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Title 7—AGRICULTURE

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

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 855.6, Amdt. 1]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms, 1959 Crop

Pursuant to the provisions of the Sugar Act of 1948, as amended, paragraph (b) of § 855.6 of this chapter (23 F.R. 5419) is hereby amended to read as follows:

(b) *Farm proportionate share.* The 1959-crop proportionate share for each farm shall be the number of acres of 1959-crop sugarcane thereon, provided that such sugarcane was planted prior to the date of issuance of this paragraph.

STATEMENT OF BASES AND CONSIDERATIONS

When the original determination was issued in July of 1958, it was estimated that the production of sugar from the 1958 crop of sugarcane in the Mainland Cane Sugar Area would be about 620,000 tons, and considering the then effective quota of 685,000 tons, that the effective inventory on January 1, 1959, would be about 160,000 tons. Since this inventory represented a reduction from the effective inventory of a year earlier, the determination established total 1959-crop proportionate shares 10 percent higher than the 1958 level.

Latest available estimates indicate that the production of sugar from the 1958 crop will approximate 575,000 tons. The 1958 quota for the Mainland Cane Sugar Area was established finally at 720,000 tons, with increases resulting principally from Puerto Rican and Hawaiian quota deficits which were caused by adverse weather conditions and a labor strike, respectively. As a result of quota increases and the lower-than-estimated production from the 1958 crop, the area was unable to market its quota fully and its effective inventory fell below desirable levels. Recent developments indicate that the 1959 quota for

the area may be increased substantially over the present level because of a deficit in at least one other domestic area and that the production from the present 1959-crop proportionate share acreage may be less than the quota and carryover requirements.

To provide for quota requirements and a more normal carryover of sugar, this determination permits the harvesting for sugar of all 1959-crop acreage of sugarcane which is now growing, some of which, except for this action, would be plowed-out or devoted to other uses. In the Mainland Cane Sugar Area, plantings normally occur in the autumn. In most of the area, it would not be practicable to plant 1959-crop cane after the date of this action and possible late plantings would have no appreciable effect on the total production of 1959-crop sugar. However, certain growers might plant at a late date partly to establish acreage records. Therefore, to promote equity among growers, this action does not cover such late plantings.

Accordingly, I hereby find and conclude that the aforesaid amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpretations or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Issued this 4th day of March 1959.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-2008; Filed, Mar. 6, 1959; 8:48 a.m.]

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

[Navel Orange Reg. 159, Amdt. 1]

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

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplement is now available:

Title 47, Part 30 to end (\$0.30)

Previously announced: Title 3, 1958 Supp. (\$0.35); Title 8 (\$0.35); Titles 22-23 (\$0.35); Title 25 (\$0.35); Title 46, Parts 146-149, 1958 Supp. 2 (\$1.50); Title 49, Parts 91-164 (\$0.40)

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oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

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

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) and (ii) of § 914.459 (Navel Orange Regulation 159, 24 F.R. 1493) are hereby amended to read as follows:

- (i) District 1: 665,280 cartons;
 - (ii) District 2: 628,320 cartons.
- (Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Dated: March 3, 1959.

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

[F.R. Doc. 59-2007; Filed, Mar. 6, 1959; 8:48 a.m.]

[Navel Orange Reg. 160]

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

Limitation of Handling

§ 914.460 Navel Orange Regulation 160.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 8, 1959, and ending at 12:01 a.m., P.s.t., March 15, 1959, are hereby fixed as follows:

- (i) District 1: 554,400 cartons;
- (ii) District 2: 646,800 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

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

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

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

Dated: March 5, 1959.

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

[F.R. Doc. 59-2052; Filed, Mar. 6, 1959;
11:25 a.m.]

[Lemon Reg. 781]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.888 Lemon Regulation 781.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the

provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 4, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 8, 1959, and ending at 12:01 a.m., P.s.t., March 15, 1959, are hereby fixed as follows:

- (i) District 1: 13,020 cartons;
- (ii) District 2: 172,980 cartons;
- (iii) District 3: Unlimited movement.

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

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

Dated: March 5, 1959.

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

[F.R. Doc. 59-2037; Filed, Mar. 6, 1959;
9:03 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs. Amdt. 11¹]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OF EXPORT PRIVILEGES

Miscellaneous Amendments

1. Section 373.65 *Ultimate consignee and purchaser statements*, paragraph (a) *Scope*, subparagraph (2) *Exemptions* is amended by revising subdivision (i) to read as follows:

(i) An Import Certificate is required in support of the license application, in accordance with § 373.2 (or as applicable, a Swiss Blue Import Certificate as provided in § 373.67, or a Yugoslav End-Use Certificate as provided in § 373.70).

2. Section 382.51 *Supplement 1; Table of denial and probation orders currently in effect*, paragraph (b) *Table of denial and probation orders* is amended in the following respects:

¹ This amendment was published in Current Export Bulletin 812, dated February 26, 1959.

a. The following entries are added to the list:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
All Tomsen A/S, Nyhavn 61, Copenhagen 5, Denmark.	1-14-59	3-31-59	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to All Tomsen & Co., which see.)	24 F.R. 438, 1-17-59, 24 F.R. 1292, 2-19-59.
All Tomsen & Co., Warburgstrasse 33, Hamburg 36, Germany.	do	3-31-59	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 438, 1-17-59, 24 F.R. 1292, 2-19-59.
American Market Stores, Frankfurt/Main-Westhafen, Germany.	2-3-59	11-3-59 (On probation 11-4-59—duration)*	do	24 F.R. 910, 2-6-59.
Comptoir Commercial Andre et Cie., 4 bis rue du Bouloi, Paris 1, France.	10-8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to O.E.E.I, which see.)	23 F.R. 7931, 10-14-58.
Dan Elektrik S. A., Nyhavn 61, Copenhagen 5, Denmark.	1-14-59	3-31-59	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to All Tomsen & Co., which see.)	24 F.R. 438, 1-17-59, 24 F.R. 1292, 2-19-59.
Detroit International Parts Co., 3239/45 North 29th St., Philadelphia, Pa.	2-19-59	8-31-59 (On probation 9-1-59—2-19-60)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Samuel D. Zellat, which see.)	24 F.R. 1377, 2-25-59.
Europaische Verkaufs der American Market Stores GmbH., Frankfurt/Main-Westhafen, Germany.	2-3-59	11-3-59 (On probation 11-4-59—duration)*	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 910, 2-6-59.
Goodman, Isadore N., 6412 North 8th St., Philadelphia, Pa.	2-19-59	5-19-59	do	24 F.R. 1377, 2-25-59.
Hanke Moebelwerkstaette GmbH., Hanke und Holey GmbH., Blumenstrasse 10, Berlin-Spandau, Germany.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F.R. 2432, 4-24-54.
Imperial Metal Products Co., 3239/45 North 29th St., Philadelphia, Pa.	2-19-59	8-31-59 (On probation 9-1-59—2-19-60)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Samuel D. Zellat, which see.)	24 F.R. 1377, 2-25-59.
Nictown Auto Parts Co., 4th and Price Sts., Chester, Pa.	do	do	do	Do.
Pan Maritime Cargo Service, Inc., 232 Water St., New York, N.Y.	3-16-59	4-15-59	General and validated licenses, all commodities, exported to any destination including Canada by means or manner other than air shipment.	24 F.R. 1477, 2-27-59.
Sigmund-Joseph Co., Inc., 3239/45 North 29th St., Philadelphia, Pa.	2-19-59	8-31-59 (On probation 9-1-59—2-19-60)*	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 1377, 2-25-59.
Wahle, Kurt O. W., doing business as American Market Stores, Frankfurt/Main-Westhafen, Germany.	2-3-59	11-3-59 (On probation 11-4-59—duration)*	do	24 F.R. 910, 2-6-59.
Zellat, Benjamin, Park Drive Manor Apts., Philadelphia, Pa.	2-19-59	8-31-59 (On probation 9-1-59—2-19-60)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Samuel D. Zellat, which see.)	24 F.R. 1377, 2-25-59.
Zellat, Joseph, 6413 North 11th St., Philadelphia, Pa.	do	do	do	Do.
Zellat, Samuel D., 5450 Wissackon Ave., Philadelphia, Pa.	do	8-31-59 (On probation 9-1-59—2-19-60)*	General and validated licenses, all commodities, any destination, also exports to Canada.	Do.
Zellat, Sigmund, 161 Overbrook Pky., Philadelphia, Pa.	do	8-31-59 (On probation 9-1-59—2-19-60)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Samuel D. Zellat, which see.)	Do.

*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

b. The following entry is amended to read as follows:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Moyns, Peter & Co., Moyns, Peter, Gertrudenkirchhof 10, Hamburg 1, West Germany.	1-29-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 742, 2-3-59.

This amendment shall become effective as of February 26, 1959.

(Sec. 8, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 59-1982; Filed, Mar. 6, 1959; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency
Effective upon publication in the FEDERAL REGISTER, paragraph (a) (9) of § 6.342 is revoked and paragraph (d) (1) and (2) is added as set out below.

§ 6.342 Housing and Home Finance Agency.

(d) Federal National Mortgage Association. (1) The President.
(2) The Vice President.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-2006; Filed, Mar. 6, 1959; 8:48 a.m.]

Title 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board—Federal Aviation Agency

SUBCHAPTER B—ECONOMIC REGULATIONS [Reg. No. ER-255]

PART 292—CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS

Alaska

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1959.

Throughout Part 292 of the Board's Economic Regulations, there is reference made to "the Territory of Alaska." However, with the admission of Alaska to statehood, the word "Territory" is now inappropriate. Accordingly, the Board is amending Part 292 by deleting all reference to the words "the Territory of Alaska" and inserting in lieu thereof the word "Alaska".

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, the Board hereby amends Part 292 of the

Economic Regulations (14 CFR Part 292) effective March 3, 1959.

By deleting the words "the Territory of Alaska" wherever found and inserting in lieu thereof the word "Alaska".

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 59-2001; Filed, Mar. 6, 1959;
8:47 a.m.]

[Reg. No. ER-256]

PART 293—CLASSIFICATION AND EXEMPTION OF ALASKAN AIR TAXI OPERATORS

Alaska

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1959.

Throughout Part 293 of the Board's Economic Regulations, there is reference made to "the Territory of Alaska." However, with the admission of Alaska to statehood, the word "Territory" is now inappropriate. Accordingly, the Board is amending Part 293 by deleting all reference to the words "the Territory of Alaska" and inserting in lieu thereof the word "Alaska".

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, the Board hereby amends Part 293 of the Economic Regulations (14 CFR Part 293) effective March 3, 1959:

By deleting the words "the Territory of Alaska" wherever found and inserting in lieu thereof the word "Alaska".

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 59-2002; Filed, Mar. 6, 1959;
8:47 a.m.]

[Reg. No. ER-257]

PART 296—CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS

Applicability to State of Alaska

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1959.

In promulgating its Economic Regulations, the Board has provided separate exemption authority and regulations to govern the operations of indirect air carriers of property, depending upon whether they are engaged in interstate air transportation or in either overseas or foreign air transportation. Part 296 of the Economic Regulations governs interstate air freight forwarder activities, and Part 297 provides the authority for

freight forwarder activities in overseas or foreign air transportation.

In issuing its proposed revision of Part 297 (Draft Release No. 100, dated November 6, 1958), the Board gave public notice of its intention to exclude United States-Alaska operations from Part 297 when Alaska became a state, and to provide some other vehicle for the regulation of such operations. The attached amendment, and an amendment to Part 297 being issued contemporaneously herewith, carry out the Board's pronouncement by finalizing the exclusion of such operations from Part 297 and providing for their regulation under Part 296. Continued regulation of such operations through Part 296 is particularly appropriate in view of the change in the nature of the service conducted between Alaska and the other states, effective upon the date of Alaskan statehood, from "overseas" to "interstate" air transportation, and is consistent with the present separation in the authorization, classification and regulation of indirect air carriers of property which the Board desires to preserve.

Air freight forwarder operations conducted solely within Alaska have also been authorized and regulated by the Board under Part 296. These purely "intrastate" operations within Alaska, which were formerly regulated by the Board as intra-territorial operations, will continue to be authorized and regulated in accordance with Part 296, pursuant to section 8(d) of the Alaska Statehood Act, until such time as the Congress or the legislature of the State of Alaska may provide otherwise.

The Board finds that the circumstances which warranted the exemption granted in the Air Freight Forwarder Investigation, Docket No. 5947 et al., to freight forwarders apply equally to services to be performed by such forwarders between the several states, or the District of Columbia, and the State of Alaska, and continue to apply to their services within Alaska.

Accordingly, the Board is amending footnote 2 of Part 296 to express the present scope of the authorization granted by Part 296. As heretofore noted, a corresponding amendment to Part 297 of the Board's Economic Regulations is being adopted contemporaneously herewith.

Since this amendment imposes no additional burden upon the indirect air carriers subject to Part 296, the Board finds that notice and public procedure thereon are unnecessary and that it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 296 of the Economic Regulations (14 CFR Part 296) effective March 3, 1959 by amending footnote 2 which relates to the words "interstate air transportation" in paragraph (a) to § 296.1 to read as follows:

² "Interstate air transportation" shall have the meaning ascribed to it in section 101(21) of the Federal Aviation Act and the word "State" used therein shall include Alaska.

(Sec. 204(a), 72 Stat. 743. Interpret or apply secs. 101, 416, 72 Stat. 738, 769, 771; 49 U.S.C.

1301, 1386; and 8(d) of the Alaska Statehood Act, 72 Stat. 339)

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 59-2003; Filed, Mar. 6, 1959;
8:47 a.m.]

[Reg. No. ER-258]

PART 297—INTERNATIONAL AIR FREIGHT FORWARDERS

Effect of Statehood on Alaska

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1959.

In promulgating its Economic Regulations, the Board has provided separate exemption authority and regulations to govern the operations of indirect air carriers of property, depending upon whether they are engaged in interstate air transportation or in either overseas or foreign air transportation. Part 296 of the Economic Regulations governs interstate air freight forwarder activities, and Part 297 provides the authority for freight forwarder activities in overseas or foreign air transportation.

In issuing its proposed revision of Part 297 (Draft Release No. 100, dated November 6, 1958), the Board gave public notice of its intention to exclude United States-Alaska operations from Part 297 when Alaska became a state, and to provide some other vehicle for the regulation of such operations. The attached amendment, and an amendment to Part 296 being issued contemporaneously herewith, carry out the Board's pronouncement by finalizing the exclusion of such operations from Part 297 and providing for their further regulation under Part 296. Continued regulation of such operations through Part 296 is consistent with the change, effective upon the date of Alaskan statehood, in the nature of the service conducted between Alaska and the other states from "overseas" to "interstate" air transportation, and is consistent with the present separation in the authorization, classification and regulation of indirect air carriers of property which the Board desires to preserve. No interested person has objected to the exclusion of such authorization from Part 297, and in view of the fact that Alaska has now become a state, the Board deems it to be in the public interest to finalize this particular amendment to Part 297 immediately without awaiting final Board action on the various other proposals in the Draft Release.

Interested persons have been afforded an opportunity to participate in the formulation of this amendment, and due consideration has been given to all relevant comment presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 297 of the Economic Regulations (14 CFR Part 297), effective March 3, 1959, by adding a footnote 1 to the word

"overseas" in the first clause of § 297.1, to read:

¹As defined in section 101(21) of the Act. By reason of the change in Alaska's status from a territory to a state, air transportation between a place in any state of the United States other than Alaska, or the District of Columbia, and any place in the State of Alaska, now constitutes "interstate" rather than "overseas" air transportation. Such operations are governed by applicable provisions of Part 296 of this chapter.

(Sec. 204(a), 72 Stat. 743. Interpret or apply secs. 101, 416, 72 Stat. 737, 771; 49 U.S.C. 1301, 1386)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59-2004; Filed, Mar. 6, 1959;
8:48 a.m.]

[Reg. No. ER-259]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Prohibition Against Conduct of Air Transportation Within Alaska

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1959.

Under the exemption authority of Part 298 of the Board's Economic Regulations, air taxi operators are permitted to engage in air transportation between Alaska and any other State, but are specifically prohibited by § 298.7(c) from offering or performing any service within Alaska. Pursuant to section 8(d) of the Alaskan Statehood Act, the Board's economic regulatory jurisdiction is being continued over purely intrastate operations in Alaska until such time as the Congress or the legislature of that State may provide otherwise. The Board does not propose to make any substantive changes in the regulation at this time. Language changes necessary in Part 298 as a result of the change in the status of Alaska are effected by the attached rule which amends the definition of the word "point" and amends section 298 (b) and (c) to remove the reference to "Territory of Alaska" and to make an appropriate reference to Part 293 for authorization of service in Alaska.

Since this amendment is minor in nature and does not impose any additional burden on any person, the Board finds that notice and public procedure hereon are unnecessary and not required in the public interest.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298), effective March 3, 1959, as follows:

1. By deleting the definition of "point" in § 298.1(a)(3) and substituting a definition to read as follows:

(3) "Point", when used in connection with any territory or possession of the United States or the State of Alaska, means any airport or place where aircraft may be landed or taken off, including the area within a 25-mile radius of such airport or place; when used in con-

nection with the continental United States (excluding Alaska), it shall have a similar meaning but shall be limited to the area within a 3-mile radius of such airport or place.

2. By deleting the words "other than the Territory of Alaska" from paragraph (b) of § 298.7; and

3. By amending paragraph (c) of § 298.7 to read as follows:

(c) No service shall be offered or performed by an air taxi operator within Alaska (see Parts 292 and 293 of this chapter for authorization of service in Alaska).

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 416, Stat. 771; 49 U.S.C. 1386; and 8(d) of the Alaska Statehood Act, 72 Stat. 339)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59-2005; Filed, Mar. 6, 1959;
8:48 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6368]

PART 296—TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES

Losses Caused by Disaster

Losses of tobacco products and cigarette papers and tubes caused by a disaster occurring after December 31, 1954, and not later than September 2, 1958.

It has been determined that it may not be possible, in some instances, for claimants to comply with the provisions of regulations in subpart B of the Miscellaneous Regulations Relating to Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes (26 CFR Part 296), which require persons replacing or giving credit for tobacco products or cigarette papers or tubes lost and the recipients of such replacements or credits to join in the claims. Accordingly, it has been deemed desirable to amend the regulations to liberalize the requirement in this respect so that an otherwise allowable claim may be considered for allowance. To accomplish this purpose and in order to make a clarifying change, 26 CFR Part 296 is amended as follows:

§ 296.53 [Amendment]

PARAGRAPH 1. Section 296.53 is amended by inserting, in the second sentence, immediately before the word "rendered", the word "lost".

§ 296.54 [Amendment]

PAR. 2. Section 296.54 is amended by striking the period at the end of the second sentence and inserting in lieu thereof the following: "Provided, That the

assistant regional commissioner may allow a claim which otherwise is in compliance with the requirements of this subpart even though the person (or persons) receiving such replacement or credit does not join in the claim, if the failure to join in the claim is the result of (a) such person's death, (b) inability to locate such person, or (c) such person's refusal to join in the claim."

PAR. 3. A new section, reading as follows, is inserted immediately following § 296.57:

§ 296.57a Evidence of replacement.

Where, as provided in § 296.54, a possessor alleged to have received replacement does not join in the claim, the claimant must establish by documentary evidence (such as receipts or receipted copies of invoices) the replacement to the possessor as required by § 296.59.

Because the time for filing claims under Subpart B of 26 CFR Part 296 expires on March 2, 1959, and because of the liberalizing nature of these amendments, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), or subject to the effective date limitation of section 4(c) of such Act. Accordingly, this Treasury decision shall be effective on September 3, 1958.

(68A Stat. 917; 26 U.S.C. 7805; sec. 209 of Pub. Law 85-859)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: March 3, 1959.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 59-1997; Filed, Mar. 6, 1959;
8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER C—MILITARY PERSONNEL

PART 44—ADMINISTRATIVE DISCHARGES

The Secretary of Defense approved the following on January 14, 1959:

- Sec.
- 44.1 Purpose and cancellations.
 - 44.2 Applicability.
 - 44.3 Administration.
 - 44.4 Definitions.
 - 44.5 Pre-service activities.
 - 44.6 Standards for discharge.
 - 44.7 Reasons for discharge.
 - 44.8 Procedures for discharge.

AUTHORITY: §§ 44.1 to 44.8 issued under sec. 161 of the Revised Statutes (5 U.S.C. 22); sec. 1162 and Chapters 361, 569, and 861 of Title 10, United States Code.

§ 44.1 Purpose and cancellations.

This part revises the standards and procedures governing the administrative discharge of enlisted persons from the

Armed Forces. Former Part 44 (13 F.R. 5879) and any other existing regulations in conflict with the provisions of this part are superseded and cancelled ninety days after date of issue of this part.

§ 44.2 Applicability.

The policies and regulations set forth herein are applicable to the Army, the Navy, the Air Force, the Marine Corps, and by agreement with the Secretary of the Treasury, to the Coast Guard, and to all Reserve components thereof.

§ 44.3 Administration.

Each of the Armed Forces to which these policies and the regulations in this part are applicable will, prior to the cancellation date of former Part 44 (13 F.R. 5879) issue appropriate regulations under this part.

§ 44.4 Definitions.

(a) *Military behavior.* "Military behavior" as used herein refers to the conduct of the individual while a member of an Armed Service.

(b) *Military record.* "Military record" as used herein includes an individual's military behavior and performance of duty, and reflects the character of the service he has rendered while a member of an Armed Service.

(c) *Honorable Discharge.* An "Honorable Discharge" is a separation from an Armed Service with honor.

(d) *General Discharge.* A "General Discharge" is a separation from an Armed Service under honorable conditions of an individual whose military record is not sufficiently meritorious to warrant an Honorable Discharge.

§ 44.5 Pre-service activities.

Except for misrepresentations (including omissions) made in connection with his enlistment or induction, activities that a member of the Armed Forces engaged in before he acquired status in the Armed Forces may not be considered in determining the type and character of discharge or separation to be issued. The type and character of the discharge will be determined solely by the member's military record.

§ 44.6 Standards for discharge.

The type and character of discharge or separation and the reasons therefor will be determined in accordance with the following standards:

(a) *Honorable Discharge.* Issuance of an Honorable Discharge is conditioned upon:

(1) Proper military behavior: Ordinarily, an Honorable Discharge will not be issued if an individual has been convicted of an offense by General Court-Martial or has been convicted by more than one Special Court-Martial in the current enlistment, period of obligated service, or any extensions thereof.

(2) Proficient and industrious performance of duty having due regard to the rate, rank or grade held and the capabilities of the individual concerned.

(3) Eligibility for discharge by virtue of one of the following reasons:

(i) Expiration of enlistment or fulfillment of service obligation, as applicable.

(ii) Convenience of the Government.

(iii) Hardship or dependency.

(iv) Minority.

(v) Disability.

(vi) Unsuitability.

(vii) Security.

(viii) When directed by the Secretary of the Department concerned.

(ix) Resignation—own convenience.

Special considerations: An individual may, where otherwise ineligible, receive an Honorable Discharge if he has, during his current enlistment, period of obligated service, or any extensions thereof, received a personal decoration as defined by the respective services, or is discharged as a result of a disability incurred in line of duty. In each of the above situations, the individual's military record should form the basis for the action taken.

(b) *General Discharge.* Issuance of a General Discharge is conditioned upon:

(1) Military record not sufficiently meritorious to warrant an Honorable Discharge.

(2) Eligibility for discharge by virtue of one of the reasons listed in paragraph (a) (3) of this section.

(c) *Undesirable Discharge.* An Undesirable Discharge is an administrative separation from the service "Under Conditions Other than Honorable." It is issued for unfitness, misconduct or for security reasons. It will not be issued in lieu of trial by court-martial except upon the determination by an officer exercising General Court-Martial jurisdiction or by higher authority that the interests of the service as well as the individual will best be served by administrative discharge.

Special considerations: Notwithstanding the foregoing, whenever the particular circumstances in a given case so warrant, an administrative discharge other than an Undesirable Discharge may be issued.

§ 44.7 Reasons for discharge.

(a) *Expiration of enlistment or fulfillment of service obligation (as applicable).* Discharge with an Honorable or a General Discharge as warranted by the individual's military record (§ 44.6 (a) or (b), as applicable).

(b) *Convenience of the Government.* Discharge with an Honorable or a General Discharge as warranted by the individual's military record, for the following reasons:

(1) General demobilization, reduction in authorized strength or by an order applicable to all members of a class of personnel specified in the order.

(2) Acceptance of a commission or appointment in any branch of the Armed Services, for active duty only.

(3) National health, safety or interest.

(4) To permit immediate enlistment or reenlistment.

(5) Erroneous induction or enlistment.

(6) To provide for the discharge of individuals serving in unspecified enlistment.

(7) In the case of women, marriage, pregnancy, parenthood, or custody of children under age 18.

(8) For other good and sufficient reasons when determined by the Secretary of the Department concerned.

(c) *Resignation—own convenience.* Discharge with an Honorable or a General Discharge as warranted by the individual's military record, on an individual basis, in accordance with regulations of the Service concerned. Such discharge may be effected as early release for the convenience of the Government.

(d) *Dependency or hardship.* (1) Discharge or separation or release by reason of dependency or hardship with an Honorable or a General Discharge, as warranted by the individual's military record. Discharge may be directed when it is considered that undue and genuine dependency or hardship exists, that the hardship or dependency is not of a temporary nature, and that conditions have arisen or been aggravated to an excessive degree since entry into the Service and the member has made every reasonable effort by means of application for Family Allowance and voluntary contributions which have proven inadequate; that the discharge of the individual will result in the elimination of, or will materially alleviate the condition and that there are no means of alleviation readily available other than by such discharge.

(2) Undue hardship does not necessarily exist solely because of altered present or expected income or because the individual is separated from his family or must suffer the inconveniences normally incident to military service.

(e) *Minority.* Discharge by reason of minority with an Honorable or General Discharge as warranted by the individual's military record, or release by avoidance of enlistment upon determination that the individual's age was misrepresented upon enlistment or induction as follows:

(1) Males, if enlisted and under 17 years of age, or inducted and under 18 years and six months of age, when verified, release from military control by discharge, release or avoidance of enlistment.

(2) If an enlisted man, enlisted without proper consent and having passed his 17th birthday, but not his 18th birthday, discharge upon application of parent or legal guardian as prescribed by law.

(3) If an enlisted man having passed his 18th birthday when verified—retain if otherwise qualified.

(4) Females, if enlisted and under 18 years of age, or inducted and under the age prescribed by law for such induction, release from military control by discharge, release or avoidance of enlistment.

(5) If an enlisted woman enlisted without proper consent, having passed her 18th birthday, but not her 21st birthday, when verified—discharge upon application of parent or legal guardian as prescribed by law.

NOTE: The enlistment of a minor with false representation as to age without proper consent will not in itself be considered as fraudulent enlistment.

(f) *Disability.* Discharge by reason of physical disability, with an Honorable or General Discharge as warranted by the individual's military record, when it has

been determined as a result of medical findings that the individual is physically unfit to perform the duties of his office, rank, grade or rating.

(g) *Unsuitability.* Discharge by reason of unsuitability, with an Honorable or General Discharge as warranted by the individual's military record. Such discharge will be effected when it has been determined that an individual is unsuitable for further military service because of:

(1) *Inaptitude:* Applicable to those persons who are best described as inapt, due to lack of general adaptability, want or readiness of skill, unhandiness, or inability to learn.

(2) *Character and behavior disorders:* Character and behavior disorders, disorders of intelligence, and transient personality disorders due to acute or special stress as defined in "Joint Armed Forces Nomenclature and Method of Recording Psychiatric Conditions—1949" (SR 40-1025-2; NavMed P-1303; AFR 160-13A).

(3) *Apathy, defective attitudes and inability to expend effort constructively:* As significant observable defect, apparently beyond the control of the individual, elsewhere not readily describable.

(4) *Enuresis.*

(5) *Alcoholism:* Chronic, or addiction to alcohol.

(6) *Homosexual tendencies.*

(7) *Special considerations:* For other good and sufficient reasons when determined by the Secretary of the Department concerned.

(h) *Security.* Discharge with the character of discharge and under conditions stipulated by the Secretary of Defense in directives which deal explicitly with this matter when retention is not clearly consistent with the interest of national security.

(i) *Unfitness.* Discharge by reason of unfitness, with an Undesirable Discharge, unless the particular circumstances in a given case warrant a general or honorable discharge, when it has been determined that an individual's military record is characterized by one or more of the following:

(1) Frequent involvement of a discreditable nature with civil or military authorities.

(2) Sexual perversion including but not limited to (i) lewd and lascivious acts, (ii) homosexual acts, (iii) sodomy, (iv) indecent exposure, (v) indecent acts with or assault upon a child, or (vi) other indecent acts or offenses.

(3) Drug addiction or the unauthorized use or possession of habit-forming narcotic drugs or marijuana.

(4) An established pattern for shirking.

(5) An established pattern showing dishonorable failure to pay just debts.

(6) For other good and sufficient reasons when determined by the Secretary concerned.

(j) *Misconduct.* Discharge by reason of misconduct, with an Undesirable discharge, unless the particular circumstances in a given case warrant a general or honorable discharge, when one or more of the following conditions have been determined:

(1) Conviction by civil authorities (foreign or domestic) or action taken

which is tantamount to a finding of guilty of an offense for which the maximum penalty under the UCMJ is death or confinement in excess of one year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender as a result of an offense involving moral turpitude. If the offense is not listed in the MCM Table of Maximum Punishments or is not closely related to an offense listed therein, the maximum punishments authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies. For the purpose of this subparagraph only, an individual shall be considered as having been convicted even though an appeal is pending or is subsequently filed.

(2) Procurement of a fraudulent enlistment, induction or period of obligated service through any deliberate material misrepresentation or concealment which, except for such misrepresentation or concealment, may have resulted in rejection.

(3) Prolonged unauthorized absence: When unauthorized continuous absence of one year or more has been established but punitive discharge has not been authorized by competent authority.

§ 44.3 Procedures for discharge.

In accordance with the standards outlined in this part, the following procedures will be adhered to in effecting administrative discharges:

(a) *Honorable Discharge.* A separation with an Honorable Discharge may be effected by the individual's commanding officer or higher authority when the individual is eligible for or subject to discharge and it has been determined that he merits an Honorable Discharge under the prescribed standards.

(b) *General Discharge.* A separation with a General Discharge may be effected by the individual's commanding officer or higher authority when the individual is eligible for or is subject to discharge and it has been determined under the prescribed standards and in accordance with any prescribed administrative procedures that a General Discharge is warranted.

(c) *Discharge for unsuitability.* An individual recommended for an honorable or general discharge for reason of unsuitability shall be afforded the oppor-

tunity to make a statement in his own behalf.

(d) *Undesirable Discharge.* An Undesirable Discharge will be effected only by authority of a properly approved administrative action conforming to the prescribed standards, during which the following procedures and safeguards have been observed:

(1) The individual if subject to such discharge will, if his whereabouts is known, be properly advised of the basis for the contemplated action and afforded an opportunity to request or waive, in writing, the following privileges:

(i) To have his case heard by a Board of not less than three officers. In the case of non-regular component members, all boards so convened shall include appropriate numbers from the Reserve components. In the case of female members, all boards so convened shall include at least one female officer.

(ii) To appear in person before such board, subject to his availability, e.g., not in civil confinement.

(iii) To be represented by counsel, who, if reasonably available, should be a lawyer.

(iv) To submit statements in his own behalf.

(2) Separation with an Undesirable Discharge may be effected by an officer exercising general court-martial jurisdiction or by higher authority (including departmental headquarters) after review of the findings and recommendations made by any board which was convened to consider the case.

(3) Except for Reservists, Departmental Secretaries are authorized to waive the requirements set forth in subparagraph (1) of this paragraph (except subdivision (iv)), when such action is deemed in the best interest of the military service. Departmental Secretaries will advise the Assistant Secretary of Defense (Manpower, Personnel and Reserve) by memorandum not later than 15 July each year of any such actions taken during the preceding fiscal year, and the reasons therefor. The reporting requirement of this paragraph has been assigned Report Control Symbol DD-MP&R(A) 370.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 59-1983; Filed, Mar. 6, 1959;
8:45 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Public Health Service, Department of Health, Education, and Welfare has filed an application, Serial Number F-022930 for the withdrawal of the lands described below, from all forms of appro-

priation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for expansion of the Alaska Native Health Service Hospital site at Barrow, Alaska.

For a period of sixty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1050, Fairbanks, Alaska.

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

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

The lands involved in the application are:

Barrow Area

Starting From Corner No. 1 of Tract B of U.S. Survey 2244, go S. 76°58' W., 72.60 feet to the Point of Beginning; thence S. 13°02' E., 552.09 feet; thence S. 76°58' W., 356.98 feet; thence S. 13°02' E., 460,000 feet; thence N. 76°58' E., 835.82 feet to a point on the edge of Narravak Lagoon; thence in a Northwest-erly direction along the edge of the lagoon 1,114 feet plus or minus; thence S 76°58' W., 372.6 feet to the Point of Beginning.

Containing 13.35 acres, more or less.

RICHARD L. QUINTUS,
Operations Supervisor,
Fairbanks.

[F.R. Doc. 59-1988; Filed, Mar. 6, 1959;
8:45 a.m.]

Fish and Wildlife Service

[Director's Order 1, Amdt. 1]

DESIGNATED OFFICIALS OF THE BUREAU OF SPORT FISHERIES AND WILDLIFE

Delegation of Authority With Respect to Contracts and Leases for Space

MARCH 3, 1959.

Director's Order No. 1, Designated officials of the Bureau of Sport Fisheries and Wildlife—delegation of authority with respect to contracts and leases for space, is hereby amended as follows:

1. Paragraphs (1), (2) and (3) of subsection (a) of section 1 are amended to read in their entirety as follows:

(1) *Headquarters organization.* Assistant Directors; Chief, Division of Administration; and Chief and Assistant Chief, Branch of Property Management, unlimited as to amount.

(2) *Regional offices.* Regional Directors, Administrative Officers and Property Management Officers, \$100,000.

(3) *Field units.* Project leaders and their assistants, and chiefs of field parties, open market purchases not exceeding \$2,500 in any one case, and purchases from established contracts and emergency purchases, unlimited as to amount.

2. Subsection (b) of section 3 is amended to read in its entirety as follows:

(b) *Authorized officers*—(1) *Headquarters organization.* Assistant Directors; Chief, Division of Administration; and Chief and Assistant Chief, Branch of Property Management, unlimited as to amount.

(2) *Regional offices.* Regional Directors, Administrative Officers and Property Management Officers, \$100,000.

No. 46—2

(Secretary's Order No. 2509, Amdts. 16 and 25; Commissioner's Order No. 4)

A. V. TUNISON,
Acting Director.

[F.R. Doc. 59-1987; Filed, Mar. 6, 1959;
8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Application for License; Notice of Hearing and Order

It appears that: (a) Pursuant to the Commission's findings and order of October 31, 1957, a construction permit, No. CPPR-5, was issued to applicant, Yankee Atomic Electric Company (hereinafter called Yankee), on November 4, 1957. Paragraph D of the construction permit, as amended by Amendment No. 2 issued October 28, 1958, provided that the permit would expire by April 30, 1959, unless applicant submitted sufficient information relating to its financial resources to enable the Commission to make a finding that the company has adequate financial resources to meet the requirements of the law and regulations.

(b) Applicant submitted additional information relating to its financial resources in Amendments Nos. 11 and 12 to its license application, docketed on December 23, 1958, and February 18, 1959, respectively. Both amendments are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Applicant has requested the Commission to enter an order finding that Yankee has adequate financial resources to meet the requirements of the Atomic Energy Act and the Commission's rules and regulations and to delete Paragraph D from the construction permit.

(c) As set forth in amendment No. 11, the applicant proposes to enter into an indenture of mortgage and deed of trust to Old Colony Trust Company, as trustee, to secure proposed first mortgage bonds. Among other things, the said indenture is intended to create a first mortgage lien on substantially all of Yankee's physical properties, including the nuclear reactor to which this license application relates. The applicant requests the Commission's consent to the creation of the mortgage lien upon the facility, pursuant to section 184 of the Atomic Energy Act.

It is ordered, That:

1. The matters set forth in paragraphs (b) and (c), above, are set down for hearing on Thursday, April 9, 1959, commencing at 10:30 in the forenoon, at the Atomic Energy Commission Auditorium, Germantown, Maryland. Samuel W. Jensch, Esq. will be the presiding officer to conduct the hearing and to render a decision pursuant to § 2.751(a) of the AEC rules of practice (10 CFR 2.751(a)).

2. The issues to be considered at the hearing will be the following:

A. Whether, pursuant to § 50.40(b) of the AEC regulations, the applicant is financially qualified to design and construct the facility (nuclear reactor), and whether, pursuant to § 50.60(c)(2) of the AEC regulations, the applicant is financially qualified to receive an allocation of special nuclear material.

B. Whether, pursuant to section 184 of the Atomic Energy Act, Commission consent shall be given to the creation of the proposed mortgage lien upon the facility (nuclear reactor), substantially in accordance with the proposal contained in applicant's amendment No. 11.

3. Pending the determination of the issues set forth in paragraph 2 above, applicant's construction permit is continued notwithstanding the time limitation specified in paragraph D thereof, as amended by amendment No. 2.

4. Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C., not later than April 7, 1959, or, in the event of a postponement of the hearing date specified in paragraph 1 above, at such time as the presiding officer may provide upon application of the petitioner. Applicant shall file by March 26, 1959, an answer to this notice pursuant to § 2.736 of the AEC rules of practice (10 CFR 2.736).

Papers required to be filed with the AEC in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file twenty copies of each such paper with the AEC and where service of papers is required on other parties shall serve five copies of each.

Dated at Germantown, Md., this 4th day of March 1959.

ATOMIC ENERGY COMMISSION,
WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 59-1996; Filed, Mar. 6, 1959;
8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9315 et al.]

AMERICAN EXPRESS CO. ET AL.

Postponement of Hearing

In the matter of the investigation of applications of American Express Company for a certificate of public convenience and necessity, and approval of various relationships.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding, now assigned to be held March 9, 1959, is hereby postponed until March 31, 1959, at 10:00 a.m., e.s.t., in Room

725, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., March 3, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-2038; Filed, Mar. 6, 1959;
9:03 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket 12176 etc.; FCC 59-150]

KTAG ASSOCIATES (KTAG-TV) ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Charles W. Lamar, Jr., J. Warren Berwick, Harold Knox & R. B. McCall, Jr., d/b as KTAG Associates (KTAG-TV), Lake Charles, Louisiana, Docket No. 12176, File No. BMPCT-4682; for modification of construction permit. Evangeline Broadcasting Company, Inc., Lafayette, Louisiana, Docket No. 12177, File No. BPCT-2335; Acadian Television Corporation, Lafayette, Louisiana, Docket No. 12178, File No. BPCT-2351; for construction permits for new television broadcast stations. Camellia Broadcasting Company, Inc. (KLFY-TV), Lafayette, Louisiana, Docket No. 12436, File No. BMPCT-4711; for modification of construction permit.

1. There are before the Commission an Order of the Hearing Examiner released on June 26, 1958 (FCC 58M-687; Mimeo No. 60611) granting KTAG Associates (KTAG) leave to amend its application; petitions for review of the Hearing Examiner's Order, filed severally by Acadian Television Corporation (Acadian) and Evangeline Broadcasting Company (Evangeline) on July 9, 1958; a petition to enlarge issues, filed by the Commission's Broadcast Bureau; a response to the petition to enlarge issues, filed by KTAG on August 14, 1958, and various oppositions and replies thereto, filed by the parties and the Commission's Broadcast Bureau.

2. The Commission, by its action in Docket No. 11752, allocated Channel 3 to Lake Charles-Lafayette, Louisiana. KTAG, permittee of KTAG-TV, Channel 25, Lake Charles, Louisiana, thereafter filed an application to modify its permit to specify Channel 3 instead of Channel 25. Acadian and Evangeline are competing applicants for authorization to use Channel 3 for a Lafayette station. All three parties lack approval of the Washington Airspace Panel for the antenna sites specified in their pending applications.¹

3. The application of Camellia Broadcasting Company, Inc. (Camellia), permittee for Channel 10 in Lafayette, Louisiana, for modification of construction permit to change transmitter site and to

¹The aeronautical hazard problem, as it relates to KTAG, would be resolved by the amendment (par. 3, infra), grant of which by the Hearing Examiner is the subject of our review at this time.

increase antenna height, was consolidated for hearing in the above proceeding on May 14, 1958.

4. On May 13, 1958, KTAG petitioned the Commission for leave to amend its application by changing transmitter site and reducing its antenna height to 1,049 feet MSL. The site thus proposed met all separations requirements and was approved by the Washington Airspace Panel for the height specified (i.e. 1,049 feet). These proposed facilities provide a field intensity of only 69 dbu over Lake Charles when computations are made in accordance with the Commission's curves, whereas a field intensity of 74 dbu is required by 47 CFR 3.685(a).² KTAG asserts, however, that an engineering study³ which it caused to be made demonstrates that an actual signal strength of 74 dbu can be expected over Lake Charles from the proposed site, power, and antenna height proposed by its tendered amendment; and that employment of such ad hoc measurements is permitted by 47 CFR 3.685(c).

5. Good cause for amendment after the commencement of hearing was predicated upon the difficulties encountered by KTAG in finding an aeronautically acceptable site and was supported by KTAG's argument that its record "shows the greatest diligence in endeavoring to resolve the very difficult airspace problem with which it has been confronted"; that such delays as have occurred in the present hearing have been, in substantial part, to permit a resolution of the aeronautical problem; and that acceptance of its amendment could be accomplished without undue prejudice to the Commission or any party involved.

6. On June 26, 1958, following oral argument, the Hearing Examiner issued his Order granting KTAG's petition to amend. It is this order which has been attacked by Evangeline and Acadian in their petitions for review. Since petitioners challenge the Examiner's order upon similar grounds, their arguments will be consolidated for discussion under the appropriate captions, infra.

7. The facilities proposed by KTAG in its amendment do not meet principal city requirements specified by the Commission's rules. Petitioners argue that the

²Citations to the Commission's rules will be excerpted as appropriate in Appendix A hereto.

³The engineering study upon which KTAG relies consists of a review of measurement data on file with the Commission with respect to six VHF stations located in television Zone III. These stations reviewed are WBRZ-TV (Channel 2), Baton Rouge, Louisiana; WTVJ (Channel 4), Miami, Florida; WJNO (Channel 5), Palm Beach, Florida; WCKT (Channel 7), Miami, Florida; WTVT (Channel 13), Tampa, Florida; and WINK (Channel 11), Fort Meyers, Florida. In addition, KTAG made measurements over the path between its proposed site and the existing operations of KPLC (Channel 7), Lake Charles, and KLFY-TV (Channel 10), Lafayette, Louisiana. KTAG asserts that, since the terrain between its proposed site and Lake Charles is level and free of obstruction, reciprocity applies and that the measurements based on KLFY-TV and KPLC-TV are representative of those which would be obtained if the antennas of KPLC-TV and KLFY-TV had been located at the proposed KTAG-TV transmitter site.

proposed KTAG amendment violates the Commission's rules in that 47 CFR 3.685 (a) requires a minimum signal intensity of 74 dbu over Lake Charles; that 47 CFR 3.683 provides that predicted field intensity contours will be used and expressly includes, in paragraph (b) thereof, determinations of compliance with 47 CFR 3.685(a); that 47 CFR 3.684(a) compels use of the Commission's field intensity charts in predicting coverage; and that 47 CFR 3.686 limits the submission of measurements to (1) rule making proceedings and (2) requests by the Commission. If KTAG is permitted to use ad hoc measurements instead of computations based upon the Commission's curves, petitioners assert that there will be no basis for restricting the future use of such measurements and that the resulting derogation of the Commission's rules will be of such magnitude as to render consideration of KTAG's petition beyond the Hearing Examiner's jurisdiction. Petitioners also argue that KTAG's petition proposes to adopt a new allocation system and should, therefore, be the subject of a rule making proceeding.

8. Additionally, petitioners attack KTAG's reliance upon 47 CFR 3.685(c) because of the alleged failure to relate it to 47 CFR 3.685(b), which section refers to the importance of choosing antenna locations free from obstructions which cause shadowing problems. Petitioners argue that the reference to questionable antenna sites in 47 CFR 3.685(c) refers to locations which might be questionable because of obstructions and means that the Commission may require site tests to resolve such questions. It is further urged that this requirement is in addition to and not in lieu of the principal city requirement. Finally, petitioners state that there is no question of obstruction with respect to the proposed KTAG site, no such question having been raised by any party, and KTAG having insisted that the terrain involved is flat and free of obstruction.⁴

9. KTAG opposes petitioners' thesis, supra, on the grounds that it is refuted by the terms of 47 CFR 3.683 through 3.686. KTAG bases this conclusion on its construction of these sections of the rules to the effect that the use of field intensity charts relates to determination of Grade A and B contours rather than principal city signal; that 47 CFR 3.685(c) permits measurements to demonstrate coverage of the principal communities to be served; and that 47 CFR 3.686 relates to rule making proceedings only and can have no application within the context of the present proceeding. KTAG also opposes the allegations that grant of its proposed amendment will disrupt the present system of allocations. Supporting arguments advanced by KTAG are that allocations are based upon mileage separations; that stations assigned in accordance with separations criteria are

⁴Acadian also argues that the Commission's AM rules and standards permit optional use of measurements in lieu of the Commission's soil maps and that the Commission, had it so desired, could have included such options in its television rules.

neither required to provide nor entitled to receive further protection; that its proposal meets all separations requirements; and that its use of measurements to determine principal city coverage can have no effect upon the allocation plan.

10. Petitioners' argument that KTAC's proposal fails to meet principal city requirements is also opposed by Camellia and the Commission's Broadcast Bureau on the ground that the question presented is one of fact which should be determined by the Commission in the light of a full hearing record.

11. Acadian's reply to KTAG's opposition reiterates its prior arguments as to the inapplicability of 47 CFR 3.685. With respect to KTAG's construction of 47 CFR 3.683 through 3.686, Acadian states that KTAG has overlooked 47 CFR 3.684(b) which refers specifically to 47 CFR 3.683 and thus makes it clear that the distance to the contour providing the required principal city signal is covered by the requirement that the Commission's curves be used.

12. The measurements proffered by KTAG are not acceptable to prove an actual field intensity, assuming such measurements to be permitted by the rules. Petitioners allege that KTAG's engineering data are defective and inadequate in that only two days of measurements are submitted; that no measurements are submitted for the paths from the proposed site to Lake Charles; that the Commission's express requirement for site tests has been violated; and that KTAG's assumption of reciprocity is unwarranted. KTAG states in opposition that it disagrees that its measurements are inadequate, but, in any event, the question of inadequacy presents a matter for exploration rather than for rejection of its petition.

13. Failure to request a waiver of the Commission's rules relating to the computation of predicted signals strengths. Petitioners argue that, since the KTAG proposal allegedly violates 47 CFR 3.683 through 3.686, it must be accompanied by a request for waiver as required by 47 CFR 1.307(a). It is further argued that KTAG's failure to request a waiver requires Commission rejection of its amendment.

14. Failure to show good cause: Petitioners argue that KTAG's failure to show good cause involves both the question of timeliness and the substantive question of the effect that the amendment would have upon the present proceeding and upon the Commission's processes. Specific attacks on KTAG's allegation of timeliness are that KTAG could have proffered measurements at the rule making proceeding (Docket No. 11752) in order to persuade the Commission to abandon its curves as the basis for predicting principal city signals; that KTAG does not explain why, in view of its long apparent aeronautical problem, it has delayed producing its measurements; that KTAG represented to the Air Space Subcommittee that a 1400 foot tower would be required to place a principal city signal over Lake Charles, thus, apparently recognizing the need for using the Commission's curves; and it appears that KTAG did not advise the Air Space

Subcommittee of the measurements on existing stations which it later cited in its amendment, or of the provisions of 47 CFR 3.685(c). Petitioners argue that these facts demonstrate that KTAG is using 47 CFR 3.685(c) as a basis for a "belated" attempt to "capitalize" on its airspace problem as a "lever" to produce a "distorted" application of the Commission's rules.

15. Petitioners also argue that acceptance of KTAG's petition will cause additional expense, delay, and disadvantage to KTAG's adversaries and will adversely affect the public interest in early resolution of the question of Lafayette's need for a second service.

16. KTAG's opposition to the attacks on its showing of good cause is essentially a reiteration of the matters originally asserted in support of its petition for leave to amend. Additionally, KTAG asserts that hearing of the present proceeding has not commenced except for pre-hearing conferences; that no dates have been set for exchange of exhibits, hearing, or other matters; and that acceptance of its amendment can be accomplished without any prejudice to the Commission or the parties involved.

17. The Commission's Broadcast Bureau has also opposed petitioners' attack on KTAG's showing of good cause. Grounds for the Broadcast Bureau's opposition are that KTAG's effort to solve its airspace problem bespeaks good cause for accepting its amendment; that petitioners have not demonstrated how a grant of the pending petition for leave to amend would delay the proceeding; that in view of the large number of pleadings pending before the Commission with respect to the present proceeding, it does not appear that any subsequently filed pleadings to enlarge the issues as a result of KTAG's amendment would unduly lengthen the proceeding; and that grant of the Broadcast Bureau's currently pending petition to enlarge the issues would hardly require more time and evidence than the air hazard issue which acceptance of KTAG's proposed amendment would render moot.

PETITION TO ENLARGE ISSUES

18. The Broadcast Bureau, subsequent to the Examiner's grant of KTAG's petition to amend, petitioned the Commission to add the following issue: "To determine whether the proposed operation of KTAG Associates would place a principal city signal over the entire community of Lake Charles, Louisiana, in accordance with § 3.685 of the Commission's rules."

19. The Broadcast Bureau's argument in support of its request is that KTAG has predicated its conclusion that the facilities proposed by its amendment can be expected to put 74 dbu over Lake Charles upon (a) measurements taken on KPLC-TV (Channel 7) and KLFY-TV (Channel 10), and (b) measurements from the Commission's files on stations in both lower (Channels 2-6) and upper (Channels 7-13) VHF bands;

*Hearing of this proceeding was continued indefinitely by the Hearing Examiner's Order released November 1, 1957.

that KTAG states that measurement data in the Commission's files indicate field intensities of 2 to 10 db higher than those predicted from the Commission's propagation curves; that it appears that KTAG's own representations do not demonstrate a 74 dbu signal over Lake Charles; and that the proposed issue should be added so as to have a complete record on the question of fact raised by the proposed amendment.

20. KTAG does not oppose the Bureau's petition to enlarge. KTAG has, however, responded to the Bureau's petition to enlarge by stating the belief that (a) a 74 dbu signal will be placed over Lake Charles and that (b) if the measurements submitted do not definitively establish the requisite 74 dbu signal, they do demonstrate a better signal than that indicated by the Commission's field intensity chart. If, upon consideration of these matters, the Commission concludes that an issue such as that requested by the Broadcast Bureau would be appropriate, KTAG requests that the issue proposed by the Broadcast Bureau be amended to include the following:

* * * and if a principal city signal would not be placed over the entire community of Lake Charles, Louisiana, in accordance with the said Section 3.685 of the Commission's rules, whether a waiver of the said requirements of § 3.685 should be granted in order to permit KTAG-TV to operate in accordance with the engineering specifications contained in its application as amended.

21. Both Evangeline and Acadian filed comments to the Bureau's request for an enlargement of issues. Neither waived its position of opposition to the proposed KTAG amendment discussed, supra. Petitioners expressed agreement with the Broadcast Bureau's doubt as to the validity of KTAG's measurements and with the Bureau's conclusion that enlargement of the issues is a necessary concomitant of amendment. Evangeline, however, has further stated that it is unlikely that the Commission would grant the complete relief requested and that, in such an event, it may be appropriate for the Commission to consider an issue bearing upon whether or not a requested waiver of the rules and standards respecting principal city signal and calculated contours should be granted on the basis of the data proffered by KTAG. In addition, Evangeline suggests that the Commission may wish to consider an issue reflecting the desirability of revising its television allocations system so as not to apply "the most fundamental general principles of that system in favor of ad hoc measurement showings heretofore invariably rejected."

22. The threshold questions before us are (a) whether or not KTAG has made a sufficient showing of good cause to warrant grant of leave to amend its application after designation for hearing and (b) whether or not our rules permit ad hoc measurements to be used in determining principal city signal under the circumstances of this case. We are of the opinion that both queries must be answered affirmatively and that petitioners' related argument, to the effect that KTAG's failure to request a waiver

of the Commission's rules relating to computation of predicted signal strength is fatal to its petition for leave to amend, is misconceived.

23. KTAG's continuing efforts to solve its aeronautical problems, culminating with the proposal stated in the amendment now being considered is a convincing demonstration of its diligence. Additionally, the question of aeronautical hazard is not a comparative issue and KTAG's proposed amendment will, therefore, cause no comparative detriment to any other applicant. The Commission is also of the opinion that grant of KTAG's proposed amendment will not unduly prolong the proceeding. These factors, considered in their entirety, are sufficient to support the showing of good cause which is required of KTAG by 47 CFR 1.311(b).

24. Our conclusion that KTAG may use ad hoc measurements to demonstrate principal city coverage is based upon our construction of 47 CFR 3.683 through 3.685 in the light of both our own and the court's past decisions on related questions. We are unable to agree with petitioners that the provision of 47 CFR 3.683(b), to the effect that the field intensity contours provided for therein shall be considered in determining compliance with 47 CFR 3.685(a), is to be construed as restricting determination of principal city signals to computations based upon our curves. Similarly, we do not construe the provisions of 47 CFR 3.685(b) as restricting the propagation tests referred to in 47 CFR 3.685(c) to those instances involving unusual terrain features which might result in shadowing. To the contrary, it is our opinion that such a narrow construction would not be consonant with the opinion of the Court of Appeals in *Hall and Greenville Television Co. v. F.C.C.*, 237 F. 2d 567; 99 U.S. App. D.C. 86 (1956), 14 RR 2009, wherein the court stated, in effect, that the Commission's propagation curves are admissible to prove contours even where the area may be abnormal but that evidence of such abnormality would be admissible and might outweigh the probative force of the propagation curves. The Commission has subsequently included issues which contemplate the admission and consideration of such evidence. *Great Lakes Television, Inc.*, 16 RR 201.

25. It is true that parties seeking to adduce evidence of actual as opposed to predicted signal strength must make a preliminary showing of more than tenuous validity, *Midwestern Broadcasting Company*, 13 RR 613 and cases cited therein. Such a showing has been made in this case to the extent necessary to support a grant of KTAG's petition for leave to amend. We agree with the Broadcast Bureau, however, that a necessary concomitant of accepting KTAG's amendment is the addition of an issue in the presently scheduled hearing to determine whether or not KTAG's amended proposal will, in fact, place a principal city signal over Lake Charles as required by 47 CFR 3.685.

26. We are of the further opinion that, in view of the showing already made (par. 25, supra), we should grant KTAG's

request (par. 20, supra) that this proposed new issue be expanded to include determination of whether or not a waiver of 47 CFR 3.685 should be granted in the event that a signal of 74 dbu over Lake Charles is not demonstrated.

Accordingly, it is ordered, This 25th day of February 1959, That the petitions of Acadian Television Corporation for Review and Reversal of the Examiner's Order of June 26, 1958, are denied and the said order is affirmed.

It is further ordered, That the petition of the Commission's Broadcast Bureau to enlarge the issues is granted; that the issues are further enlarged to include the question of waiver of 47 CFR 3.685, as embodied in KTAG's response filed on August 14, 1958; and, accordingly, that the following issue is added as Issue No. 1 and the present issues are renumbered accordingly: To determine whether the proposed operation of KTAG Associates would place a principal city signal over the entire community of Lake Charles, Louisiana, in accordance with § 3.685 of the Commission's rules and if a principal city signal would not be placed over the entire community of Lake Charles, Louisiana, in accordance with the said § 3.685 of the Commission's rules, whether a waiver of the said requirements of § 3.685 should be granted in order to permit KTAG-TV to operate in accordance with the engineering specifications contained in its application as amended.

Released: March 4, 1959.

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

Appendix A

47 CFR 1.307: *Defective applications.* (a) Applications which are determined to be patently not in accordance with the Commission's rules * * * unless accompanied by an appropriate request for waiver, will be considered defective and will not be accepted for filing or if inadvertently accepted for filing will be dismissed. * * *

47 CFR 1.311: *Amendments of applications.* (b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. * * *

47 CFR 3.683: *Field intensity contours.* (a) In the authorization of television broadcast stations, two field intensity contours are considered. These are specified as Grade A and Grade B. * * *

(b) The field intensity contours provided for herein shall be considered for the following purposes only: * * * (4) In determining compliance with § 3.685(a) concerning the minimum field intensity to be provided over the principal community to be served.

47 CFR 3.684: *Prediction of coverage.* (a) All predictions of coverage made pursuant to this paragraph shall be made without regard to interference and shall be made only on the basis of estimated field intensities. The peak power of the visual signal is used in making predictions of coverage. (b) Predictions of coverage shall be made only for the same purposes as relate to the use of field intensity contours as specified in § 3.683(b).

(c) In predicting the distance to the field intensity contours the F (50, 50) field intensity charts (10 and 11 of § 3.699) shall be used. * * *

(f) In the cases where the terrain in one or more directions from the antenna site departs widely from the average elevation of the 2 to 10 mile sector, the prediction method may indicate contour distances that are different from what may be expected in practice. For example, a mountain ridge may indicate the practical limit of service although the prediction method may indicate otherwise. In such cases the prediction method should be followed, but a supplemental showing may be made concerning the contour distances as determined by other means. * * *

47 CFR 3.685: *Transmitter location and antenna system.* (a) The transmitter location shall be so chosen * * * so that * * * the following minimum field intensity * * * will be provided over the entire principal community to be served: Channels 2-4 74 dbu.

(b) Location of the antenna at a point of high elevation is necessary to reduce to a minimum the shadow effect on propagation due to hills and buildings. * * *

(c) In cases of questionable antenna locations it is desirable to conduct propagation tests to indicate the field intensity expected in the principal community to be served and in other areas, particularly where severe shadow problems may be expected. In considering applications proposing the use of such locations, the Commission may require site tests to be made. Such tests should be made in accordance with the measurement procedure hereafter described, and full data thereon must be supplied to the Commission. Tests transmitters should employ an antenna having a height as close as possible to the proposed antenna height, using a balloon or other support if necessary and feasible. Information concerning the authorization of site tests may be obtained from the Commission upon request. * * *

47 CFR 3.686: *Measurements for rule making purposes and upon request of the Commission:* (a) * * * Persons making field intensity measurements for formal submission to the Commission in rule making proceedings, or making such measurements upon the request of the Commission, should comply with the procedure for making such measurements as outlined below * * *

[F.R. Doc. 59-2609; Filed, Mar. 6, 1959; 3:48 a.m.]

[Docket Nos. 12432-12435; FCC 59M-274]

WILSON BROADCASTING CORP. ET AL.

Order Continuing Hearing Conference

In re applications of Wilson Broadcasting Corporation, New Bedford, Massachusetts, Docket No. 12432, File No. BPCT-2232; E. Anthony & Sons, Inc., New Bedford, Massachusetts, Docket No. 12433, File No. BPCT-2233; Eastern States Broadcasting Corp., New Bedford, Massachusetts, Docket No. 12434, File No. BPCT-2252; New England Television Company, Inc., New Bedford, Massachusetts, Docket No. 12435, File No. BPCT-2425; for construction permits for new television broadcast stations (Channel 6).

Pursuant to agreements reached by all parties as shown by the transcript record of the prehearing conference held on this day,

It is ordered, This 2d day of March 1959, that the prehearing conference in

this proceeding is continued to 2:00 p.m. on Friday, March 13, 1959.

Released: March 3, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-2010; Filed, Mar. 6, 1959; 8:48 a.m.]

[Docket No. 12713; FCC 59M-277]

INTRASTATE BROADCASTERS
Order Continuing Hearing

In re application of Harriscopes, Inc., Abbot London & Saul R. Levine, d/b as Intrastate Broadcasters, Pomona, California, Docket No. 12713, File No. BP-11687; for construction permit.

The Hearing Examiner having under consideration a motion filed February 26, 1959, by Ben S. McGlashan, licensee of Station KGFJ, respondent herein, requesting that the date of the evidentiary hearing in the above-entitled proceeding be continued from Thursday, March 12, 1959, to Friday, March 20, 1959; and

It appearing that the reason for the requested continuance is the fact that counsel for movant has another commit-

ment to appear before the Commission on March 12, 1959, that counsel for all other parties have agreed to the granting of the requested motion and for the immediate consideration thereof, and good cause for granting the motion having been shown;

It is ordered, This the 2d day of March 1959, that the motion for continuance is granted and the date of the evidentiary hearing is continued from Thursday, March 12, 1959, to Friday, March 20, 1959, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: March 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-2011; Filed, Mar. 6, 1959; 8:48 a.m.]

[Bahamas List 1]

BAHAMAS BROADCASTING STATION

Notification under the provisions of Part III, section 2 or the North American Regional Broadcasting Agreement, Bahamas List No. 1/59.

Call letters	Location	Power kw	Antenna	Schedule	Class
ZNS	Nassau	5 kw	1540 kc. ND	U	I-A

Proposed increase of Power to 10 kw.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-2012; Filed, Mar. 6, 1959; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2216]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Application for Amendment of License and Fixing Hearing

MARCH 3, 1959.

Take notice that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Power Authority of the State of New York, licensee for Project No. 2216, for amendment of its license for the project to change the license description of the relating reservoir in the Town of Lewiston, set forth in Paragraph (2)(B)(4) of the license to read as follows:

A pump-storage reservoir in the Town of Lewiston located adjacent to the pumping-generating plant having a maximum normal operating level at elevation of 655 feet, a useable storage capacity of about 45,000 acre-feet with a drawdown of about 35 feet and with the top of the encompassing dike at elevation 665 feet. The effect of the amendment would be that no lands of the Tuscarora Indian Reservation would be occupied by the project reservoir, and the capacity of

the reservoir would be reduced from 60,000 acre-feet to 45,000 acre-feet.

The proposed amendment raises question as to whether any modification of the project may be lawfully authorized under the provisions of the Federal Power Act and pursuant to the provisions of Public Law 85-159, 85th Congress, approved August 21, 1957 (71 Stat. 401), without the use of Indian lands.

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 the Federal Power Act particularly and the Commission's rules of practice and procedure, a public hearing shall be held, the time and place hereafter to be fixed concerning the matters involved in and the issues presented by such application.

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 April 13, 1959.

The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-1994; Filed, Mar. 6, 1959; 8:46 a.m.]

[Docket Nos. G-10260, G-10531]

PACIFIC NORTHWEST PIPELINE CORP. AND UNION PACIFIC RAILROAD CO.

Order Reopening Proceeding and Fixing Date of Hearing

MARCH 4, 1959.

In the matters of Pacific Northwest Pipeline Corporation, Docket No. G-10260; Union Pacific Railroad Company, Docket No. G-10531.

On June 9, 1958, Pacific Northwest Pipeline Corporation (Pacific) and Union Pacific Railroad Company (Union) filed a joint petition to amend the order issued January 2, 1958, in the above-captioned dockets, which authorized Pacific to-construct and operate certain facilities to receive natural gas from Union at the outlet of the latter's Rangely Gasoline Plant in Rio Blanco County, Colorado, and authorized Union to sell such natural gas to Pacific, pursuant to a gas sales contract dated April 25, 1955, executed by and between Pacific and Union.

The aforesaid petition to amend states that effective as of March 19, 1958, Pacific and Union executed an agreement amending basic provisions of the gas sales contract of April 25, 1955. This amended agreement provides that Union will deliver gas to Pacific at a pressure of 850 psi instead of 500 psi as previously provided for, thus relieving Pacific of the necessity of constructing and operating the 220 horsepower compressor station which was among the facilities authorized by the order issued January 2, 1958.

The original gas sales contract dated April 25, 1955, providing for an initial rate of 10 cents per Mcf at 15.025 psia (subject to Btu adjustment), was accepted for filing and designated as Union Pacific Railroad Company FPC Gas Rate Schedule No. 3. However, no services were rendered under this rate schedule and it was subsequently permitted to be withdrawn by letter dated May 5, 1958, for the reason that it was prematurely filed. The amendatory agreement effective March 19, 1958, provides for an initial rate of 15 cents per Mcf, stating, in effect, that the original contract dated April 25, 1955, contained price provisions (10 cents per Mcf initially) which are no longer equitable as they do not reflect fairly the prices which Pacific must negotiate to pay for additional gas supplies of like quality in this area and at a pressure of 850 psi.

The joint petition to amend, therefore, asks that the Commission's order issued January 2, 1958, be amended so as to give effect to the gas sales contract as amended by the amendatory agreement of March 19, 1958.

The Commission finds: It is necessary and appropriate in the public interest to reopen the proceedings designated as Docket Nos. G-10260 and G-10531 to permit the presentation of evidence with respect to the joint petition filed on June 9, 1958, by Pacific Northwest Pipeline Corporation and Union Pacific Railroad Company, respectively, to amend the Commission's order issued January 2, 1958, in these dockets.

The Commission orders:

(A) The proceedings designated as Docket Nos. G-10260 and G-10531 be and the same are hereby reopened for the reception of evidence with respect to the joint petition filed on June 9, 1958, by Pacific Northwest Pipeline Corporation and Union Pacific Railroad Company, respectively, to amend the Commission's order issued January 2, 1958, in these dockets.

(B) 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 31, 1959, 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 the aforesaid petition to amend: *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 Petitioners 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 26, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1995; Filed, Mar. 6, 1959;
8:48 a.m.]

[Docket No. G-17522]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

Notice of Application and Date of Hearing

MARCH 3, 1959.

In the matter of Transcontinental Gas Pipe Line Corporation, Texas Eastern Transmission Corporation, Algonquin Gas Transmission Company, The Manufacturers Light and Heat Company; Docket No. G-17522.

Take notice that on January 14, 1958, Transcontinental Gas Pipe Line Corpo-

ration (Transco), Texas Eastern Transmission Corporation (Texas Eastern), Algonquin Gas Transmission Company (Algonquin), and The Manufacturers Light and Heat Company (Manufacturers) filed a joint application in Docket No. G-17522, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the exchange and delivery of natural gas between the Applicants for a period ending November 1, 1959, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that its 23- and 30-inch transmission pipeline from its main line near Princeton, New Jersey, to the Leidy-Tamarack Storage Pool in Clinton and Potter Counties, Pennsylvania, authorized, among other things, on September 4, 1958, in Docket No. G-13590 (Docket No. G-13143, et al.), is complete except for some 1½ miles, which is being delayed by lengthy condemnation suits in New Jersey. The present proposal is designed to bypass this gap, permitting Transco to utilize the constructed portion of the Leidy line and to inject gas into the Leidy Storage Pool, by any or all of the following methods:

(1) Transco to deliver to Texas Eastern up to 35,000 Mcf per day (14.73 psia) through existing interconnections between their two systems or by delivery to common customers; Texas Eastern to increase its deliveries to its existing customer, Algonquin, by an equivalent volume; Algonquin, in turn, to deliver such volumes to Home Gas Company (Home) at an emergency interconnection of their respective facilities near Spring Valley, New York, for the account of Manufacturers; Manufacturers to reduce its deliveries to its customer, Home, by the same volumes which Home will receive from Algonquin; and Manufacturers then to deliver equivalent volumes into Transco's Leidy line through an existing temporary interconnection near Martin's Creek, Northampton County, Pennsylvania.

(2) Transco to deliver up to 25,000 Mcf per day (14.73 psia) to Manufacturers at Transco's existing Downingtown, Pennsylvania, delivery point; Manufacturers to return an equal volume into Transco's Leidy line at the Martin's Creek connection.

(3) Transco to deliver up to 25,000 Mcf per day (14.73 psia) to Texas Eastern at existing interconnections or through common customers; Texas Eastern to deliver equal volumes to Manufacturers at Texas Eastern's Delmont, Pennsylvania, compressor station; Manufacturers to deliver equivalent volumes into Transco's Leidy line through a temporary interconnection near Tamarack, Clinton County, Pennsylvania.

The above proposal is pursuant to an agreement dated January 9, 1959, entered into by the four Applicants for the exchange of gas for the period ending October 31, 1959.

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 April 7, 1959, 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 Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 23, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1984; Filed, Mar. 6, 1959;
8:45 a.m.]

[Docket No. G-17256]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

MARCH 2, 1959.

Take notice that on December 15, 1958, El Paso Natural Gas Company (Applicant) filed in Docket No. G-17256 a budget-type application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable it to take into its certificated main pipeline system from time to time during the calendar year 1959 new supplies of natural gas which will be purchased from independent producers in the general area of its existing transmission system at a total cost of not to exceed \$5,000,000 all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities proposed to be constructed and operated by Applicant during the calendar year 1959 under this application are:

(a) Field lateral pipelines varying in diameter from 4½-inches O.D. to 20-inches O.D., with appurtenant facilities, each single project to cost not more than \$500,000 and the aggregate cost of all such installations not to exceed \$1,500,000;

(b) Compressor and appurtenant facilities varying in size from 300 to 1,600 horsepower, each single installation to cost not more than \$500,000 and the aggregate cost of all such facilities not to exceed \$1,500,000;

(c) Purification and/or dehydration and appurtenant facilities, each single installation to cost not more than \$500,000 and the aggregate cost of all such facilities not to exceed \$1,000,000; and

(d) Gasoline plant and appurtenant facilities consisting primarily of additions or alterations to Applicant's existing gasoline plants, each single installation to cost not more than \$500,000 and the aggregate cost of all such facilities not to exceed \$1,000,000.

The purpose of this budget-type proposal is to augment Applicant's ability to act with reasonable dispatch in securing by contract and connecting to its pipeline system new supplies of gas in various producing areas generally co-extensive with its system.

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 30, 1959, 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 23, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

By the Commission,

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1985; Filed, Mar. 6, 1959;
8:45 a.m.]

[Docket No. G-17037]

**TENNESSEE GAS TRANSMISSION CO.
AND TRANSCONTINENTAL GAS
PIPE LINE CORP.**

**Notice of Application and Date of
Hearing**

MARCH 2, 1959.

Take notice that Tennessee Gas Transmission Company (TGT) and Transcontinental Gas Pipe Line Corporation (Transco), both Delaware corporations with principal places of business in Houston, Texas, filed in Docket No. G-17037 on November 24, 1958, a

joint application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing them to construct and operate facilities, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

TGT and Transco seek authority to construct and operate an emergency interconnection between TGT's and Transco's natural-gas systems. The proposed interconnection would be constructed at the point where Transco's 36-inch main line crosses TGT's 30-inch Delta-Portland line near Heidelberg, Jasper County, Mississippi. The interconnection is to be used only in case of line failure or occurrence of other emergency on either system.

The total cost of the proposed facilities is estimated to be \$17,470, the separate costs to TGT and Transco being \$12,270 and \$5,200, respectively. TGT will construct, own and maintain the necessary metering equipment and each applicant will construct, own and maintain the tap and valve on its own pipeline and the connection between the valve and the metering equipment.

TGT and Transco propose to operate the interconnection under the terms of a letter agreement, executed November 18, 1958, which provides that when quantities of gas are delivered to the company requesting it by the other, in order to alleviate an emergency, that the recipient thereof shall re-deliver equivalent volumes of gas to the other within 60 days following the emergency delivery, unless a longer period for re-delivery is mutually agreeable. Emergency deliveries may be made under the agreement only when they will not impair the delivering company's service obligations to its other customers.

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 April 2, 1959, 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 TGT and Transco 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 23, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence

in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1986; Filed, Mar. 6, 1959;
8:45 a.m.]

**SECURITIES AND EXCHANGE
COMMISSION**

[File No. 70-3765]

**OHIO POWER CO. AND AMERICAN
ELECTRIC POWER CO., INC.**

Notice of Proposed Capital Contribution by Holding Company to Subsidiary and Issue and Sale by Subsidiary of First Mortgage Bonds

MARCH 2, 1959.

Notice is hereby given that American Electric Power Company, Inc. ("American"), a registered holding company, and its subsidiary Ohio Power Company ("Ohio"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12 thereof and Rules 42, 45 and 50 thereunder as applicable to the proposed transactions, which are summarized as follows:

(1) American proposes, prior to or concurrently with the sale of the bonds described below, to make cash capital contributions to Ohio aggregating \$14,000,000.

(2) Ohio proposes to issue and sell, at competitive bidding pursuant to Rule 50, \$25,000,000 principal amount of its First Mortgage Bonds, -- percent Series due 1989. The interest rate (a multiple of $\frac{1}{8}$ of 1-percent) and the price to be paid to Ohio (not less than 100 percent nor more than 102 $\frac{3}{4}$ percent of the principal amount) will be determined by the bidding.

The new bonds are proposed to be issued under and secured by the Mortgage and Deed of Trust, dated as of October 1, 1938, between Ohio and Central Hanover Bank and Trust Company (now The Hanover Bank) and Frank Wolfe (James T. Harrigan, successor, Individual Trustee), as Trustees, as heretofore supplemented and amended and as proposed to be supplemented and amended by a Supplemental Indenture to be dated as of the first day of the month in which the bonds are issued.

The proceeds of the capital contributions and the sale of the bonds will be applied by Ohio, to the extent necessary, to prepay without premium its notes payable to banks incurred for construction purposes, of which it is expected that not exceeding \$40,000,000 will be outstanding at the time of the sale of said bonds, and that any remaining proceeds will be applied to extensions, additions and improvements to its properties.

A statement of the estimated fees and expenses will be supplied by amendment.

It is stated that the proposed sale of bonds by Ohio will be expressly au-

thorized by The Public Utilities Commission of Ohio, in which State Ohio is organized and doing business, and that no other regulatory commission except this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 17, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may except such transactions as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-1989; Filed, Mar. 6, 1959;
8:46 a.m.]

[File No. 1-1318]

BLACK, STARR & GORHAM, INC.

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

MARCH 3, 1959.

In the matter of Black, Starr & Gorham, Inc., Class A Common Stock; File No. 1-1318.

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

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

The 20,680 shares not acquired by Gorham Manufacturing Company and the 197 remaining holders of record are insufficient to warrant a continuation of dealings in this stock on the Exchange.

Upon receipt of a request, on or before March 18, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Wash-

ington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-1990; Filed, Mar. 6, 1959;
8:46 a.m.]

[File No. 7-1973]

CARTER PRODUCTS, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

MARCH 3, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Carter Products, Incorporated, Common Stock; File No. 7-1973.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before March 18, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-1991; Filed, Mar. 6, 1959;
8:46 a.m.]

[File No. 7-1972]

WINN-DIXIE STORES, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

MARCH 3, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Winn-Dixie Stores, Inc., Common Stock; File No. 7-1972.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before March 18, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-1992; Filed, Mar. 6, 1959;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 93]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 4, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below.

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61799. By order of February 26, 1959, the Transfer Board approved the transfer to Garden State Moving & Storage, Inc., Paramus, New Jersey, of Certificate in No. MC 45341, issued February 19, 1942, to Alphonse Guerra, Paramus, New Jersey, authorizing the transportation of: *Household goods*, between Ridgefield Park, N.J., and points within 25 miles thereof, on the one hand, and, on the other, points in New Jersey and New York. David Brodsky, Brodsky and Lieberman, Attorneys, 1776 Broadway, New York 19, New York, for applicants.

No. MC-FC 61806. By order of February 26, 1959, the Transfer Board ap-

proved the transfer to Clarence F. Stilwell, doing business as J. C. Stilwell's Son, Morton, Pa., of Certificate in No. MC 44156 Sub 1, issued May 29, 1942, to Jonathan C. Stilwell and Clarence F. Stilwell, a partnership, doing business as J. C. Stilwell & Son, Morton, Pa., authorizing the transportation of: *Potted plants and flowers*, between specified points in Pennsylvania, on the one hand, and, on the other, specified points in Delaware and New Jersey, and *Household goods*, between Morton, Pa., and points in Pennsylvania within 20 miles of Morton, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Delaware, Maryland, Virginia, New Jersey, New York, Connecticut, and the District of Columbia.

No. MC-FC 61829. By order of February 20, 1959, the Transfer Board approved the transfer to Donald W. Clause and Erma Clause, a Partnership, doing business as Lakeview Motor Freight Company, of the operating rights in Certificate No. MC 114447, issued June 14, 1955, authorizing the transportation, over irregular routes, of cotton cake meal and cotton seed meal, from points in Kern and Fresno Counties, Calif., to points in Lake County, Oreg., box shooks, from Lakeview, Oreg., to points in a described portion of California, livestock, between points in Lake County, Oreg., and Susanville, Calif., and Reno, Nev., livestock and grain, between points in Lake County, Oreg., on the one hand, and, on the other, points in sixteen counties in California, general commodities, between points in Lake County, Oreg., household goods, between points in Lake County, Oreg., on the one hand, and, on the other, points in a described portion of California and a described portion of Oregon, building blocks, between Glass Mountain (near Perez), Calif., on the one hand, and, on the other, points in Lake County, Oreg., machinery, which because of size or weight requires the use of special equipment, between points in California, which are on and north of U.S. Highway 50 on the one hand, and, on the other, points in Lake County, Oreg., lumber, and building materials as described in Appendix VI to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, between points in Lake County, Oreg., on the one hand, and, on the other, points in California, and lumber, machinery, which because of size or weight requires special equipment, and building materials as described in Appendix VI to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, between points in Lake County, Oreg., on the one hand, and, on the other, points in Nevada located on and west of U.S. Highway 95. Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oregon, for applicants.

No. MC-FC 61924. By order of February 25, 1959, the Transfer Board approved the transfer to S & S Trucking, Inc., Des Moines, Iowa, of a portion of certificate No. MC 115460, issued October 3, 1957, to Ralph Noe, Maryville, Mo., authorizing the transportation of: Crushed rock, from points in Nodaway County, Mo., to points in Taylor and

Page Counties, Iowa. Stephen Robinson, 1020 Savings & Loan Building, Des Moines, Iowa, for applicants.

No. MC-FC 61972. By order of February 20, 1959, the Transfer Board approved the transfer to Francis C. Cline, doing business as Cline Trucking, Highmore, South Dakota, of the operating rights in Certificate No. MC 108666, issued July 21, 1948, to Wilbert C. Goldsmith, doing business as Goldsmith Truck Service, Highmore, South Dakota, authorizing the transportation, over irregular routes, of livestock and emigrant movables, between Highmore, S. Dak., and points within 30 miles thereof, on the one hand, and, on the other, points in Iowa, Nebraska, and Minnesota, and processed feeds and feed ingredients, farm machinery, farm implements, and building materials, from Sioux City, Iowa, to Highmore, S. Dak., and points within 30 miles thereof.

No. MC-FC 61978. By order of February 25, 1959, the Transfer Board approved the transfer to Shamrock Van Lines, Inc., Dallas, Tex., of the operating rights in Certificate No. MC 34490, issued June 1, 1943, to Andrew L. Diversi, doing business as A. L. Diversi, Lynn, Mass., authorizing the transportation of household goods, over irregular routes, between Lynn, Mass., and points within 15 miles of Lynn, on the one hand, and, on the other, points in Maine, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Maryland, Pennsylvania, and Delaware. Allen Melton, 316 Rio Grande National Life Building, Dallas, Tex., and/or Edwin J. Coughlin, 409-414 Grossman Building, 14 Central Avenue, Lynn, Mass., for applicants.

No. MC-FC 61983. By order of February 26, 1959, the Transfer Board approved the transfer to Fishers and Arnold, Inc., Falmouth, Ky., of Certificate No. MC 116491 issued August 23, 1957, to C. W. Fisher, Keith Fisher, and Gerald Arnold, a partnership, doing business as Fishers and Arnold, Falmouth, Ky., authorizing the transportation of crushed stone, over irregular routes, from points in Pendleton County, Ky., to Cincinnati, Ohio, and points in Ohio and Indiana within 15 miles of Cincinnati, Ohio. Robert H. Kinker, 711 McClure Building, Frankfort, Ky., for applicants.

No. MC-FC 61989. By order of February 25, 1959, the Transfer Board approved the transfer to LeRoy Hilt, Lincoln, Nebr., of the operating rights in Certificate No. MC 116478, issued September 27, 1957, to John L. Ninneman, Lincoln, Nebraska, authorizing the transportation, over irregular routes, of malt beverages, from Chicago, Ill., Milwaukee, Wis., and St. Paul, Minn., to Lincoln, Nebraska, and of empty containers and incidental facilities used in the transportation of malt beverages, from Lincoln, Nebr., to Chicago, Ill., Milwaukee, Wis., and St. Paul, Minn., and from Nebraska City, Nebr., to Milwaukee. J. Max Harding, IBM Building, 605 South 12th Street, Lincoln Nebr., for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-1993; Filed, Mar. 6, 1959; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-269]

GOVERNMENT OF HUNGARY

In re: Debt or other obligation owned by the Government of Hungary; F-34-548, F-34-503.

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

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York, New York, in the sum of \$492,606.25, arising out of an account in the name of Rohner, Gehrig & Company, Inc., for account of Feinlederfabrik Erno Vincze, maintained at the 26 Broadway branch of said bank, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

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

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

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

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

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

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

Executed at Washington, D.C., on March 2, 1959.

For the Attorney General.

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

[F.R. Doc. 59-1998; Filed, Mar. 6, 1959;
8:47 a.m.]

[Vesting Order SA-270]

IR. S. VOICULESCU

In re: Property indirectly owned by Ir. S. Voiculescu; F-57-1028, F-49-822.

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

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a special blocked account in the name of Amsterdamsche Bank N.V., The Hague, Netherlands, sub-account Ir. S. Voiculescu, maintained by said bank, and any and all rights to demand, enforce and collect the same,

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

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

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

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

for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

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

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

Executed at Washington, D.C., on March 2, 1959.

For the Attorney General.

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

[F.R. Doc. 59-1999; Filed, Mar. 6, 1959;
8:47 a.m.]

MARTHA JOCHUM ET AL.

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

Martha Jochum, Frankfurt a.M., Germany; Claim No. 42361; \$12,450.01 in the Treasury of the United States; \$2,500.00 National Railroad of Mexico First Consolidated Gold Bonds, 4 percent of 1951 extended to 1-1-75, numbered 15299, 15300, and 23328; and an undivided one-fourth interest in and to 30

shares of Rudolf Karstadt, Inc., RM 2½ par value capital stock.

Anne Marie Hauck, Frankfurt a.M., Germany; Claim No. 45604; \$2,308.38 in the Treasury of the United States and an undivided one-seventh interest in and to each of the securities listed below.

Else Mathilde Maria Zachaus, Munich, Germany; Claim No. 45604; \$4,616.75 in the Treasury of the United States and an undivided two-sevenths interest in and to each of the securities listed below.

Anna Elisabeth Gabriele Busch, Frankfurt a.M., Germany; Claim No. 45604; \$4,616.75 in the Treasury of the United States and an undivided two-sevenths interest in and to each of the securities listed below.

Michael Georg Hauck, Frankfurt a.M., Germany; Claim No. 45604; \$4,616.76 in the Treasury of the United States and an undivided two-sevenths interest in and to each of the securities listed below.

Vesting Order Nos. 7142 and 7266.
\$4,850.00 Republica Mexicana External Loan Bonds, due 1-1-45, extended to 1-1-63, stamped assented, 4 percent reduced, Issue 2, Series 38, Schedule 1;

\$2,500.00 National Railroad of Mexico First Consolidated Gold Bonds, 4 percent 1951 extended to 1-1-75, Nos. 15297/8, ½ of No. 10696;

\$20,000.00 National Railroad of Mexico First Consolidated Gold Bonds, 4 percent 1951 extended to 1-1-75;

\$10,000.00 Vera Cruz & Pacific Railroad Company Republic of Mexico First Mortgage Gold Bonds, 4½ percent 1934 extended to 1-1-75, Nos. 2506/7/8/9, 2510/11/12/13/14; 2515;

\$3,000.00 National Railroad of Mexico Prior Lien Gold Bonds, 4½ percent 1934 extended to 1-1-75;

\$200.00 National Railways of Mexico secured Gold Notes, Series E, 6 percent 1933 extended to 1-1-75;

95 shares Seaboard Air Line Railway Company \$100 par value preferred stock, Cert. No. 1701; and

An undivided one-fourth interest in and to 30 shares of Rudolf Karstadt, Inc., RM 2½ par value capital stock.

Of the foregoing securities, the Rudolf Karstadt and Seaboard Air Line stock is in the custody of the Office of Alien Property, Washington 25, D.C.; all other securities listed above are in the custody of the Federal Reserve Bank, New York, for safekeeping.

Executed at Washington, D.C., on February 27, 1959.

For the Attorney General.

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

[F.R. Doc. 59-2000; Filed, Mar. 6, 1959;
8:47 a.m.]

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