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TITLE 3—THE PRESIDENT

PROCLAMATION 3227

CANCER CONTROL MONTH, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS efforts to control and eliminate cancer constitute a public service to the people of this Nation and to all mankind; and

WHEREAS recent progress against this disease has made it possible to save the lives of one out of every three cancer sufferers, thereby contributing much to the health, happiness, and productivity of our citizens; and

WHEREAS achievement of the goal of controlling and eliminating cancer demands the unrelenting efforts of research scientists, physicians, and official and voluntary health agencies, together with the enlightened cooperation of the public; and

WHEREAS the Congress, by a joint resolution approved March 28, 1938 (52 Stat. 148), authorized and requested the President to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the month of April 1958 as Cancer Control Month; and I invite the Governors of the States, Territories, and possessions of the United States to issue similar proclamations. I also urge the medical profession, the communication industries, and all concerned groups to unite during the appointed month in the furtherance of programs for the control of cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of March in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-2394; Filed, Mar. 28, 1958; 9:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 4, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP CORN EXTENDED RESEAL LOAN PROGRAM

An extended reseal loan program has been announced for 1956-crop corn. The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1956, supplemented by Supplements 1, 2 and 3, Corn (21 F. R. 7175, 8233 and 22 F. R. 3868), containing the specific requirements for the 1956-crop corn price support program, is hereby further supplemented as follows:

Sec.

421.1760 Applicable sections of 1956 C. C. C. Grain Price Support Bulletin 1, and Supplements 1, 2 and 3 Corn.
421.1761 Availability.
421.1762 Eligible corn.
421.1763 Approved storage.

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EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

Sec.

AUTHORITY: §§ 421.1760 to 421.1770 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.1760 *Applicable sections of 1956 C. C. C. Grain Price Support Bulletin 1, and Supplements 1, 2, 3, Corn.* The following sections of the 1956 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, and 3, Corn, as amended, published in 21 F. R. 3997, 7175, 8233 and 22 F. R. 3868, shall be applicable to the 1956-crop Corn Extended Reseal Loan Program: § 421.1601 *Administration;* § 421.1608 *Liens;* § 421.1610 *Setoffs;* § 421.1611 *Interest rate;* § 421.1613 *Safeguarding the commodity;* § 421.1614 *Insurance on farm-storage loans;* § 421.1615 *Loss or damage to the commodity;* § 421.1617 *Release of the commodity under loan;* § 421.1620 *Foreclosure;* § 421.1740 *Determination of quantity;* § 421.1750 *Eligible producer;* § 421.1753 (a) *Approved forms.* Other sections of the 1956 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, and 3, Corn, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.1761 *Availability*—(a) *Area and scope.* The extended reseal program will be available in all counties where 1956-crop corn is under reseal loan except in angoumois moth areas designated by the State ASC committee: *Provided, however,* That the program will be available only where the ASC State committee determines that there may be a shortage of storage space and that the corn can be safely stored on the farm for the period of the extended reseal loan. This program provides under certain circumstances, for the extension of 1956-crop corn farm-storage reseal loans. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time and source.* The producer who has a reseal loan and who desires to extend such loan must make application to the office of the county committee which approved his reseal loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

(c) *New forms.* Where required by State law, a new producer's note and chattel mortgage shall be completed when a reseal loan is extended. Where new forms are not completed, extension of the reseal loan shall not affect the rights of CCC, including its right to accelerate the note, and the rights and responsibilities of the producer as set forth in this subpart and in the original forms completed by the producer.

§ 421.1762 *Eligible corn*—(a) *Requirements of eligibility.* The corn (1) must be in farm storage presently under a reseal loan; (2) must meet the requirements set forth in § 421.1738 (a), (b), (c), and (d) (3) (1956 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn); (3) must grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must contain not in excess of 15.5 percent moisture in the case of ear corn nor in excess of 13.5 percent moisture in the case of shelled corn.

(b) *Inspection.* If a producer makes application to extend his reseal loan, the commodity loan inspector shall, with the producer, reinspect the corn and the farm-storage structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis.

(c) *Determination of quality.* Quality determinations shall be made as set forth in § 421.1741.

§ 421.1763. *Approved storage.* Corn covered by any extended reseal loans must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.1606 (a). Consent for storage for any loans extended must be obtained by the producer for the period ending September 30, 1959, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1959.

§ 421.1764 *Quantity eligible for extended reseal.* The quantity of corn eligible for an extended reseal loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

§ 421.1765 *Service charges.* When a reseal loan is extended, the producer will not be required to pay an additional service charge.

§ 421.1766 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm-storage loan nor shall anyone acquire such interest or right. Subject to the provisions of § 421.1617 regarding partial redemption of loans, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.1767 *Personal liability of the producer.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan or the conversion or unlawful disposition of any portion of the commodity by him may render the producer subject to criminal prosecution under the Federal Law and shall render him personally liable for the amount of the loan (including interest as provided in § 421.1611) and for any resulting expense incurred by any holder of the note. A producer shall be personally liable for any damage resulting from tendering to CCC any commodity containing mercurial compounds or other substances poisonous to man or animals which is inadvertently accepted by CCC.

§ 421.1768 *Storage and track-loading payments*—(a) *Storage payment for 1957–58 storage period.* (1) A producer who extends his farm-storage reseal loan will at the time of extension of the reseal loan receive a payment for earned storage during the reseal loan period. This payment will be computed at the rate of 16 cents per bushel on the quantity of corn held in farm-storage for the full reseal period, ending July 31, 1958. The reseal storage payment will be disbursed to the producer by the office of the county committee.

(2) Upon delivery of the 1956-crop corn to CCC, the actual quantity of corn held in farm-storage under the extended reseal loan program will be determined by weighing. The storage payment previously made to the producer at the time the reseal loan was extended, covering the 1957–58 storage period, will then be recomputed on the basis of the actual quantity determined to have been covered by the extended reseal loan. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the extended reseal loan documents will be regarded as an additional credit in effecting settlement with the producer. The amount of any overpayment which is determined to have been made to the producer at the time the reseal loan was extended shall be collected from the producer.

(3) No storage payment will be made for the 1957–58 reseal loan period where the producer has made any false representation in the loan documents or in obtaining the loan, or where during or prior to the 1957–58 reseal loan period (i) the corn has been abandoned, (ii) there has been conversion on the part of the producer or (iii) the corn was damaged or otherwise impaired due to negligence on the part of the producer.

(b) *Storage payment for 1958–59 storage period.* A storage payment for the 1958–59 extended reseal storage period will be made as follows:

(1) *Storage payment for full extended reseal period.* A storage payment computed at the rate of 16 cents per bushel will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 31, 1959, (ii) delivers corn to CCC on or after July 31, 1959, or (iii) delivers corn to CCC prior to July 31, 1959, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC.

(2) *Prorated storage payment.* A prorated storage payment computed at the rate of 0.00053 per bushel a day, but not to exceed 16 cents per bushel, according to the length of time the quantity of corn was in store after September 30, 1958, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of corn redeemed from the loan prior to July 31, 1959, and (iii) in the case of corn delivered to CCC prior to July 31, 1959, pursuant to CCC's demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) *No storage payments.* Notwithstanding the foregoing, in no case will any storage payment be made for the 1958–59 extended reseal storage period where the producer has made any false representation in the loan documents or in obtaining the loan, or where during or prior to such period (i) the corn has been abandoned, (ii) there has been conversion on the part of the producer or (iii) the corn was damaged or otherwise impaired due to negligence on the part of the producer.

(c) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on corn delivered to CCC, in accordance with instructions of the county office, on track at a country point.

§ 421.1769 *Maturity and satisfaction.* Extended reseal loans will mature on demand but not later than July 31, 1959. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county office. If the producer desires to deliver the corn he should, prior to maturity, give the county office notice in writing of his intention to do so. The producer may however, pay off his loan and redeem his corn at any time prior to delivery of the corn to CCC or removal of the corn by CCC. Credit will be given at the applicable settlement value according to grade and quality for the total quantity eligible for delivery. Delivery of corn will be accepted only from bin(s) in which the corn under extended reseal loan is stored. The provisions of § 421.1618 (a), (c), (e), and (f) and of § 421.1746 (a) (1) shall be applicable thereto.

§ 421.1770 *Support rates.* (a) The support rate for an extended reseal loan shall remain the same as for the original loan.

(b) Any discounts or premiums established for variation in classification and quality as shown in § 421.1747 (b), shall be applicable in determining the settlement value.

Issued this 24th day of March 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-2330; Filed, Mar. 28, 1958; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FOREIGN COTTON AND COVERS

MISCELLANEOUS AMENDMENTS

On February 11, 1958, there was published in the FEDERAL REGISTER (23 F. R. 877) under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to the proposed amendment of §§ 319.8–3 and 319.8–12 of the Subpart "Foreign Cotton and Covers" in Title 7 of the Code of Federal Regulations. After due consideration of all relevant matters presented, and under the authority of sections 5 and 7 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 160), §§ 319.8–3 and 319.8–12 are hereby amended in the following respects:

1. In § 319.8–3, paragraph (c) is redesignated as paragraph (d) and a new paragraph (c) is added as follows:

§ 319.8–3 *Refusal and cancellation of permits.* * * *

(c) Permits for the importation of cottonseed from the State of Sonora, Mexico, as authorized in § 319.8–12 (d), may be refused and existing permits cancelled by the Director of the Division or the inspector (1) if, in the opinion of the Director of the Division, effective quarantine measures are not maintained by the duly authorized officials of Mexico to prohibit the movement into the State of Sonora, Mexico, of cotton and covers grown or handled in other parts of the West Coast of Mexico or in parts of Mexico infested with the pink bollworm or in countries other than the United States, or (2) if it has been determined by the Division that the pink bollworm exists in the State of Sonora, Mexico.

2. Section 319.8–12 is amended by adding thereto another paragraph (d) to read as follows:

§ 319.8–12 *From West Coast of Mexico.* * * *

(d) *Cottonseed.* Contingent upon the continued maintenance by the duly authorized Mexican officials of effective quarantine measures to prohibit the movement into the State of Sonora, Mexico, of cotton and covers grown or handled in other parts of the West Coast of Mexico, in parts of Mexico infested with the pink bollworm, or in countries other than the United States, and upon continued freedom of the State of Sonora, Mexico, from infestation with the pink bollworm, cottonseed originating in the State of Sonora, Mexico, and contained in new sacks may enter at Nogales, Arizona, and such other ports as may be named in the permit for transportation in bond to Fabens, Texas, for prompt vacuum fumigation.

These amendments shall become effective on March 29, 1958.

The amendments allow the importation of cottonseed from the State of Sonora, Mexico, under certain safeguards. These are that the cottonseed be in new sacks and that it be entered at Nogales, Arizona, or such other ports as may be authorized in permits, from which it shall then be transported in bond to Fabens, Texas, for vacuum fumigation. Previously such entry has not been allowed.

Since this amendment relieves restrictions, it is within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interpret or apply secs. 5, 7, 37 Stat. 316, 317; 7 U. S. C. 159, 160)

Done at Washington, D. C., this 26th day of March 1958.

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

[F. R. Doc. 58-2349; Filed, Mar. 28, 1958; 8:51 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 862.10]

PART 862—SUGAR BEETS: REGIONS OTHER THAN STATE OF CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON, AND WESTERN NEVADA

WAGE RATES; 1958 CROP

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in several cities in the sugar beet area during December 1957, the following determination is hereby issued:

§ 862.10 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1958 crop of sugar beets in regions other than the State of California, southern Oregon, and western Nevada*—(a) *Requirements.* A producer of sugar beets in regions other than the State of California, southern Oregon, and western Nevada shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm, in the production, cultivation, or harvesting of the 1958 crop shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker but after the beginning of work on the 1958 crop of sugar beets or the date of publication of this section in the FEDERAL REGISTER, whichever is later, not less than the following:

(i) *When employed on a time basis for the following operations.* (a) For thinning, hoeing or weeding: 70 cents per hour.

(b) For pulling, topping or loading: 75 cents per hour.

(c) For operations specified in this subdivision performed by workers between 14 and 16 years of age the rates in this subdivision may be reduced by not more than one-third. Maximum employment is 8 hours per day for such workers without deduction from Sugar Act payments to the producer.

(ii) *When employed on a piecework basis for the following operations.*

Rates per Acre by Wage District

Hand labor operations and methods of cultivation	Wage District I: Michigan, Ohio, Illinois, Indiana, Wisconsin, Minnesota, Iowa, North Dakota (Eastern)	Wage District II: Colorado, Nebraska, South Dakota, Wyoming, Montana (except Western), North Dakota (Western), Utah, Idaho (Southern and Eastern), Kansas, New Mexico, Texas, Nevada (Northern)	Wage District III: Idaho (Western), Oregon (except Southern), Washington, Montana (Western)
First hoeing completely machine-thinned fields or hoe-thinning only on fields with any type cultivation	$9.00	$9.50	$9.00
Hoe and finger thinning partially machine-thinned fields	11.00	11.50	11.00
Hoe and finger thinning fields which have not been machine-thinned	14.00	14.50	14.00
First hoeing, except completely machine-thinned fields	5.50	6.00	7.50
Second and each subsequent hoeing or weeding	3.50	4.00	6.00

Combined operations. A written agreement between the producer and the worker is required in instances where a combined rate for "summer work" is agreed upon. In such case, the rate for "summer work" regardless of the number of hoeings or weedings required, shall be the sum of the applicable thinning, hoeing, and weeding rates specified above. In the absence of a written agreement, the rate for each operation performed by the worker shall be the applicable rate specified above.

Cross cultivation. Where cross-cultivation is performed prior to hoeing or weeding, the specified first hoeing rate, other than first hoeing following complete machine-thinning, may be reduced by not more than $1.00 per acre, and the specified subsequent hoeing or weeding rate may be reduced by not more than 50 cents per acre.

Wide row planting. The above thinning, hoeing, or weeding rates, adjusted for cross-cultivation where applicable, may be reduced by not more than the indicated percentages for the following row spacings: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

(iii) *When employed on a piecework basis for hand-labor operations not specified or defined or for harvesting.* The piecework rate for any hand-labor operation of thinning, hoeing or weeding not specified above and for the operations of pulling, topping, or loading, shall be as agreed upon between the producer and the worker: *Provided,* That the average hourly rate of earnings paid to each worker for each operation shall be not less than 70 cents per hour for thinning, hoeing, or weeding, and 75 cents per hour for pulling, topping, or loading computed on the basis of the total time each such worker is employed on the farm for that operation.

(iv) *When employed on a time or piecework basis for other operations.* For operating mechanical equipment, irrigating, and all other operations in the production, cultivation, or harvesting of sugar beets for which a rate is not specified herein, the rate shall be as agreed upon between the producer and the worker.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Applicability.* The requirements of this section are applicable to all persons employed on the farm, except as provided in paragraph (c) of this section, in the production, cultivation, or harvesting of sugar beets grown on the farm for the extraction of sugar or liquid sugar; *Provided,* That such requirements shall not apply to any person engaged in such work with respect to sugar beets grown on the acreage in excess of the proportionate share for the farm, which are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes to the appropriate County Agricultural Stabilization and Conservation Committee acceptable and adequate proof which satisfies the committee that the work performed was related solely to such sugar beets.

(c) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugar beets, including, but not limited to mechanics, welders, and other maintenance workers and repairmen.

(d) *Proof of compliance.* The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the committee that all workers have been paid in accordance with the requirements of this section.

(e) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in this section through any subterfuge or device whatsoever.

(f) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Agricultural Stabilization and Conservation County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the County Office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the County

Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office. The address of the State Office will be furnished by the local County Office. Upon receipt of the appeal the State Committee shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of the 1958 crop of sugar beets in regions other than the State of California, southern Oregon, and western Nevada as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determination the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i. e., cost of living, prices of sugar and by-products, income from sugar beets and cost of production); and the differences in conditions among various sugar-producing areas.

(c) *Public hearings and proposed determination.* Public hearings were held in Detroit, Michigan, Fargo, North Dakota, Billings, Montana, Salt Lake City, Utah, and Greeley, Colorado, during the period December 3 through December 13, 1957, at which interested persons were afforded the opportunity to present testimony with respect to fair and reasonable wage rates for work performed by fieldworkers on the 1958 crop of sugar beets. In the public notice announcing these hearings, the Department set forth proposed wage requirements for the 1958 crop of sugar beets in regions other than California and parts of adjacent States. The requirements proposed differed from those applicable to the 1957 crop in the following respects: (1) The number of wage districts be reduced from 8 to 3; (2) the references to a specific rate for fields planted with whole seed be eliminated; (3) the separate rate for first hoeing following hoe-thinning only be deleted; (4) the qualifications applicable to the rate for first hoeing following complete machine-thinning be omitted; (5) the rate reductions applicable to hoeing and weeding where cross-cultivation is performed prior to such operations be eliminated; (6) the piecework rates for the operations of first hoeing completely machine-thinned fields and hoe thinning only on fields with any type cultivation be combined; and (7) the provisions for agreed-upon piecework rates with a minimum guarantee of hourly earnings to workers be extended to include all hand-labor operations in the thinning, hoeing, or weeding of sugar beets.

At the hearing in Detroit, Michigan, representatives of producers were opposed to the proposal to combine former Wage Districts I, II (a) and II (b) into one district because they were concerned that only one hearing might be held in the larger proposed wage district. In such case it would be more difficult and expensive for representatives of the remote sections of the proposed district to attend the hearing. They were also concerned that fair and reasonable wage rates for the district would be established at the level of the highest wage paid in any region of the district. The representatives indicated that they did not object to the other proposed changes in the determination and recommended no increases in wage rates from those applicable to the 1957 crop.

Producer representatives at the hearing in Fargo, North Dakota, indicated that the proposed changes were acceptable. They recommended no increase in wage rates for the 1958 crop and one representative of producers in southern Minnesota recommended that the wage rates of the 1958 determination be reduced to the rates specified in the 1956 determination. It was also recommended that the provision relating to reduced rates where cross-cultivation is performed, which was included in the 1957 determination, be continued in the 1958 determination.

At the hearing in Billings, Montana, representatives of producers recommended adoption of the changes contained in the Department's proposal, except that the representative of producers in western Montana requested that this area be included in the proposed Wage District III instead of Wage District II. The witness stated that the higher determination wage rates for hoeing in Wage District III are more nearly comparable to the prevailing wages for this operation in western Montana. With this one exception representatives of producers recommended no increase in wage rates for 1958.

Representatives of producers at the hearing in Salt Lake City, Utah, objected to the proposed consolidation of wage districts if the effect would be to increase the determination rates in their area above those applicable to the 1957 crop. While the rates actually paid in 1957 exceeded the determination rates, producers contended that an increase in the piecework rates would result in a corresponding increase in the prevailing rates. Producer representatives recommended that the wage rates for the 1958 determination remain the same as for the 1957 crop.

At the hearing in Greeley, Colorado, producer representatives recommended that the changes proposed by the Department be adopted and that the wage rates for the 1958 crop remain the same as for 1957.

(d) *1958 wage determination.* This determination differs from that for 1957 in the following principal respects: (1) The number of wage districts is reduced from 8 to 3; (2) specific piecework rates for whole seed planted fields are eliminated; (3) the separate rate for first hoeing following hoe-thinning only is deleted; (4) the qualifications as to method and time of work applicable to first hoeing completely machine thinned fields are omitted; and (5) the piecework rates for the operations of first hoeing completely machine thinned fields and hoe-thinning only on fields with any type cultivation are combined. The proposals to eliminate the rate reductions applicable to hoeing and weeding where cross-cultivation is performed prior to such operations and for the extension to all hand-labor operations of the provision for agreed-upon piecework rates with a minimum guarantee of hourly earnings to workers, have not been adopted.

Consideration has been given to the recommendations made at the public hearing, to the standards customarily considered in wage determinations, to information obtained by investigation and to other pertinent factors. Data obtained by field cost survey for a recent crop covering the returns, costs, and profits of sugar beet production have been recast in terms of prospective conditions for the 1958 crop. Analysis of all factors indicates that the wage rates of this determination are within the producers' ability to pay.

Prior wage determinations have been somewhat complex because of efforts to recognize in the wage structure the effects of increased mechanization and changes in work methods. Studies have indicated that (1) many producers and workers prefer the piecework method of payment; (2) producers and workers have assumed greater responsibility in negotiating wage rates depending upon field conditions and labor supply patterns; (3) the manhour requirements for the several hand-labor operations indicate less variation as between the several regions than in former years; and (4) the labor supply pattern has become more uniform throughout the sugar beet area. This determination has been de-

veloped with the objective of recognizing these conditions.

The piecework rates specified in this determination are the same as those applicable to the 1957 crop in most instances. In a few States or parts of States (Illinois, Indiana, Michigan, Ohio, Wisconsin, Idaho, Utah, and western Montana) the rates for certain operations are adjusted upward, while in others (western North Dakota, southern Minnesota, Montana other than western, and northern Wyoming) the rates are reduced. The recommendation of producers in western Montana that this region be included in Wage District III instead of District II has been adopted. The effect of the change is to increase by $1.00 per acre the total wage for the operations of thinning, hoeing and weeding. Testimony of the producers' representative indicated that higher rates for hoeing and weeding were necessary to attract workers to the area. The increases in Utah and Idaho are nominal, amounting to 50 cents per acre or approximately 3 cents per ton of sugar beets, and are expected to have little if any effect on labor costs since wage rates actually paid on most farms in this area have exceeded the determination rates. The hourly wage rates specified in this determination are the same as those applicable to the 1957 crop.

The provision for rate reductions for hoeing and weeding where cross-cultivation is performed prior to such operations has been continued in this determination because testimony presented by producer representatives was to the effect that this provision is being used to some extent in the North Dakota-northern Minnesota area. The reference to rates applicable to fields planted with processed seed and specific rates for certain operations in fields planted with whole seed have not been included in this determination because it is expected that only processed and monogerm seed will be planted for the 1958 and subsequent crops. The separate rate for first hoeing followed hoe-thinning only has been discontinued because the man-hour requirements for this operation do not differ substantially from those for first hoeing following hoe and finger thinning. The qualifications applicable to the rate for first hoeing following complete machine-thinning have not been included because advances in machine-thinning and changes in worker requirements make them unnecessary. The piecework rates for the operations of first hoeing completely machine-thinned fields and hoe thinning only on fields with any type cultivation have been combined in view of the similarity of work methods and man-hour requirements for these operations.

The producer and worker may agree upon an hourly basis of payment for any operation, including those operations for which a piecework rate is established by this determination. They may also agree upon piecework rates for operations not specified herein provided that the earnings of each worker employed are not less than 70 or 75 cents per hour for nonharvest or harvest work, respectively. The proposal that agreed-upon piecework rates with a minimum guarantee of earnings to workers be extended to cover the hand-labor operations for which piecework rates are specified in the determination, has not been included inasmuch as it is believed that such a provision would have limited application during the 1958 crop. This determination provides that wage rates for operating mechanical equipment, irrigating, and other work in the production of the sugar beet crop are to be as agreed upon between the producer and the worker. Wage rates for these semi-skilled and skilled workers vary widely among the several producing States. Many of these workers are paid monthly salaries as general farm hands and perform work on all crops grown on the farm. Records generally are not maintained as to the time spent in work on each crop. Investigations have shown that because of normal competitive factors these workers are paid wages which reflect their relative job requirements. Accordingly, the provisions requiring the payment of agreed upon wages for semi-skilled and skilled workers are deemed to afford these workers adequate protection.

After consideration of all the factors, the wage rates and other provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929 as amended; 7 U. S. C. 1131)

Issued this 25th day of March 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 58-2290; Filed, Mar. 28, 1958; 8:45 a. m.]

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

[Navel Orange Reg. 141]

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

LIMITATION OF HANDLING

§ 914.441 *Navel Orange Regulation 141*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 27, 1958.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 30, 1958, and ending at 12:01 a. m., P. s. t., April 6, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 462,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

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

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

Dated: March 28, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2395; Filed, Mar. 28, 1958; 11:20 a. m.]

[Valencia Orange Reg. 128, Amdt. 1]

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

LIMITATION OF HANDLING

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

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

Order, as amended. The provisions in paragraph (b) (1) (iii) of § 922.428 (Valencia Orange Regulation 128, 23 F. R. 1914) are hereby amended to read as follows:

(iii) District 3: 231,000 cartons.

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

Dated: March 26, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2348; Filed, Mar. 28, 1958; 8:51 a. m.]

[Valencia Orange Reg. 129]

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

LIMITATION OF HANDLING

§ 922.429 *Valencia Orange Regulation 129*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 27, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 30, 1958, and ending at 12:01 a. m., P. s. t., April 6, 1958, are hereby fixed as follows:

(i) District 1: 231,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 184,800 cartons.

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

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

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

Dated: March 28, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2396; Filed, Mar. 28, 1958; 11:20 a. m.]

[Lemon Reg. 732]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.839 *Lemon Regulation 732*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

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

of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 26, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 30, 1958, and ending at 12:01 a. m., P. s. t., April 6, 1958, are hereby fixed as follows:

(i) District 1: 7,440 cartons;

(ii) District 2: 201,810 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: March 27, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2391; Filed, Mar. 28, 1958; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 3]

PART 21—AIRLINE TRANSPORT PILOT RATING

VOLUNTARY SURRENDER OF ATR CERTIFICATES AND LOGBOOK REQUIREMENTS

This supplement provides a Civil Aeronautics Administration Policy in regard to the voluntary surrender of an airline transport pilot certificate. The purpose is to acquaint the public with the fact that, once the Administrator accepts a voluntary surrender of an airline transport pilot certificate for cancellation, the holder must requalify by successfully completing each of the appropriate written examinations and flight tests before another airline transport pilot certificate will be issued.

Since the Board has deleted the pilot logbook requirements contained in § 43.43 and placed them in a new § 20.16, this supplement includes an amendment to § 21.16-2 which changes the section reference therein from "§ 43.43" to "§ 20.16."

1. A new § 21.24-1 is added to read as follows:

§ 21.24-1 *Voluntary surrender of certificate (CAA policies which apply to § 21.24 (a)).* The holder of an airline transport pilot certificate may surrender it at any time to a Flight Operations and Airworthiness Inspector for cancellation. Final acceptance of surrender for cancellation is within the discretion of the Administrator. When a certificate has been accepted for surrender, the pilot must requalify and pass all applicable examinations and tests if he wishes to obtain another airline transport pilot certificate.

2. Section 21.16-2 is amended to read:

§ 21.16-2 *Evidence of flight experience (CAA policies which apply to § 21.16).* Flight experience required by § 21.16 should be substantiated by a logbook maintained in accordance with the requirements of § 20.16 of this subchapter.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

This supplement shall become effective April 21, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MARCH 24, 1958.

[F. R. Doc. 58-2318; Filed, Mar. 28, 1958; 8:45 a. m.]

[Supp. 30]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

ADMISSION TO FLIGHT DECK

This supplement is issued to correct the title of § 40.356-1 of the Civil Aeronautics Manual so that it conforms with the title of § 40.356 of the Civil Air Regulations. Therefore, the title of § 40.356-1 is amended to read:

§ 40.356-1 *Admission to flight deck (CAA interpretations which apply to § 40.356).* * * *

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551-554)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MARCH 24, 1958.

[F. R. Doc. 58-2320; Filed, Mar. 28, 1958; 8:46 a. m.]

[Supp. 31]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

APPLICATION OF OBSTRUCTION CLEARANCE CRITERIA IN DETERMINING LANDING CEILING MINIMUMS

The example airport presently used to illustrate the application of obstruction clearance criteria for determining landing ceiling minimums in § 40.406-2 (c) (11) of the Civil Aeronautics Manual is assumed to be at sea level (zero feet m. s. l.) which is rarely the case. Section 40.406-2 (c) (11) is hereby revised to include a more realistic example to read as follows:

§ 40.406-2 *Ceiling and visibility minimums—IFR (CAA policies which apply to § 40.406).* * * *

(c) *Landing minimums, regular, refueling, or provisional airports.* * * *

(11) *Application of obstruction clearance criteria in determining landing ceiling minimums.* Unless safety requires otherwise, landing and ceiling minimums for instrument approaches using a radio range (L/MF or VOR) or a nondirectional L/MF radio facility will be shown on the applicable instrument approach procedure form to the nearest 100 feet. For example, for an airport with an elevation of 200 feet m. s. l. and assuming a 300-foot obstruction clearance requirement with a controlling obstruction of 449 feet m. s. l., a ceiling minimum of 500 feet would normally be considered as meeting the obstruction clearance requirements outlined in subparagraphs (1) through (5) of this paragraph. On the other hand, if such obstruction were 450 feet m. s. l., a ceiling minimum of 600 feet would normally apply. In cases where the ILS obstruction clearance criteria cannot be met, the ceiling arrived at by application of the formula contained in subparagraph (6) (v) (*a*) of this paragraph will normally be shown to the nearest 100 feet; except that a flight check is required where application of the formula indicates a ceiling of less than 300 feet.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551-554)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MARCH 24, 1958.

[F. R. Doc. 58-2321; Filed, Mar. 28, 1958; 8:46 a. m.]

[Supp. 31]

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

ADMISSION TO FLIGHT DECK

This supplement is issued to correct the terminology of § 41.121-1 of the Civil Aeronautics Manual so that it conforms with that of § 41.121 of the Civil Air Regulations, as amended July 11, 1957, and, in the interest of uniformity, to conform it with the language in § 40.356-1 of the Civil Aeronautics Manual. No substantive change is involved. Therefore, § 41.121-1 is amended to read as follows:

§ 41.121-1 *Admission to flight deck (CAA interpretations which apply to § 41.121).* The term "flight deck" as used in § 41.121 shall mean all of the area forward of the door or window required by Parts 4a and 4b of this subchapter to be located between the pilot compartment and the passenger compartment.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551-554)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MARCH 24, 1958.

[F. R. Doc. 58—2322; Filed, Mar. 28, 1958; 8:46 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 219]

PART 608—RESTRICTED AREAS

VIRGELLE, MONTANA

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

Section 608.34, the Virgelle, Montana, area (R–507) is rescinded.

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

This amendment shall become effective on April 23, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MARCH 24, 1958.

[F. R. Doc. 58-2319; Filed, Mar. 28, 1958; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

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

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANZOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146b, 146c; 21 CFR, 1956 Supp., 146c.205; 22 F. R. 7104) are amended as set forth below:

1. Section 146b.114 is amended as follows:

a. Paragraph (a) *Standards of identity* * * * is amended by inserting between the second and third sentences the following new sentence: "Each such drug may contain a suitable and harmless lubricant." As amended, the introductory paragraph of paragraph (a) reads as follows:

§ 146b.114 *Streptomycin sulfate veterinary; dihydrostreptomycin sulfate veterinary; dihydrostreptomycin hydrochloride veterinary*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate veterinary is the sulfate salt of a kind of streptomycin or a mixture of two or more such salts. Dihydrostreptomycin sulfate veterinary and dihydrostreptomycin hydrochloride veterinary are the hydrogenated sulfate or hydrochloride salt of a kind of streptomycin or a mixture of two or more such salts. Each such drug may contain a suitable and harmless lubricant. Each such drug is so purified and dried that:

b. In paragraph (c) *Labeling*, subparagraph (2) is amended by adding the following new clause: "; and if the batch contains a lubricant, the name of such ingredient."

2. Section 146c.205 *Chlortetracycline powder* * * * is amended as follows:

a. Paragraph (a) *Standards of identity* * * * is amended by changing the first sentence to read as follows: "Chlortetracycline powder, tetracycline hydrochloride powder, and tetracycline powder are crystalline chlortetracycline hydrochloride, tetracycline hydrochloride, or tetracycline, with or without glucosamine hydrochloride and one or more suitable and harmless vitamin substances, and with or without suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings."

b. Paragraph (c) (1) (iv) is amended to read as follows:

(c) *Labeling.* * * *

(1) * * *

(iv) If it contains a preservative or vitamin substance, the name and quantity of each such ingredient, and if it contains glucosamine hydrochloride, the name of that ingredient.

3. In § 146c.206 *Chlortetracycline ophthalmic* * * *, paragraph (c) (1) (iii) is amended by changing the number "36" to "48".

4. In § 146c.217 *Chlortetracycline calcium syrup* * * *, paragraph (a) *Standards of identity* * * * is amended by changing the number "5.5" in the fourth sentence to "6.0."

5. Section 146c.219 *Crude chlortetracycline oral veterinary* is amended in the following respects:

a. In paragraph (c) *Labeling*, subparagraph (1) (iv) is amended by changing the words "12 months" to read "24 months".

b. In paragraph (f) *Exemption of crude chlortetracycline oral veterinary from certification*, subparagraph (2) is amended by changing the words "12 months" to read "24 months".

6. In § 146c.238 *Tablets tetracycline hydrochloride and novobiocin*, paragraph (a) is amended by changing the phrase "7.2 and not more than 8.2" in the second sentence to read "6.5 and not more than 8.5."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, 61 Stat. 11; 21 U. S. C. 357)

Dated: March 25, 1958.

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

[F. R. Doc. 58-2323; Filed, Mar. 28, 1958; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

PACIFIC OCEAN, CALIF.

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), § 207.614 is hereby prescribed establishing and governing the use and navigation of a naval restricted area in the Pacific Ocean off San Clemente Island, California, as follows:

§ 207.614 *Pacific Ocean off the east coast of San Clemente Island, Calif., Naval restricted area*—(a) *The area.* The waters of the Pacific Ocean within an area extending easterly from the east coast of San Clemente Island, California, described as follows: The northerly boundary to be a continuation, to seaward of the existing southerly boundary of the Naval Restricted Anchorage Area, as described in § 202.218 of this chapter (Anchorage Regulations), to latitude 33°-00.3′ N., longitude 118°31.1′ W.; thence to latitude 32°58.6′ N., longitude 118°30.0′ W.; thence to latitude 32°57.9′ N., longitude 118°31.3′ W. on the shoreline; thence northerly along the shoreline to point of beginning.

(b) *The regulations.* (1) No vessels, other than Naval Ordnance Test Station craft, and those cleared for entry by the Naval Ordnance Test Station, 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 seaplanes, other than those approved for entry by Naval Ordnance Test Station, may enter the area.

(4) The regulations in this section shall be enforced by security personnel attached to the Naval Ordnance Test Station, Pasadena Annex, Pasadena, California, and by such agencies as may be designated by the Commandant,

Eleventh Naval District, San Diego, California.

[Regs., March 11, 1958, 800.2121 (Pacific Ocean)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-2317; Filed, Mar. 28, 1958; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

MISCELLANEOUS AMENDMENTS

The proposed amendments to Part 31 published in the FEDERAL REGISTER of February 22, 1958, at page 1149 (23 F. R. 1149) as set forth below are hereby adopted as regulations of the Post Office Department, without change, effective April 1, 1958.

a. In § 31.1 *Postage stamps (adhesive)* make the following changes in the table in paragraph (a):

1. Under "Denomination and prices" amend "1, 1½, 2 and 3 cents: Coils of 500 and 1,000 sidewise, gummed in", to read as follows: "1, 1½, 2, and 3 cents: Coils of 500 sidewise, gummed in."

2. Under "Denomination and prices" amend "1, 2, and 3 cents: Coils of 3,000 sidewise, gummed in, for vending machines" to read as follows: "1, 2, and 3 cents: Coils of 3,000 sidewise, gummed in."

3. Under "Denomination and prices" strike out "1, 1½, 2, and 3 cents: Coils of 3,000, sidewise, gummed out, for affixing machines. (Orders for coils of 3,000 must specify gummed in or gummed out.)".

NOTE: The corresponding Postal Manual section is 141.11.

b. In § 31.2 *Plain envelopes and postal cards* amend the table in paragraph (b) as follows:

1. In column headed "Stock No. and dimensions", strike out "5 (3" x 5")".

2. In column headed "Kind", strike out first reference to "Domestic single".

3. In column headed "Price each (cents)", strike out first reference to "2".

4. In column under "Sheets" headed "Number of cards per sheet", strike out "20 (4 x 5 cards)".

5. In column under "Sheets" headed "Cards per case", strike out first reference to "5,000".

NOTE: The corresponding Postal Manual section is 141.22.

[R. S. 161, 396, as amended, 3914, 3915, as amended, 3916, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 351, 354, 356)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-2329; Filed, Mar. 28, 1958; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 1605]

[Colorado 018352]

[New Mexico 024545]

COLORADO AND NEW MEXICO

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS AN ADMINISTRATIVE SITE, PICNIC GROUNDS, CAMPGROUNDS, AND RECREATION AREAS

By virtue of the authority vested in the President by section 1 of the Act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follow:

Subject to valid existing rights, the following-described public lands within the national forests indicated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws nor the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as an administrative site, picnic grounds, campgrounds, and recreation areas:

[Colorado 018352]

SIXTH PRINCIPAL MERIDIAN

WHITE RIVER NATIONAL FOREST

North Fork White River Campground

T. 1 N., R. 89 W.,
Sec. 18, Lot 1;
HES #142.
T. 1 N., R. 90 W.,
Sec. 14, Lot 1;
HES #142 and HES #145.
The areas described aggregate approximately 351 acres.

Heart Lake Recreation Area

T. 3 S., R. 89 W.,
Sec. 26, W½E½NE¼, W½NE¼ and E½NW¼.
The areas described aggregate 200 acres.

Three Forks Campground

T. 3 S., R. 92 W.,
Sec. 26, SW¼NW¼ and NW¼SW¼;
Sec. 27, SE¼NE¼.
The areas described aggregate 120 acres.

Spruce Picnic Ground

T. 3 S., R. 92 W.,
Sec. 26, SW¼SW¼;
Sec. 35, NW¼NW¼.
The areas described aggregate 80 acres.

Little Box Canyon Campground

T. 3 S., R. 92 W.,
Sec. 23, SE¼SW¼;
Sec. 26, NE¼NW¼.
The areas described aggregate 80 acres.

Dowd Campground

T. 5 S., R. 81 W.,
Sec. 21, Lot 6.
The area described contains 42.50 acres.

Homestake Campground

T. 6 S., R. 80 W.,
Sec. 30, S½NE¼SE¼.
The area described contains 20 acres.

Hornsilver Campground

T. 6 S., R. 80 W.,
Sec. 30, SE¼SE¼;
Sec. 31, NE¼NE¼.
The areas described aggregate 80 acres.

Fulford Campground

T. 6 S., R. 83 W.,
Sec. 35, SE¼NE¼ and E½SW¼NE¼.
The areas described aggregate 60 acres.

Fulford Cave

T. 6 S., R. 83 W.,
Sec. 36, NW¼NW¼.
The area described contains 40 acres.

Gypsum Campground

T. 6 S., R. 85 W.,
Sec. 15, S½NW¼.
The area described contains 80 acres.

Grizzly Creek Picnic Ground

T. 6 S., R. 88 W.,
Sec. 5, Lots 7 and 8.
The areas described aggregate 72.04 acres.

Lime Creek Campground

T. 8 S., R. 83 W.,
Sec. 17, NW¼SW¼ and N½S½SW¼.
The areas described aggregate 80 acres.

Forks Campground

T. 8 S., R. 83 W.,
Sec. 21, SE¼NW¼.
The area described contains 40 acres.

North Fork Campground

T. 8 S., R. 83 W.,
Sec. 24, S½NE¼NW¼ and N½SE¼NW¼.
The areas described aggregate 40 acres.

Chapman Recreation Area

T. 8 S., R. 83 W.,
Sec. 27, S½SE¼SW¼ and S½SE¼SE¼;
Sec. 34, NE¼, E½NW¼, N½SE¼ and SE¼SE¼;
Sec. 35, W½NW¼, NW¼SW¼ and N½SW¼SW¼.
The areas described aggregate 540 acres.

Highland Campground

T. 10 S., R. 85 W.,
Sec. 35, Lots 2 and 5 and W½SE¼; less patented HES 112 and HES 113.
The areas described aggregate approximately 77 acres.

Difficult Campground

T. 10 S., R. 84 W.,
Sec. 33, NE¼NW¼ and NW¼NE¼.
The areas described aggregate 80 acres.

Aspen Park Campground

T. 10 S., R. 84 W.,
Sec. 28, NW¼SW¼.
The area described contains 40 acres.

Maroon Lake Campground

T. 11 S., R. 86 W.,
Sec. 13, N½ and N½SW¼.
The areas described aggregate 400 acres.

Crater Lake Campground

T. 11 S., R. 86 W.,
Sec. 23, NW¼.
The area described contains 160 acres.

[New Mexico 024545]

NEW MEXICO PRINCIPAL MERIDIAN

SANTA FE NATIONAL FOREST

Cuba Ranger Station Administrative Site

T. 21 N., R. 1 W.,
Sec. 18, SW¼SE¼;
Sec. 19, W½NE¼.
The areas described aggregate 120 acres.

The total area described in this order is approximately 2,802 acres.

This order shall be subject to existing withdrawals for power purposes so far as they affect any of the lands described, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

MARCH 24, 1958.

[F. R. Doc. 58-2283; Filed, Mar. 28, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12011; FCC 58-264]

[Rules Amdt. 3-110]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS, CARBONDALE-HARRISBURG, ILL.; TABLE OF ASSIGNMENTS

In the matter of amendment of Section 3.606 *Table of assignments*, Television Broadcast Stations (Carbondale-Harrisburg, Ill.).

1. The Commission has before it for consideration the Notice of Proposed Rule Making (FCC 57-458) issued in this proceeding on May 3, 1957, proposing to assign Channel 8 to Harrisburg, Illinois, and Channel 3 to Carbondale, Illinois, in response to petitions filed by Turner-Farrar Association, licensee of Station WSIL-TV on Channel 22 at Harrisburg, and Paul F. McRoy and Ann E. Sterling, d/b as Southern Illinois Broadcasting Partnership, licensee of standard Radio Station WCIL at Carbondale. A counterproposal requesting the assignment of Channel 8 to Mount Vernon, Illinois, instead of Harrisburg, was filed by Mount Vernon Radio and Television Company, licensee of Radio Stations WMIX-AM and FM in Mount Vernon.

2. Comments were filed by petitioners; WFIE, Inc., licensee of WFIE on Channel 14 at Evansville, Illinois; Hoyt B. Wooten d/b as WREC Broadcasting Service, licensee of WREC-TV on Channel 3 at Memphis, Tennessee; Evansville Television, Inc., permittee of WTVW on Channel 7 at Evansville; Indiana Broadcasting Corporation, licensee of WISH-TV on Channel 8 at Indianapolis; Plains Television Corporation, licensee of WICS on Channel 20 at Springfield, Illinois; Mount Vernon Radio & Television Company; WEHT, Inc., licensee of WEHT on Channel 50 at Henderson, Kentucky; Southern Illinois University at Carbondale; and Hirsch Broadcasting Company, licensee of KFVS-TV on Channel 12 at Cape Girardeau, Missouri.

3. In support of the proposal to assign Channel 8 to Harrisburg, Turner-Farrar asserts that the only local television service in Harrisburg and southern Illinois is provided by its UHF station, WSIL-TV, in Harrisburg; that outside service is provided by VHF stations in St. Louis and Cape Girardeau, Missouri, and Paducah, Kentucky; and that this multiplicity of VHF service in the area makes it impossible for a UHF station to survive. Turner-Farrar maintains that a substantial area is available for locating a transmitter for a Channel 8 station at Harrisburg to meet the mileage separation requirements and other rules; that from a site within that area a Harrisburg station at maximum power and antenna height would provide Grade B or better service to approximately 678,316 persons in an area of 12,667 square miles, a first Grade B or better service to 84,885 persons[1] in an area of 1,978 square miles, and a second service to an area of 2,239 square miles with about 144,931 persons.[1] Turner-Farrar contends that the assignment of Channel 8 to Harrisburg would not adversely affect the Evansville area in becoming a UHF area since the most desirable transmitter sites are almost 80 miles from Evansville; that from such sites there would be no overlap of the Grade A signals of a Harrisburg station, operating with maximum facilities, and those of the Evansville UHF stations, and the Grade B signal of a Harrisburg station would serve no part of the Evansville metropolitan area and would cover only a small portion of the area and population in Indiana receiving Grade B or better service from Evansville; that the Grade B contour of WFIE at Evansville serves approximately 245,115 persons in Indiana and a substantial population in Kentucky; but that WFIE provides Grade B or better service to only a small portion of the Illinois population with which its proposed Harrisburg VHF station would be principally concerned. Turner-Farrar contends that while it would be possible to locate the transmitter of a Channel 8 station at a point considerably closer to Evansville, such a site would not be the most efficient for serving southern Illinois; and that the Commission could specify that any station utilizing Channel 8 must locate its transmitter at least 75 miles from Evansville. Turner-Farrar urges, further, that if its Channel 8 proposal is rejected, Channel 3 should be assigned to Harrisburg rather than Carbondale, arguing that if only one VHF channel is added to southern Illinois, Harrisburg should be preferred since it is more centrally located and an existing station would be preserved. Turner-Farrar urges that show cause proceedings should be instituted looking toward the modification of its authorization for UHF Station WSIL-TV to specify Channel 8.

4. In support of its proposal to assign Channel 3 to Carbondale, Southern Illinois Broadcasting Partnership alleges that Carbondale is the principal city of Southern Illinois, with a population of 10,921; that the assignment would meet the minimum mileage separation requirements; and that Carbondale and its environs are almost exclusively VHF. It argues that because of the multiplicity of VHF signals already serving the Carbondale area, UHF would not be feasible. Southern Illinois urges that its proposal would not adversely affect UHF in Evansville since Carbondale is 92 miles west of Evansville, farther from Evansville than Paducah where a VHF station is already in operation. Southern Illinois also urges that in the event the Commission decides to allocate only one VHF channel in this area, Carbondale should be preferred over Harrisburg since, in addition to considerations relative to protection of UHF in Evansville, Carbondale is a growing community, the center of a number of communities with an aggregate population of 175,000, the location of Southern Illinois University, and since 1950 has surpassed Harrisburg in size.

5. Mount Vernon Radio & Television Company submitted a counterproposal to assign Channel 8 to Mount Vernon rather than Harrisburg. Mount Vernon Radio maintains that Channel 8 in Mount Vernon would comply with the minimum mileage requirements and other rules, and notes that a transmitter for a Channel 8 station could be located within Mount Vernon itself, whereas at Harrisburg the transmitter would have to be located about 20 miles north northwest. It submits that the southern Illinois area has become a dominant VHF area and that the use of UHF Channel 38 in Mount Vernon would not be feasible; that VHF stations in Cape Girardeau, St. Louis, Terre Haute and Paducah serve portions of southern Illinois that would be served by Channel 8 in Mount Vernon; and that Channel 8 would provide a first local outlet to Mount Vernon and a first service to the surrounding area. Mount Vernon claims that a Channel 8 station at Harrisburg would place a more substantial VHF signal in the Evansville area than would such an operation from Mount Vernon; that a substantially larger area and a greater number of persons would receive a first television service from a Mount Vernon station—approximately 3,000 square miles and 131,222 persons as compared to 2,300 square miles and 101,733 persons—and that Mount Vernon is a substantially larger community than Harrisburg—17,600 population as compared to 11,000.

6. In reply, Turner-Farrar states that the relative merits of the Harrisburg and Mount Vernon proposals for Channel 8 must be considered in light of the fact that UHF Station WSIL-TV, on Channel 22 in Harrisburg, would be forced off the air with the advent of a VHF station in either Mount Vernon or Harrisburg. Turner-Farrar contends that the showing made by Mount Vernon as to the greater "white area" that would be served by Channel 8 at Mount Vernon rather than Harrisburg is exaggerated and based upon erroneous assumptions, including the probability that Station WSIL-TV would continue operation on Channel 22 at Harrisburg after a VHF station commenced operation in the area. Turner-Farrar asserts that the statistical study submitted by Mount Vernon purporting to compare Harrisburg and Mount Vernon and their market and coverage areas ignores the substantial overlap of service areas and the fact that Channel 8 in either community would provide service to both. It also contends that the conclusions reached are misleading since only the areas served in

[1] These figures do not include the present WSIL-TV service area.

Illinois by the proposed stations are compared and the substantial areas in Missouri and Kentucky which would be served by a Harrisburg station are ignored. Turner-Farrar claims that while Mount Vernon is somewhat larger than Harrisburg, in view of the fact that neither is a large city and the large service areas involved, the difference in size is not significant. Turner-Farrar asserts that since a Mount Vernon site some 78.5 miles from Evansville is contemplated, and its proposed site for Harrisburg is 77.78 miles from Evansville, there is also no significant reason for preferring Mount Vernon on this basis. Turner-Farrar submits further than Channel 13 could be assigned to Mount Vernon. Turner-Farrar also suggests that if Channel 3 is deleted from Champaign, as proposed by Plains Television, this frequency could be assigned to Mount Vernon.

7. Southern Illinois University maintains that it is not feasible to operate a UHF station in Carbondale or Harrisburg and that adoption of the proposal to assign a VHF channel to each community would provide an outlet for some of the University's programs and would serve a large portion of southern Illinois. In its reply comments, the University urges that Channel 61—reserved for education in Carbondale—would not enable it to achieve the coverage essential in providing educational television service to the entire southern Illinois area; and it urges that a VHF channel be assigned to Carbondale for educational use. The University states that if a VHF channel is made available for education, it plans to apply for its use and that it has definitely established plans to commence operation within one year from the date it is issued a construction permit.

8. WFIE, Inc., urges that both proposals for the assignment of a VHF channel to Harrisburg and Carbondale should be denied. It argues that the Commission's action deleting the VHF assignments at Springfield, Peoria and Evansville, created a UHF corridor extending from central Illinois through southern Indina and into Kentucky, in which no Grade B VHF signals are received; that two UHF stations operate within this area at Evansville and Henderson; and that the closest VHF assignment, Channel 2 at Terre Haute, is about 85 miles from Evansville. WFIE maintains that the proposed VHF assignments would encroach upon this UHF-only area; that they would enable substantial VHF signals to penetrate the service area of its UHF station at Evansville; would convert a large portion of the UHF corridor to a multiple VHF area; and probably would result in the destruction of UHF in Evansville. In its reply comments, WFIE asserts that some kind of an evidentiary hearing is necessary to reach a proper determination upon the subject proposals for use of Channel 3 and 8, as well as for Channel 13 at Carter, and that disposition of the rule making proposal for deletion of Channel 3 at Champaign is essential. WFIE urges that a useful UHF service cannot be achieved by a limited number of UHF stations in communities isolated from other UHF areas and subject to newly created VHF signals on the periphery of their service areas.

9. In reply, Turner-Farrar contends that only the area surrounding Evansville is a true UHF area and that no showing has been made that any of the remainder of the area which WFIE claims to be a UHF-only area because of the absence of Grade B VHF signals receives or will receive UHF service. It urges that its proposal for Harrisburg would not infringe on the Evansville UHF area since its proposed site for a Channel 8 station is some 75 miles from Evansville and the Grade B contour would not invade the Evansville metropolitan area. Turner-Farrar claims that the size of Evansville and the Evansville metropolitan area as compared with Harrisburg lends no support to the suggestion that a Harrisburg VHF station would constitute a severe competitive threat to Evansville stations. Southern Illinois Broadcasting asserts that the WFIE engineering statements show that the maxmium computed penetration of the Carbondale Grade B contour into that of UHF Station WFIE at Evansville would be in the order of 9 or 10 miles; that this would affect less than 7.5 percent of the total Grade B service area of WFIE; and that even this figure is unrealistic since it assumes a Carbondale station operating with maximum power and a thousand foot antenna in the center of Carbondale. Southern contends that the Grade B contour of a Carbondale station which could be reasonably expected to be built (50 kw at 500 feet) would not invade that of Station WFIE; and that, in any event, penetration into the Evansville area by a Carbondale station could be prevented by appropriate conditions limiting antenna height or restricting radiation in the direction of Evansville.

10. WEHT, Inc., also opposes both proposals for Harrisburg and Carbondale. It maintains that adoption of the proposed assignments would nullify the benefits to be derived from the Evansville allocation proceeding and that it would seriously impair the Commission's objective of developing a sound competitive UHF service in the area. It notes that Harrisburg is approximately 55 miles from Evansville and that a Channel 8 station could be located between 50 and 90 miles from Evansville; that the nearest point to Evansville at which a Channel 3 station could be located is about 70 miles away, whereas the nearest existing VHF station, other than Station WTVW at Evansville, is located at Paducah about 85 miles from Evansville. WEHT argues that the assignment of one or both of the proposed VHF channels would encroach on the Evansville area.

11. WEHT further urges that the Mount Vernon counterproposal involves essentially the same objectionable penetration of the Evansville area as the Harrisburg proposal, and that if the "white area" is as substantial as claimed, a UHF station operating in the area would have a sufficient unduplicated service area to enable it to survive and would not tend to destroy UHF service at Evansville. It also claims that if the VHF fringe service in the Harrisburg area is as extensive as claimed, there is, in fact, no real "white area" in the service area of Station WSIL–TV at Harrisburg, and that it could be expected that a VHF station assigned to Harrisburg, Mount Vernon, or Carbondale would penetrate further into the Evansville area. WEHT urges, however, that if the Commission should decide to assign Channel 8, or any other VHF assignment in this area, the assignments should be made with the condition that any new VHF stations have to be located at least 95 miles from Evansville.

12. Evansville Television, Inc., argued that adoption of the proposal to assign Channel 3 to Carbondale would preclude its proposal that Channel 3 be deleted from Louisville and reassigned to Evansville, and that the Commission should complete consideration of its petition prior to determining whether Channel 3 should be assigned to Carbondale.[2] In its reply comments Evansville argues that virtually all of the television sets in the Harrisburg area are equipped to receive UHF; that no VHF station is in operation within 45 miles of Harrisburg; and that, accordingly, Harrisburg is a suitable market for the preservation of UHF. It alleges that Turner-Farrar has claimed no financial loss and has submitted no financial data to support its assertion that UHF cannot exist in the Harrisburg area; and that the VHF signals received in the Harrisburg area are from distant stations in separate markets. Evansville Television argues that, if, on the other hand, any significance is to attach to the contentions that the reception of VHF signals from distant stations precludes the continuing use of UHF, it is also significant that the proposals would create VHF stations which would invade the service areas of the UHF stations in Evansville and impair their ability to continue to operate. Evansville Television maintains that the Grade B service area of a Harrisburg station would invade the service area of Stations WFIE, WEHT and WTVW at Evansville for a distance of about 22, 23 and 28 miles, respectively; that a station on Channel 3 in Carbondale would penetrate into these service areas to a slightly lesser extent; and that the invasion of three VHF stations into the service areas of the UHF stations at Evansville would cause considerable economic injury.

13. WREC Broadcasting Service, operating on Channel 3 in Memphis, opposes the assignment of Channel 3 to Carbondale on the ground that it would materially increase interference to WREC–TV in Memphis. It contends that adding Channel 3 to Carbondale would also increase co-channel interference to WCIA at Champaign, WAVE–TV at Louisville, and KTBS at Shreveport. Before a determination can be reached that Channel 3 should be assigned to Carbondale, WREC urges that an evidentiary hearing is necessary to

[2] On October 8, 1957, the Commission released a Memorandum Opinion and Order (FCC 57–1101) denying Evansville Television, Inc.'s petition which proposed, inter alia, the shift of Channel 3 from Louisville to Evansville.

consider the equities of the areas and station involved, and it requests such a hearing if the proposal is not denied. In reply, Southern Illinois Broadcasting points out that under § 3.612 of the rules, TV stations are not protected from any interference which may be caused by a new station in full compliance with the Commission's allocation requirements; that its proposal for Carbondale complies with all the rules; and, moreover, that the "interference" computed by WREC was based on the unrealistic assumption that a Channel 3 station at Carbondale would operate with power of 100 kw and antenna height of 1,000 feet. Southern Illinois Broadcasting urges that no need or justification appears for granting WREC's request for an evidentiary hearing and that the determination as to whether Channel 3 should be added to Carbondale can be made in the instant proceeding.

14. Indiana Broadcasting Corporation, operating on Channel 8 in Indianapolis, maintains that the operation of a Channel 8 station at Harrisburg without a carrier offset designation as proposed would cause interference to several stations operating on Channel 8 and submits that the proposal should not be adopted until Turner-Farrar has submitted a satisfactory solution to the offset carrier problem. In reply, Turner-Farrar submits that by assigning Channel 8− to Harrisburg and changing the offset designations of Channel 8 at Indianapolis, Charleston, West Virginia and Grand Rapids, all offset co-channel separation requirements would be met. Mount Vernon Radio states that any offset carrier operation problem between the use of Channel 8 at Mount Vernon and Station WISH-TV at Indianapolis would be resolved by assigning Channel 8− to Mount Vernon and changing the offset designation of Channel 8 at Indianapolis from 8− to 8 even.

15. Plains Television Corporation points out that it has filed a petition proposing to delete Channel 3 from Champaign, Illinois, and urges that Channel 3 should not be assigned to Carbondale until it is determined whether this would be the best use of the channel if it is deleted from Champaign. Plains maintains that there is no critical need to assign the channel to Carbondale since the Carbondale area now receives service from stations in Cape Girardeau and Paducah; that an additional service would be provided by the proposed Channel 8 operation in Harrisburg, and that action on the proposal for Carbondale should be deferred pending completion of rule making on its proposal for Champaign.[3]

16. Hirsch Broadcasting Company, operating on Channel 12 in Cape Girardeau, argues that the allocation of a VHF channel to either Harrisburg or Carbondale would contravene the principles enunciated by the Commission in the Evansville deintermixture proceeding. It also argues that the assignment of Channel 3 to Carbondale would preclude any future utilization of the UHF educational assignment in Carbondale; that the proposal is predicated upon the petitioner's desire to render a city-grade service to Cape Girardeau; and that such an assignment would violate the provisions of section 307 (b) of the Communications Act.

17. We have examined the comments and the proposals for the allocation of VHF channels in the communities of Carbondale, Harrisburg and Mount Vernon in southern Illinois in the light of our objective of improving the competitive television situation in as many communities and areas as possible pending completion of our study of the long-range program to improve the overall television allocation structure.[4] No VHF television channels are presently assigned in southern Illinois and only one UHF station—Station WSIL-TV at Harrisburg—is in operation on the UHF channels assigned to communities in this area. Much of the area, however, receives television service from VHF stations located at Cape Girardeau, Paducah, and St. Louis; and both Carbondale, which is about 38 miles from Cape Girardeau and 56 miles from Paducah, and Harrisburg, which is about 63 miles from Cape Girardeau and 48 miles from Paducah, receive Grade B service from the VHF stations in those communities. In our judgment the assignment of a VHF channel in this area of southern Illinois for commercial use offers the most reasonable prospect for improving the immediate television situation in this area, since, in addition to enabling the establishment of a local station in the area capable of providing Grade B or better service to Carbondale, Harrisburg, and Mount Vernon, as well as to surrounding communities, it will provide a substantial number of people in the area with a third television service and a station capable of competing on an equal basis with the VHF stations in other cities providing service in the area.

18. Channel 3 could be assigned to either Carbondale or Harrisburg and Channel 8 to Harrisburg or Carbondale or Mount Vernon, in conformity with technical requirements. It also appears that VHF Channel 13 might be used at Mount Vernon in an extremely small area. However, Carbondale with a 1950 population of 10,921, is only about 39 miles from Harrisburg and 41 miles from Mount Vernon, and Harrisburg with a population of 10,999, is only about 45 miles from Mount Vernon, whose 1950 population totalled 15,600. In our view, the record herein does not demonstrate that it would be in the public interest or that a need exists for the assignment of more than one VHF channel for commercial use to communities of such size and close proximity in this area, particularly since assignment of a VHF channel to any one of them, as proposed herein, would enable a station to provide Grade B or better service to the other two communities.

19. We believe, also, that the public interest would be better served by the assignment of Channel 3 rather than Channels 8 or 13 for commercial use in this area. Examination of the areas in which antenna sites for these channels would have to be located to meet technical requirements reveals that a Channel 3 operation would provide Grade B VHF service to a greater area which already receives two Grade B VHF services and thus would provide greater opportunities for improvement in the competitive situation among stations serving the area and of bringing an additional television service to a greater number of people. We also consider it important that a site for a Channel 3 transmitter must be at least 70 miles from Evansville in order to meet the spacing requirements of the Rules, whereas a Channel 8 transmitter could be located as close as 50 miles to Evansville. By assigning Channel 3 to the area, there is no possibility of a VHF station being located closer than 70 miles to Evansville, and, at that distance, we do not believe that a VHF station in southern Illinois would offer any significant competitive threat to UHF in the much larger Evansville market area.

20. Since Channel 3 cannot be assigned to Mount Vernon in conformity with assignment spacing requirements,[5] our choice is narrowed to Harrisburg or Carbondale for assignment of the channel. And, as between these two communities, we have concluded that Channel 3 should be assigned to Harrisburg. Harrisburg has a UHF station—the only existing television station in southern Illinois. However, because of the multiplicity of VHF signals received in the area, survival of Harrisburg's UHF outlet appears uncertain, and there are no indications of any prospect for the growth of UHF in this area. If Channel 3 were used at Carbondale, Harrisburg would get Grade B VHF service from the Carbondale Channel 3 station which, in our view, would make the state of UHF at Harrisburg even more precarious than it now is. Under such circumstances, we believe the public interest would be better served by assigning Channel 3 to Harrisburg where it will insure the continuation of an existing local service, able to compete on a more equal basis with other VHF stations serving the area and to provide satisfactory service to Carbondale, Mount Vernon, Carter and other communities in southern Illinois.

21. We believe, further, that it would be in the public interest to expedite the advent of a VHF service at Harrisburg so that the public will be assured of continued local service from Harrisburg and will be able to receive the benefits of an

[3] The Commission has today adopted a Memorandum Opinion and Order denying Plains Television's request for rule making on its deintermixture proposal for Champaign.

[4] See Report and Order, FCC 56-587, Released June 26, 1956 in the general allocation proceeding in Docket No. 11532.

[5] Channel 3 could be assigned to Mount Vernon only by deleting Channel 3 from Champaign, Illinois. We have considered petitions filed by Plains Television Corporation at Springfield, Illinois, and Prairie Television Company at Decatur, Illinois, for deintermixture of Champaign by deleting Channel 3 or reserving it for educational use in Champaign and have today adopted a Memorandum Opinion and Order denying their requests for rule making on proposals for deintermixing Champaign.

additional VHF service at the earliest feasible time. We are therefore modifying the authorization of Turner-Farrar for Station WSIL–TV under section 316 of the Communications Act to specify temporary operation on Channel 3 pending a determination on such applications as may be filed for regular operation on the channel. Our action authorizing temporary operation on VHF Channel 3 at Harrisburg by the existing UHF operator is not taken to assist that operator or its UHF station but in order to insure a continuing television service to the public and to speed improvement in the television situation in the area by enabling the public to receive a first or additional VHF service. All interested parties will be entitled to file applications for regular operation on Channel 3; in the meantime Turner-Farrar can continue to afford the viewers in the Harrisburg area with television service. In any comparative hearing involving applications for regular operation on Channel 3, no effect whatsoever will be given to any expenditure of funds by Turner-Farrar pursuant to the temporary operation, nor will any other preference redound to it by virtue of the temporary operation. The fact that Turner-Farrar has been operating a UHF station at Harrisburg, and the nature of such operation, however, could be considered to the extent otherwise pertinent.

22. While the objections raised by WREC Broadcasting to the assignment of Channel 3 to Carbondale because of alleged mutual interference between Carbondale and other co-channel stations would apply also to the assignment of the channel to Harrisburg since the transmitter location for a Channel 3 station in either community would be limited to the same area, this argument provides no justifiable basis for rejecting the assignment inasmuch as Channel 3 in Harrisburg fully complies with the Commission's allocation requirements, and, under the rules, the nature and extent of the protection from interference accorded to stations is limited solely to that resulting from the minimum station separation requirements and the rules relating to maximum powers and antenna heights.* We also believe that there is nothing in the record which indicates that an evidentiary hearing would serve any useful purpose before finalizing the assignment of Channel 3 at Harrisburg and that no basis exists for conditioning the use of the channel at a site 95 miles or more from Evansville.

23. In view of the need and demand evidenced by Southern Illinois University for reservation of a VHF channel at Carbondale to make feasible the establishment of a station which can provide an educational television service to the southern Illinois area, as well as the definite prospect of the utilization of the channel for educational purposes in the near future indicated by the University, we believe that the public interest would be served by making a VHF channel available for such use. Since Channel 8 can be used at Carbondale by selecting a transmitter site for a Channel 8 station some 16 miles to the north of Carbondale in conformity with separation and coverage requirements, we are assigning Channel 8 to Carbondale and reserving it for educational use.

24. In our Notice of Proposed Rule Making, we invited interested parties to direct their attention to the question whether the assignment of Channel 8 even to Harrisburg would create an offset carrier problem. Turner-Farrar suggested that any such problem would be resolved and all offset co-channel requirements met between a Channel 8 operation at Harrisburg and other co-channel stations by assigning 8 minus to Harrisburg and by changing the offset carrier designations of Stations WCHS–TV at Charleston, West Virginia, and WOOD–TV at Grand Rapids, Michigan, from 8 plus to 8 minus, and by changing the offset designation of Station WISH–TV at Indianapolis, Indiana, from 8 minus to 8 plus. We believe a more efficient method of making the assignment of Channel *8 to Carbondale would be the assignment of Channel 8 minus to Carbondale by changing WCHS–TV at Charleston from 8 plus to 8 minus; WOOD–TV at Grand Rapids from 8 plus to 8 even; WISH–TV at Indianapolis from 8 minus to 8 plus, and WJW–TV at Cleveland, Ohio, from 8 even to 8 plus. We are therefore adopting these offset carrier changes.

25. Authority for the adoption of the amendments herein is contained in sections 1, 4 (i) and (j), 301, 303 (c), (d), (f), (r), and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

26. In view of the foregoing: *It is ordered*, That effective April 28, 1958, the Table of Assignments, contained in § 3.606, of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, as follows:

(a) Amend the entries under the State of Illinois, as follows:

City:	Channel No.
Carbondale	*8—, 34, 61—
Harrisburg	3, 22

(b) Change the offset carrier requirement only for Channel 3 even in Memphis, Tennessee, from 3 even to 3 minus.

(c) Change the offset carrier requirements only for Channel 8 in the following cities:

Indianapolis, Indiana, from 8 minus to 8 plus. Charleston, West Virginia, from 8 plus to 8 minus. Grand Rapids, Michigan, from 8 plus to 8 even. Cleveland, Ohio, from 8 even to 8 plus.

27. *It is further ordered*, That, pursuant to section 316 of the Communications Act of 1934, as amended, effective April 28, 1958, the outstanding license of Turner-Farrar Association for the operation of Station WSIL–TV on Channel 22 at Harrisburg, Illinois, is modified to provide for temporary operation on Channel 3 subject to the following conditions:

(a) Said temporary authorization to expire automatically upon the commencement of operation on Channel 3 in Harrisburg by a permittee so authorized by the final action of the Commission on any application or applications for regular operation on Channel 3;

(b) The submission to the Commission by April 15, 1958, of all necessary information, executed in triplicate, for the preparation of the modified authorization to cover the temporary operation on Channel 3 at Harrisburg;

(c) Construction looking to a change to Channel 3 not to commence until specifically authorized by the Commission after the information requested in (b) above is submitted.

(d) In the event that Turner-Farrar Association is unable to commence operation on Channel 3 at Harrisburg pursuant to such temporary authority in full accordance with the Commission's rules by the effective date specified above, the Commission will consider a request for continued operation on Channel 22 in accordance with the terms and conditions of the current WSIL–TV authorization, until such temporary operation on Channel 3 can be commenced;

(e) Acceptance of said temporary authorization on Channel 3 shall be deemed as a surrender of any and all rights Turner-Farrar may have with respect to Channel 22;

(f) In any comparative hearing involving regular operation on Channel 3 in Harrisburg, no effect whatsoever will be given to any expenditure of funds by Turner-Farrar pursuant to the temporary authorization, nor will any preference redound to Turner-Farrar by virtue of the grant of or operation under said temporary authorization;

(g) That Turner-Farrar advise the Commission in writing by April 15, 1958, whether it accepts the temporary authorization for operation on Channel 3 subject to the conditions described above.

28. *It is further ordered*, That the petition of Turner-Farrar insofar as it requests the assignment of Channel 8 to Harrisburg; the petition of Paul F. McRoy and Ann E. Sterling, d/b as Southern Illinois Broadcasting Partnership; and the counterproposal of Mount Vernon Radio and Television Company are denied and this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: March 21, 1958.

Released: March 25, 1958.

FEDERAL COMMUNICATIONS COMMISSION,†

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-2338; Filed, Mar. 28, 1958; 8:49 a. m.]

*Section 3.612.

†Commissioner Lee dissenting; Commissioner Ford not participating.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PURCHASES OF STOCK

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Section 1.334–1 (c) of the Income Tax Regulations (26 CFR Part 1) is amended by striking subparagraph (3) and inserting in lieu thereof the following:

(3) (i) Except as provided in subdivision (ii) of this subparagraph, in the case of a series of purchases of stock, the two-year period specified in section 334 (b) (2) (A) shall begin on the day following the earliest date which is the end of a period of twelve months or less within which the amount of stock required by section 334 (b) (2) (B) was acquired. For example, assume that 20 percent of the stock of Corporation A is purchased on each of the following dates: April 1, 1956, June 30, 1956, September 30, 1956, December 31, 1956, and June 1, 1957. The two-year period shall begin on January 1, 1957. However, if the first purchase of 20 percent of the stock occurs on November 1, 1955 (instead of April 1, 1956), then the two-year period shall begin on June 2, 1957.

(ii) If a plan of liquidation is adopted on or before the date of final publication of this section in the FEDERAL REGISTER, or within six months after such date, subdivision (i) of this subparagraph shall not apply and the rule of subdivision (iii) of this subparagraph shall apply unless the parent corporation elects to have the rule of subdivision (i) of this subparagraph apply. Such election shall be made by the parent corporation either in a statement attached to its return (filed within the time prescribed for filing, including any extensions of time) for the taxable year within which such plan is adopted, or in a statement filed within 90 days after the date of final publication of this Treasury decision in the FEDERAL REGISTER with the district director with whom such corporation's return for such taxable year was filed. The election, once made, shall be irrevocable.

(iii) The rule referred to in subdivision (ii) of this subparagraph is as follows:

(*a*) In the case of a series of purchases of stock, the two-year period specified in section 334 (b) (2) (A) shall begin on the day following the date of the last such purchase if the amount of stock specified in section 334 (b) (2) (B) is purchased during the preceding twelve months.

(*b*) Application of the rule prescribed in (*a*) of this subdivision may be illustrated by the following example:

Example. Twenty percent of the stock of Corporation A is purchased on each of the following dates: April 1, 1954, June 30, 1954, September 30, 1954, December 31, 1954, and April 1, 1955. Although 80 percent of the stock of Corporation A had been purchased as of December 31, 1954, the date of the last transaction of the series of transactions described in section 334 (b) (2) (B) is April 1, 1955, and therefore the two-year period shall begin on April 2, 1955.

[F. R. Doc. 58-2334; Filed, Mar. 28, 1958; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 200]

MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

LEASING OF MINERAL DEPOSITS OTHER THAN OIL, GAS, OIL SHALE, COAL, PHOSPHATE, POTASSIUM SODIUM, AND SULPHUR IN CERTAIN ACQUIRED LANDS

Notice is hereby given that it is proposed to revise 43 CFR 200.31–200.50, as hereinafter set forth, adding new § 200.46 and renumbering the present §§ 200.46 to 200.50 as §§ 200.47 to 200.51, inclusive. These proposed revised regulations will be prospective in their operation. However, this will not prevent the Department from taking action on pending applications on and ad hoc basis with respect to acreage holdings or other matters covered in the proposed revision.

Interested parties may submit in triplicate written comments and suggestions with respect to these amendments to the Director, Bureau of Land Management, Washington 25, D. C., within 30 days from date of publication hereof in the FEDERAL REGISTER.

Dated: March 18, 1958.

ROGER ERNST,
Assistant Secretary of the Interior.

Sections 200.31 to 200.50 are revised and renumbered, and a new § 200.46 is added to this part, to read as follows:

Sec.

AUTHORITY: §§ 200.31 to 200.51 issued under R. S. 161, sec. 3, 63 Stat. 683; 5 U. S. C. 22, 30 U. S. C. 192c.

§ 200.31 *Authority.* (a) Section 402, Reorganization Plan No. 3 of 1946 (60 Stat. 1099) transferred the functions of the Secretary of Agriculture and the Department of Agriculture relative to the leasing or other disposal of minerals in certain acquired lands to the Secretary of the Interior.

(b) Section 3 of the act of September 1, 1949 (63 Stat. 683) authorized the issuance of mineral leases or permits for the exploration, development and utilization of minerals, other than those covered by the Mineral Leasing Act for Acquired Lands, in certain lands added to the Shasta National Forest by the act of March 19, 1948 (62 Stat. 83)

(c) Section 3 of the act of June 23, 1952 (66 Stat. 285), authorized the Secretary of the Interior to administer, in the manner prescribed by section 402 of Reorganization Plan No. 3 of 1946, mineral deposits other than those subject to the provisions of the Mineral Leasing Act for Acquired Lands, in that part of the Juan Jose Lobato Grant Numbered 164, which lies northerly of the Chama River (North Lobato tract) and in part of the Anton Chica Grant Numbered 29 (El Pueblo tract) as more particularly described in section 1 of the act of June 28, 1952.

§ 200.32 *Scope.* (a) Sections 200.31 through 200.51 apply to the leasing or other disposal of minerals other than oil, gas, oil shale, coal, phosphate, potassium, sodium and sulphur.

(1) In acquired lands under the act of March 4, 1917 (39 Stat. 1134, 1150; 16 U. S. C. 520), Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205; 40 U. S. C. 401, 403 (a) and 408), the 1935 Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115, 118), section 55 of Title I of the act of August 24, 1935 (49 Stat. 750, 781), the act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (56 Stat. 725; 7 U. S. C. 1011 (c) and 1018).

(2) In acquired lands, except Indian lands and lands in national parks and monuments, under the jurisdiction of the bureaus of the Department of the Interior where authorized by law.

(3) In those lands added to the Shasta National Forest by the act of March 19, 1948 (62 Stat. 83), which were acquired with funds of the United States, or lands received in exchange therefor.

(4) In those portions of the Juan Jose Lobato Grant (North Lobato tract) and of the Anton Chica Grant (El Pueblo tract) in New Mexico, mentioned in paragraph (c) of this section.

(b) Lands under jurisdiction of the Department of Agriculture. The Reorganization Plan and the Acts provide that mineral development may be permitted only with the consent of the Secretary of Agriculture and subject to such conditions as he may prescribe to protect the purposes for which the lands were acquired or are being administered. An application will be rejected if the Secretary of Agriculture does not give his consent. Any lease permit, or other instrument granting the right to mine or remove the minerals will contain such stipulations as may be specified by that official in order to protect such purposes. All matters relating to the surface of the land and its protection, including responsibility for securing compliance with all applicable regulations and procedures of the Department of Agriculture, the terms of the lease relating to the surface and surface resources, and the stipulations specified for the protection of the land, are functions of the Department of Agriculture. Lessees and permittees will comply with the applicable regulations of the Secretary of Agriculture and will consult with the authorized representative of the Secretary of Agriculture as to matters relating to the surface.

§ 200.33 *Outstanding prospecting permits and leases.* Prospecting permits and leases heretofore issued by the Department of Agriculture will continue to be administered by the Department of the Interior in accordance with the regulations under which they were issued.

§ 200.34 *Filing and contests of applications; filing fees; acreage limitation; qualifications; priority rights.* (a) While there is no required form for an application for a prospecting permit or lease, Form 4–1307 may be used for that purpose. If not, the application should:

(1) Specify the dominant mineral or minerals for which the lease or permit is sought;

(2) Name, if practicable, the branch of the Government agency having jurisdiction over the land and the administrative unit or project of which the land is a part;

(3) Contain a statement of applicant's citizenship; if a corporation, the State of incorporation and that it is authorized to hold a prospecting permit or lease, and a statement that applicant's interests, direct or indirect, in leases, prospecting permits or applications for minerals other than coal, phosphate, sodium, potassium, oil, oil shale, or gas in acquired lands in the same State, do not exceed the allowable acreage prescribed in paragraph (c) of this section.

(4) Contain a complete and accurate survey description of the lands for which a prospecting permit or lease is desired; in the States under the public land rectangular system, if surveyed, by legal subdivision, section, township and range; if unsurveyed, by a similar description based upon the premise of its location when surveyed and by courses and distances connected to a corner of the public land rectangular system. In those States not covered by the public land rectangular system, by the description in the deed of conveyance, of the tract, to the United States or if a portion of such a tract, by courses and distances connected with an identifiable and established corner of an existing survey recognized by the laws of the State;

(5) Include an accurate map or plat of the lands prepared from the survey thereof or other reliable map source, unless the lands are surveyed under the public land system of surveys.

(b) An application for a prospecting permit or lease may be filed by any citizen or association of citizens of the United States, or corporations organized and existing under the laws of the United States or any State or Territory thereof.

(1) The application shall be filed in triplicate in the proper land office, or for lands or deposits in States in which there are no land offices, with the Director, Bureau of Land Management, Washington 25, D. C., except that applications for lands or deposits in the following States should be filed at the land offices named: North or South Dakota, land office at Billings, Montana; Nebraska or Kansas, at Cheyenne, Wyoming; Oklahoma or Texas, at Santa Fe, New Mexico. The application must be accompanied by a filing fee of $10 which is not returnable.

(2) An application for a prospecting permit must be accompanied by full payment of the first year's rental of 25 cents per acre or fraction thereof, but no less than $20.

(c) No applicant may hold more than 20,480 acres under prospecting permit and lease of which not more than 10,240 acres may be held under lease, provided, however, that the Secretary may authorize a lessee to hold under lease an additional 10,240 acres of land if he finds, upon a satisfactory showing submitted by the lessee that such additional acreage is necessary to promote the orderly development of mineral resources and does not result in undue control of the mineral to be mined, removed and marketed, but in no event shall a lessee hold in excess of 10,240 acres of leased land for the mining of any dominant single mineral, nor shall any person at any one time hold more than 20,480 acres under permit and lease in any one State.

(d) A prospecting permit may not include more than 2,560 acres, and will be issued to the first qualified applicant.[1] The acreage covered by such a permit must lie entirely within the area of a 6-mile square. An application for a prospecting permit which covers lands that are not located entirely within a 6-mile square will be rejected in its entirety.

§ 200.35 *Terms and conditions of prospecting permits; rental; bonds.* (a) Prospecting permits are issued on Form 4–1099 for a period of 2 years and grant the permittee the exclusive right to prospect on and explore the described lands to determine the existence of, or workability of, the mineral deposits therein. Only such material may be removed from the land as is necessary to demonstrate the existence of commercial quantities thereof.

(b) A prospecting permit will require payment in advance by permittee of an annual rental of not less than 25 cents per acre or fraction of an acre, but no less than $20 per year. The permittee may also be required, as a condition precedent to the issuance of a permit, to furnish a permit bond.

(c) Prospecting may be carried on with the consent of the appropriate official of the Department, bureau or agency having jurisdiction over the land where no structures are to be erected, and no substantial excavations or disturbances of the surface will be made. Such prospecting shall not be deemed to vest in the prospector an exclusive right of exploration or a preference right to a lease under this part.

§ 200.36 *Extension of permit.* (a) A prospecting permit may be extended for one additional term of 2 years, in the discretion of the signing officer, upon written application made by the permittee and filed in triplicate in the proper land office within 90 days prior to the expiration date of the permit. Such application must be accompanied by a filing fee of $10, which is not returnable. In support of an application for extension of a prospecting permit, the permittee must show that he has diligently performed prospecting activities on the land during the period for which the permit was issued. This requirement may be dispensed with, in the discretion of the authorized officer, upon a satisfactory showing that the permittee's failure to perform diligent prospecting activities was due to conditions beyond permittee's control.

(b) Upon failure of the permittee to file an application for extension within the specified period, the permit will ex-

[1] A larger area may be granted under the "rule of approximation" in those States covered by the public land rectangular survey system. That rule applies to applications for prospecting permits only where elimination of the smallest legal subdivision involved would result in a deficiency of area under 2,560 acres greater than the excess over 2,560 acres resulting from inclusion of such subdivision.

pire 30 days after the end of its primary term without notice to the permittee and the lands will thereupon become subject to new application for prospecting permits.

§ 200.37 *Reward for discovery; preference right lease; bond.* (a) Upon discovery of any valuable deposit of minerals the permittee shall be entitled to a preference right lease for the minerals in any or all of the lands in the permit except as provided for in § 200.32 (a).

(b) Should the issuance of the preference right lease, for the acreage applied for, increase the permittee's leased acreage beyond 10,240 acres, such preference right lease will not issue unless the permittee, within the time allowed by the signing officer, relinquishes sufficient of his leased lands to reduce the area of his leaseholds, including the area to be included in the preference right lease, to 10,240 acres except as provided for in § 200.34 (c).

(c) An application for a preference right lease must be filed in the proper land office not more than 30 days after the termination date of the primary or extended term of the permit, and must describe the lands for which the lease is desired; must contain a statement of permittee's interests, direct or indirect, in acquired lands mineral leases except leases covering the leasable minerals mentioned in § 200.32 (a); must disclose any change in the information contained in the application for the permit, specify fully the extent the mode of occurrence of the mineral deposit disclosed by the prospecting, and show that a valuable deposit of minerals was discovered before the expiration of the permit.

(d) The application must be accompanied by a payment of $1 for each acre or fraction thereof included in the application, but not less than $20. In no event shall the first year's rental on any lease be less than $20. The lease will be issued on Form 4–1100 and will be dated the first day of the month following the date of the decision notifying the applicant that he is entitled to a preference right lease, except that upon the applicant's request, the lease will be dated the first day of the month following the date the application is filed. If the permit expires and the application for lease is finally rejected, royalty for the deposits mined will be charged at the permit rate (12½ percent) and such mining will not constitute a trespass.

(e) The permittee shall be liable for and pay to the United States a royalty of 12½ percent of the gross value of the minerals mined at the point of shipment to market during the period prior to the effective date of the preference right lease, but no mining operations shall be carried on prior to the effective date of such lease except with the written consent of the agency having jurisdiction over the surface of the land and subject to such conditions as the authorized representatives of the agency shall prescribe.

(f) The terms and conditions of the lease, including the royalty rates, will be established on an individual case basis. If minerals other than that specified in the issued lease should be discovered and mined by the lessee an applicable royalty rate will be established by the lessor for such mineral. The lessee will be required to post a lease bond on Form 4–1301 or Form 4–1302 before the lease will be executed by the Government. The lease will be issued for a period of five or ten years, upon the advice of the agency having jurisdiction over the surface and the United States Geological Survey, with a right in the lessee to renew the same for successive periods of like duration under such reasonable terms and conditions as the Secretary of the Interior may prescribe, including the revision of or imposition of stipulations for the protection of the surface of the land as may be required by the agency having jurisdiction thereover. An application for renewal of the lease must be filed in manner similar to that prescribed for extension of a permit in § 200.36 (a) and the provisions of § 200.36 (b) are applicable to leases.

§ 200.38 *Suspension of operations and production.* (a) Applications by lessees for relief from the producing requirements or from all operating and producing requirements of mineral leases shall be filed in triplicate, in the office of the Regional Mining Supervisor of the Geological Survey and a copy thereof filed in the proper land office. Complete information must be furnished showing the necessity for such relief.

(b) The lease will be extended for the period of suspension of operations and production.

(c) A suspension shall take effect as of the time specified in the direction or assent of the Secretary or his authorized representative. Rental and minimum royalty payments will be suspended during any period of suspension of operations and production, beginning with the first day of the lease month on which the suspension of operations and production become effective or, if the suspension of operations and production becomes effective on any date other than the first day of a lease month, beginning with the first day of the lease month following such effective date. The suspension or rental and minimum royalty payments shall end on the first day of the lease month in which operations or production is resumed. Where rentals are creditable against royalties and have been paid in advance, proper credit will be allowed on the next rental or royalty due under the lease.

§ 200.39 *Mineral deposits subject to lease through competitive bidding; leasing units.* (a) Except for preference right leases, as set out in the preceding section, leases for lands containing valuable mineral deposits will be issued only to the qualified person who offers the highest bonus by competitive bidding, either by oral auction or sealed bids or both, as provided in the published notice inviting bids for the issuance of a lease covering such deposits.

(b) Any qualified person may file an application for the competitive offering of such deposits. Leasing units may not exceed, in reasonably compact form, 2,560 acres of land described in the manner required by § 200.34 (4). The authorized officer may prescribe a lesser area for any mineral deposit if the Geological Survey reports that such lesser area is adequate for a logical mining unit.

§ 200.40 *Application for lease by competitive bidding.* (a) An application for a mineral lease through competitive bidding must be filed in triplicate in the appropriate land office. Form 4–1307 should be used for such an application, though its use is not mandatory. If this form is not used, the application should contain the information specified in § 200.34 and should be accompanied by evidence that the land applied for is valuable for the mineral deposits named therein, together with a statement as to the character, extent and mode of occurence thereof.

§ 200.41 *Notice of lease offer.* Notice of the offer of the mineral deposits for lease will be published once a week for 4 consecutive weeks, or for such other periods as the Bureau of Land Management may deem appropriate, in a newspaper of general circulation in the county in which the mineral deposits are situated. A copy of the notice will be posted in the proper Land Office during the period of publication. The notice will set the day and hour of sale, state whether the lease will be offered by oral auction bidding or by sealed bids, or both, and state that the successful bidder will be required to pay the cost of publishing the notice if only one parcel of land is involved. Where more than one parcel is offered, the successful bidder will be required to pay his proportionate share of such cost, which will be that proportion of the cost that the number of parcels awarded to the successful bidder bears to the number of parcels for which high bidders are declared. The notice will specify the place where the oral auction sale is to be held and where sealed bids are to be submitted, and other information pertinent to the offering. The notice will contain a warning to all bidders against violation of 18 U. S. C. 1860, which prohibits unlawful combination or intimidation of bidders. The notice shall also state that the Government reserves the right to reject any and all bids.

§ 200.42 *Bidding requirements; deposits.* (a) At a sale by oral auction the high bidder must deposit with the officer conducting the sale, on the day of the sale, one-fifth of the amount of his bid and at a sale by sealed bids each bidder must include with his bid one-fifth of the amount of the bid.

(b) If the sale is by oral auction and sealed bids, the oral auction sale will proceed first at the time and place specified therefor in the notice of offering, and the officer conducting the sale will, upon the termination of such oral auction bids, declare the high bidder. Thereupon, the officer conducting the sale will publicly, open and audibly, read all of the sealed bids which were received timely, and the lease will be awarded to the highest bidder, whether an oral auction bidder or a sealed bidder. The lease will be awarded to the high

bidder, subject to the submission of proof of his qualifications.

(c) All deposits with bids including rental payments must be made by certified check, cashier's check, bank draft, money order, or cash. Deposits made on rejected or unsuccessful bids will be returned to the bidders.

§ 200.43 *Action by successful bidder.* Three copies of the lease to be awarded will be sent to the successful bidder who will be allowed 30 days from receipt in which to execute such lease, pay the balance of the bonus bid and the first year's rental in full, and file a surety bond in such amount as may be required, but not less than $500 on either of the bond forms specified in § 200.45, and furnish proof of citizenship and holdings as set forth in § 200.34 (a) (3). If the successful bidder, after being awarded the lease, fails or refuses to execute the same or to otherwise comply with the applicable regulations, his deposit will be forfeited.

§ 200.44 *Payments and reports.* Rentals under all leases and permits shall be paid to the Manager of the proper land office, as set forth in § 200.34 (b) (1), except that rentals and royalties on productive mining leases shall be paid to the Regional Mining Supervisor of the Geological Survey, with whom all reports concerning operations under the lease shall be filed. All remittances to the Bureau of Land Management shall be made payable to the Bureau of Land Management, those to the Geological Survey shall be made payable to the United States Geological Survey.

§ 200.45 *Bonds.* Corporate surety prospecting permit or lease bonds may be furnished on Form 4–1302. In lieu of a corporate surety bond, a personal prospecting permit or lease bond secured by negotiable United States bonds of a par value equal to the amount of the required surety bond, together with a power of attorney may be executed on Form 4–1301.

§ 200.46 *Approval of operating or development contracts without regard to acreage limitations.* (a) The Secretary of the Interior or his authorized representative may, by and with the concurrence of the Geological Survey, and on such conditions as may be prescribed, approve operating or development contracts, or processing or milling arrangements, made by one or more lessees with one or more persons, associations, or corporations, to justify operations on a large scale for the discovery, development, production or transportation of ores, whenever, in his discretion, and regardless of acreage limitations provided for in this part, the conservation of natural products or the public convenience or necessity may require it, or the interests of the United States may be best subserved thereby.

(b) Three executed copies of an operating or development contract submitted for approval under this provision must be filed in the proper land office, and a duplicate original with the Regional Mining Supervisor of the Geological Survey. The contract must be accompanied by a statement showing all of the interests held by the contractor designated in the contract in the area, and also the agreed or the proposed plan of operation or development of the leased lands. All of the contracts held by the same contractor, in the area, should be submitted at the same time and full disclosure of the project made.

§ 200.47 *Relinquishment of prospecting permit or lease.* The permittee or lessee may surrender the entire prospecting permit or lease or any legal subdivision thereof. If the lands are not described by legal subdivision, a partial relinquishment must describe definitely the lands surrendered and give the exact area thereof. A relinquishment must be filed in triplicate in the proper land office. Upon its acceptance, it will be effective as of the date it is filed, subject to the continued obligation of the permittee or lessee and his surety, to make payment of all accrued rentals and royalties, and to provide for the preservation of any mines or productive works or permanent improvements on the lands in accordance with the regulations and terms of the lease, and for the faithful compliance of all of the terms of the prospecting permit or lease.

§ 200.48 *Cancellation or termination of prospecting permit or lease.* (a) Except as provided for in paragraph (b) of this section, if a permittee or lessee fails to comply with the general regulations in force at the date of the prospecting permit or lease, or, as to a lease at the effective date of any readjustment of the terms and conditions thereof, or defaults with respect to any of the terms, covenants, or stipulations of the permit or lease, and such failure or default continues for 30 days after service of written notice thereof by the Government then the permit or lease may be cancelled. A waiver of any particular cause for cancellation shall not prevent the cancellation of the permit or lease for any other cause, or for the same cause occurring at any other time. Until such cancellation is noted on the appropriate records of the Land Office, the lands will not be open to further application for permit or lease.

(b) Any prospecting permit or lease shall terminate automatically if the permittee or lessee fails to pay the rental on or before the anniversary date of the permit or lease. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely.

(c) The termination of the permit or lease for failure to pay the rental must be noted on the official records of the proper land office. Until such notation is made, the lands included in such prospecting permit or lease are not subject to the issuance of any other prospecting permit or lease. Applications for such permits filed prior to such notation will be rejected.

§ 200.49 *Transfers, including subleases.* Prospecting permits and leases may be transferred in whole or in part. The approval of a transfer of part of the lands in a prospecting permit or lease will create a new prospecting permit or lease for the transferred portion. A discovery either on the retained or the assigned portion of a prospecting permit will not inure to the benefit of the other. Approval of a transfer will not extend the life of the prospecting permit or the readjustment periods of the lease. Transfers, whether by direct assignments, operating agreements, subleases, working or royalty interests, or otherwise, must be filed in triplicate in the proper land office within 90 days after execution, and must be accompanied by a filing fee of $10, which is not returnable. Evidence of the qualifications of the assignee or transferee to hold the permit or lease, as required by § 200.34 (a) (3) and (b) must be submitted together with an application for approval of the transfer. Before a transfer of a prospecting permit or lease will be approved, the transferee must submit a surety bond if the original permit or lease required the maintenance of a bond. A transfer will take effect the first day of the month following its approval, or if the transferee requests, the first day of the month of the approval.

§ 200.50 *Overriding royalties.* (a) An overriding royalty interest may be created by assignment or otherwise: *Provided, however,* That if the total of the overriding royalty interest at any time exceeds one percent of the gross value of the output at the point of shipment to market, it shall be subject to reduction or suspension by the Secretary of the Interior to a total of not less than one percent of such gross value, whenever, in the interest of conservation, it appears necessary to do so in order (1) to prevent premature abandonment, or (2) to make possible the economic mining of marginal or low-grade deposits. Where there is more than one overriding royalty interest, any such suspension or reduction shall be applied to the respective interests in the manner agreed upon by the holders thereof, or in the absence of such agreement, in the inverse order of the dates of creation of such interests.

(b) Any assignment, sublease, or other transfer or agreement which creates an overriding royalty interest, will not be approved unless the owner of that interest files his agreement in writing that such interest is subject to suspension or reduction as provided in paragraph (a) of this section. No overriding royalties shall be paid at a rate in excess of the rate to which they have been so reduced until otherwise authorized by the Secretary of the Interior.

§ 200.51 *Fractional or future interest leases and permits.* (a) A prospecting permit for a fractional interest in mineral deposits or a lease for a fractional or future interest in mineral deposits acquired by the Government may be issued in the discretion of the authorized officer, by and with the consent of the

appropriate Government bureau or agency having jurisdiction over the land in which such deposits are located. The terms and conditions of such permits and leases will be established on an individual case basis. No specific form of application for such permits or leases is required, but the application should contain the information required by § 200.34, as well as the information required by paragraphs (b) and (c) of this section where applicable. The application must be filed in triplicate in the proper land office accompanied by a filing fee of $10 which is not returnable.

(b) *Present fractional interest leases or permits.* An application for a present fractional interest prospecting permit or lease must show whether the applicant owns all of the fractional mineral interest not owned by the United States or all of operating rights thereto. An applicant for such a permit or lease must have a present interest in the minerals. If applicant does not own all of such mineral interests or all of the operating rights thereto, the extent of the applicant's rights thereto must be shown as well as the names of the other owners of such rights. Since the issuance of a permit or lease to one who, upon such issuance, would have less than a majority interest in the minerals or the operating rights thereto is not regarded as being in the Government's interest, an application for a permit or lease, the granting of which would lead to such result, may be rejected.

(c) *Future or fractional future interest leases.* An applicant for a prospecting permit for a fractional mineral interest or for a future or fractional interest lease must submit, with his application, title evidence of his present interest in the mineral deposits. This may be accomplished by a certified abstract of title or a certificate of title. If applicant is the owner of the operating rights to the minerals and acquired such rights under a lease from or contract with the owner of such minerals, the application should also be accompanied by three copies of such lease or contract. A whole or fractional future interest lease or a prospecting permit for a fractional interest will be issued only to an applicant who owns all or substantially all of the present operating rights to the minerals as fee owner, lessee, or operator holding such rights. Future interest leases will become effective on the date of vesting of title to the minerals in the United States as stated in the lease.

(d) *Rejection and termination of applications.* An application for a future interest lease filed less than one year prior to the date of the vesting in the United States of the present interest in the minerals will be rejected. Upon the vesting in the United States of the present possessory interest in the minerals, all applications for future interest leases outstanding at the time will automatically lapse and thereafter only offers for a present interest lease will be considered.

[F. R. Doc. 58-2324; Filed, Mar. 28, 1958; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12010; FCC 58-265]

TELEVISION BROADCAST STATIONS; CARTTER, ILL.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Cartter, Illinois).

1. The Commission has before it for consideration its Notice of Proposed Rule Making, released on May 3, 1957 (FCC 57-457) and published in the FEDERAL REGISTER on May 8, 1957 (22 F. R. 3229), proposing to assign Channel 13+ to Cartter, Illinois, in response to a petition filed by Sarkes Tarzian, Inc., licensee of Station WTTV on Channel 4 at Bloomington, Indiana.

2. Comments were filed by Sarkes Tarzian, Inc.; WFIE, Inc., permittee of Station WFIE on Channel 14 at Evansville, Indiana; Evansville Television, Inc., permittee of Station WTVW operating on Channel 7 at Evansville; and George A. Brown, Jr., an applicant for a station on Channel 13 at Bowling Green, Kentucky.

3. Sarkes Tarzian urges that the assignment of Channel 13 to Cartter can be made in conformance with the Commission's Rules; that it would not affect any other assignments in the Table; that it would make possible a new service to an area in need of such service; and that an application will be filed for this assignment if it is adopted.

4. WFIE, Inc., a UHF operator in Evansville, opposes the assignment of Channel 13 to Cartter. WFIE notes that the Commission recently concluded deintermixture proceedings in which it decided that Peoria and Springfield, Illinois, and Evansville, Indiana, should be made all-UHF; and submits that making these communities all-UHF will create an irregularly shaped corridor running from central Illinois through southern Indiana and into Kentucky in which there is no Grade B service from VHF stations. WFIE submits that Cartter lies within this UHF area and that the VHF signal of a Channel 13 station in Cartter would envelop a large portion of the UHF corridor and would add to the number of VHF services already available on the fringes of the corridor. Finally, WFIE questions the need for a VHF assignment in Cartter. WFIE urges that an evidentiary hearing is essential to a proper determination of the instant proposal for Cartter, as well as the proposals for Harrisburg and Carbondale, Illinois, in Docket No. 12011.[1]

5. Evansville Television, Inc., presently on Channel 7 in Evansville, urges in opposition that no persuasive showing of need for local service in Cartter has been made; that much of the area is already served by stations in St. Louis, Evansville, Paducah, Cape Girardeau, Terre Haute, and Harrisburg; and that the Grade B contour of a Cartter station would invade the service areas of the UHF stations at Evansville. Evansville Television urges that adoption of the proposal would be inconsistent with the Commission's proposed deintermixture policy in the Evansville area, and that it might have a detrimental effect on the TV assignment picture in the Evansville area.

6. George A. Brown, Jr., notes that both he and petitioner are applicants for a new television station on Channel 13 at Bowling Green, Kentucky, and alleges that the assignment of Channel 13 at Cartter would conflict with the site selected by him at Bowling Green since the distance between the two is less than the required 170 miles. Mr. Brown suggests that the assignment of Channel 13 to Cartter should be subject to the condition that any application must designate a site which will meet the mileage separation with respect to both applications for Channel 13 in Bowling Green.

7. In reply, Sarkes Tarzian urges that the assumption that the Commission has created a "UHF corridor" is not based on any finding or decision of the Commission and that the effort to preserve the Cartter area for UHF would deprive the public of a first service. Tarzian submits that the nearest stations to Cartter are 55 miles away at Harrisburg and 70 miles distant at St. Louis, and that most of the receivers in the area are VHF. Tarzian submits that the alleged economic loss to Station WFIE from the adoption of its proposal is not supported by any evidence.

8. After a review of all the comments, it is our belief that the proposal to assign Channel 13 to the Cartter area should not be adopted. Cartter is a small unincorporated village with less than 100 persons situated on the periphery of a large UHF area and lies some 55 miles northwest of Harrisburg, Illinois, where we have today assigned Channel 3 for commercial use in Docket 12011, and about the same distance north of Carbondale, where we have in the same docket reserved Channel 8 for educational use. While the Cartter area presently receives no Grade B service from any existing station, utilization of the newly assigned channels in these communities will provide Cartter with Grade B commercial and educational television service. Under these circumstances, we do not believe that any need exists for the assignment of a VHF channel to the small community of Cartter nor that the public interest would be served by the assignment of another VHF channel in this general area.

9. In view of the foregoing: *It is ordered,* That the above-described petition of Sarkes Tarzian, Inc., is denied, and this proceeding is terminated.

Adopted: March 21, 1958.

Released: March 25, 1958.

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

[F. R. Doc. 58-2339; Filed, Mar. 28, 1958; 8:49 a. m.]

[1] WFIE made the same request in the Harrisburg and Carbondale proceeding (Docket No. 12011) and we have today adopted a Report and Order in that case rejecting its request and assigning Channel 3 for commercial use at Harrisburg and Channel 8 for educational use at Carbondale.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

NEWLANDS PROJECT, NEVADA

ORDER OF REVOCATION

JUNE 11, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 20, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of December 10, 1920; insofar as said order affects the following described lands: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described.

MOUNT DIABLO MERIDIAN, NEVADA

T. 20 N., R. 20 E.,
Sec. 4, Lot 2, SW¼NE¼ and SE¼;
Sec. 14, Lots 1 to 5, incl., SW¼NE¼, E½ SW¼ and SE¼;
Sec. 16, N½NE¼, SW¼NE¼ and NW¼ SE¼;
Sec. 26, Lots 1 and 2, E½, E½W½ and NW¼SW¼;
Sec. 28, Lot 1 and NW¼SW¼.
T. 21 N., R. 20 E.,
Sec. 10, N½SW¼, SE¼SW¼ and SE¼;
Sec. 14, all;
Sec. 22, W½;
Sec. 28, E½.
T. 20 N., R. 21 E.,
Secs. 6 and 18, all.

The above areas aggregate approximately 4,100 acres.

E. G. NIELSEN,
Acting Commissioner.

[959927]

MARCH 25, 1958.

I concur.

1. The lands are located in southern Washoe County, Nevada, several miles north and northeast of Sparks, Nevada. The topography is a rough foothill area and the lands are generally unsuitable for agricultural purposes. Vegetation consists of the sagebrush type with an abundant stand of cheat grass.

2. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

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

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

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

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on April 30, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on July 30, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on July 30, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m., on July 30, 1958.

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

5. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-2325; Filed, Mar. 28, 1958; 8:47 a. m.]

[No. 11]

MISSOURI BASIN PROJECT, MEEKER CANAL
FRENCHMAN-CAMBRIDGE DIVISION

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

FEBRUARY 19, 1958.

1. *Water rental.* Irrigation water will be furnished, when available, on a rental basis on approved application for temporary water service during the irrigation season 1958 (May 1 to October 15, inclusive) to the irrigable lands that were eligible to receive water from the Meeker Canal as defined by the Nebraska Department of Roads and Irrigation in 1951 as described below:

SIXTH PRINCIPAL MERIDIAN

T. 2 N., R. 29 W.,
Section 3, SE¼SW¼, SW¼SW¼, NW¼ SW¼;
Section 4, NW¼SE¼, NE¼SE¼, SE¼SE¼, SW¼SE¼, SW¼SW¼;
Section 5, W½NE¼NW¼, S½NW¼, SE¼, SW¼, NW¼NW¼;
Section 6, SE¼, SW¼, E½NE¼NW¼, NE¼;
Section 7, NE¼, NW¼, SE¼SW¼, SW¼ SW¼, NW¼SW¼, NE¼SW¼;
Section 8, NW¼NE¼, NE¼NE¼, NE¼ NW¼, SE¼NW¼, SW¼NW¼, NW¼ NW¼;
Section 9, NW¼NW¼;
Section 18, NW¼NW¼, SW¼NW¼.
T. 3 N., R. 29 W.,
Section 32, SW¼SW¼.
T. 2 N., 3. 30 W.,
Section 1, SE¼SE¼, NW¼SE¼, SW¼SE¼, NE¼SW¼, SE¼SW¼;
Section 2, NE¼NW¼;
Section 11, SE¼SE¼, SW¼SE¼, NW¼ SE¼, NE¼SE¼;
Section 12, NE¼SE¼, SE¼SE¼, NW¼ SE¼, SW¼SE¼, NE¼SW¼, NW¼SW¼, SW¼SW¼, SE¼SW¼, NE¼NW¼, NW¼ NE¼;
Section 13, NW¼NE¼, SW¼NE¼, NE¼ NE¼, SE¼NE¼, SE¼NW¼, NE¼NW¼, NW¼NW¼.
T. 3 N., R. 30 W.,
Section 28, SW¼SE¼, SW¼SW¼, SW¼ SW¼;
Section 29, Lot 8 (N½SE¼), NW¼SW¼;
Section 30, NW¼NW¼, NE¼NW¼, SE¼ NW¼;
Section 33, NW¼NE¼, NE¼NE¼;
Section 34, N½SE¼, SE¼NE¼, SW¼NE¼, SE¼NW¼, SW¼NW¼;
Section 35, SE¼SW¼.
T. 3 N., R. 31 W.,
Section 23, SE¼NE¼;
Section 24, NE¼SW¼, SW¼SE¼, SE¼ SE¼.

2. For each farm unit for which water is requested, a water rental charge of $3.50 per irrigable acre for each irrigable acre in the farm unit will be paid in advance of the delivery of water. Payment of this charge shall entitle the applicant to a pro rata share of all water available from the natural flow of the river, but not in excess of the amount nor the rate of diversion permitted under the laws of the State of Nebraska.

3. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

4. The United States does not guarantee to deliver any fixed amount of water and will not be liable for any shortages of water or any failure to deliver due to any causes whatsoever.

5. Applications for water may be made by the landowner or by anyone who presents evidence satisfactory to the Project Manager that he is the tenant or lessee of the land for which water is requested,

or that he has been authorized by the owner to make a water rental application for such land.

6. Applications for water service and the payments required by this notice will be received at the office of the Project Manager, Kansas River Projects, Bureau of Reclamation, McCook, Nebraska.

E. V. LINDSETH,
Acting Regional Director.

[F. R. Doc. 58-2326; Filed, Mar. 28, 1958; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

LATINA SHIPPING CO., LTD., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

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

1. Agreement No. 8279 between Latina Shipping Company, Ltd., New York, New York, and Godwin Shipping Company, Mobile, Alabama;

2. Agreement No. 8281 between Latina Shipping Company, Ltd., and Planet Shipping Co. of La., Inc., New Orleans, Louisiana.

Godwin Shipping Company and Planet Shipping Co. of La., Inc., will, respectively, perform freight forwarding services for Latina in connection with the latter's shipments moving through Mobile or New Orleans, for a specified service fee.

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

Dated: March 26, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-2335; Filed, Mar. 28, 1958; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-5]

PENNSYLVANIA STATE UNIVERSITY

AMENDMENT OF UTILIZATION FACILITY LICENSE

Please take notice that the Atomic Energy Commission has issued an amendment (No. 3) to License R-2 authorizing Pennsylvania State University to conduct certain critical experiments in its research reactor. The experiments are substantially similar to experiments previously authorized under the license. It was found upon review of the license amendment request that prior public notice of proposed issuance of the amendment is not required in the public interest because the proposed experiments do not present substantial questions concerning health and safety which were not resolved in connection with the licensee's application for the original license. Further details may be obtained by examination of Docket No. 50-5 on file in the AEC Public Document Room, 1717 H Street, NW., Washington, D. C.

Dated at Germantown, Md., this 18th of March 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director,
Division of
Licensing and Regulation.

[F. R. Doc. 58-2316; Filed, Mar. 28, 1958; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12067; FCC 58M-283]

WHAS, INC.

ORDER CONTINUING HEARING

In re application of WHAS, Inc., Louisville, Kentucky, Docket No. 12067, File No. BPCT-1950; for construction permit to change transmitter and antenna location.

It is ordered, This 25th day of March 1958, that rulings of the Hearing Examiner at a pre-hearing conference held in the above-entitled proceeding on February 18, 1958, which were made with the consent and agreement of counsel for all of the parties thereto, that the hearing therein, previously scheduled to be held on April 9, 1958, be continued until 10:00 o'clock a. m., on Wednesday, April 16, 1958, in the offices of this Commission, Washington, D. C., and that another pre-hearing conference in the said proceeding be held at 10:00 o'clock a. m., on Wednesday, April 9, 1958, in the offices of this Commission, Washington, D. C., be, and they are hereby, affirmed.

Released: March 26, 1958.

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

[F. R. Doc. 58-2341; Filed, Mar. 28, 1958; 8:50 a. m.]

[Docket No. 11973 etc.; FCC 58M-292]

PALM SPRINGS TRANSLATOR STATION, INC.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 11973, File No. BPTT-12; Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 11974, File No. BPTT-13; for construction permits for new television broadcast translator stations; Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 12149, File No. BMPTT-5; Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 12150, File No. BMPTT-6; for modification of construction permits to increase effective radiated power and to make changes in antenna system; Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 12151, File No. BLTT-11; Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 12152, File No. BLTT-12; for television broadcast translator station licenses to cover translator stations K-70-AL and K-73-AD, Palm Springs, California.

The Hearing Examiner having under consideration informal agreement of parties regarding continuance of prehearing conference;

It is ordered, This 25th day of March 1958, that, pursuant to informal agreement of parties, the prehearing conference herein, presently scheduled for April 1, 1958, is continued until April 3, 1958, at 2:00 p. m.

Released: March 25, 1958.

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

[F. R. Doc. 58-2340; Filed, Mar. 28, 1958; 8:50 a. m.]

[Docket Nos. 12107, 12222; FCC 58M-282]

RIVERSIDE CHURCH IN THE CITY OF NEW YORK AND HUNTINGTON-MONTAUK BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of the Riverside Church in the City of New York, New York, New York, Docket No. 12107, File No. BPH-2174; Huntington-Montauk Broadcasting Company, Inc., Huntington, New York, Docket No. 12222, File No. BPH-2233; for construction permits.

Pursuant to § 1.111 of the Commission's rules: *It is ordered,* This 24th day of March 1958, that a pre-hearing conference in the above-entitled proceeding is scheduled to be held at 10:00 o'clock a. m., on Friday, April 11, 1958, in the offices of this Commission, Washington, D. C.

Released: March 25, 1958.

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

[F. R. Doc. 58-2342; Filed, Mar. 28, 1958; 8:50 a. m.]

[Docket No. 12237 etc.; FCC 58M-287]

OKLAHOMA TELEVISION CORP. ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Oklahoma Television Corporation, New Orleans, Louisiana, Docket No. 12237, File No. BPCT-2330; William G. Aly, Richard J. Carrere, Frank B. Ellis, George C. Foltz, George E. Martin, Joseph A. Paretti, Chalin O. Perez, John E. Pottharst, and William H. Saunders, Jr. d/b as Coastal Television Company, New Orleans, Lou-

isiana, Docket No. 12289, File No. BPCT–2430; for construction permits for new television broadcast stations (Channel 12); Supreme Broadcasting Company, Inc., New Orleans, Louisiana, Docket No. 12238, File No. BMPCT–4679; for modification of construction permit (From Channel 20 to Channel 12).

The Hearing Examiner having under consideration a request for further prehearing conference at the Hearing Examiner's earliest practical convenience filed March 13, 1958, on behalf of Oklahoma Television Corporation; and

It appearing that a further prehearing conference is requested "for the purpose of giving consideration to the development and treatment to be accorded Issue No. 1 in the Order of designation for hearing"; and

It further appearing that no opposition to the request has been filed; now therefore,

It is ordered, This 24th day of March 1958, that the above request is granted, and that a further prehearing conference will be held at 2:00 p. m. on Monday, April 7, 1958.

Released: March 25, 1958.

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

[F. R. Doc. 58–2343; Filed, Mar. 28, 1958; 8:50 a. m.]

[Docket No. 12243; FCC 58M–286]

PIERCE BROOKS BROADCASTING CORP. (KGIL)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Pierce Brooks Broadcasting Corp. (KGIL), San Fernando, California, Docket No. 12243, File No. BP–10512; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 24th day of March 1958, that a further prehearing conference is scheduled herein for April 3, 1958, at 10:00 a. m.

Released: March 25, 1958.

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

[F. R. Doc. 58–2344; Filed, Mar. 28, 1958; 8:50 a. m.]

[Docket No. 12291; FCC 58M–285]

GRANITE STATE BROADCASTING CO., INC. (WKBR)

ORDER CONTINUING HEARING

In re application of Granite State Broadcasting Company, Inc. (WKBR), Manchester, New Hampshire, Docket No. 12291, File No. BP–10857; for construction permit.

The Hearing Examiner having under consideration a petition filed March 19, 1958, by Granite State Broadcasting Company, Inc., requesting that the hearing in the above-entitled proceeding presently scheduled for April 8, 1958, be continued until May 26, 1958;

It appearing that counsel for the petitioner will be out of the country during the month of April and part of May and will, therefore, be unable to participate in the hearing scheduled on April 8;

It further appearing that there are no other applicants or intervenors in this proceeding and counsel for the Broadcast Bureau has consented to the extention requested;

It is ordered, This 24th day of March 1958, that the petition be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to May 26, 1958, at 10 a. m., in Washington, D. C.

Released: March 25, 1958.

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

[F. R. Doc. 58–2345; Filed, Mar. 28, 1958; 8:50 a. m.]

[Docket Nos. 12315, 12316; FCC 58M–294]

SHEFFIELD BROADCASTING CO. AND J. B. FALT, JR.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Iralee W. Benns, tr/as Sheffield Broadcasting Co., Sheffield, Alabama, Docket No. 12315, File No. BP–11130; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 12316, File No. BP–11559; for construction permits.

On the Hearing Examiner's own motion, due to conflicting hearing dates:

It is ordered, This 25th day of March, 1958, that the pre-hearing conference now scheduled in this proceeding to commence April 1, 1958, is continued to April 8, 1958, 10 o'clock A. M. at the Commission's offices in Washington, D. C.

Released: March 26, 1958.

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

[F. R. Doc. 58–2346; Filed, Mar. 28, 1958; 8:50 a. m.]

[Docket Nos. 12329–12331; FCC 58M–284]

FOX VALLEY BROADCASTING CO. ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Dave Edelson, Ralph T. Buehlman and Walter F. Meyers, d/b as Fox Valley Broadcasting Company, Geneva, Illinois, Docket No. 12329, File No. BP–11038; Radio Wisconsin, Incorporated (WISC), Madison, Wisconsin, Docket No. 12330, File No. BP–11396; Logansport Broadcasting Corp., Aurora-Batavia, Illinois, Docket No. 12331; File No. BP–11405; for construction permits.

Pursuant to § 1.111 of the Commission's rules: *It is ordered*, This 24th day of March 1958, that a prehearing conference in the above-entitled proceeding is scheduled to be held at 10:00 o'clock a. m., on Monday, April 7, 1958, in the offices of this Commission, Washington, D. C.

Released: March 25, 1958.

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

[F. R. Doc. 58–2347; Filed, Mar. 28, 1958; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–4991]

CARTER OIL CO.

ORDER REINSTATING APPLICATION AND ISSUING NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 25, 1958.

The Carter Oil Company (Carter), a West Virginia corporation with a principal office in Tulsa, Oklahoma, on November 18, 1954, filed an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas from leasehold interests in the Hugoton Field, Kearny County, Kansas (produced by Fin-Ker Oil & Gas Production Company, Operator), to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), subject to the jurisdiction of the Commission, and as more fully related in the application.

The application of Carter was rejected by order of the Commission issued October 16, 1956, for the reason that Carter was not a signatory party to the sales contract dated June 1, 1946, between Fin-Ker Oil & Gas Production Company (Fin-Ker), and Kansas-Nebraska (executed pursuant to the terms of Article 14 of an operating agreement between Fin-Ker, Carter Oil Company and Ben Brack, dated May 10, 1946) under the terms of which Carter's gas was marketed by Fin-Ker. The order of rejection related to Docket No. G–4991, and was entered In the Matters of J. W. Madden, Jr., et al., Docket Nos. G–2725, et al.

Carter by letter filed with the Commission on January 17, 1958, advised the Commission that Kansas-Nebraska has acquired the productive interest formerly owned and operated by Fin-Ker, so that it now appears Kansas-Nebraska is the owner-operator of the interests of Fin-Ker, instead of being the purchaser from Fin-Ker, as formerly. Carter states, and in view of these facts, it now appears that, the application for a certificate filed by Carter on November 18, 1954, should be reinstated and made the subject of appropriate Commission action.

The Commission finds: That it is (a) in the public interest and (b) necessary and appropriate to carry out the provisions of the Natural Gas Act that the portion of the order of the Commission issued October 16, 1956, rejecting the application of Carter in Docket No. G–4991 be vacated and the application reinstated and set for hearing, as hereinafter ordered.

The Commission orders:

(A) The portion of the order of the Commission issued October 16, 1956, rejecting the application of The Carter Oil Company in Docket No. G-4991 be vacated, and the application be and the same is hereby reinstated.

(B) 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 April 10, 1958, at 9:30 a. m., e. 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) 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 April 7, 1958. 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.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-2331; Filed, Mar. 28, 1958; 8:48 a. m.]

[Docket No. G-14725]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MARCH 25, 1958.

Magnolia Petroleum Company (Magnolia) on February 27, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 88.

Effective date: March 30, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Magnolia cites arm's-length bargaining and the economic prudence in providing for payment on an installment basis in long-term gas sales contracts. Magnolia also states that the increased price is just and reasonable and to deny same would be confiscatory.

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. 7 to Magnolia's FPC Gas Rate Schedule No. 88 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. 7 to Magnolia's FPC Gas Rate Schedule No. 88.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 30, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-2332; Filed, Mar. 28, 1958; 8:48 a. m.]

[Docket No. G-14729]

KERR-McGEE OIL INDUSTRIES, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MARCH 25, 1958.

Kerr-McGee Oil Industries, Inc. (Kerr-McGee), on February 24, 1958, 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 February 20, 1958.

Purchaser: Phillips Petroleum Company.

Rate schedule designation: Supplement No. 17 to Kerr-McGee's FPC Gas Rate Schedule No. 12.

Effective date: March 27, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed revenue-sharing rate increase,[1] Kerr-McGee cites the contract provisions therefor and the "triggering" increases of Phillips Petroleum Company (Phillips). Kerr-McGee states that the contract was negotiated at arm's-length; that the increased price is fair and reasonable and is designed to compensate seller in part for expenses incurred in making available to Phillips additional supplies of gas, and that denial thereof would be discriminatory and would result in confiscation of seller's property without due process of law.

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. 17 to Kerr-McGee's FPC Gas Rate Schedule No. 12 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. 17 to Kerr-McGee's FPC Gas Rate Schedule No. 12.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 28, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-2333; Filed, Mar. 28, 1958; 8:48 a. m.]

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-13195.

[1] The proposed increased rate of Phillips for gas sold to Michigan-Wisconsin Pipe Line Company, which triggered the subject increase, was suspended by the Commission until February 15, 1958, and is now in effect subject to refund in Docket No. G-13069.

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2½ Percent Title I Housing Insurance Fund Debentures, Series L

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

March 21, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Title I Housing Insurance Fund Debentures, Series L, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1958, on which date interest on such debentures shall cease:

2½ Percent Title I Housing Insurance Fund Debentures, Series L

Denomination:	*Serial numbers (all numbers inclusive)*
$50	141–148
$100	173–205
$500	87–101
$1,000	407–434
$5,000	36– 46

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1958, and provision will be made for the payment of final interest due on July 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1958, to June 30, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

Norman P. Mason,
Commissioner.

Approved: March 26, 1958.

Laurence B. Robbins,
Acting Secretary of the Treasury.

[F. R. Doc. 58-2369; Filed, Mar. 28, 1958; 8:51 a. m.]

2¾ Percent Title I Housing Insurance Fund Debentures, Series R

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

March 21, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Title I Housing Insurance Fund Debentures, Series R, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1958, on which date interest on such debentures shall cease:

2¾ Percent Title I Housing Insurance Fund Debentures, Series R

Denomination:	*Serial numbers (all numbers inclusive)*
$50	151–203
$100	163–269
$500	41– 64
$1,000	52– 75
$5,000	55– 80

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1958, and provision will be made for the payment of final interest due on July 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1958, to June 30, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

Norman P. Mason,
Commissioner.

Approved: March 26, 1958.

Laurence B. Robbins,
Acting Secretary of the Treasury.

[F. R. Doc. 58-2370; Filed, Mar. 28, 1958; 8:51 a. m.]

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3 Percent Title I Housing Insurance Fund Debentures, Series T

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

March 21, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3 percent Title I Housing Insurance Fund Debentures, Series T, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1958, on which date interest on such debentures shall cease:

3 Percent Title I Housing Insurance Fund Debentures, Series T

Denomination:	*Serial numbers (all numbers inclusive)*
$50	125–160
$100	391–595
$500	179–233
$1,000	154–212
$5,000	140–185
$10,000	5– 6

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1958, and provision will be made for the payment of final interest due on July 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1958, to June 30, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

Norman P. Mason,
Commissioner.

Approved: March 26, 1958.

Laurence B. Robbins,
Acting Secretary of the Treasury.

[F. R. Doc. 58-2371; Filed, Mar. 28, 1958; 8:51 a. m.]

2½, 2⅝, 2¾, 2⅞, 3, and 3¼ Percent Mutual Mortgage Insurance Fund Debentures, Series AA

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

March 21, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½, 2⅝, 2¾, 2⅞, 3, and 3¼ percent Mutual Mortgage Insurance Fund Debentures, Series AA, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1958, on which date interest on such debentures shall cease:

2½, 2⅝, 2¾, 2⅞, 3, and 3¼ Percent Mutual Mortgage Insurance Fund Debentures, Series AA

Denomination:	*Serial numbers (all numbers inclusive)*
$50	901–1,169
$100	2,739–3,808
$500	809–1,136
$1,000	2,018–2,736
$5,000	907–1,239
$10,000	478– 730

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1958, and provision will be made for the payment of final interest due on July 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1958, to June 30, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: March 26, 1958.

LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 58-2372; Filed, Mar. 28, 1958; 8:51 a. m.]

2½, 2¾ AND 3 PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

MARCH 21, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½, 2¾ and 3 percent Housing Insurance Fund Debentures, Series BB, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1958, on which date interest on such debentures shall cease:

2½, 2¾, AND 3 PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Denomination:	*Serial numbers (all numbers inclusive)*
$100	27- 39
$1,000	19- 24
$5,000	8- 9
$10,000	417-615

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1958, and provision will be made for the payment of final interest due on July 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1958, to June 30, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: March 26, 1958.

LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 58-2373; Filed, Mar. 28, 1958; 8:52 a. m.]

2⅞ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

MARCH 21, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2⅞ percent Servicemen's Mortgage Insurance Fund Debentures, Series EE, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1958, on which date interest on such debentures shall cease:

2⅞ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Denomination:	*Serial numbers (all numbers inclusive)*
$50	2- 3
$100	20
$500	2
$1,000	15-18
$10,000	1- 2

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1958, and provision will be made for the payment of final interest due on July 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1958, to June 30, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: March 26, 1958.

LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 58-2374; Filed, Mar. 28, 1958; 8:52 a. m.]

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

MARCH 21, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1958, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	*Serial numbers (all numbers inclusive)*
$50	3,979- 4,040
$100	11,907-12,371
$500	2,904- 3,078
$1,000	12,986-13,453
$5,000	3,355- 3,445
$10,000	33,469-34,837

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1958, and provision will be made for the payment of final interest due on July 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1958, to June 30, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1958, or for purchase

prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: March 26, 1958.

LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 58-2375; Filed, Mar. 28, 1958; 8:52 a. m.]

2½ AND 2¾ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

MARCH 21, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ and 2¾ percent Armed Services Housing Mortgage Insurance Fund Debentures, Series FF, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1958, on which date interest on such debentures shall cease:

2½ AND 2¾ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Denomination:	*Serial numbers (all numbers inclusive)*
$1,000	6-31
$5,000	4
$10,000	285-683

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1958, and provision will be made for the payment of final interest due on July 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1958, to June 30, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

[SEAL] NORMAN P. MASON,
Commissioner.

Approved: March 26, 1958.

LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 58-2376; Filed, Mar. 28, 1958; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

ORGANIZATION OF DIVISIONS AND BOARDS, AND ASSIGNMENT OF WORK

DELEGATION OF DUTIES RELATING TO TRANSFER OF LICENSES OF BROKERS OF MOTOR TRANSPORTATION

FEBRUARY 27, 1958.

The Organization Minutes of the Interstate Commerce Commission relating to the organization of divisions and boards and assignment of work, business and functions of the Interstate Commerce Commission, pursuant to section 17 of the Interstate Commerce Act as amended, revised to February 13, 1958 (23 F. R. 1747), have been amended, effective immediately, to delegate to Division 1 and The Transfer Board, in lieu of Division 4, the duties relating to the transfer of licenses of brokers of motor transportation under the provisions of section 204 (a) (4) of the act.

1. In Item 4.2, Division 1, Operating Rights Division, paragraph (c) is amended to read as follows:

(c) Section 204 (a) (4) and section 211 (a) to (c), inclusive, relating to the regulation of brokers (other than their accounts, records, and reports, the transfer of brokers' licenses and changes in control of corporations or associations holding brokers' licenses).

2. In Item 4.6, Division 4, Finance Division, paragraph (f) is amended to read as follows:

(f) Sections 204 (a) (4) and 212 (b) relating to transfer of licenses, certificates, or permits, and changes in control of corporations and associations holding brokers' licenses, except determination of applications which have not involved the taking of testimony at a public hearing unless certified to the Division by The Transfer Board.

3. In Item 7.5, The Transfer Board, paragraph (a) is amended to read as follows:

(a) Determination of applications under sections 204 (a) (4) and 212 (b), relating to transfer of licenses, certificates, or permits, and changes in control of corporations or associations holding brokers' licenses, which have not involved the taking of testimony at a public hearing.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-2327; Filed, Mar. 28, 1958; 8:47 a. m.]

[No. 32290]

INCREASED LESS-THAN-CARLOAD RATES IN OFFICIAL TERRITORY

PETITION FOR LEAVE TO INTERVENE

Upon consideration of (1) the record in the above-entitled proceeding, (2) petition on behalf of the Lackawanna and Wyoming Valley Railroad Company et al., and (3) petition on behalf of the Claremont and Concord Railway Company, Inc., et al., requesting that the petitioners also be made respondents in this proceeding, be permitted to participate therein, and publish or join in such tariffs as may be found reasonable and lawful as a result of the Commission's investigation; and for good cause appearing:

It is ordered, That the Lackawanna and Wyoming Valley Railroad Company, Maryland and Pennsylvania Railroad Company, Claremont and Concord Railway Company, Inc., Montpelier and Barre Railroad Company, Sanford and Eastern Railroad Corporation, Hoosac Tunnel and Wilmington Railroad Company, Unadilla Valley Railway Company, New Jersey and New York Railroad Company, and Delray Connecting Railroad Company be, and they are hereby, made additional respondents to this proceeding; that copies of this order be served upon each of the parties to this proceeding; and that the general public be given notice hereof by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director of the Division of the Federal Register.

Dated at Washington, D. C., this 12th day of March A. D. 1958.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-2328; Filed, Mar. 28, 1958; 8:47 a. m.]

[No. 32359]

FARES AND CHARGES VIA WEEHAWKEN FERRY

NOTICE OF INVESTIGATION AND HEARING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 25th day of March A. D. 1958.

Upon consideration of a petition dated January 16, 1958, by the New York Central Railroad Company, requesting the Commission to institute an investigation into the adequacy of the rates, fares, and charges in connection with the transportation of passengers and property by ferry between Weehawken, New Jersey and New York, New York and to authorize the petitioner to increase the rates, fares, and charges in connection with such transportation in the manner and to the extent set forth in the said petition and of replies thereto:

It is ordered, That an investigation be, and it is hereby, instituted into and concerning matters presented in the petition and as to the reasonableness and lawfulness otherwise of the proposed increases with a view to making such findings in the premises as the facts and circumstances may warrant, and to grant such other relief and to enter such order or orders as the facts may warrant.

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing at a time and place to be hereinafter designated.

And it is further ordered, That the New York Central Railroad Company be,

and it is hereby, made respondent to this proceeding; that copies of this order be served upon such respondent, the Public Service Commission of the State of New York, the Board of Public Utility Commissioners of the State of New Jersey, and all other known interested bodies, organizations, or individuals; and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

By the Commission.

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

[F. R. Doc. 58-2356; Filed, Mar. 28, 1958; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-233]

NATIONAL OF HUNGARY

In re: Debt owing to a national of Hungary; F-34-486.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account maintained at the said bank in the name of The American Metal Company, Limited, in trust for an Hungarian national as more fully described by The Chase National Bank of the City of New York, predecessor to said The Chase Manhattan Bank, in its report to the Office of Alien Property, Department of Justice, on Form OAP-700 bearing its serial number 191, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by a national of Hungary as defined in said Executive Order 8389 as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on March 24, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 58-2336; Filed, Mar. 28, 1958; 8:49 a. m.]

[Vesting Order SA-234]

NATIONAL OF HUNGARY

In re: Debt owing to a national of Hungary. F-34-486.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of C. Tennant, Sons & Co., of New York, 100 Park Avenue, New York 17, New York, arising out of an account payable to a national of Hungary maintained by the aforesaid company, as more fully described by said C. Tennant Sons & Co. in its report to the Office of Alien Property, Department of Justice, on Form OAP-700 dated November 15, 1950, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by a national of Hungary as defined in said Executive Order 8389 as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on March 24, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 58-2337; Filed, Mar. 28, 1958; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

MARCH 1958 MONTHLY SALES LIST; AMENDMENT

The price listing for the Commodity Credit Corporation Monthly Sales List for March 1958 is amended, effective March 14, 1958 as set forth below, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) by the addition of the following:

Commodity	Sales price or method of sale
Dry edible beans (bagged)	Prices are for U. S. No. 1 f. o. b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades, adjust by market differentials. For other areas, adjust by the 1957 price support differential.
Pea beans	Domestic or export: Market price but not less than $7.84 per hundredweight at country shipping points in Michigan.
Red kidney beans	Domestic or export: Market price but not less than $8.98 per hundredweight at country shipping points in Michigan.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1053; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: March 25, 1958.

[SEAL]

CLARENCE L. MILLER,
Acting Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 58-2351; Filed, Mar. 28, 1958; 8:51 a. m.]