,000 (Commission File No. 70-3783) and to the currently proposed stock dividend to be paid by American Natural, the corporate retained earnings of American Natural will be \$14,743,786, and the consolidated retained earnings of the company and its consolidated subsidiaries will be \$24,134,604.

The fees and expenses to be incurred in connection with the proposed transaction, all of which will be paid by American Natural, are estimated as follows:

Services and expenses of The First National City Bank of New York, as agent, for handling the issuance of the dividend stock, order forms, handling fractional transactions, mailing, etc.....	\$51,000
The Chase Manhattan Bank—Registrar.....	7,000
Original issue tax.....	36,000
Stock listing fee.....	1,500
Printing.....	5,000
Legal fees:	
Sidley, Austin, Burgess & Smith.....	5,000
Pitney, Hardin & Ward.....	1,000
Accountant's fees of Arthur Andersen & Co.....	500
Miscellaneous.....	2,000
Total.....	\$109,000

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 27, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may be hereafter amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-3094; Filed, Apr. 13, 1959;  
8:48 a.m.]

[File No. 812-1220]

### VARIABLE ANNUITY LIFE INSURANCE COMPANY OF AMERICA

#### Notice of Filing of Application for Temporary Exemption

APRIL 7, 1959.

Notice is hereby given that the Variable Annuity Life Insurance Company of America ("Valic"), an investment company, has filed an application pursuant to the provisions of section 6(c) of the Investment Company Act of 1940 ("Act") seeking exemption from all the provisions of the Act and the rules and regulations thereunder for a period of ninety days from the date of the requested order.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from the provisions of the Act and the rules or regulations thereunder if, and to the extent, that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Valic was organized on December 30, 1955 under the Life Insurance Act of the District of Columbia, and since such time has been engaged in the issuance and sale of so called "variable annuity contracts" with related life and disability insurance. On March 23, 1959 the Supreme Court of the United States in *Securities and Exchange Commission vs. Variable Annuity Life Insurance Company of America, (U.S.)* in effect determined that the variable annuity contracts which Valic issues and sells are securities and that Valic is an investment company as defined in the Act.

In support of its application for temporary exemption Valic points out that its operations pose novel, and as yet unresolved questions of compliance or lack of compliance with various provisions of the Act, and that the interests of investors and the public will be best served by allowing adequate time for their resolution. It further points to provisions of the insurance laws as affording protection to these same interests. Valic has undertaken to comply with the provisions of the Securities Act of 1933 with respect to the offering for sale, and sale, of its variable annuity contracts and to comply with standards adopted by this Commission with respect to literature employed in connection with the sale of securities of investment company securities.

Notice is further given that any interested persons, may, not later than April 22, 1959, at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and 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 0-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-3095; Filed, Apr. 13, 1959;  
8:48 a.m.]

[File No. 812-1219]

**EQUITY ANNUITY LIFE INSURANCE CO.**

**Notice of Filing of Application for Temporary Exemption**

APRIL 7, 1959.

Notice is hereby given that the Equity Annuity Life Insurance Company ("EALIC"), an investment company, has filed an application pursuant to the provisions of section 6(c) of the Investment Company Act of 1940 ("Act") seeking exemption from all the provisions of the Act and the rules and regulations thereunder for a period of ninety days from the date of the requested order.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from the provisions of the Act and the rules and regulations thereunder if, and to the extent, that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Ealic was organized on December 30, 1955 under the Life Insurance Act of the District of Columbia, and since such time has been engaged in the issuance and sale of so called "variable annuity contracts" with related life and disability insurance." On March 23, 1959 the Supreme Court of the United States in Securities and Exchange Commission vs.

The Equity Annuity Life Insurance Company, (U.S.) in effect determined that the variable annuity contracts which Ealic issues and sells are securities and that Ealic is an investment company as defined in the Act.

In support of its application for temporary exemption Ealic points out that its operations pose novel, and as yet unresolved questions of compliance or lack of compliance with various provisions of the Act, and that the interests of investors and the public will be best served by allowing adequate time for their resolution. It further points to provisions of the insurance laws as affording protection to these same interests. Ealic has undertaken to comply with the provisions of the Securities Act of 1933 with respect to the offering for sale, and sale, of its variable annuity contracts and to comply with standards adopted by this Commission with respect to literature employed in connection with the sale of securities of investment company securities.

Notice is further given that any interested persons, may, not later than April 22, 1959, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and request that a hearing be held, such request stating the nature of his interests, 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 0-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-3096; Filed, Apr. 13, 1959;  
8:48 a.m.]

[File No. 1-3233]

**S AND W FINE FOODS, INC.**

**Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing**

APRIL 8, 1959.

Pacific Coast Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

All but 12,849 shares have been acquired by Di Giorgio Fruit Corporation.

Upon receipt of a request, on or before April 24, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-3097; Filed, Apr. 13, 1959;  
8:48 a.m.]

**CUMULATIVE CODIFICATION GUIDE—APRIL**

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