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TITLE 21—FOOD AND DRUGS

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

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

EXEMPTION OF TETRA COPPER CALCIUM OXYCHLORIDE FROM THE REQUIREMENT OF A TOLERANCE

No objections having been filed to the proposal published in the FEDERAL REGISTER of January 9, 1958 (23 F. R. 166), that tetra copper calcium oxychloride be exempted from the requirement of a tolerance for residues in or on raw agricultural commodities, and no request having been received for referral of the proposal to an advisory committee: *It is ordered,* That the general regulations for setting tolerances and granting exemptions from tolerances (21 CFR 120.6) be amended as follows:

In § 120.6 *Exemptions from the requirement of a tolerance,* paragraph (b) (1) is amended by inserting as the last item therein the term ", tetra copper calcium oxychloride."

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 511; 21 U. S. C. 346a (b) (e), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29).

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable, and reasonable grounds for the objections, and request a public hearing on the objections. Objections shall be filed in quintuplicate and may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: February 20, 1958.

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

[F. R. Doc. 58-1467; Filed, Feb. 26, 1958; 8:45 a. m.]

TITLE 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENTS OF PROCEDURE

PART 102—RULES AND REGULATIONS, SERIES 6

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 452, approved July 5, 1935, as amended by the Labor Management Relations Act, 1947, Public Law 101, Eightieth Congress, first session, the National Labor Relations Board hereby issues the following further amendments to Statements of Procedure and to its Rules and Regulations, Series 6, as amended, which it finds necessary to carry out the provisions of said act, such amendments to be effective February 28, 1958.

National Labor Relations Board Statements of Procedure and Rules and Regulations, Series 6, as amended, and as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated, Washington, D. C., February 24, 1958.

By direction of the Board.

[SEAL] FRANK M. KLEILER,
Executive Secretary.

SUBPART E—JURISDICTIONAL DISPUTE CASES UNDER SECTION 10 (k) OF THE ACT

A. Sections 101.28, 101.30 and 101.31 are amended as follows:

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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.

1. Delete the entire § 101.28 and substitute the following:

§ 101.28 *Initiation of formal action; settlement.* If, after investigation, it appears to the regional director that the Board should determine the dispute under section 10 (k) of the Act, he issues a notice of filing of the charge together with a notice of hearing which includes a simple statement of issues involved in the jurisdictional dispute and which is served on all parties to the dispute out of which the unfair labor practice is alleged to have arisen. The hearing is scheduled for not less than 10 days after service of the notice of hearing. If the parties present to the regional director satisfactory evidence that they have adjusted the dispute, the regional director withdraws the notice of hearing and either permits the withdrawal of the charge or dismisses the charge. If the parties submit to the regional director satisfactory evidence that they have agreed upon methods of voluntary ad-

justment of the dispute, the regional director shall defer action upon the charge and shall withdraw the notice of hearing if issued. The parties may agree on an arbitrator, a proceeding under section 9 (c) of the act, or any other satisfactory method to resolve the dispute.

2. In § 101.30 *Procedure before the Board,* in the first sentence after the word "hearing" add a comma and the words "subject to any extension that may have been granted,". In the second sentence substitute the word "determination" for "certification" and at the end of that sentence delete the period and add the words "or makes other disposition of the matter."

3. In § 101.31 the section head note is amended to read as follows: *"Compliance with determination; further proceedings"* and wherever the word "certification" appears substitute the word "determination."

(Sec. 6, 49 Stat. 452, as amended; 29 U. S. C. 156)

B. Subpart E of Part 102 is amended to read as set forth below:

SUBPART E—PROCEDURE TO HEAR AND DETERMINE DISPUTES UNDER SECTION 10 (k) AND 8 (b) (4) (D) OF THE ACT

Sec.
102.71 Initiation of proceedings.
102.72 Notice of hearing; hearing; proceedings before the Board; briefs; determination of dispute.
102.73 Compliance with determination; further proceedings.
102.74 Review of determination.
102.75 Alternative procedure.

AUTHORITY: §§ 102.71 to 102.75 issued under sec. 6, 49 Stat. 452, as amended; 29 U. S. C. 156.

§ 102.71 *Initiation of proceedings.* Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (D) of section 8 (b), the regional director shall investigate such charge, giving it priority over all other cases in the office except cases under paragraph (4) (A), (4) (B), and (4) (C) of section 8 (b) and other cases under paragraph (4) (D) of section 8 (b).

§ 102.72 *Notice of hearing; hearing; proceedings before the Board; briefs; determination of dispute.* If it appears to the regional director that the charge has merit and the parties to the dispute have not submitted satisfactory evidence to the regional director that they have adjusted, or have agreed upon methods for the voluntary adjustment of, the dispute out of which such unfair labor practice shall have arisen, he shall cause to be served on all parties to such dispute a notice of the filing of said charge together with a notice of hearing under section 10 (k) of the act before a hearing officer at a time and place fixed therein which shall be not less than 10 days after service of the notice of hearing. The notice of hearing shall contain a simple statement of the issues involved in such dispute. Hearings shall be conducted by a hearing officer, and the procedure shall conform, insofar as applicable, to the procedure set forth in §§ 102.56 to 102.59, inclusive. Upon the close of the hearing, the Board shall proceed either forthwith upon the record, or after oral argument, or the submission of briefs, or further hearing, to determine the dispute or make other disposition of the matter. Should any party desire to file a brief with the Board, seven copies thereof shall be filed with the Board at Washington, D. C., within 7 days after the close of the hearing. Immediately upon such filing, a copy shall be served on the other parties. Such brief shall be legibly printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed, and if submitted will not be accepted. Requests for extension of time in which to file a brief under authority of this section shall be in writing and received by the Board in Washington, D. C., three days prior to the due date with copies thereof served on each of the other parties. No reply brief may be filed except upon special leave of the Board.

§ 102.73 *Compliance with determination; further proceedings.* If, after issuance of the determination by the Board, the parties submit to the regional director satisfactory evidence that they have complied with the determination, the regional director shall dismiss the charge. If no satisfactory evidence of compliance is submitted, the regional director shall proceed with the charge under paragraph (4) (D) of section 8 (b) and section 10 of the act and the procedure prescribed in §§ 102.9 to 102.51, inclusive, shall, insofar as applicable, govern.

§ 102.74 *Review of determination.* The record of the proceeding under section 10 (k) and the determination of the Board thereon, shall become a part of the record in such unfair labor practice proceeding and shall be subject to judicial review, insofar as it is in issue, in proceedings to enforce or review the final order of the Board under section 10 (e) and (f) of the act.

§ 102.75 *Alternative procedure.* If, either before or after service of the notice of hearing, the parties submit to the regional director satisfactory evidence that they have adjusted the dispute, the regional director shall dismiss the charge and shall withdraw the notice of hearing if notice has issued. If, either before or after issuance of notice of hearing, the parties submit to the regional director satisfactory evidence that they have agreed upon methods of voluntary adjustment of the dispute, the regional director shall defer action upon the charge and shall withdraw the notice of hearing if notice has issued. If it appears to the regional director that the dispute has not been adjusted in accordance with such agreed upon methods and that an unfair labor practice within the meaning of section 8 (b) (4) (D) of the act is occurring or has occurred, he may issue a complaint under § 102.15, and the procedure prescribed in §§ 102.9 to 102.51, inclusive, shall, insofar as applicable, govern; and §§ 102.72 to 102.74 are inapplicable.

The above amendments shall be effective February 28, 1958.

[F. R. Doc. 58-1483; Filed, Feb. 26, 1958; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVII—Federal Civil Defense Administration

PART 1702—SURPLUS PROPERTY

USE IN MAJOR DISASTER

Part 1702, Chapter XVII, Title 32 of the Code of Federal Regulations, is amended by the addition of the following section:

§ 1702.11 *Use in major disaster.* In any catastrophe determined by the President to be a major disaster under the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950 (64 Stat. 1109), as amended, any items of surplus property, without regard to acquisition cost, donated and transferred for use in any State for the purposes of civil defense, or for research for any such purposes, may be used or distributed by such State, or local governments therein, for the purposes of the aforesaid Act.

(Sec. 203, 63 Stat. 385, as amended, sec. 401, 64 Stat. 1254, as amended; 4 U. S. C. 484, 50 U. S. C. 2253)

The regulation contained in this amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] LEO A. HOEGH,
Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 58-1490; Filed, Feb. 26, 1958; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 3, paragraph (b) of § 3.32 is amended to read as follows:

§ 3.32 *Evidence required from a foreign country and release of original documents from files of the Veterans Administration for authentication.* * * *

(b) (1) When documents received, other than those involving claims within the jurisdiction of the Veterans Benefits Office, D. C., require authentication, they will be forwarded to the Department of State through the head of the activity concerned in Central Office, and subsequently through Contact and Foreign Affairs, Department of Veterans Benefits, for the purpose of authentication. The excepted class will be forwarded direct to the Department of State. The Department of State will be informed that any expense which may accrue incident to the authentication must be borne by

the claimant. The name and address of the person submitting the document and information as to the purpose for which it is to be used will be furnished. (In compliance with the recommendation of the State Department, the use of the word "visaed" in connection with papers submitted in proof of claims will be avoided as it is often misunderstood by the applicants in whose minds the word is associated with visas granted immigrants.)

(2) When a document which requires authentication, other than one in the excepted class set forth in subparagraph (1) of this paragraph, is transmitted to the Veterans Administration by the embassy or legation of a foreign country, it will be returned, if not properly authenticated, through the head of the activity concerned in Central Office, and subsequently through Contact and Foreign Affairs, Department of Veterans Benefits, to such embassy or legation for authentication and for submittal through the Department of State for further authentication. Documents emanating from China or Japan will not be returned direct to the embassies of these countries for authentication. The documents, other than those in the excepted class, will be forwarded to the Department of State, through Contact and Foreign Affairs, with a request for proper authentication by that Department. Documents in the excepted class will be disposed of in accordance with the foregoing directly by the Veterans Benefits Office, Washington, D. C.

2. Section 3.33 is revised to read as follows:

§ 3.33 *Value of service records for evidence of discharge.* (a) For the purpose of securing authoritative information in regard to discharge, with the view to making compensation payments, if merited, the possession by the Veterans Administration of any one of the following documents will furnish proof of such discharge and will be accepted by the Veterans Administration at face value as credible evidence: an actual certificate of discharge; an authoritative notice from the respective service departments as to the facts of such discharge; or lastly, any copy or abstract of the certificate of discharge which has been certified by a notary public or any other person who has the authority under law to administer oaths. In any case in which such evidence or a photostat of the certificate of discharge is received, it will be accepted as authoritative proof of the data shown therein, for the purpose of making awards of disability or death compensation. These data need not be verified where they alone are sufficient to determine entitlement to disability or death compensation, unless there is some reason to question the genuineness of the document or accuracy of the information contained therein. This does not preclude the securing of additional information which may not be disclosed on the certificate of discharge or copy.

(b) The evidence enumerated in paragraph (a) of this section will not be accepted as establishing the period of service of a veteran for the purpose of making awards of disability or death pension except in those cases where the veteran was discharged for disability incurred in service in line of duty. Prior to making an award of disability or death pension based on service of 90 days or more, specific request will be made of the appropriate service department on VA Form 3101 for a complete statement of service showing the time spent on an industrial, agricultural or indefinite furlough; time lost on absence without leave (without pay); under arrest (without acquittal); in desertion and while undergoing sentence of court-martial.

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210)

3. In Part 4, paragraphs (a), (d) (1), (e) (1) and (2), and (f) of § 4.431 are amended to read as follows:

§ 4.431 *Claims*—(a) *General.* Except as provided in paragraphs (c) and (d) (1) of this section, a specific claim on the form prescribed by the Administrator of Veterans Affairs (VA Form VB 8–534, or VB 8–535) must be filed by the widow, child, mother or father applying for dependency and indemnity compensation or by the claimant for accrued benefits. A claim for dependency and indemnity compensation filed by the widow, child or parent will also be considered as a claim for death compensation or pension and any accrued compensation or pension due. See paragraph (d) of this section as to claim for child (sec. 901, Pub. Law 85–56).

* * * * *

(d) *Claim for child.* (1) Where a child's entitlement to dependency and indemnity compensation arises by reason of termination of a widow's right to dependency and indemnity compensation, or by reason of attaining the age of 18 years, a claim will be required. See § 4.445 (a) (3) and (d) (1) (sec. 209 (a), Pub. Law 881, 84th Cong.; sec. 910 (d), Pub. Law 85–56). The claim may consist of a statement in writing showing an intent to file claim for dependency and indemnity compensation or VA Form VB 8–4183 signed by the child or some person acting as next friend. If claim is made by a statement in writing and VA Form VB 8–4183 is considered necessary, the executed form will be considered evidence required to complete the claim. Where the award to the widow is terminated by reason of her death, a claim for the child which meets the requirements of this subparagraph will be considered a claim for any accrued dependency and indemnity compensation which may be payable.

* * * * *

(e) *Furnishing claim forms*—(1) *General.* Upon receipt of notice of death of a veteran, the appropriate application blank (VA Form VB 8–534 or VB 8–535) will be forwarded for execution by or on behalf of any dependent who has apparent entitlement to dependency and indemnity compensation. If the potential claim involves establishment of foster parentage, VA Form 8–524 will also be sent. If it is not indicated that any person would be entitled to receive dependency and indemnity compensation, but there is payable accrued disability compensation, disability pension, retirement pay, subsistence allowance, or education and training allowance, not paid during the veteran's lifetime, VA Form 8–614, or where appropriate VA Form VB 8–551, will be forwarded to the preferred claimant.

(2) *Death due to hospital treatment, etc.* The provisions of § 4.0a (b) (3) are applicable.

* * * * *

(f) *New and material evidence.* Where a claim has been finally disallowed, a later claim on the same factual basis, if supported by new and material evidence, shall have the attributes of a new claim, except that whenever any disallowed claim is reopened and thereafter allowed on the basis of new and material evidence resulting from the correction of the military records of the proper service department under section 1552 of Title 10 of the United States Code, the effective date of commencement of the benefits so awarded shall be the date on which an application was filed for correction of the military record. The commencing date of an award of dependency and indemnity compensation shall be the date on which such application was filed with the service department, subject to the requirements of § 4.445 (g) (sec. 501 (u), Pub. Law 881, 84th Cong.; sec. 904 (a), Pub. Law 85–56).

(Secs. 901, 904. 910, 71 Stat. 118, 119; 38 U. S. C. 2901, 2904, 2910)

4. In § 4.432, paragraph (a) is amended to read as follows:

§ 4.432 *Time limits*—(a) *Notice of time limit for filing evidence.* If a claimant's application is incomplete, the Veterans Administration will notify the claimant of the evidence necessary to complete the application. If such evidence is not received within 1 year from the date of such notification, dependency and indemnity compensation may not be paid by reason of that application (par. 1 (a) (2), Part I, Veterans Regulation 2 (d) and sec. 209 (a), Pub. Law 881, 84th Cong.; sec. 903 (a), Pub. Law 85–56).

(Sec. 903, 71 Stat. 119; 38 U. S. C. 2903)

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210)

This regulation is effective February 27, 1958.

[SEAL] SUMNER G. WHITTIER,
Administrator.

[F. R. Doc. 58–1491; Filed, Feb. 26, 1958; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

PART 46—RURAL SERVICE

PART 61—MONEY ORDERS

PART 131—POSTAL CHARGES

MISCELLANEOUS AMENDMENTS

Parts 31, 46, 61 and 131 of Title 39 are amended in the following respects:

A. In § 31.3 *Postage stamps (adhesive)* make the following changes:

1. In paragraph (a) in column headed "Purpose" and under "Airmail postage" amend the parenthetical phrase to read "(for use on airmail only. See paragraph (b) of this section.)"

2. In paragraph (b) add new subparagraph (5) to read as follows:

(5) Airmail postage stamps may be used to pay fees for special services on airmail articles.

NOTE: The corresponding Postal Manual section is 141.1.

(R. S. 161, 396, as amended, 3914; 5 U. S. C. 22, 369, 39 U. S. C. 351)

B. In § 46.5 *Rural boxes* amend paragraph (b) to read as follows:

(b) *Painting and identification.* The Department prefers that rural mail boxes and posts or supports be painted white, but they may be painted other colors if desired. It is not necessary that posts or supports and boxes be painted the same color. The name of the owner of each box must be inscribed in neat letters not less than 1 inch high on the side of the box that is visible to the carrier as he regularly approaches, or on the door if boxes are grouped. The letter should be of a contrasting color. The box number may be inscribed on the box on the side that is visible to the carrier as he approaches, or on the door if boxes are grouped. Advertising on boxes or supports is prohibited.

NOTE: The corresponding Postal Manual section is 156.5.

(R. S. 161, 396, as amended; sec. 1, 39 Stat. 423; 5 U. S. C. 22, 369, 39 U. S. C. 191)

C. In § 61.2 *How to buy an international money order* make the following change: In paragraph (d) insert, in proper alphabetical order, the countries "British Guiana" and "China, Republic of (Formosa)".

NOTE: The corresponding Postal Manual section is 171.2.

(R. S. 161, 396, as amended, 4027; 5 U. S. C. 22, 369, 39 U. S. C. 711)

D. Section 131.4 *Storage charges* is amended to read as follows:

§ 131.4 *Storage charges.* If you allow any parcel post packages, or a postal union printed matter package exceeding 1 pound in weight, addressed to you to remain in the post office, you must pay a storage charge of 10 cents per day beginning with the 11th day from the first attempt at delivery or the issuance of the first notice that the parcel is ready for delivery. Sundays and holidays are not counted. When a parcel is held pending decision as to customs duty (see § 132.1 (c) of this chapter) the storage charges begin 10 days after the decision is given.

NOTE: The corresponding Postal Manual section is 241.4.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

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

[F. R. Doc. 58-1484; Filed, Feb. 26, 1958; 8:49 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 8—INVENTIONS RESULTING FROM RESEARCH GRANTS, FELLOWSHIP AWARDS, AND CONTRACTS FOR RESEARCH

CONTRACTS FOR RESEARCH

Section 8.6 is amended to read as follows:

§ 8.6 *Contracts for research.* (a) Contracts for research, with other than nonprofit institutions, shall provide that any invention first conceived or actually reduced to practice in the course of the performance of the contract shall be promptly and fully reported to the head of the constituent organization responsible for the contract, for determination by him as to the manner of disposition of all rights in and to such invention, including the right to require assignment of all rights to the United States or dedication to the public. In the exercise of this power the organization head will be guided by the policy specified in § 8.2 with respect to grants.

(b) Contracts for research with nonprofit institutions shall contain provisions as in paragraph (a) of this section except that, if it is determined that the institution's policies and procedures are acceptable as meeting the requirements of § 8.1 (b) with respect to grants, the contract may provide, with such special stipulations in the contract as may be deemed necessary in the public interest, for leaving the ownership and disposition of all domestic rights for determination by the contracting institution in accordance with such policies and procedures.

Effective date. This amendment to be effective upon date of publication. Since it deals with grants and contracts notice of proposed rule making is not required.

(Reorg. Plan No. 1 of 1953, 18 F. R. 2053; 3 CFR 1953 Supp.)

Dated: February 21, 1958.

[SEAL] M. B. FOLSOM,
Secretary.

[F. R. Doc. 58-1466; Filed, Feb. 26, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12262; FCC 58-162]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS FOR GALVESTON AND HOUSTON, TEX.

In the matter of admendment of § 3.606, *Table of assignments,* Television Broadcast Stations, Docket No. 12262; Rules Amdt. 3-108.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 57-1324), released December 9, 1957, in response to a petition filed by Gulf Television Corporation, licensee of television Station KGUL-TV on Channel 11 at Galveston, Texas, proposing to shift Channel 11 from Galveston to Houston, Texas.

2. No comments opposing the proposed amendment were filed. Gulf Television filed comments and a statement in lieu of reply comments in support of its proposal, requesting that the Commission modify its license for Station KGUL-TV to specify operation on Channel 11 at Houston in lieu of Galveston.

3. Gulf Television urges that the Muskogee-Tulsa case (Docket No. 11966) presented facts virtually identical to those respecting the Houston-Galveston television situation, and that adoption of its proposal is required for the same reasons that the Commission found in the Tulsa-Muskogee case that reassignment of the VHF channel from the smaller community of Muskogee to the larger, neighboring community of Tulsa would improve opportunities for effective competition among a greater number of stations. Petitioner submits that the relative size, location and television services of Galveston and Houston are similar to those of Muskogee and Tulsa; that Galveston, with a population of 66,568, is one-tenth the size of Houston, with a population of 596,163, and the two communities are 21.5 miles apart;[1] whereas, Muskogee, with a population of 37,289, is one-sixth the size of Tulsa, with a population of 182,740, and these communities are 37.5 miles apart; and that, as was the case in Muskogee and Tulsa, the VHF station in the smaller community of Galveston must compete with the two VHF stations operating in the larger community of Houston for audience, revenues and programming. Gulf Television alleges that its Galveston station and the two Houston stations serve substantially the same market; that the Houston city population constitutes more than 50 percent of the total population within the Grade B contours of all three stations, while the Galveston city population is only 5.9 percent of the total population within the Grade B contours of any of them; that its Galveston station depends upon Houston for audience and revenues to a greater extent than the Muskogee station depended upon Tulsa for audience and revenues; and that a Galveston station cannot exist on revenues from Galveston alone and must look to network, national, Houston and regional advertisers as its principal sources of revenue.

4. Gulf Television contends that KGUL-TV at Galveston is under much the same arbitrary disadvantage in competing with the Houston stations as the Commission found the Muskogee station to be in competing with the Tulsa stations; that KGUL-TV is handicapped in overcoming the resistance of advertisers to placing orders on a station not identified with the principal Houston audience it serves and in competing with the Houston stations in regard to local

[1] This figure is the distance between the closest city limits of Galveston and Houston. The center-of-city separation between these communities is about 45 miles.

originations; that this disadvantage would be eliminated if Channel 11 is reassigned to Houston and KGUL–TV could maintain its principal studio in the larger Houston community; that the reassignment of Channel 11 to Houston would comply with all Commission rules; and that making Station KGUL–TV a Houston station would not require any changes in existing transmitter facilities and would not deprive Galveston of television service. Petitioner urges that adoption of its proposal would enhance opportunities for fully effective and comparable competition among the stations in the Houston-Galveston area and would conform to the allocations policy enunciated by the Commission in the Muskogee-Tulsa and other cases; that it would result in a far more effective use of Channel 11; and that it would permit KGUL–TV to improve its programming and to make fuller use of the greater programming resources of Houston while at the same time meeting the needs of Galveston. Petitioner states that if its proposal is adopted, it will maintain such programming and technical personnel and local offices and auxiliary studios in Galveston as are necessary to serve the city's programming and advertising needs; that it will continue to solicit local advertising and to maintain a favorable local rate for Galveston; and that it intends to identify Station KGUL–TV on the air as a "Houston-Galveston" station.

5. We have carefully considered the subject proposal to shift Channel 11 from Galveston to Houston and have concluded that the public interest would best be served by reassigning Channel 11 to Houston. In reaching this decision, we took into consideration the important fact that such action means the deletion of Galveston's only VHF assignment. However, in view of the relative size of Houston and Galveston and their proximity—Galveston, with a 1950 population of 66,568, is about 45 miles southeast of the center of Houston, the 18th ranking market in the country with a 1950 metropolitan area population of 806,701, and a city population of 596,163—and two existing VHF stations in Houston which provide Grade A service to Galveston, we are convinced that any VHF station located at Galveston would, of necessity, be required to compete in the Houston market with the Houston VHF stations for audience, revenues and programming, and in doing so would be at a competitive disadvantage because of its identification with the smaller community of Galveston. Under these circumstances, and particulary in view of petitioner's assurances that it will maintain programming and technical personnel, local offices and auxiliary studios in Galveston, will continue to solicit local advertising and offer a favorable local rate to Galveston, and will continue to provide a city-grade signal to that city, we do not believe that the retention of Channel 11 in Galveston is warranted. This channel can be assigned to Houston in conformity with all technical requirements of the rules, and we believe that its assignment there will more fully satisfy the mandate of section 307 (b) of the Communications Act and our television objectives[2] by insuring continued Channel 11 service to Galveston and enhancing the opportunities for more effective utilization of Channel 11 and improvement in the competitive television situation in this area.

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

7. In view of the foregoing: *It is ordered,* That effective March 27, 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:

City	*Channel*
Galveston, Tex	35−, 41−, *47
Houston, Tex	2−, *8−, 11+, 13−, 23+, 29−, 39−

8. We also believe that the public interest would be served by insuring continuance of Channel 11 service to Galveston and the Houston area without interruption. We are therefore granting Gulf Television's request for modification of its license for Station KGUL–TV to specify operation on Channel 11+ at Houston in place of Galveston. The transmitter site now used by Gulf Television for Station KGUL–TV at Galveston conforms to all technical requirements for operation on Channel 11 at Houston; and making this frequency available to Gulf Television at Houston will require no interruption in its present service to Galveston and the Houston area. This action is not being taken to assist a particular broadcaster but because we believe that it has the greater likelihood of providing the public with service.

9. *Accordingly, it is further ordered,* That, effective March 27, 1958, pursuant to section 316 (a) of the Communications Act of 1934, as amended, the outstanding license of Gulf Television Corporation for the operation of Station KGUL–TV is modified to specify operation at Houston, Texas, in lieu of Galveston, Texas, subject to the following conditions:

(a) Gulf Television Corporation should advise the Commission in writing by March 12, 1958, whether it accepts the modification of its license for operation of Station KGUL–TV at Houston, Texas, subject to the conditions listed herein or desires a hearing pursuant to section 316 (a).

(b) Gulf Television Corporation should submit to the Commission by March 12, 1958, all necessary information for the preparation of a modified authorization specifying Houston, Texas; and

(c) In the event that Gulf Television Corporation is unable to commence operation of Station KGUL–TV at Houston, Texas, in full accordance with the Commission's rules by the effective date specified above, the Commission will consider a requst for continued operation of the station, in accordance with the terms and conditions of the current KGUL–TV authorization, until operation at Houston, Texas, can be commenced.

(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: February 20, 1958.

Released: February 24, 1958.

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

[F. R. Doc. 58–1496; Filed, Feb. 26, 1958; 8:52 a. m.]

[2] See Report and Order, FCC 56–587, released June 26, 1956, in the general television allocation proceeding, Docket No. 11532.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

[Ex Parte MC–40]

PART 196—INSPECTION AND MAINTENANCE

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 19th day of February A. D. 1958

The matter of inspection and maintenance under the Motor Carrier Safety Regulations prescribed by order dated April 14, 1952, as amended, being under consideration; and

It appearing that experience has established facts which warrant some modification of § 196.5 only to the extent of revising Form BMC–63, Out Of Service Notice, prescribed therein, and good cause appearing therefor;

It further appearing that this modification concerns particularly a form used by the field staff of the Bureau of Motor Carriers to notify motor carriers when a vehicle has been declared and marked out of service pursuant to § 196.5 and for carriers to certify to the Commission when the repairs have been made, an agency procedure, and therefore, pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) for good cause it is found that notice of proposed rule making is unnecessary;

It is ordered, That said order of April 14, 1952, in so far as it applies to the therein prescribed Form BMC–63 is vacated as of the effective date of this order;

It is further ordered, That Form BMC–63 (1958), Out of Service Notice, of which one copy is attached hereto and made a part hereof, is approved, adopted, and prescribed for appropriate use as required by § 196.5;

It is further ordered, That § 196.5 be, and the same is hereby, amended by substituting Form BMC–63 (1958), Out of Service Notice, for Form BMC–63 contained therein;

And it is further ordered, That this order shall be effective February 19, 1958, and shall continue in effect until the further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

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

Form BMC-63 (1958)

INTERSTATE COMMERCE COMMISSION
BUREAU OF MOTOR CARRIERS
OUT OF SERVICE NOTICE
TO

Copy for:

MCS-31 No. ____
MC-____
Name of carrier ____
Address ____ ☐ a. m. ☐ p. m.
Place of inspection ____ 195____

Company number	State license number		Type of vehicle	Make	Out of service sticker number
			Truck		
			Tractor		
			Semitrailer		
			Trailer		

I inspected the above described vehicle at the place, on the date and at the time shown above, and I declared and marked the said vehicle "Out of Service" for the following reasons:

Power unit: ☐ ____
☐ ____
☐ ____
Other than power unit: ☐ ____
☐ ____
☐ ____

It is not to be operated until necessary repairs have been completed and the vehicle restored to safe operating condition after which the "Report of Completion of Repairs" shall be filled out by the repairman, certified by a carrier management official, and mailed to: Interstate Commerce Commission, Bureau of Motor Carriers.

Witnessed by: ____ ____
(Signature) (Title or occupation)

Declared out of service by ____ ____
(Title) (Code No.)

REPORT OF COMPLETION OF REPAIRS

This vehicle has been repaired in the manner described below, is now in safe operating condition, and the out of service sticker removed by me at ____ ☐ a. m. ☐ p. m. ____ 195____
at ____

STATEMENT OF REPAIRS MADE

Power unit: ____
Other than power unit: ____

By (Name) ____ Title or Occupation ____
Signature ____ Address ____

I have personally examined this motor vehicle and certify that it has been repaired as shown above and is now in safe operating condition.

____ ____ ____ 195____ ☐ a. m. ☐ p. m.
(Signature of Management Official) (Title) (Date) (Time)

[F. R. Doc. 58-1482; Filed, Feb. 26, 1958; 8:48 a. m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Part 46]

RURAL SERVICE

NEWSPAPER RECEPTACLES ON RURAL MAIL BOXES

It is proposed to amend the regulations in § 46.5 (c) of Title 39, Code of Federal Regulations, as set forth in the following amendment, to provide for newspaper receptacles on rural mail box supports to be mounted only below the mail box, in such manner that they do not protrude farther toward the road than the front of the mail box when the door of the box is closed. At present the receptacles may be mounted either above or below the mail box.

This proposed change relates to a proprietary function of Government and is therefore exempt from the rulemaking requirements of 5 U. S. C. 1003. However, the Postmaster General desires to observe voluntarily the rulemaking requirements in this case so that patrons of the postal service may have an opportunity to present written views concerning the proposed regulation. Accordingly, such written views may be submitted to Mr. E. A. Riley, Director, Postal Services Division, Bureau of Operations, Post Office Department, Washington 25, D. C., at any time prior to April 1, 1958.

In § 46.5 *Rural boxes* amend paragraph (c) to read as follows:

(c) *Posts and supports.* No special designs of posts or supports have been adopted. Supports intended to represent figures or mechanical objects are prohibited. Posts or other supports must be of neat design; may be of wood, metal, or concrete, of suitable strength and dimensions; and may be either round or square, plain or ornamental, with or without fixed or movable arm. A receptacle for newspapers may be mounted on the mail box support below the mail box, provided in the opinion of the postmaster or designated supervisor, it will not interfere in any way with the delivery of the mail, create a hazard for the carrier, or result in damage to the carrier's car. The newspaper receptacle may not extend beyond the front of the mail box when the mail box door is closed. The receptacle may not be restricted to use by a particular newspaper or contain advertising material of any kind. The name of a newspaper is not considered advertising for this purpose.

NOTE: The corresponding Postal Manual section is 156.53.

(R. S. 161, 396, as amended; sec. 1, 39 Stat. 423; 5 U. S. C. 22, 369, 39 U. S. C. 191)

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

[F. R. Doc. 58-1485; Filed, Feb. 26, 1958; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12054]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (COLUMBUS, GA.)

ORDER EXTENDING TIME FOR FILING COMMENTS

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

The Commission has before it for consideration a Joint Motion For Extension of Time To File Comments filed February 19, 1958, by Columbus Broadcasting Company, Inc., licensee of Station WRBL-TV, Columbus, Georgia, and Martin Theatres of Georgia, Inc., licensee of Station WTVM, Columbus, Georgia, requesting that the time for filing comments in the above-entitled proceeding and the time for filing responses to show cause orders

issued January 20, 1958, be extended to and including March 3, 1958.

Petitioners assert that they have been discussing a possible resolution of any differences between them with respect to this matter; that although substantial progress has been made, there has been, as yet, no final solution; and that additional time is required to complete these discussions. Petitioners also assert that licensees of WTVY, Inc., WJDM, Inc., and the Georgia State Department of Education consent to a grant of this motion.

The Commission believes that petitioners have established good cause for extending the time for filing comments and responses to the show cause orders and that such extension will serve the public interest, convenience, and necessity and will not unduly delay the proceeding.

In view of the foregoing: *It is ordered,* That the aforesaid Joint Motion of Columbus Broadcasting Company, Inc., and Martin Theatres of Georgia, Inc., is granted and that the time for filing comments and responses to show cause orders in the above-entitled proceeding is extended from February 21, 1958, to March 3, 1958, inclusive, with reply comments to be filed 10 days from the last date for filing original comments.

Adopted: February 20, 1958.

Released: February 21, 1958.

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

[F. R. Doc. 58-1497; Filed, Feb. 26, 1958; 8:52 a. m.]

[47 CFR Part 19]

[Docket No. 12228]

CITIZENS RADIO SERVICE REQUIREMENTS FOR TYPE APPROVAL OF EQUIPMENT

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of the Commission's Rules and Regulations governing the Citizens Radio Service regarding requirements necessary for type approval of equipment.

The Commission has before it for consideration a petition of the Vocaline Company of America, Inc., filed on February 19, 1958, seeking an extension of the February 21, 1958, date for filing of comments in the above-entitled proceeding.

The Commission on November 25, 1957, upon previous petition of Vocaline, granted a 90 day extension of the original November 22, 1957 filing date to permit the petitioner to conduct tests and studies for the purpose of determining the impact of the proposed amendment on the petitioner's equipment and on the Citizens Radio Service. The petitioner now states that the tests and studies have been completed but an additional 15 days is necessary to put the results in suitable form for presentation to the Commission and to prepare comments. In view of the consideration advanced by the petitioner, the Commission feels that an extension of the comment period to March 10, 1958 would be in the public interest.

Accordingly, pursuant to section 0.291 (b) (4) of the Commission's rules; *It is ordered,* That the time for filing original comments in the above-entitled proceeding is extended from February 21, 1958, to March 10, 1958, and the time for reply comments to March 24, 1958.

Adopted: February 21, 1958.

Released: February 21, 1958.

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

[F. R. Doc. 58-1498; Filed, Feb. 26, 1958; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEBRUARY 17, 1958.

The Bureau of Reclamation of the Department of the Interior has filed an application, Serial Colorado 019069, for withdrawal of the lands described below from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388).

The applicant desires the land for reclamation purposes in connection with the Cross Mountain Unit, Colorado River Storage Project, Colorado.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P. O. Box 1018, Denver, Colorado.

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

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

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 6 N., R. 91 W.,
- Sec. 15, lots 3 and 4;
- Sec. 16, N½ and SW¼;
- Sec. 18, lot 19;
- Sec. 21, lot 5;
- Sec. 29, lots 1, 2, and 3;
- Sec. 30, lots 5, 6, and 8;
- Sec. 31, lots 7, 9, 14, 16, 17, 24, and 25.

T. 5 N., R. 92 W.,
- Sec. 1, lots 7 and 8, SW¼NW¼ and SW¼;
- Sec. 2, lots 8 and 13;
- Sec. 3, lots 13 and 15, and SE¼SE¼;
- Sec. 4, lots 5 and 9, SE¼NE¼, NE¼SE¼, and SW¼SE¼;
- Sec. 5, SE½SE¼;
- Sec. 6, lots 10 to 14, inclusive;
- Sec. 7, lots 5 to 10, inclusive, 12 to 14, inclusive, NE¼NW¼, and SE¼SW¼;
- Sec. 8, lots 1 and 2, N½N½, SE¼NE¼, SE¼NW¼, NE¼SW¼, and SW¼SW¼;
- Sec. 9, lots 2 and 3, and NW¼;
- Sec. 10, lot 1;
- Sec. 11, lots 1, and 3 to 6, inclusive;
- Sec. 12, NW¼;
- Sec. 17, SW¼NW¼ and W½SW¼;
- Sec. 18, E½E½ and NW¼NE¼.

T. 6 N., R. 92 W.
- Sec. 31, lots 7 and 8, S½NE¼, E½SW¼, and SE¼;
- Sec. 33, NE¼SE¼;
- Sec. 34, lot 1;
- Sec. 35, lot 1;
- Sec. 36, lots 5 and 7, and SE¼SW¼.

T. 5 N., R. 93 W.,
- Sec. 1, lots 5 to 7, inclusive, S½N½, N½S½, SW¼SW¼, and SE¼SE¼;
- Sec. 2, lots 7 and 9, S½NW¼, N½SW¼, SE¼SW¼, and SE¼;
- Sec. 4, lots 5 and 6, S½NE¼, NW¼SW¼, and S½SW¼;
- Sec. 5, lots 6 to 8, inclusive, S½N½, and S½;
- Sec. 6, lots 8 to 14, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
- Sec. 7, lots 5 to 8, inclusive, E½ and E½W½;
- Sec. 8, N½, NE¼SE¼, and S½SE¼;
- Sec. 9, W½NE¼, NW¼, and S½;
- Sec. 12, E½NE¼;
- Sec. 15, W½W½;
- Sec. 16, E½ and E½SW¼;
- Sec. 17, N½NE¼;
- Sec. 18, lot 5 and NE¼NW¼.

T. 6 N., R. 93 W.,
- Sec. 11, SW¼ and SW¼SE¼;
- Sec. 14, NW¼NW¼;
- Sec 15, NE¼NE¼, S½N½, NW¼NW¼, NE¼SW¼, S½SW¼, and SE¼;
- Sec. 16, SE¼SE¼;
- Sec. 20, S½SE¼;
- Sec. 21, NE¼NE¼, S½NE¼, and S½;
- Sec. 22, N½NW¼, and SW¼NW¼;
- Sec. 24, SW¼ and NW¼SE¼;
- Sec. 25, NW¼ and N½SW¼;
- Sec. 26, E½NE¼, S½SW¼, and SE¼;
- Sec. 28, lots 1 and 3, N½N½, SW¼NE¼, S½SW¼, and W½SE¼;
- Sec. 29, lots 1 and 2, and lots 4 to 7, inclusive, N½NE¼, NW¼, N½SW¼, and SW¼SW¼;
- Sec. 30, lots 5 to 7, inclusive, and lots 10, 13, and 14, NE¼NE¼, S½NE¼, SE¼NW¼, and N½SE¼;
- Sec. 31, lots 8, 9, 11, 14, and 17;
- Sec. 32, lots 1 to 4, inclusive, lots 6 to 9, inclusive, and NE¼NE¼, SE¼SW¼, and S½SE¼;
- Sec. 33, all;
- Sec. 34, NE¼, NE¼NW¼, S½NW¼, SW¼, and NW¼SE¼;
- Sec. 35, NW¼NE¼, SE¼NE¼, W½NW¼, N½SW¼, SE¼SW¼, NE¼SE¼, and S½SE¼.

T. 5 N., R. 94 W.,
- Sec. 1, lots 5 to 8, inclusive, S½N½, and S½;
- Sec. 2, lots 5 to 8, inclusive, S½N½, and S½;
- Sec. 3, lots 5 and 6, S½NE¼, N½SE¼, and SE¼SE¼;
- Sec. 4, lots 5 and 6;
- Sec. 10, E½NE¼;
- Sec. 11, N½;

Sec. 12, NE¼, NE¼SE¼, and S½SE¼;
Sec. 13, NE¼.
T. 6 N., R. 94 W.,
Sec. 3, SW¼;
Sec. 7, SE¼;
Sec. 9, lots 1, 3, and 4, E½NE¼, and N½S½;
Sec. 10, lots 1 and 2, NW¼NE¼, S½NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 11, SW¼NW¼, SW¼, and W½SE¼;
Sec. 13, W½NE¼, NE¼NW¼, S½NW¼, and SW¼;
Sec. 14, lot 1, NW¼NE¼, S½NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 15, lots 1 to 4, inclusive, and lot 6, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 16, lots 1 and 6;
Sec. 20, lots 2 to 4, inclusive, NW¼NE¼, S½N½, and SW¼;
Sec. 21, lots 2, 4, 5, and 7, SW¼NE¼, S½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 22, lot 8;
Sec. 23, lots 1 and 6, NE¼, and N½SE¼;
Sec. 24, lots 1 and 3, SW¼NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 25, lots 1 and 10;
Sec. 26, lot 9;
Sec. 27, lots 2, 3, 5, 7, and 8, NE¼NW¼, S½NW¼, and SW¼;
Sec. 28, lot 2, NW¼NE¼, SE¼NE¼, N½SE¼, and SE¼SE¼;
Sec. 33, E½E½, and SW¼SE¼;
Sec. 34, lot 2, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 35, lot 1, N½NE¼, SE¼NE¼, NE¼NW¼, S½NW¼, SW¼, and SW¼SE¼;
Sec. 36, lots 2 to 6, inclusive.

The above areas aggregate 24,967.98 acres.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 58-1419; Filed, Feb. 26, 1958; 8:45 a. m.]

[Serial No. Idaho 06852, 08060, 08914]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 20, 1958.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269); as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g) the following described lands have been reconveyed to the United States:

Parcel No.	Land description	Location
	BOISE MERIDIAN, IDAHO	
1	T. 15 S., R. 17 E., Sec. 6, Lot 1, SE¼NE¼, E½SE¼; Sec. 33, NW¼NE¼, SE¼NE¼, E½W½, E½SE¼; Sec. 34, NW¼NE¼, NE¼NW¼, W½W½.	Twin Falls County—South of Rogerson, Idaho.
2	T. 6 S., R. 23 E., Sec. 31, Lots 1, 2, 3, 4, NW¼NE¼, NE¼NW¼, E½SW¼, SE¼; Sec. 33, E½SE¼.	Lincoln County—West of Shoshone, Idaho.
3	T. 4 N., R. 25 E., Sec. 23, E½NE¼; Sec. 24, SW¼NW¼, NW¼SW¼. T. 4 N., R. 26 E., Sec. 30, Lot 1, NE¼NW¼.	Butte County—East of Arco, Idaho.
4	T. 8 N., R. 39 E., Sec. 26, W½NW¼; Sec. 27, NE¼, E½NW¼.	Fremont County—East of St. Anthony, Idaho.

The areas described total 1,888.44 acres of public lands.

The lands involved are scattered throughout Idaho and are generally suitable for the grazing of livestock. The topography varies from flat to rolling with some rock outcroppings and float rock. The soils are mainly silt and sandy loam with vegetative cover typical of grazing land of the area. The lands under parcel No. 1 were reconveyed without minerals and the United States does not own the mineral rights.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral 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 consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupany or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable laws, the lands described herein are hereby opened to filing of application, selections and locations, in accordance with the following:

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

a. 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 application and claims mentioned in this paragraph.

b. All valid applications under the homestead desert land and small tract laws by qualified veterans of World War II, and or, 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 through 284, as amended), presented prior to 10:00 a. m., on March 28, 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 June 27, 1958, will be governed by the time of filing.

c. All valid applications and selections under the nonmineral public land laws other than those coming under paragraph (a) and (b) above, and applications and offers under the mineral leasing laws presented prior to 10:00 a. m., on June 27, 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.

2. The lands, with the exception of Parcel No. 1, will be opened to location under the United States mining laws, beginning 10:00 a. m., on June 27, 1958.

Persons claiming veteran's preference rights under paragraph 1 (b) above must enclose with their application proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58-1468; Filed, Feb. 26, 1958; 8:45 a. m.]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS; CORRECTION

FEBRUARY 20, 1958.

An order for opening of Public Lands, Nevada 043358 and 045381 dated January 13, 1958, published in the FEDERAL REGISTER, January 31, 1958, Vol. 23, No. 14, page 363 is hereby corrected in part to read:

MOUNT DIABLO MERIDIAN, NEVADA

T. 26 N., R. 34 E.,
Sec. 32, NW¼NW¼SW¼SE¼; instead of NE¼NW¼SW¼SE¼.
T. 23 S., R. 59 E.,
Sec. 31, NE¼SE¼SW¼SW¼; instead of NW¼SE¼SW¼SW¼.
T. 16 S., R. 65 E.,
Sec. 15, SW¼NW¼SW¼; instead of SW¼NW¼SE¼.

JAMES E. KEOGH, Jr.,
Manager,
Land Office.

[F. R. Doc. 58-1469; Filed, Feb. 26, 1958; 8:46 a. m.]

[Classification 95]

NEVADA

SMALL TRACT CLASSIFICATION; AMENDED

Pursuant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby revoke Small Tract Classification Order

No. 95, dated October 2, 1953, as to the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 S., R. 60 E.,
Sec. 23, N½SW¼, S½NW¼.

Containing 160 acres.

W. REED ROBERTS,
Acting State Supervisor.

FEBRUARY 19, 1958.

[F. R. Doc. 58-1470; Filed, Feb. 26, 1958; 8:46 a. m.]

WASHINGTON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 21, 1958.

In accordance with Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954, 19 F. R. 2473-2476, it is ordered as follows.

The order dated July 18, 1919, establishing Stock Driveway Withdrawal No. 89, Washington No. 2, pursuant to the provisions of section 10 of the act of Congress approved December 29, 1916 (39 Stat. 862) is revoked only insofar as it pertains to the following described lands:

WILLAMETTE MERIDIAN, WASHINGTON

T. 8 N., R. 39 E.,
Sec. 34, W½SE¼, E½SW¼, SE¼NW¼.

The area described totals 200 acres of public lands.

This is an isolated tract of public land one-half mile wide and three-fourths mile long in Columbia County, 13 miles south of the town of Dayton. Elevations on surface relief vary markedly, lying on Robinette Mountain. The land is steep, rocky, and mountainous. Vegetative cover is Douglas Fir and Ponderosa Pine timber with an understory of native grasses. The land has suitability for dry grazing use and timber production.

No application for these lands will 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 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.

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

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

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

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284, as amended), presented prior to 10:00 a. m., on March 29, 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 June 28, 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 June 28, 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. Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office. Bureau of Land Management, Room 209 Federal Building, Spokane 1, Washington.

FRED J. WEILER,
State Supervisor.

[F. R. Doc. 58-1471; Filed, Feb. 26, 1958; 8:46 a. m.]

WASHINGTON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 21, 1958.

Pursuant to authority delegated to me by Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), the following described lands restored from Reclamation Withdrawal July 9, 1956 with opening to entry only to applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

WILLAMETTE MERIDIAN, WASHINGTON

T. 9 N., R. 29 E.,
Sec. 14, SW¼.

The area described totals 160 acres of public lands.

This land is in Franklin County one and one half miles west of the City of Pasco. The land is semi-arid with a very sandy soil supporting a sparse growth of native grasses and weeds. Topography is rolling, and none of the land is suitable for agriculture.

No application for these lands will 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 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.

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

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

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

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284, as amended), presented prior to 10:00 a. m., on March 29, 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 June 28, 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 June 28, 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. Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements

in support of their applications, setting forth all facts relevent to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Room 209 Federal Building, Spokane 1, Washington.

FRED J. WEILER,
State Supervisor.

[F. R. Doc. 58-1472; Filed, Feb. 26, 1958; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 241]

ANC. ETABL. HOFMAN AND ANDRE GRYP

ORDER DENYING EXPORT PRIVILEGES

In the matter of Anc. Etabl. Hofman, Andre Gryp, Kortrijkse Steenweg 233, Ghent, Belgium, respondents; Case No. 241.

Anc. Etabl. Hofman of Ghent, Belgium and its director, Andre Gryp, the respondents, were charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, U. S. Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, they transshipped, without prior authorization, borax, boric acid, and paraffin, exported from the United States, to Soviet Bloc destinations, and that they made false statements to an agent of the Bureau of Foreign Commerce during the course of an investigation. They were duly served with a copy of the charging letter and have submitted answers in opposition thereto.

In accordance with the practice, this case was referred to the Compliance Commissioner, who has received and considered the evidence and has submitted to the undersigned his report and recommendation, which, upon the facts as hereafter found, appears to be fair and just and is therefore adopted.

Now, after considering the entire record, including the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereafter mentioned, Anc. Etabl. Hofman was and now is engaged in the import and export business in Ghent, Belgium, and its director was Andre Gryp, who performed on its behalf all acts hereafter found to have been performed by it. Both Anc. Etabl. Hofman and Gryp will be referred to hereafter as respondents.

2. On or about March 1955, respondents purchased from an American exporter 130 metric tons of borax.

3. In performance of its contract with respondents, the American exporter did thereafter export from the United States said 130 metric tons, and, in compliance with the requirements of the Bureau of Foreign Commerce, did endorse on the bill of lading issued in connection therewith the destination control clause, "These Commodities Licensed by U. S. for Ultimate Destination Italy. Diversion Contrary to U. S. Law Prohibited."

4. After arrival of the borax in Belgium, respondents obtained control of the bill of lading and were thereby put on notice that the licensed ultimate destination thereof was Italy and that any diversion therefrom was prohibited.

5. Having such notice, and in violation of the contents thereof, they endorsed the said bill of lading and caused the borax to be delivered to a forwarder in Antwerp for shipment to a Soviet Bloc destination for which they were paid by an agent of the China National Import Export Corporation.

6. Thereafter, with knowledge that the borax and boric acid involved had been exported from the United States and with knowledge that the same were controlled by the United States as to ultimate destination, respondents purchased from a Belgian distributor 200 bags of borax and 200 bags of boric acid for the purpose of exportation to Gdynia, Poland.

7. At the time that respondents took possession of the said borax and boric acid from their supplier in Belgium, said supplier informed them in writing that the goods were not to be delivered directly or indirectly to any country behind the Iron Curtain or to Communist China.

8. Having such knowledge by reason of their prior experience with boron products exported from the United States and received by them as well as their receipt of actual written notice from their supplier, respondents thereafter caused the 200 bags of boric acid to be shipped to Gdynia, Poland, without permission of or authorization from the Bureau of Foreign Commerce.

9. After they had so shipped the boric acid to Gdynia, Poland, and after the borax had also been shipped to Gdynia, Poland, by a forwarder who appears to have acted in error, an agent of the Bureau of Foreign Commerce, during the course of an investigation of possible unauthorized transshipment thereof, specifically inquired of respondents the then situs or location of the borax and boric acid, and respondents in reply thereto wrote the Consul General at Antwerp that the 200 bags of boric acid and the 200 bags of borax "are still in stock."

10. Both the borax and the boric acid already having been transshipped to Gdynia, Poland, this was a false statement made in response to a relevant question concerning a material fact involved in the investigation.

11. In October 1955, respondents purchased 100 tons of paraffin wax from a vendor in Los Angeles, California, and a second 100 tons of paraffin wax from a vendor in New York City.

12. Thereafter, both vendors exported said wax to the respondents in Belgium.

13. Prior to the arrival of said wax at Belgium, respondents had received from the New York exporter the bill of lading on which had been endorsed the destination control notice, "These Commodities Licensed by U. S. for Ultimate Destination Belgium. Diversion Contrary to U. S. Law Prohibited."

14. Also prior to the arrival of said 200 tons of paraffin in Belgium, the American Consul at Antwerp, having been requested by the Bureau of Foreign Commerce to make certain that the 100 tons of paraffin which had been exported by the Los Angeles vendor would not be diverted to an unauthorized destination, requested respondents to inform him as to their intentions respecting said paraffin. In response respondents then disclosed that they had received the bill of lading for the shipment of 100 tons of paraffin purchased from the New York supplier as well as that for the shipment of the 100 tons purchased from the Los Angeles supplier and that, although the New York supplier's bill of lading contained the ultimate destination control clause, the Los Angeles supplier's bill of lading did not, and they asserted they had purchased the goods without restrictions and for the purpose of transshipping them from Belgium.

15. The American Consul did then specifically inform respondents that no transshipment of the said paraffin might be made out of Belgium to any Soviet Bloc destination without prior approval from and authorization by the Bureau of Foreign Commerce.

16. Despite such notification, respondents thereafter took delivery of the said paraffin wax, paid for it, and caused it to be transshipped out of Belgium to Gdynia, Poland, with the intention of and for the purpose of supplying a contract which they had made with the China National Import Export Corporation of Communist China, all without prior authorization by or permission from the Bureau of Foreign Commerce.

And, from the foregoing, the following are my conclusions:

A. Respondents knowingly caused, induced, prepared or permitted the doing of acts prohibited by and the omission of acts required by the Export Control Law and Regulations, thereby violating § 381.2 of the Export Regulations.

B. Respondents received, sold, and disposed of exportations from the United States knowing that with respect to such exportations a violation of the Export Control Act and Regulations was intended to occur, in violation of § 381.4 of the Export Regulations.

C. Respondents knowingly made a false and misleading statement and concealed material facts from the Bureau of Foreign Commerce and an official of the United States in the course of an investigation instituted under the authority of the Export Control Act of 1949, as amended, thereby violating § 381.5 (b) (1) of the Export Regulations.

D. Respondents knowingly disposed of, diverted, transshipped, or reexported licensed U. S. origin commodities to unauthorized destinations contrary to the terms, provisions and conditions of prior notifications of prohibition of such action, thereby violating §§ 379.5 (d) (2) and 381.6 of the Export Regulations, as then in effect.

The Compliance Commissioner, in his Report, said:

Superficially, respondents' violations, while deliberate transshipments to Soviet Bloc destinations, seem to have been induced primarily because of alleged hardship situations resulting from their having acquired and paid for goods exported from

the United States without specific notice, at the time of acquisition and payment, that such goods might not be transshipped to Soviet Bloc destinations without Bureau of Foreign Commerce approval. It was not alleged herein that, at the time they purchased the goods, they knew of the restrictions nor was it alleged that they obtained them on false representations, as to use and destination, made to induce the sales. To aid me in determining what remedial action ought to be taken herein, in accordance with the procedure authorized in Williams v. State of New York (337 U. S. 241), I requested and there was furnished to me such information as was available in the files of the Department of Commerce concerning the general activities, background, and reputation of these respondents. From this information, I am convinced that respondents have a long record, going back prior to December 13, 1951, of repeated violations of United States export control regulations, which violations involved vast trading with purchasers in Soviet Bloc countries. These violations were aggravated by their consistent refusal to furnish information to U. S. Government officials concerning orders placed in the United States for great quantities of American goods. Respondents' activities were discussed with Gryp by an American Vice Consul at Antwerp as long ago as December 13, 1951. The Consul's report of the conference, insofar as material here, is,

"I told him of the illegality of transshipping any goods of American origin to any sub-group A countries, without the prior permission of the Office of International Trade (now the Bureau of Foreign Commerce). I showed him the pertinent sections of the Comprehensive Export Schedule and informed him that he had now been warned in this matter and could no longer claim ignorance of these regulations. He took note of the subscription data and stated that he planned to subscribe to the Comprehensive Export Regulations."

It seems to me that these respondents, by reason of their history of violations, should have been the subjects of remedial action long before now, and it may be that such action was not taken either because of their past protestations that they would comply with our regulations or because evidence sufficient to support findings on which remedial action could be based was not available. Such evidence now has been presented in this proceeding. It is quite apparent that, if respondents be permitted to receive any goods from the United States, the likelihood of such goods being transshipped to unauthorized destinations and persons is a certainty. It is, therefore, my recommendation that they be denied all export privileges so long as the exportation of goods from the United States is subject to control.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. Henceforth, and for the duration of export controls, the respondents, Anc. Etabl. Hofman and Andre Gryp, be, and they hereby are suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondents, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they may be related, now or hereafter, by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

III. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, shall, on behalf of or in any association with either respondent or any related party, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in any exportation from the United States. Nor shall any such person, firm, corporation, or other business organization do any of the foregoing acts with respect to any exportation in which such respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: February 24, 1958.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58-1492; Filed, Feb. 26, 1958; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. SR-2274, SR-2275]

JAMES H. BROWN AND ROBERT J. SULLIVAN

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of James T. Pyle, Administrator of Civil Aeronautics, complainant v. James H. Brown, Docket No. SR-2274 and Robert J. Sullivan, Docket No. SR-2275, respondents.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned to be held on March 4, 1958 is postponed to March 18, 1958, 10:00 a. m., e. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue, NW., Washington 25, D. C., before the Board.

Dated at Washington, D. C., February 21, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-1506; Filed, Feb. 26, 1958; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12250; FCC 58M-164]

SACRAMENTO TELECASTERS, INC.
(KBET-TV)

ORDER CONTINUING HEARING

In re application of Sacramento Telecasters, Inc. (KBET-TV), Sacramento, California, Docket No. 12250, File No. BMPCT-2633; for modification of construction permit.

On the oral request of counsel for applicant, and without objection by counsel for the Broadcast Bureau: *It is ordered,* This 20th day of February 1958, that the hearing now scheduled for February 24, 1958, is continued to Monday, March 10, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C.

Released: February 21, 1958.

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

[F. R. Doc. 58-1499; Filed, Feb. 26, 1958; 8:52 a. m.]

[Docket No. 12290; FCC 58M-174]

WRATHER-ALVAREZ BROADCASTING, INC.

ORDER CONTINUING HEARING

In re application of Wrather-Alvarez Broadcasting, Inc., Yuma, Arizona, Docket No. 12290, File No. BMPCT-4563; for extension of time within which to construct.

It is ordered, This 21st day of February 1958, with the consent of both parties to the proceeding, that hearing herein, which is presently scheduled for February 28, 1958, is continued to March 28, 1958; *And, it is further ordered,* That applicant's "Motion for Continuance", filed February 20, 1958, is dismissed as moot.

Released: February 24, 1958.

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

[F. R. Doc. 58-1500; Filed, Feb. 26, 1958; 8:52 a. m.]

[Docket No. 12291; FCC 58M-171]

GRANITE STATE BROADCASTING CO., INC.
(WKBR)

ORDER SETTING PREHEARING CONFERENCE

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

It is ordered, This 20th day of February 1958, that, pursuant to the provisions of § 1.111 of the Commission's rules (as revised, effective February 3, 1958), all parties to the above-entitled proceeding or their counsel are directed to appear for a prehearing conference at the offices of the Commission in Washington, D. C., at 10:00 a. m., on March 5, 1958, for the purpose of considering the following:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) Such other matters as will be conducive to an expeditious conduct of the hearing.

Released: February 21, 1958.

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

[F. R. Doc. 58-1501; Filed, Feb. 26, 1958; 8:53 a. m.]

[Docket Nos. 12323, 12324; FCC 58-146]

CONNECTICUT WATER CO. AND WOOLDRIDGE BROS., INC.

MEMORANDUM OPINION AND ORDER SCHEDULING ORAL ARGUMENT

In the matter of the applications of The Connecticut Water Company, Clinton, Connecticut, Docket No. 12323, File Nos. 7713-IW-P/L-M, 7714-IW-ML-M, 7715-IW-ML-M, 7716-IW-P/L-M; for radio station authorizations in the Power Radio Service; Wooldridge Bros., Inc., West Hartford, Connecticut, Docket No. 12324, File No. 8266-LC-M; for radio station authorizations in the Citizens Radio Service.

1. The Commission has before it for consideration two separate Protests and Petitions for Review, Reconsideration, and Other Relief, concerning grants to separate applicants, submitted to the Commission pursuant to sections 5 (d), 309 (c), and 405 of the Communications Act of 1934, as amended. Inasmuch as the facts alleged to show status as a party in interest and the facts or law relied upon to show that the grants specified should not have been made are substantially the same, except as specifically noted below, the two protests and petitions have been consolidated for consideration.

2. The first protest was filed on January 2, 1958, by Herbert Rosenberg, d/b as Mobile Communications Service Station (hereinafter called Mobile Communications). This protest is directed against the Commission's action of December 3, 1957, granting without hearing the above-described applications of The Connecticut Water Company (hereinafter called Connecticut Water) for authorizations in the Power Radio Service to cover three base transmitters and twelve mobile transmitters (call signs KCF 530, KCD 824, KD 5108, KCF 531). Connecticut Water filed an Opposition and Answer on January 13, 1958, and Mobile Communications filed a reply thereto on January 27, 1958.

3. The second protest was filed January 13, 1958, by Huntress Electronics, Inc. (hereinafter called Huntress). This protest is directed against the Commission's action of December 16, 1957, granting without hearing the above-described application of Wooldridge Bros., Inc., (hereinafter called Wooldridge) for an authorization in the Citizens Radio Service to cover fifteen radio transmitters (call sign 1WO388). Wooldridge filed an Opposition and Answer on January 24, 1958, and Huntress filed a Reply thereto on January 29, 1958.

4. Both protestants allege that the respective applicants, Connecticut Water and Wooldridge, obtain their radio equipment and maintenance thereof from The Southern New England Telephone Company [1] (hereinafter called the Telephone Company) under lease-maintenance contracts; that the Telephone Company is a subsidiary of AT&T within the meaning of the Consent Decree [2] and is therefore restrained and enjoined from entering into any new lease-maintenance agreement with persons who were not lessees of private communications systems as of March 9, 1956; that since Connecticut Water and Wooldridge were not the licensees of such systems as of March 9, 1956, the agreements with the Telephone Company violate the Consent Decree; that the Commission's grants facilitate and sanction such violation of the Decree; that even if Connecticut Water Company's predecessor may have had a contract as of March 9, 1956, as claimed, no substitution of parties as lessees and no additions to existing systems are contemplated under the Decree; that the arrangements entered into by the Telephone Company for rental of equipment, with installation, replacement of parts, and servicing and maintenance, as a package deal for one price, is a tie-in arrangement which substantially lessens competition or tends to create a monopoly in violation of section 3 of the Clayton Act; [3] and that the grants by the Commission to applicants facilitate and sanction such violation of the Clayton Act, all of which are contrary to the public interest.

5. Protestants also allege that they are independent service organizations engaged in furnishing maintenance services to private communications systems such as those contemplated by the respective applicants. In particular, Mobile Communications alleges that it does business in and around Bridgeport, Connecticut, including the geographical area in which Connecticut Water operates; whereas Huntress alleges that it does business in and around Hartford, Connecticut, which includes the operational area of Wooldridge. The essence of protestants' arguments alleging economic injury are twofold:

(a) In any given area, there is available at any given point in time only a limited number of potential customers in a position to take the communications equipment maintenance and repair services which protestants perform. The lease-maintenance contracts between the respective applicants and the Telephone Company have reduced the supply of potential customers in protestants' areas of operations. These lease-maintenance contracts were conditioned upon Commission grants, a fact known to the Commission, and except for the Commission's action in making the grants, the contracts would not have become operative. Thus, protestants assert, the Commission's action in making the grants protested resulted in channeling away potential service and maintenance business to the Telephone Company, to the economic detriment of the protestants.

(b) In addition to having the size of the available service and maintenance customer pie in their operating areas reduced because of the protested grants, the protestants assert that the competition resulting from the grants is unlawful competition which compounds the nature of their economic injury. It is urged that the Commission grants, as the final link of a chain of events leading to the operational effectiveness of the lease-maintenance contracts with the Telephone Company, facilitate and sanction illegal competition to the protestants, as well as others similarly situated, in violation of the Consent Decree; implements a lease-maintenance tie-in arrangement by the Telephone Company in violation of the Clayton Act; and creates precedent for continued unlawful or illegal competition by the Telephone Company. Thus, it is asserted, it is the Commission's action which has set such illegal competition into motion, albeit the Commission has a duty, in the public interest, not to facilitate a violation of the Consent Decree, on the one hand, and on the other, a specific duty by reason of section 602 (d) of the Communications Act, to enforce the provisions of the Clayton Act as it pertains to common carriers engaged in wire or radio communication or radio transmission of energy.

6. Mobile Communications states that its gross income from servicing communications systems in 1956 was $25,352 and Huntress indicates its gross income from the same business for the same period was about $30,000. The apparent purpose of revealing such revenue is to show that the loss of opportunity to service the radio systems under protest, although not large systems, would be significant and substantial to the protestants. Furthermore, protestants contrast their

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[1] In view of the fact that the protests did not indicate service upon the Telephone Company, copies thereof were forwarded to it by the Commission. By letters dated January 16 and 23, 1958, the Telephone Company advised that they had seen the oppositions which had been filed by the applicants, and "believe that the statements of fact and conclusions therein pertaining to The Southern New England Telephone Company are correct and reflect the position of this Company. We, therefore, see no need for further comments at this time * * *." Copies of the protests were forwarded also to the Anti-Trust Division of the Department of Justice.

[2] Final Judgment, United States of America v. Western Electric Company, Inc., and American Telephone and Telegraph Company, Civil Action No. 17-49, United States District Court for the District of New Jersey, dated January 24, 1956. See Section V thereof.

[3] 15 U. S. C. sec. 14.

competitive standing with the claimed dominant economic position of the Telephone Company, standing alone and also as a subsidiary of The American Telephone and Telegraph Company, and assert that the economic injury they will suffer, if the Commission permits the instant grants and similar ones to be made despite the prohibitions of the Consent Decree and the Clayton Act, may force them out of business entirely.

7. Protestants claim to be parties in interest or persons aggrieved within the meaning of sections 5 (d), 309 (c) and 405 of the Communications Act of 1934, as amended, on the basis of economic injury alleged to result from the Commission's grants being protested. They request, therefore, that the Commission set aside the grants of the above-described applications of Connecticut Water and Wooldridge and designate such applications for hearing and determination "upon briefs and oral argument or otherwise" as to specified issues. Mobile Communications requests that such issues be as follows:

(1) Whether the Southern New England Telephone Company is prohibited by section V of the Consent Decree entered in United States v. Western Electric Company, Inc., et al (D. C. N. J. 1956) from engaging in the lease-maintenance business, and if so, whether this prohibition is violated by the proposed arrangement between the Southern New England Telephone Company and the applicant.

(2) Whether the proposed contract between the Southern New England Telephone Company and the applicant is in violation of section 3 of the Clayton Act.

(3) Whether in view of the determinations reached under the foregoing, the Commission's grant should be set aside as contrary to the public interest.

Huntress requests that the issues should be:

(1) Whether the applicant satisfies the ownership and control requirements with respect to the radio properties by virtue of its lease and maintenance contract with the Southern New England Telephone Company, which contract is unlawful by reason of section V of the Consent Decree and section 3 of the Clayton Act.

(2) Whether the grant to the applicant is contrary to the public interest because its lease and maintenance contract with the Southern New England Telephone Company is in violation of section V of the Consent Decree and section 3 of the Clayton Act.

Both protestants request that the Commission postpone the effectiveness of the grants pending determination of the above issues. In the alternative, protestants suggest that the Commission has an obligation to vacate, sua sponte, these grants as being incompatible with the public interest, and that it should institute action under section 11 of the Clayton Act[4] to enforce compliance with section 3 of such act by the Telephone Company.

8. Connecticut Water, in opposition and answer to Mobile Communications, states that it is a Connecticut corporation engaged in collecting, storing, and delivering water through mains to the general public in three areas in the State of Connecticut, none of which is within twenty miles of Bridgeport, and thus, is not within the same operational area as this protestant. Further, Connecticut Water asserts that the protest is not directed to any of its operations under its radio licenses, but only concerns the activities of a company from which Connecticut has chosen to obtain its radio equipment and servicing; that Mobile Communications is not in competition with the Telephone Company for the services being rendered in the operational area of Connecticut Water; that the crux of protestant's complaint is its status as a competitor of the Telephone Company in other geographical areas wholly apart from the grants to Connecticut Water; and that future or potential competition from the Telephone Company is not relevant to the required showing by Mobile Communications that it is a party in interest to the specific radio grants protested. Furthermore, Connecticut Water argues that, even if Mobile Communications could qualify as a competitor, it has failed to show the requisite direct causal relationship between its alleged economic injury and the grant of the applications to Connecticut Water.

9. The position of Wooldridge as to the status of Huntress as a party in interest appears to be that the protestant's interest is too remote inasmuch as it is a competitor, not of Wooldridge, but of a third party (the Telephone Company) with whom Wooldridge has made collateral arrangements.

10. With reference to the matters relied upon by protestants to show that the grants should not have been made, the applicants state that it is their understanding that the Telephone Company is not a subsidiary of AT&T. Further, they invite attention to the Commission's letter to the Southern New England Telephone Company, dated May 18, 1956, wherein the Commission stated, in essence, that in passing upon applications for radio station licenses where the applicants propose lease-maintenance arrangements with the Telephone Company, the Commission would not make the initial presumption that such arrangements are in derogation of the Consent Decree. Connecticut Water makes the special point that its arrangement with the Telephone Company relates back to a lease-maintenance contract between a predecessor company and the Telephone Company, dated April 1955. Therefore, it claims, even if the Telephone Company is governed by the Consent Decree, its contract with the Telephone Company complies with the Decree. Wooldridge claims that the Consent Decree "issue is irrelevant in acting upon the application of Wooldridge Bros. to operate a private mobile communications system." Both applicants meet the allegation of a Clayton Act violation by saying that they are satisfied with their lease-maintenance contracts and entered into them voluntarily. Additionally, Wooldridge invites attention to the Commission's statement relative to the Clayton Act matter when dealing with a petition for a declaratory judgment that it was unable on the basis of the facts then before the Commission to determine that such arrangements were per se contrary to the public interest.[5] As to both the Consent Decree and Clayton Act allegations, Wooldridge says such matters are being handled in the AT&T tariff proceeding now before the Commission in Docket No. 11972; that it has no special knowledge or understanding of the Clayton Act, Consent Decree, or other anti-trust laws; and that it should not be called upon as a radio station applicant to argue such questions.

11. To show standing to protest under section 309 (c) of the act, a protest must contain allegations of fact which will show the protestant to be a party in interest and shall specify with particularity the facts relied upon by the protestant as showing the grant was improperly made or otherwise not in the public interest. It is well established that the meaning of the term "party in interest" as used in section 309 (c) is the same as the meaning of the terms "person aggrieved or whose interests are adversely affected", as used in section 405. It also appears that the term "person aggrieved" as used in section 5 (d) has an equivalent meaning.

12. The standards for determining whether a person is a "party in interest" for the purposes of maintaining a protest are not delineated in section 309 (c) or elsewhere in the act. However, it is well established that under the test provided by the Sanders case (FCC v. Sanders Bros., 309 U. S. 470), the touchstone of any determination of who is a "party in interest" from an economic standpoint under section 309 (c) is one of direct and immediate competitive injury which gives "standing" without reaching the level of a legal right. See Associated Industries v. Ickes, 134 F. (2d) 694 (2d Cir. 1943); United States Cane Sugar Refiners' Assn. v. McNutt, 138 F. (2d) 116 (2d Cir. 1943); National Coal Association v. Federal Power Commission, 191 F. (2d) 462 (D. C. Cir. 1951). Further, the injury must be reasonably certain and definite, and not nominal or speculative, National Broadcasting Co. (KOA) v. Federal Communications Commission, 132 F. (2d) 545 (D. C. Cir. 1942), aff'd 319 U. S. 239 (1943). It is therefore incumbent upon a protestant, in meeting the "party in interest" requirement of section 309 (c), to establish that the grant complained of has resulted in or is reasonably likely to result in some injury of a direct, tangible and substantial nature. T. E. Allen & Sons, 9 Pike and Fischer RR 197; Midwest Television, Inc., 9 Pike and Fischer RR 611; Ohio Valley Broadcasting Corporation, 10 Pike and Fischer RR 452. However, it would be unreasonable and improper to require that in all cases future injury be shown as absolutely certain to occur. See Metropolitan Broadcasting Co. v. Federal Communications Commission, 95 U. S. App. D. C. 326; 221 F. (2d) 879.

13. We have considered very carefully the allegations set forth in the protests and the statements of the applicants and

[4] 15 U. S. C. sec. 21. See also sec. 602 (d) of the Communications Act.

[5] In the Matter of Leland G. Smith et al, FCC 58-21, 53173 (1958).

are of the opinion that both protestants have shown themselves to be parties in interest. It is plain that the ultimate sources of protestants' economic injury stems from the competition of the Southern New England Telephone Company in the business of furnishing maintenance service, and it is equally plain that except for the grants made by the Commission, specific competition indicated would not exist. It is also true that there are intervening variables in the chain of events from the grant of the applications to the economic injury to the protestants, but it appears to us that the last and moving cause of the injury has been the action of the Commission. As stated by the United States Court of Appeals for the District of Columbia in Greenville Television Company v. F. C. C. (221 F. 2d 870 (D. C. Cir. 1955)). "However, the economic injury that gives standing, under Federal Communications Commission v. Sanders Bros. Radio Station, 309 U. S. 470, to oppose Commission action, is seldom if ever a direct result of Commission action. Even the grant of a new station license does not automatically take advertising revenue away from existing licensees, but only creates a situation in which the new licensee may be able to get the revenue by private negotiation, yet existing licensees are 'adversely affected' and 'parties in interest'." See also Granik & Cook v. F. C. C., 13 Pike and Fischer RR 2185; Greater Huntington Radio Corporation, 14 Pike and Fischer RR 270; R. J. Laros & Bro., 11 Pike and Fischer RR 355; and Q Broadcasting Company, 14 Pike and Fischer RR 1168.

14. It is the further view of the Commission that the protestants have stated with particularity the facts or law relied upon to show why the grants being protested were improperly made or would otherwise not be in the public interest. If protestants are able to sustain either their claims of violation of the Consent Decree or the Clayton Act, there would be a substantial effect upon the public interest in making the grants being protested. This is the first time such matters have been brought to the attention of the Commission with reference to specific grants of applications. As such, our finding herein is not inconsistent with our letter to The Southern New England Telephone Company described above. We have not made an initial presumption that its lease-maintenance activities are in violation of the Consent Decree, as evidenced by the grants being protested; but we cannot ignore, without an opportunity to be heard, the specific allegations of the protestants in this regard. Furthermore, the proceeding in Docket No. 11872 will not necessarily determine the Consent Decree and Clayton Act questions presented here in relation to specific lease-maintenance contracts.

15. We turn then to the question as to whether we should stay the effectiveness of the above-described grants. Section 309 (c) provides, in pertinent part, as follows:

> • • • pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

In this connection, we observe that Connecticut Water was the licensee of a radio communications system consisting of one base transmitter and ten mobile transmitters at the time the Commission made the subject grants to it on December 3, 1957. Such grants authorized it to alter its radiocommunication system to consist of three base transmitters and twelve mobile units in order to provide for services in areas to which its operations had expanded. We are of the opinion, therefore, that the authorizations are necessary for the maintenance and conduct of an existing service. On the other hand, it is clear that the grant to Wooldridge does not involve an existing radio service and applicant has made no showing that the public interest requires that such grant remain in effect. In view of these facts, we are unable to determine that the public interest requires that the grant to Wooldridge be continued in effect during the pendency of this proceeding.

16. There remains for consideration the suggestion of protestants that the Commission, on its own motion, should institute action, under section 11 of the Clayton Act, against the Telephone Company. Since, however, the Commission has determined that one of the issues to be heard in the instant proceeding is the alleged violation by the Telephone Company of the Clayton Act, it is believed to be premature and superfluous at this time to institute proceedings under section 11 of that act.

17. Finally, while not expressly stated, it appears that protestants may intend that their protests comprehend requests, under section 5 (d) of the Communications Act, that the Commission review the action of its staff, under applicable delegations of authority, in granting the above-described applications. Subject to the action herein ordered with respect to providing oral argument on the issues raised by protestants, we hereby affirm the action of the staff in making such grants.

18. Basically, it appears to us that at least in part the questions raised by protestants are essentially matters of law which may be resolved on the basis of oral argument and the filing of briefs on the questions of law presented. Such view seems to accord with the requests of protestants, as indicated above. In view of the decision to have oral argument, we are including the question which appears to have been raised as to whether the contracts per se are violative of section 3 of the Clayton Act. In the Matter of Leland G. Smith, et al. (FCC 58–21, 53173), with respect to such contracts as the instant one, we stated that "we are unable to determine that such arrangements are per se contrary to the public interest." This is particularly true in the absence of facts which delineate the effect of such contracts upon competition. Since, however, the question has been raised by protestants, opportunity will be afforded them to argue this matter as well as other questions which have been specified. If it should subsequently appear that there is a need for an evidentiary hearing with respect to any factual matter, an appropriate order will be entered at that time. Accordingly, we are adopting, in substance, the issues requested by protestants.

In view of the foregoing: *It is ordered,* That, effective immediately, the effective date of the grant of the above-captioned application of Wooldridge Bros., Inc., is postponed pending a final determination by the Commission; that the request for postponement of the effective date of the grant of the above-captioned application of The Connecticut Water Company is denied; that the petitions of protestants are granted to the extent herein provided and denied in all other respects; and that pursuant to the provisions of section 309 (c) of the Communications Act of 1934, as amended, oral argument be held before the Commission en banc, commencing at 10:00 a. m., April 15, 1958, on the following issues:

(1) Whether the lease-maintenance arrangements between the Telephone Company and the respective applicants specified above are in violation of the Consent Decree.

(2) Whether the lease-maintenance arrangements between the Telephone Company and the respective applicants specified above are per se in violation of section 3 of the Clayton Act.

(3) Whether, in light of the determinations reached in the foregoing issues, the public interest, convenience, and necessity would be served by the grant of the above-described applications of The Connecticut Water Company and Wooldridge Bros., Inc.

It is further ordered, That the protestants and applicants herein and the Southern New England Telephone Company are hereby made parties to this proceeding; and that

(1) Each such party intending to participate in oral argument shall file a statement of intention to appear not later than March 10, 1958.

(2) The parties to the proceeding shall have until 30 days prior to the date of oral argument to file briefs or memoranda of law, and 15 days after the filing of such briefs or memoranda of law to file a reply thereto.

It is further ordered, That the Secretary shall notify the United States Department of Justice of this matter by sending to the Department a copy of this Memorandum Opinion and Order; and that the Department is hereby granted leave to intervene in this proceeding upon filing a statement of intention to participate herein as provided in subparagraph (1) above.

Adopted: February 12, 1958.

Released: February 24, 1958.

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

[F. R. Doc. 58–1502; Filed, Feb. 26, 1958; 8:53 a. m.]

[Docket No. 12326; FCC 58-156]

HARDIN COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Harvard C. Bailes and Val D. Hickman, d/b as The Hardin County Broadcasting Company, Silsbee, Texas, Docket No. 12326, File No. BP-11166; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of February 1958;

The Commission having under consideration the above-captioned application of The Hardin County Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1300 kilocycles with a power of 500 watts, daytime only, at Silsbee, Texas;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as indicated from the issues specified below, to operate his proposed station, but that the proposed operation would cause objectionable interference to Stations KIKS, Sulphur, Louisiana (1310 kc, 5 kw, DA-N, U) and KXYZ, Houston, Texas (1320 kc, 5 kw, DA-N, U); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated December 12, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that timely replies were received from the instant applicant and the licensees of Stations KIKS and KXYZ indicating that they would appear and participate at a hearing on the subject application; and

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

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

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

2. To determine whether the instant proposal would cause objectionable interference to Stations KIKS, Sulphur, Louisiana, and KXYZ, Houston, Texas, or any other existing standard broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned application would be in the public interest.

It is further ordered, That Lake Broadcasting Company, licensee of Station KIKS, Sulphur, Louisiana, and Houston Broadcasting Corporation, licensee of Station KXYZ, Houston, Texas, are made parties to the proceeding.

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

Released: February 24, 1958.

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

[F. R. Doc. 58-1503; Filed, Feb. 26, 1958; 8:53 a. m.]

[Docket No. 12327; FCC 58-157]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Montrose, Pa	---	243

3. The purpose of the proposed amendment is to ma ke available Channel 243 in Montrose, Pennsylvania, for a proposed new Class B FM Broadcast station there as requested in an application (File No. BPH-2364) submitted by the Montrose Broadcasting Corporation.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before March 21, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 20, 1958.

Released: February 24, 1958.

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

[F. R. Doc. 58-1504; Filed, Feb. 26, 1958; 8:53 a. m.]

[Docket No. 12328; FCC 58-158]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Southern Pines, N. C	---	247

3. The purpose of the proposed amendment is to make Channel 247 available for assignment in Southern Pines, North Carolina, as requested in a petition submitted on behalf of the Sandhill Community Broadcasters, Inc., licensee of Station WEEB(AM), which proposes to file an application for a Class B FM broadcast station in that city.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before March 21, 1958 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies

of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 20, 1958.

Released: February 24, 1958.

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

[F. R. Doc. 58-1505; Filed, Feb. 26, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12415]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 21, 1958.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation, with its principal place of business at Shreveport, Louisiana, filed an application on April 15, 1957, for a certificate of public convenience and necessity to construct and operate certain facilities to enable it to sell natural gas upon an interruptible basis direct to American Cyanamid Company for consumption at its new acrylic fiber plant near Pensacola, Santa Rosa County, Florida. The proposed construction will consist of a 6-inch tap on Applicant's 16-inch lateral and approximately 2.55 miles of 6-inch pipeline extending from a point near Floridatown to and including a meter station to be located at the customer's plant site, all as more fully described in the application on file with the Commission and open to public inspection.

The estimated total cost of the facilities proposed is $99,217, which costs will be financed from current funds.

The estimated peak day requirements of the customer are 4,250 Mcf. and the annual estimated requirements for the first three years are 1,200,000 Mcf. per year. All service is to be upon an interruptible basis.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 20, 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) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 15, 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.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-1473; Filed, Feb. 26, 1958; 8:47 a. m.]

[Project No. 2146]

ALABAMA POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

FEBRUARY 21, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Alabama Power Company, licensee for Project No. 2146, for amendment of its license for the project so as to change the construction schedule specified in Article 33 of the license for the five hydroelectric developments comprising the complete project. Said Article 33 requires that construction of the five developments be commenced and completed within fixed periods of time from the effective date of the license, namely, August 1, 1957. The licensee seeks to tie the construction schedule to September 4, 1957, the date of issuance of the license, in conformity with the requirements of section 12 of Public Law 436 (68 Stat. 302).

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 10, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-1474; Filed, Feb. 26, 1958; 8:47 a. m.]

[Docket No. G-14497]

EDWIN L. COX

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

FEBRUARY 21, 1958.

Edwin L. Cox (Cox) on January 23, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated January 20, 1958.

Purchaser: Panhandle Eastern Pipe Line Company.

Rate schedule designation: Supplement No. 2 to Cox's FPC Gas Rate Schedule No. 15.

Effective date: March 22, 1958. (Effective date is the effective date proposed by Cox.)

In support of the proposed periodic rate increase, Cox cites the pertinent pricing provisions of the contract and states that the pricing provisions collectively represent the negotiated contract price. Cox further states that such pricing arrangements are common in long term contracts in order to permit a lower initial price which is economically desirable to all parties.

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. 2 to Cox's FPC Gas Rate Schedule No. 15 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. 2 to Cox's FPC Gas Rate Schedule No. 15.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 22, 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. 58-1475; Filed, Feb. 26, 1958; 8:47 a. m.]

[Docket No. G-14498]

GENERAL AMERICAN OIL COMPANY OF TEXAS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

FEBRUARY 21, 1958.

General American Oil Company of Texas (General American) on January 23, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are con-

tained in the following designated filings:

Description: (1) Notice of change, dated January 7, 1958. (2) Notice of change, dated January 6, 1958. (3) Notice of change, dated January 6, 1958.

Purchaser: Lone Star Gas Company.

Rate schedule, designation: (1) Supplement No. 1 to General American's FPC Gas Rate Schedule No. 23. (2) Supplement No. 1 to General American's FPC Gas Rate Schedule No. 12. (3) Supplement No. 1 to General American's FPC Gas Rate Schedule No. 14.

Effective date: February 23, 1958. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed periodic rate increases, General American quotes the contract pricing provisions and states that the contracts were negotiated at arm's-length and the price schedules were part of the consideration for the commitment of the reserves.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 1 to General American's FPC Gas Rate Schedules Nos. 12, 14 and 23, respectively, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 1 to General American's FPC Gas Rate Schedules Nos. 12, 14 and 23, respectively.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until July 23, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission. (Commissioners Digby and Kline dissenting.)

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

[F. R. Doc. 58-1476; Filed, Feb. 26, 1958; 8:47 a. m.]

[Docket No. G-14499]

GENERAL AMERICAN OIL COMPANY OF TEXAS ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

FEBRUARY 21, 1958.

General American Oil Company of Texas, (Operator), et al. (General American), on January 23, 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 January 6, 1958.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 1 to General American's FPC Gas Rate Schedule No. 20.

Effective date: February 23, 1958. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed periodic rate increase, General American quotes the contract pricing provision and states that the contract was negotiated at arm's-length and the price schedule was part of the consideration for the commitment of the reserves.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to General American's FPC Gas Rate Schedule No. 20 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to General American's FPC Gas Rate Schedule No. 20.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until July 23, 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. 58-1477; Filed, Feb. 26, 1958; 8:47 a. m.]

[Docket No. G-14500]

LAMAR HUNT

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

FEBRUARY 21, 1958.

Lamar Hunt (Hunt) on January 23, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated January 22, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Hunt's FPC Gas Rate Schedule No. 1.

Effective date: February 23, 1958. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed favored-nation rate increase, Hunt states that the basis for the change in rate is to fulfill the contract obligations of both parties. Hunt further states that the contract was arrived at by arm's-length negotiations and disallowance of the proposed price would be deprivation of 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. 4 to Hunt's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Hunt's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until July 23, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

expired, unless otherwise ordered by the Commission.

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

By the Commission. (Commissioner Kline dissenting.)

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

[F. R. Doc. 58-1478; Filed, Feb. 26, 1958; 8:48 a. m.]

[Docket No. G-14501]

N. B. HUNT

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

FEBRUARY 21, 1958.

N. B. Hunt (Hunt) on January 23, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated January 22, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Hunt's FPC Gas Rate Schedule No. 1.
Effective date: February 23, 1958. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed favored-nation rate increase, Hunt states that the basis for the change in rate is to fulfill the contract obligation of both parties. Hunt further states that the contract was arrived at by arm's-length negotiations and disallowance of the proposed price would be deprivation of 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. 4 to Hunt's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Hunt's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until July 23, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission. (Commissioner Kline dissenting.)

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

[F. R. Doc. 58-1479; Filed, Feb. 26, 1958; 8:48 a. m.]

[Docket No. G-14502]

W. H. HUNT

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

FEBRUARY 21, 1958.

W. H. Hunt (Hunt) on January 23, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated January 22, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Hunt's FPC Gas Rate Schedule No. 1.
Effective date: February 23, 1958. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed favored-nation rate increase, Hunt states that the basis for the change in rate is to fulfill the contract obligation of both parties. Hunt further states that the contract was arrived at by arm's-length negotiations and disallowance of the proposed price would be deprivation of 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. 4 to Hunt's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Hunt's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until July 23, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission. (Commissioner Kline dissenting.)

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

[F. R. Doc. 58-1480; Filed, Feb. 26, 1958; 8:48 a. m.]

[Docket Nos. G-12185, G-12189]

OHIO OIL CO. AND UNITED GAS PIPE LINE CO.

NOTICE OF HEARING

FEBRUARY 24, 1958.

The Ohio Oil Company (Ohio) and United Gas Pipe Line Company (United) have heretofore filed applications in the above-captioned proceedings for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Ohio to sell natural gas in interstate commerce produced from the Theall Area, Vermilion Parish, Louisiana, to United for resale and United to construct and operate the facilities necessary to take such gas into its existing pipeline system. Notice of the filing of these applications and their consolidation for purposes of hearing was issued on September 4, 1957 and published in the FEDERAL REGISTER on September 7, 1957 (22 F. R. 7192). This notice also fixed September 25, 1957 as the last day for filing protests or petitions to intervene in the instant proceeding.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 13, 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 applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise

advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-1489; Filed, Feb. 26, 1958; 8:50 a. m.]

[Docket Nos. G-11797, G-12580]

EL PASO NATURAL GAS CO.

ORDER WAIVING INTERMEDIATE DECISION PROCEDURE AND SETTING DATE FOR ORAL ARGUMENT

FEBRUARY 24, 1958.

On February 17, 1958, at the conclusion of the hearing in the above-captioned proceedings, counsel for El Paso Natural Gas Company moved on the record that the intermediate decision procedure be waived as provided by Rule 1.30 (c) of the Commission's rules of practice and procedure and as a part of such motion waived the opportunity for filing briefs but requested the opportunity for oral argument before the Commission.

In support of such motion, El Paso's counsel stated that El Paso's gas pipe line bond purchase agreements will expire on March 31, 1958, and that in view of the decision of the United States Court of Appeals for the District of Columbia Circuit, in case No. 13,666, Memphis, Light and Water Division; City of Memphis, Tennessee; and Mississippi Valley Gas Company, Petitioners, v. Federal Power Commission, Respondent, et al., decided November 21, 1957, El Paso does not believe that it can renew the bond purchase agreements or extend the date thereof, thus jeopardizing in part the financing of the projects covered by the applications filed in Docket Nos. G-11797 and G-12580 in the event action is not taken by the Commission on or before March 31, 1958.

The motion was concurred in by Pacific Gas and Electric Company, Southern California Gas Company, Southern Counties Gas Company of California and Southern California Edison Company. San Diego Gas and Electric Company also supported the motion to waive the intermediate decision procedure insofar as it related to Docket No. G-11797, but opposed the motion with respect to omission in Docket No. G-12580. Staff counsel took no position either for or against the motion.

It is not the Commission's policy to waive intermediate decision procedure. However, by the terms of the agreement dated October 25, 1957, between El Paso and 36 institutional investors for the sale and purchase of $60,000,000 principal amount of El Paso's first mortgage pipe line bonds, 5⅜ percent series due 1975, which constitutes a substantial part of El Paso's program for financing the construction involved in these proceedings, it is provided that the initial closing date for the sale and purchase of $29,181,000 principal amount of the bonds shall in no event be later than March 31, 1958. In view of the exigency created by the imminence of the financing deadline and having in mind the desirability of reaching decisions on El Paso's applications in Dockets G-11797 and G-12580 before the deadline, the Commission considers that good cause has been shown for waiving the intermediate decision procedure and for allowing oral argument before the Commission. Moreover, the Commission is mindful of the fact that, after the hearing in this proceeding was first recessed on July 17, 1957, it was not resumed until January 28, 1958, at which time El Paso reopened its case-in-chief and introduced further direct evidence, and the hearing was not concluded until February 17, 1958.

The waiver of the intermediate decision procedure in these cases shall not be considered as establishing a precedent for any future proceeding.

The Commission finds:

(1) The due and timely execution of the Commission's functions imperatively and unavoidably requires the omission of the intermediate decision procedure.

(2) Good cause has been shown for waiving the intermediate decision procedure, and to provide for optional filing of briefs, and for allowing oral argument before the Commission at the time hereinafter fixed.

The Commission orders:

(A) The intermediate decision procedure in the above-entitled cases is hereby waived.

(B) The filing of briefs is optional. Parties desiring to file briefs shall do so not later than March 6, 1958.

(C) Oral argument before the Commission shall be held on March 7, 1958, at 10 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C. All parties desiring to participate in the oral argument shall inform the Secretary of the Commission in writing of the length of time desired for argument not later than March 3, 1958.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-1509; Filed, Feb. 26, 1958; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1021]

GUNN AND MCCRARY, INC.

ORDER PERMANENTLY SUSPENDING EXEMPTION

FEBRUARY 19, 1958.

Gunn and McCrary, Incorporated ("the Company"), of Shreveport, Louisiana, having filed with the Commission on April 20, 1956, a notification and an offering circular relating to an offering of 97,900 shares of its $1.00 par value capital stock at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder;

The Commission on July 20, 1957, having issued an order pursuant to Rule 223 (a) under the Securities Act of 1933, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 223 (b);

A hearing having been requested by the Company, and the Commission having issued an order for a hearing to determine whether to vacate its order temporarily suspending the exemption or to enter an order permanently suspending the exemption, alleging the unavailability of the exemption because of, among other things, the noncompliance with the terms and conditions of Regulation A in that the offering circular contained material misstatements and omited material facts with respect to the Company's properties and oil reserves, the production history of its wells and the expected results if additional wells are drilled, and the Company's financial condition and history;

The Company having waived the hearing previously requested and consented to the entry of an order permanently suspending the exemption under Regulation A;

It is ordered, Pursuant to Rule 223 under the Securities Act of 1933, that the exemption from registration with respect to the above described offering of securities of Gunn and McCrary, Incorporated be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-1486; Filed, Feb. 26, 1958; 8:50 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XI-1, Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Delegation of Authority No. 30-XI-1 (22 F. R. 6538) is hereby amended by:

Deleting Part II in its entirety and substituting the following in lieu thereof:

II. The authority in sections I. A. and I. B. may not be redelegated. The authority in section I. C. may be redelegated to Financial Specialists to sign non-policy routine correspondence relating to assigned cases.

Dated: January 14, 1958.

HAROLD R. SMETHILLS,
Regional Director,
Denver Regional Office.

[F. R. Doc. 58-1487; Filed, Feb. 26, 1958; 8:50 a. m.]

[Delegation of Authority 30-III-9, Amdt. 1]

BRANCH MANAGER, PITTSBURGH, PA.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE, AND ADMINISTRATION

Delegation of Authority No. 30-III-9 (22 F. R. 7008) is hereby amended by deleting section I. B. in its entirety and

substituting the following in lieu thereof:

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA–500 Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000;

b. Participation loans in an amount not exceeding $100,000.

2. To approve or decline Limited Loan Participation Loans.

3. To approve or decline disaster loans not in excess of $50,000.

Dated: February 3, 1958.

WILLIAM H. HARMAN,
Regional Director,
Philadelphia Regional Office.

[F. R. Doc. 58–1488; Filed, Feb. 26, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 205]

MOTOR CARRIER APPLICATIONS

FEBRUARY 21, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 16903 (Sub No. 13), filed January 31, 1958. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Marble, granite, stone, slate;* cut, uncut, finished and in the rough, from points in Rutland County, Vt., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: April 14, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Lucian A. Jackson.

No. MC 16903 (Sub No. 14), filed February 10, 1958. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Marble, granite, stone, slate,* cut, uncut, finished and in the rough, from points in Campbell, Nelson, Albermarle, and Buckingham Counties, Va., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, West Virginia, Wisconsin, that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex. (2) *Stone, marble, granite, slate,* cut, uncut, finished and in the rough, from points in Gilmer and Pickens Counties, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: April 1, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Michael B. Driscoll.

No. MC 27970 (Sub No. 28), filed January 31, 1958. Applicant: CHICAGO EXPRESS, INC., 72 Fifth Avenue, New York 11, N. Y. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the site of the Olin Mathieson Chemical Corporation plant located near Mapleton, Ill., and Peoria, Ill. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Kansas, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, South Dakota, and the District of Columbia.

HEARING: March 6, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 29130 (Sub No. 84), filed December 23, 1957. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, a Corporation, 919 Walnut Street, Des Moines, Iowa. Applicant's attorneys: A. B. Howland and J. H. Martin, 500 Bankers Trust Building, Des Moines, Iowa. For authority to operate as a *common carrier,* over regular routes, transporting: *General commodities, including Class A and B explosives,* but excepting nitroglycerin, and except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, (1) between Malcom, Iowa, and Washington, Iowa, from Malcom over U. S. Highway 63 to junction Iowa Highway 85, thence over Iowa Highway 85 to junction Iowa Highway 21, thence over Iowa Highway 21 to What Cheer and return over Iowa Highway 21 to junction Iowa Highway 22, thence over Iowa Highway 22 to junction Iowa Highway 81, thence over Iowa Highway 81 to junction Iowa Highway 92, thence over Iowa Highway 92 to Washington, and return over the same route, serving the intermediate points of Montezuma, Deep River, Thornburg, Keswick, Kinross, Wellman, What Cheer, Webster, South English, and West Chester; and the off-route point of Nira; (2) between the junction of U. S. Highway 63 and unnumbered Iowa Highway and the junction of Iowa Highway 21 and unnumbered Iowa Highway, over said unnumbered Iowa Highway, serving the intermediate points of Barnes City and Gibson; as an alternate sub-route to the above-specified Route 1; (3) between Montezuma, Iowa, and Washington, Iowa, from Montezuma over U. S. Highway 63 to junction Iowa Highway 308, thence over Iowa Highway 308 to Barnes City, and return over Iowa Highway 308 to junction U. S. Highway 63, thence over U. S. Highway 63 to junction Iowa High-

way 92, thence over Iowa Highway 92 to junction Iowa Highway 21, thence over Iowa Highway 21 to What Cheer, and return over Iowa Highway 21 to junction Iowa Highway 92, thence over Iowa Highway 92 to junction Iowa Highway 108, thence over Iowa Highway 108 to Delta, and return over Iowa Highway 108 to junction Iowa Highway 92, thence over Iowa Highway 92 to junction Iowa Highway 149, thence over Iowa Highway 149 to Webster, and return over Iowa Highway 149 to junction Iowa Highway 92, thence over Iowa Highway 92 to junction of Iowa Highway 159, thence over Iowa Highway 159 to Harper, and return over Iowa Highway 159 to junction Iowa Highway 92, thence over Iowa Highway 92 to junction Iowa Highway 77, thence over Iowa Highway 77 to junction unnumbered Iowa Highway, thence over unnumbered Iowa Highway to junction Iowa Highway 22, and return over unnumbered Iowa Highway and Iowa Highway 77 to junction Iowa Highway 92, thence over Iowa Highway 92 to Washington, and return over the same route, serving the intermediate points of Barnes City, Oskaloosa, Rose Hill, What Cheer, Delta, Harper, Webster, Sigourney, Keota, and West Chester; and (4) between the junction of U. S. Highway 63 and Iowa Highway 149 and the junction of Iowa Highways 78 and 1 near Richland, from junction U. S. Highway 63 and Iowa Highway 149, over Iowa Highway 149 to Sigourney, and return over Iowa Highway 149 to junction Iowa Highway 78, thence over Iowa Highway 78 to junction Iowa Highway 1 near Richland, and return over the same route, serving the intermediate points of Sigourney and Richland, as an alternate sub-route to Route 3 above.

HEARING: March 31, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 45657 (Sub No. 21), filed February 12, 1958. Applicant: PIC-WALSH FREIGHT CO., a Corporation, 731 Campbell Street, St. Louis 15, Mo. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Olin-Mathieson Chemical Corporation plant at or near Mapleton, Ill., as an off-route point in connection with applicant's authorized regular route operations between Kansas City, Mo., and Chicago, Ill., and between Chicago, Ill., and St. Louis, Mo.

HEARING: March 6, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 60868 (Sub No. 10), filed January 29, 1958. Applicant: RUFFALO'S TRUCKING SERVICE, INCORPORATED, East Union on Lyons Road, Newark, N. Y. Applicant's attorney: Martin R. Martino, 628 Tower Building, Washington 5, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *kraut* in containers, from Newark, N. Y., and points within 75 miles of Newark, N. Y., to points in Westchester and Nassau Counties, N. Y. Applicant is authorized to transport named commodities in New Jersey and New York, and other commodities in New Jersey, New York, and Pennsylvania.

HEARING: April 4, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lucian A. Jackson.

No. MC 92822 (Sub No. 14), filed January 24, 1958. Applicant: JOHN R. LOOMIS, R. F. No. 1, Grandville, N. Y. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Fertilizer*, from Baltimore, Md., to points in Vermont and points in Washington and Saratoga Counties, N. Y.; (2) *road salt*, from Retsof, Livingston County, N. Y., to points in Vermont; (3) *calcium*, in bags, from Solvay, N. Y., to points in Vermont; and (4) *lumber*, between points in Vermont and points in that part of New York bounded by a line beginning at Westport, N. Y., on Lake Champlain and extending westerly along New York Highway 9N to its junction with New York Highway 73, thence along New York Highway 73 to Lake Placid, thence along New York Highway 86 to Saranac Lake, thence along New York Highway 3 to its junction with New York Highway 10, thence along New York Highway 10 to Blue Mountain Lake, thence along New York Highway 28 to Herkimer, thence along New York Highway 5 to Schenectady, thence along New York Highway 7 to Troy, thence along New York Highway 2 to the New York-Massachusetts State line, and thence northerly along said state line to Westport, including points on the portions of the highways specified, on the one hand, and, on the other, points in Ohio, South Carolina, North Carolina, Virginia, West Virginia, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and the District of Columbia. Applicant is authorized to transport lumber in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont; and fertilizer in New York and New Jersey.

NOTE: Duplicating authority should be eliminated.

HEARING: April 7, 1958, at the Federal Building, Albany, N. Y., before Examiner Lucian A. Jackson.

No. MC 93620 (Sub No. 11), filed February 5, 1958. Applicant: STERLING TRANSPORT CO., INC., Sterling, Mass. Applicant's attorney: Kenneth B. Williams, 89 State Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid road tar*, in bulk, in tank vehicles, from Worcester, Mass., to points in Windham, New London, Tolland, Hartford, and Middlesex Counties, Conn. Applicant is authorized to transport similar commodities in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Virginia.

HEARING: April 10, 1958, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 95540 (Sub No. 290), filed January 20, 1958. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, and *articles distributed by meat-packing houses*, as described in Appendix 1 to the Report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, 766, from Des Moines, Iowa to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: April 3, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Mack Myers.

No. MC 102608 (Sub No. 10), filed February 17, 1958. Applicant: BURLINGTON CHICAGO CARTAGE, INC., 604 North Tremont Street, Kewanee, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plant site of the Olin Mathieson Chemical Corporation located near Mapleton, Ill., one mile southeast of Mapleton, Ill., and approximately 6 miles southwest of Peoria, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Iowa, Nebraska.

HEARING: March 6, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 103461 (Sub No. 60), filed October 27, 1957, WHITFIELD TRANSPORTATION, INC., 240 West Amador Street, Las Cruces, N. Mex. Applicant's representative: J. P. Rose, 323 Canal Street, El Paso, Tex. and Attorney: Loyal G. Kaplan, Suite 924 City National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A, B and C explosives and those classified as dangerous articles*, except commodities of unusual value, household goods as defined by the Commission, commodities in

bulk, and those requiring special equipment (but not excluding those requiring refrigeration), between El Paso, Tex., and San Antonio, N. Mex., from El Paso over U. S. Highway 54 to Carrizozo, N. Mex., and thence over U. S. Highway 380 to San Antonio, and return over the same route, serving all intermediate points south of but not including Carrizozo, N. Mex., and serving Holloman Air Force Base near Alamogordo, N. Mex., as an off-route point. Applicant is authorized to conduct operations in Texas, New Mexico, Utah, Colorado, Arizona, and California.

HEARING: March 31, 1958, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33.

No. MC 111069 (Sub No. 23), filed January 31, 1958. Applicant: COLDWAY CARRIERS, INC., P. O. Box 38, State Highway No. 62, Clarksville, Ind. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Dough, bread, biscuits, rolls, cakes, cookies, pastries,* and *pies,* unbaked, from East Greenville, Pa., and points within ten (10) miles of East Greenville, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and to Atlanta, Ga., and Louisville, Ky. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states that the site of the Pillsbury Mills, Inc., plant, located at Downingtown, Pa., at which point prepared dough products, unbaked, are manufactured and transported by applicant, is to be moved to a new plant site located within a ten-mile radius of East Greenville, Pa. The instant application names the same destination territory now being served by applicant from Downingtown, Pa., under Permit Nos. MC 111069 Sub Nos. 1, 8 and 14, except the States of Michigan and North Carolina are additional States not authorized to be served by applicant from Downingtown, Pa.

HEARING: April 1, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 113514 (Sub No. 27), filed November 18, 1957. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas, Tex. Applicant's attorney: W. D. White, 17th Floor, Mercantile Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier,* over irregular routes, transporting: *Carbon black,* in bulk, in specialized equipment, between points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas. Applicant is authorized to transport commodities other than carbon black in Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Texas, and Utah.

HEARING: April 2, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 113784 (Sub No. 6), filed January 24, 1958. Applicant: CANAL CARTAGE LIMITED, 865 Woodward Avenue, Hamilton, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier,* over irregular routes, transporting: *Cement,* in bulk, in special equipment, from ports of entry on the boundary of the United States and Canada at Buffalo and Niagara Falls, N. Y., to points in New York. Applicant is authorized to transport blast furnace slag from Lackawanna, N. Y., to ports of entry at Buffalo and Niagara Falls, N. Y.

HEARING: March 31, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lucian A. Jackson.

No. MC 113784 (Sub No. 7), filed January 24, 1958. Applicant: CANAL CARTAGE LIMITED, 865 Woodward Avenue, Hamilton, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier,* over irregular routes, transporting: *Scrap metal,* in dump motor vehicles, between ports of entry on the boundary of the United States and Canada at Buffalo and Niagara Falls, N. Y., on the one hand, and, on the other, points in Chautauqua, Erie, and Niagara Counties, N. Y. Applicant is authorized to transport blast furnace slag from Lackawanna, N. Y., to ports of entry at Buffalo and Niagara Falls, N. Y.

HEARING: March 31, 1958, at the Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lucian A. Jackson.

No. MC 113784 (Sub No. 8), filed January 24, 1958. Applicant: CANAL CARTAGE LIMITED, 865 Woodward Avenue, Hamilton, Ontario, Canada. Applicant's representative: Floyd D. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier,* over irregular routes, transporting: *Powdered lime,* in bulk, in special equipment, from Niagara Falls, N. Y., to the port of entry on the boundary of the United States and Canada at Niagara Falls, N. Y., restricted to traffic destined to points in Canada. Applicant is authorized to transport blast furnace slag from Lackawanna, N. Y., to ports of entry at Buffalo and Niagara Falls, N. Y.

HEARING: March 31, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lucian A. Jackson.

No. MC 113784 (Sub No. 9), filed January 24, 1958. Applicant: CANAL CARTAGE LIMITED, 865 Woodward Avenue, Hamilton, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier,* over irregular routes, transporting: *Blast furnace slag,* in bulk, in special equipment, (1) from Niagara Falls, N. Y., to the port of entry on the boundary of the United States and Canada at Niagara Falls, N. Y., and (2) from ports of entry on the boundary of the United States and Canada at Buffalo and Niagara Falls, N. Y., to points in Erie and Niagara Counties, N. Y. Applicant is authorized to transport blast furnace slag from Lackawanna, N. Y., to ports of entry at Buffalo and Niagara Falls, N. Y.

HEARING: March 31, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lucian A. Jackson.

No. MC 115022 (Sub No. 3), filed February 7, 1958. Applicant: CHAMBERLAIN'S TRAILER TRANSPORT, INCORPORATED, 64 East Main Street, Thomaston, Conn. Applicant's attorney: Louis B. Warren, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *House Trailers,* designed to be drawn by passenger cars, by truck-away method, in initial movements, from Pownall Center, Vt., to all points in the United States, and *damaged or rejected shipments* of the above specified commodities on return. Applicant is authorized to transport used trailers in Connecticut, Florida, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

HEARING: April 21, 1958, at the U. S. Court Rooms, Hartford, Conn., before Examiner Lucian A. Jackson.

No. MC 116077 (Sub No. 37), filed January 22, 1958. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Mail: P. O. Box 9218, Houston, Tex. Applicant's attorneys: Thomas E. James and Charles D. Mathews, P. O. Box 858, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Carbon black,* in bulk, in tank, hopper vehicles, or collapsible containers, between points in Texas, Louisiana, Alabama, Mississippi, Arkansas, Oklahoma, and New Mexico, rendering a call and demand service. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Oregon, Tennessee, Texas, and Washington.

HEARING: April 14, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 116144 (Sub No. 3), filed January 27, 1958. Applicant: ARTHUR W. SORENSEN, Johnson Road, Woodbridge, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer,* in bags or containers, (1) from Carteret, N. J., to points in Tolland, Windham, and New London Counties, Conn., and Berk-

shire and Hampden Counties, Mass.; (2) from Wilmington, Del., and Baltimore, Md., to points in Connecticut; (3) from Woodbridge, Conn.; to points in Berkshire and Hampden Counties, Mass.; and (4) from North Weymouth and Cambridge, Mass., to points in Tolland, Windham, and New London Counties, Conn.

Empty containers or other such incidental facilities (not specified) used in transporting fertilizer from the above-described destination points to the above-specified origin points. Applicant is authorized to transport fertilizer, in bags, in Connecticut, Massachusetts, and New Jersey.

HEARING: April 18, 1958, at the U. S. Court Rooms, Hartford, Conn., before Examiner Lucian A. Jackson.

No. MC 116829 (Sub No. 1), filed December 23, 1957. Applicant: FORAN'S TRANSPORT LIMITED, a Corporation, 449 Woodward Avenue, Hamilton, Ontario, Canada. Applicant's attorney: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada at or near Watertown, Niagara Falls, Lewiston, and Buffalo, N. Y., to points in New York and Pennsylvania.

HEARING: April 1, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lucian A. Jackson.

No. MC 117147, filed January 27, 1958. Applicant: STARR'S TRANSPORTATION, INC., Highland Avenue, North Troy, Vt. Applicant's attorney: John D. Carbine, Mead Building, Rutland, Vt. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Veneer, plywood* and *plywood products*, from North Troy and Hancock, Vt., to points in Connecticut, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia; and (2) *veneer, plywood, plywood products* and *supplies* used in the manufacture of plywood (including glue, varnish and similar materials), and *empty containers* or *other such incidental facilities* (not specified) used in transporting above-specified commodities, from Berlin, Kenilworth and Linden, N. J., Boston, Mass., Fleischmanns, McKeever, N. Y., Goshen, Ind., to Hancock, and North Troy, Vt.

HEARING: April 10, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Lucian A. Jackson.

No. MC 117153, filed January 31, 1958. Applicant: H. G. SNYDER, 15735 Pierrefonds Street, Ste. Genevieve, Quebec, Canada. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dog food* in cans (in cartons), from port of entry located on the International Boundary line between the United States and Canada at or near Champlain, N. Y., to points in New York, New Jersey, Ohio, Connecticut, and Rhode Island, and *refused, damaged or rejected shipments* of dog food in cans (in cartons) on return.

HEARING: April 8, 1958, at the Federal Building, Albany, N. Y., before Examiner Lucian A. Jackson.

No. MC 117163, filed February 3, 1958. Applicant: FUELS TRANSPORT, INC. 712 Lonsdale Building, Duluth 2, Minn. Applicant's attorney: John M. Donovan, Lonsdale Building, Duluth, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Fuel oils*, in bulk in company owned tank trailers, from Superior, Wis., to Hoyt Lakes, Minn., (1) from Superior over U. S. Highway 53 northerly to its junction with Minnesota Highway 37, thence over Minnesota Highway 37 to its junction with Minnesota Highway 35, thence over Minnesota Highway 35 to Aurora, thence over County Highway 565 to Hoyt Lakes; and return over the same route, serving no intermediate points; and (2) from Superior over U. S. Highway 53 to its junction with St. Louis County, Minn., State Aid Road No. 4 at Duluth, Minn., thence northerly over said County Road No. 4 to its junction with Minnesota Highway 35, thence over Minnesota Highway 35 to Aurora, thence over County Highway 565 to Hoyt Lakes, and return over the same route, serving no intermediate points.

HEARING: April 1, 1958, at the Federal Court Building, Marquette Avenue South and Third Streets, Minneapolis, Minn., before Joint Board No. 142.

MOTOR CARRIERS OF PASSENGERS

No. MC 54534 (Sub No. 2), filed January 24, 1958. Applicant: GRAND ISLAND TRANSIT CORPORATION, 200 West Mohawk Street, Buffalo, N. Y. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in round trip special operations, beginning and ending at points in Erie County, N. Y., and extending to ports of entry in New York on the International Boundary line between Canada and the United States. Applicant is authorized to conduct regular route operations in New York.

HEARING: April 2, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lucian A. Jackson.

No. MC 108136 (Sub No. 6), filed January 16, 1958. Applicant: JACK AXELROD, doing business as VALLEY CAB CO., Main Street, Moodus, Conn. Applicant's attorney: Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and their *baggage*, in special and seasonal operations extending from the 28th day of May to the 10th day of September of each year inclusive, in nonscheduled door-to-door service, limited to the transportation of not more than six (6) passengers in any one vehicle, not including driver thereof, and not including children under ten (10) years of age who do not occupy a seat or seats, between points in the Towns of Hebron, Branford, Guilford, Madison, Clinton, Westbrook, Old Saybrook, Old Lyme, Waterford, New London, and Groton, Conn., on the one hand, and, on the other, points in the New York, N. Y., commercial zone, as defined by the Commission. Applicant is authorized to operate in Connecticut and New York.

HEARING: April 17, 1958, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 305, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 115812 (Sub No. 1), filed January 20, 1958. Applicant: THEODORE R. WIRTH, North Creek Road, Palmyra, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Park, P. O. Box 25, Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in charter service, between points in Monroe, Ontario, and Seneca Counties, N. Y., except points in that portion of Ontario County, bounded by a line beginning at the intersection of the Monroe-Ontario County Line and New York Highway 251, and extending eastward along New York Highway 251 to junction New York Highway 96, thence along New York Highway 96 through Victor and Phelps, N. Y., to junction New York Highway 14, thence northward along New York Highway 14 to the Wayne-Ontario County line, thence west and south along the Wayne-Ontario and Monroe-Ontario County lines, respectively, to point of beginning, and points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct similar operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: April 3, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lucian A. Jackson.

No. MC 117134, filed January 23, 1958. Applicant: SHEPHERD BUS SERVICE, INC., 78 Samuel Avenue, Pawtucket, R. I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R. I. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers*, restricted to groups of adolescents, children, and/or youths and their supervisors, sponsored by charitable, civic, private, or religious organizations or institutions, in round-trip service, beginning and ending at Cranston, Pawtucket, Providence, and Warwick, R. I., and extending to points in Connecticut and Massachusetts.

HEARING: April 9, 1958, at the New Post Office and Court House Building,

Boston, Mass., before Joint Board No. 231, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 35396 (Sub No. 25), filed February 10, 1958. Applicant: ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, U. S. Highway 41 South, Box 4141, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mine roof bolts*, assembled or unassembled, from Gadsden, Ala., to points in Kentucky west of U. S. Highway 31W. Applicant is authorized to conduct operations in Indiana, Kentucky, Tennessee, Missouri, Ohio, West Virginia, Pennsylvania, New York, New Jersey, and Illinois.

No. MC 37926 (Sub No. 10), filed February 10, 1958. Applicant: RUSSELL HARRISON WRIGHT doing business as R. E. WRIGHT, Main Street, Greensboro, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry manure, cow manure, crab meal* and *bone meal*, in containers, from Frankford, Dagsboro, and Georgetown, Del., and points within eight miles of Georgetown, Del., to points in Virginia, Maryland, New Jersey, those in New York on and south of U. S. Highway 20, and those in Pennsylvania on and east of U. S. Highway 220. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

No. MC 43654 (Sub No. 38), filed February 10, 1958. Applicant: DIXIE OHIO EXPRESS, INC., P. O. Box 750, 237 Fountain Street, Akron 9, Ohio. Applicant's attorney: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company, Lorain Assembly Plant, located at the intersection of U. S. Highway 6 (Ohio Highway 2) and Baumhardt Road, Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular route operations from and to Akron and Cleveland, Ohio. Applicant is authorized to conduct operations in New York, Pennsylvania, Ohio, Kentucky, Tennessee, Georgia, and Alabama.

No. MC 107002 (Sub No. 117), filed February 10, 1958. Applicant: W. M. CHAMBERS TRUCK LINE, INC., P. O. Box 687, New Orleans 7, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Memphis, Tenn., to Prattsville, Ark. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia.

No. MC 107496 (Sub No. 100), filed February 13, 1958. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the site of the Clark Oil & Refining Corporation river terminal at Tuscarora, Ill., to Clinton, Iowa. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Missouri, Minnesota, Nebraska, South Dakota, North Dakota, Kansas, Ohio, Michigan, Kentucky, Indiana, Colorado, Oklahoma, Arkansas, Louisiana, and Texas.

MOTOR CARRIERS OF PASSENGERS

No. MC 13300 (Sub No. 61), filed February 12, 1958. Applicant: CAROLINA COACH COMPANY, a Corporation, 1201 South Blount Street, Raleigh, N. C. Applicant's attorney: Robert E. Quirk, Investment Building, Washington 5, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage, express* and *newspapers* in the same vehicle with passengers, between Ahoskie, N. C., and Windsor, N. C., over U. S. Highway 13, serving all intermediate points. Applicant is authorized to conduct operations in Delaware, Maryland, North Carolina, Pennsylvania, and Virginia.

No. MC 117173, filed February 7, 1958. Applicant: BEAVER VALLEY MOTOR COACH COMPANY, a Corporation, Junction Park, New Brighton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Sewickley, Pa., and Negley, Ohio, from Sewickley over Beaver Road through Edgeworth and Leetsdale to Ambridge, thence over Merchant Street, 14th Street and Duss Avenue through Ambridge, thence over Pennsylvania Highway 88 through Baden, Conway, Freedom, East Rochester, Rochester and New Brighton, thence over Pennsylvania Highway 18 to Beaver Falls, thence over Pennsylvania Highway 251 through West Mayfield to the Pennsylvania-Ohio State Line, thence over Ohio Highway 154 to Negley, and return over the same route, serving all intermediate points.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6808, published in the January 15, 1958, issue of the FEDERAL REGISTER on page 287. The following parties should be shown in control of vendee: B. F. WALKER, 100 West Seventh Street, Fort Worth, Tex., JAMES E. THOMPSON and A. M. DINGES, both of Post Office Box 959, Ardmore, Okla., and THE SAMUEL ROBERTS NOBLE FOUNDATION, INC., Post Office Box 870, Ardmore, Okla., (per supplement filed February 14, 1958).

No. MC-F 6840. Authority sought for merger into McLEAN TRUCKING COMPANY, P. O. Box 213 (617 Waughtown Street), Winston-Salem, N. C., of SERVICE, INCORPORATED, P. O. Box 213, (617 Waughtown Street), Winston-Salem, N. C., and for acquisition by PAUL P. DAVIS and M. C. BENTON, JR., both of Winston-Salem, of control of SERVICE, INCORPORATED, through the merger into McLEAN TRUCKING COMPANY. Applicants' attorney: David G. Macdonald, 504 Commonwealth Building, Washington 6, D. C. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Huntington, W. Va., and New York, N. Y., between Louisville, Ky., and Huntington, W. Va., and between Louisville, Ky., and Richmond, Ky., serving certain intermediate and off-route points; numerous routes for operating convenience only. Vendee is authorized to operate as a *common carrier* in North Carolina, Georgia, South Carolina, Virginia, New York, Maryland, Delaware, New Jersey, Pennsylvania, Rhode Island, Connecticut, Massachusetts, Indiana, Ohio, Kentucky, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6841. Authority sought for purchase by ROY L. JONES, INC., Post Office Box 24128, Houston 29, Tex., of the operating rights of JOHN D. B. MITCHINER (ETHELYN MITCHINER, ADMINISTRATRIX), doing business as M & M SUPPLY CO., Route 2, Box 3, Haynesville, La., and for acquisition by ROY L. JONES, also of Houston, of control of such rights through the purchase. Applicants' attorneys: Charles D. Mathews and Thomas E. James, both of P. O. Box 858, Austin, Tex. Operating rights sought to be transferred: *Oilfield commodities*, as a *common carrier*, over irregular routes, between points in Louisiana, Arkansas, Oklahoma, Mississippi, and Texas; *fertilizer*, from Shreveport, La., to points in Louisiana and Arkansas, from points in Arkansas to Minden, Monroe, and Shreveport, La., from Minden and Monroe, La., to points in Arkansas, and from Texarkana, Ark., to points in Louisiana within 250 miles of Texarkana, except Minden, Monroe, and Shreveport. Vendee is authorized to operate as a *common carrier* in New Mexico, Oklahoma, Kansas, Missouri, Arkansas, Tennessee, North Dakota,

South Dakota, Texas, and Louisiana. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6842. Authority sought for purchase by ASPHALT CARRIERS, INC., Mutton Hollow Road, Woodbridge, N. J., of a portion of the operating rights and certain property of WEIMAR STORAGE CO., INC., 337–343 West Grand Street, Elizabeth, N. J., and for acquisition by RICHARD L. SENDELL, JOHN D. HOLMES, SR., JOHN D. HOLMES, JR., MURRAY L. SIEGEL, IVESON A. MILLER, and JEAN SIEGEL, all of Woodbridge, of control of such rights and property through the purchase. Applicants' attorneys: William D. Traub, 10 East 40th Street, New York 11, N. Y., and Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be transferred: *Petroleum products, alcohol, commercial solvents, paint, lacquer, cleaning solvents,* and *acetates,* in bulk, in tank trucks, as a *common carrier* over irregular routes, from points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N. J., to certain points in New York and certain points in Connecticut, and from New York, N. Y., to points in New Jersey; *petroleum products* (except medicinal oils, paraffin wax, hot asphalt, and hot tar), *alcohol,* and *inflammable solvents, inflammable lacquer* and *inflammable acetates,* in bulk, in tank vehicles, from Bayonne, Bayway, and Jersey City, N. J., to points in Connecticut east of the Connecticut River; *lubricating oil* in bulk, in tank vehicles, from Douglasville, Pa., to Newark, N. J. Vendee is authorized to operate as a *common carrier* in New York, Connecticut, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 6843. Authority sought for purchase by JOHNSON BUS LINES, INC., 76 East Main Street, Milford, Mass., of a portion of the operating rights and certain property of NEW ENGLAND TRANSPORTATION COMPANY, 402 Congress Street, Boston, Mass., and for acquisition by PETER C. SNELL, also of Milford, of control of such rights and property through the purchase. Applicant's attorneys: S. Harrison Kahn, 726–734 Investment Building, Washington, D. C., and William Q. Keenan, 54 Meadow Street, New Haven, Conn. Operating rights sought to be transferred: *Passengers and their baggage,* and *express, mail* and *newspapers,* in the same vehicle with passengers, and *baggage of passengers* in a separate vehicle, as a *common carrier* over regular routes, between Providence, R. I., and Fitchburg, Mass., between the Town of Millbury, Mass., and Uxbridge, Mass., between junction Massachusetts Highway 146 and unnumbered highway (Purgatory Road) and Whitinsville, Mass., and between Millville, Mass., and North Smithfield, R. I., serving all intermediate points and the off-route point of Whitinsville, Mass.; *passengers and their baggage,* and *mail* in the same vehicle with passengers, between North Providence, R. I., and Narragansett Park, Pawtucket, R. I., serving all intermediate points; *passengers and their baggage,* and *express, mail,* and *newspapers,* in the same vehicle with passengers, between Providence, R. I., and Worcester, Mass., serving all intermediate points and the off-route point of Whitinsville, Mass.; *passengers and their baggage,* over an alternate route for operating convenience only in connection with regular-route operations, between junction unnumbered highway (Douglas Pike) with Rhode Island Highway 116 in the town of Smithfield, R. I., and the junction of Massachusetts Highway 123 with Alternate U. S. Highway 1 and Barrows Street with Alternate U. S. Highway 1, serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, Vermont, Maine, New Hampshire, New York, Connecticut, Virginia, North Carolina, New Jersey, Tennessee, Pennsylvania, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6844. Authority sought for purchase by THE SHORT LINE, INC., Court House Square, Newport, R. I., of a portion of the operating rights and certain property of NEW ENGLAND TRANSPORTATION COMPANY, 402 Congress Street, Boston, Mass., and for acquisition by GEORGE M. SAGE, 50 Golfside Parkway, Rochester, N. Y., of control of such rights and property through the purchase. Applicants' attorneys: S. Harrison Kahn, 726–734 Investment Building, Washington, D. C., and William Q. Keenan, 54 Meadow Street, New Haven 6, Conn. Operating rights sought to be transferred: *Passengers and their baggage,* and *express, mail* and *newspapers* in the same vehicle with passengers, and *baggage of passengers* in a separate vehicle, as a *common carrier,* over regular routes, between Providence, R. I., and Boston, Mass., between New Haven, Conn., and Providence, R. I., between Providence, R. I., and Hyannis, Mass., between Fall River, Mass., and Warren, R. I., between Middleboro, Mass., and Wareham, Mass., between South Attleboro, Mass., and Narragansett Park in Pawtucket, R. I., between junction U. S. Highway 5A and Connecticut Highway 15 to junction Connecticut Highway 15 and U. S. Highway 44A, between specified points in the town of Lincoln, R. I., between the westerly junction of relocated U. S. Highway 6 and old U. S. Highway 6, in the town of Hampton, Conn., and (during the season extending from the 18th day of April to the 31st day of October, inclusive) between Boston, Mass., and Suffolk Downs, East Boston, and Revere, Mass., serving certain intermediate and off-route points; *passengers and their bagagge,* and *mail* in the same vehicle with passengers, between Seekonk, Mass., and Narragansett Park, Pawtucket, R. I., serving all intermediate points; *passengers and their baggage,* and *mail* in the same vehicle with passengers, during the season extending from the 18th day of April to the 31st day of October, inclusive of each year, between Providence, R. I., and Taunton Dog Track, Taunton, Mass., serving all intermediate points; *passengers and their baggage,* in the same vehicle with passengers, in special operations, consisting of round-trip tours, beginning and ending at points on carrier's regular routes or at points on the routes of connecting motor carriers, during the season extending from the 1st day of April to the 30th day of November, inclusive of each year, over regular routes including routes between Falmouth, Mass., and Hyannis, Mass., between West Barnstable, Mass., and Marstons Mills, Mass., between Sagamore, Mass., and Plymouth, Mass., between Boston, Mass., and Plymouth, Mass.; and between Quincy, Mass., and Kingston, Mass., serving no intermediate points; *passengers and their baggage,* and *express, mail,* and *newspapers,* in the same vehicle with passengers, between Buzzards Bay, Mass., and Woods Hole, Mass., between West Barnstable, Mass., and Hyannis, Mass., between Barnstable, Mass., and Yarmouth Port, Mass., between Providence, R. I., and Hartford, Conn., between Providence, R. I., and Boston, Mass., and between Taunton, Mass., and Middleboro, Mass., serving certain intermediate and off-route points; *passengers and their baggage,* in the same vehicle with passengers, between junction of Douglas Pike and Twin Rivers Road, northwest of Providence, R. I., and junction Twin Rivers Road and Rhode Island Highway 146, serving no intermediate points; several alternate routes for operating convenience only; *passengers* and *baggage of passengers,* in the same vehicle, during the season of each year extending from April 15 to October 15, inclusive, between Providence, R. I., and Hull, Mass., and between Providence, R. I., and Revere, Mass., serving certain intermediate points; *passengers and their baggage,* in the same vehicle with passengers, in special operations, consisting of round-trip tours, beginning and ending at points on carrier's regular routes or at points on the routes of connecting motor carriers, during the season extending from the 1st day of April to the 30th day of November, inclusive, of each year, over irregular routes, between Woods Hole, Mass., and points on the Island of Martha's Vineyard, Mass. Vendee is authorized to operate as a *common carrier* in Rhode Island and Massachusetts. Application has been filed for temporary authority under section 210a (b).

By the Commission.

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

[F. R. Doc. 58–1439; Filed, Feb. 26, 1958; 8:45 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 24, 1958.

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

LONG-AND-SHORT HAUL

FSA No. 34493: *Iron and steel articles from and to points in the west.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7215), for interested rail carriers. Rates on iron and steel articles, carloads be-

tween points in southwestern territory, on the one hand, and specified points in Colorado, Nebraska, and Wyoming, on the other.

Grounds for relief: Modified short-line distance formula and market competition.

Tariff: Supplement 175 to Agent Kratzmeir's tariff I. C. C. 4170.

FSA No. 34494: *Substituted service—Motor and rail—B & M, D & H, and Erie.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 83), for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Cleveland, Ohio, on the one hand, and East Cambridge, Mass., on the other.

Grounds for relief: Motor truck competition.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34495: *Petroleum products—Superior, Wis., to Minnesota points.* Filed by The Duluth, Missabe and Iron Range Railway Company (No. 7), for interested rail carriers. Rates on gasoline and refined oils, tank-car loads, and asphalt (asphaltum), natural, by-product or petroleum (other than paint, stain or varnish), and petroleum residual fuel oil, tank-car loads from Superior, Wis., to specified points in Minnesota or points named on page 4 of the schedule listed below.

Grounds for relief: Rates depressed by motor-truck competition not applicable in constructing combination rates lower than through one-factor rates from or to points beyond the named points.

Tariff: Duluth, Missabe and Iron Range Railway Company, Tariff I. C. C. A-146.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-1481; Filed, Feb. 26, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

H. M. KONUNGENS HOF-FÖRVALTNING

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

H. M. Konungens Hof-Förvaltning, Stockholm, Sweden; Claim No. 62167, Vesting Order No. 17128; $138.52 in the Treasury of the United States.

Executed at Washington, D. C., on February 20, 1958.

For the Attorney General.

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

[F. R. Doc. 58-1493; Filed, Feb. 26, 1958; 8:51 a. m.]

ARENDINA CLARA SPIES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Arendina Clara Spies, 2 Archipelstraat, Haarlem, The Netherlands, Claim No. 66886, Vesting Order No. 8224; $237.11 in the Treasury of the United States.

Executed at Washington, D. C., on February 20, 1958.

For the Attorney General.

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

[F. R. Doc. 58-1494; Filed, Feb. 26, 1958; 8:51 a. m.]

FRED NACCARATO AND SARA NACCARATO FU ANTONIO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Fred Naccarato a/k/a Ferdinando Naccarato, Lago, Cosenza, Italy; $497.39 in the Treasury of the United States.

Sara Naccarato fu Antonio a/k/a Saveria Naccarato, Lago, Cosenza, Italy; $228.65 in the Treasury of the United States.

Claim No. 58870; Vesting Order Nos. 1808 and 1809.

Executed at Washington, D. C., on February 20, 1958.

For the Attorney General.

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

[F. R. Doc. 58-1495; Filed, Feb. 26, 1958; 8:51 a. m.]