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TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-107, Amdt. 1 of December 6, 1955]

M-107—TITANIUM MILL PRODUCTS

LEAD TIME FOR REQUIRED ACCEPTANCE OF RATED ORDERS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment affects BDSA Order M-107 by further limiting required acceptance of rated orders for titanium mill products to orders which are received not less than 3 months prior to the first day of the month in which delivery is requested.

Section 4 of BDSA Order M-107 is hereby amended to read as follows:

SEC. 4. *Limitations on required acceptance of rated orders.* (a) Unless specifically directed by BDSA, no producer of titanium mill products shall be required to accept rated orders calling for delivery during any calendar month, commencing with the month of June 1954, of an aggregate quantity of titanium mill products by weight which exceeds 90 percent of his scheduled production of such products for that calendar month: *Provided, however,* That no producer shall cancel or postpone delivery of any rated orders already accepted because such orders exceed 90 percent of his scheduled production for that month.

(b) Unless specifically directed by BDSA, a producer of titanium mill products need not accept a rated order which he receives less than 3 months prior to the first day of the month in which delivery is requested.

(64 Stat. 816, as amended; Pub. Law 295, 84th Cong.; 50 U. S. C. App. 2154)

This amendment shall take effect December 6, 1955.

BUSINESS AND DEFENSE
SERVICES ADMINISTRATION,
GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 55-9909; Filed, Dec. 6, 1955; 2:53 p. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

EMPLOYERS' CONTRIBUTION REPORTS

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U. S. C. 362) § 345.5 (a) (2) of the Regulations under such act (4 F. R. 4370; 12 F. R. 2327; 17 F. R. 2303) is amended by Board Order 55-325 dated November 21, 1955, to read as follows:

§ 345.5 *Employers' contribution reports*—(a) *General.* * * *

(2) (i) If an employer was covered by the Act during an entire calendar year, and if the creditable compensation reported during such year, multiplied by the contribution rate for the following year produces an amount of less than \$100, the employer may elect to make a single contribution report for such following year.

(ii) Except as otherwise provided by agreement with the Board, each employer is required to file a separate contribution report, and consolidated contribution reports of parent and subsidiary corporations are not permitted.

(iii) Contribution reports of employers who are required by State laws to pay compensation on a weekly basis shall include with respect to such compensation all pay roll weeks in which all or the major part of the compensation falls within the period for which the reports are required.

(Sec. 12, 52 Stat. 1107, as amended; 45 U. S. C. 362)

Dated: December 1, 1955.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 55-9850; Filed, Dec. 7, 1955; 8:47 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

PASSENGER STEAMERS GIVEN PREFERENCE IN TRANSITING

Pursuant to the authority vested in the Governor by section 4.7 of Title 35, Code of Federal Regulations, as adopted by Canal Zone Order 30, January 6, 1953 (18 F. R. 280), § 4.8 is amended to read as follows:

§ 4.8 *Passenger steamers given preference in transiting.* Regular passenger steamers with accommodations for 50 or more passengers, when carrying mail and running on fixed published schedules, will, to the extent consistent with efficient operation of the Canal, as determined by the Marine Director, be given preference over other vessels in transiting regardless of the number of passengers actually on board. However, as between vessels

of this class, special consideration will be given to those vessels which are actually ready for transit at regular fixed hours.

(Sec. 5, 37 Stat. 562, as amended; 2 C. Z. Code 9, 48 U. S. C. 1318. E. O. 9746, 11 F. R. 7329, 3 CFR, 1946 Supp.)

Issued at Balboa Heights, Canal Zone, November 28, 1955.

[SEAL]

J. S. SEYBOLD,
Governor.

[F. R. Doc. 55-9855; Filed, Dec. 7, 1955; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

[Circular 1945]

PART 192—OIL AND GAS LEASES

LEASING OF WILDLIFE REFUGE LANDS

Section 192.9 is amended to read as follows:

§ 192.9 *Leasing of wildlife refuge lands.* (a) Geological and geophysical prospecting permits may be issued by the Fish and Wildlife Service on areas subject to its jurisdiction prior to leasing under such terms and conditions as that Service may prescribe.

(b) (1) Areas determined to be indispensable for the preservation of rare or endangered species, remnant big-game herds, and irreplaceable examples of unique animal or plant ecology are not available for leasing. Areas in this category at present are included in Appendix A. Oil and gas leases may be issued for other lands administered by the Fish and Wildlife Service for wildlife conservation, except that; on those areas designated by the Fish and Wildlife Service as wilderness, recreational, water development, or marsh, with respect to which the Fish and Wildlife Service reports that oil and gas development might seriously impair or destroy the usefulness of the lands for wildlife conservation purposes, no leases will be issued unless a complete and detailed operating program for the area, which will insure full protection of the particular values for which established, is approved by the Director, Fish and Wildlife Service. All pending applications on such excepted wilderness, recreational, water development, and marsh areas will be rejected unless within 6 months the applicant files an operating program sufficient to accomplish these purposes. Areas in this category are listed in Appendix B.

(2) The following conditions shall be expressed in any lease issued under this section:

(i) Geological and geophysical prospecting conducted on the leased premises shall be of a type and at a time satisfactory to the Fish and Wildlife Service.

(ii) No drilling operations shall be conducted under the lease until such lease has been committed to an approved unit plan. However, the Secretary may, in his discretion, permit or require drilling if he determines that a unit plan

including the leased area cannot be secured and that drilling is necessary to protect the interests of the United States.

(a) A unit agreement which includes lands administered for wildlife conservation shall contain a provision that no drilling operations may be conducted on the unutilized portion of the Government-leased lands administered for wildlife conservation without the consent and approval of the Fish and Wildlife Service as to the time, place, and nature of such operations.

(b) In every instance, a plan of development which includes lands administered for wildlife conservation shall not be approved without the concurrence of the Fish and Wildlife Service.

(iii) Lessees shall observe and comply with all State and Federal laws and regulations relating to wildlife and shall take such action as is necessary to assure observance and compliance with these laws and regulations by lessees, employees and agents.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

DOUGLAS MCKAY,
Secretary of the Interior.

APPENDIX A—FISH AND WILDLIFE SERVICE LANDS NOT AVAILABLE FOR LEASING

- Alaska:
 - Certain of the Aleutian Islands.
- Georgia:
 - Okefenokee.
- Hawaii: ¹
 - Certain of the Hawaiian Islands.
- Maryland:
 - Patuxent.
- Montana:
 - National Bison Range.
 - Red Rock Lakes.
- Nebraska:
 - Fort Niobrara.
- North Dakota:
 - Sullys Hill.
- Oklahoma:
 - Wichita Mountains.
- Texas:
 - Aransas.
 - Santa Ana.
- Wyoming:
 - National Elk.

APPENDIX B—FISH AND WILDLIFE SERVICE LANDS AVAILABLE FOR LEASING UNDER A SATISFACTORY DEVELOPMENT AND OPERATING PLAN

- Alabama:
 - Petit Bois (see also Mississippi).
 - Wheeler.
 - Alaska:
 - Chamisso.
 - Hazen Bay.
 - Hazy Island.
 - Kenai: The following areas and all lands within one mile of Tustemena Lake, Skilak Lake, Kenai River, Upper and Lower Russian Lake and River Hidden Lake, Kaslof River, and Chickaloon Flats.
 - Pribilof Islands.
 - St. Lazaria.
 - Semidi.
- Arizona:
- Cabeza Prieta Game Range.
 - Havasu Lake (see also California).
 - Imperial (see also California).
 - Kofa Game Range: All Range lands in T. 1 N., Rs. 15-18 W.; T. 2 N., Rs. 16 & 17 W.; T. 1 S., Rs. 15-18 W.; T. 2 S., Rs. 15-19 W.; T. 3 S., Rs. 15, 18, & 19 W.; T. 4 S., R. 17 West ½; T. 5 S., Rs. 17 & 18 W.; T. 4 S., R. 18 W.

¹ The regulations in 43 CFR, Part 192 do not apply to the Territory of Hawaii.

- Arkansas:
Big Lake.
White River.
- California:
Clear Lake.
Colusa.
Farallon.
Havasu Lake (see also Arizona).
Imperial (see also Arizona).
Lower Klamath (see also Oregon).
Sacramento.
Salton Sea.
Sutter.
Tule Lake.
- Colorado:
Monte Vista.
- Delaware:
Bombay Hook.
Killcohook (see also New Jersey).
- Florida:
Anclote.
Brevard.
Cedar Keys.
Chassahowitzka.
Chinsegut.
Great White Heron.
Key West.
Loxahatchee.
Passage Key.
Pelican Island.
Pinellas.
Sanibel.
St. Marks: All refuge lands in Ts. 4 and 5 S., Rs. 1, 2, and 3 E., T. M., and refuge lands in the Hartsfield Survey.
- Georgia:
Blackbeard Island.
Savannah (see also South Carolina).
Tybee.
Wolf Island.
- Idaho:
Camas.
Deer Flat.
Minidoka.
Snake River.
- Illinois:
Chautauqua.
Crab Orchard.
Lands made available by the Corps of Engineers on the Mississippi River between Rock Island and Alton, Illinois (see also Iowa and Missouri).
Upper Mississippi River Wild Life and Fish Refuge (see also Iowa, Minnesota, and Wisconsin).
- Iowa:
Lands made available by the Corps of Engineers on the Mississippi River between Rock Island and Alton, Illinois (see also Illinois and Missouri).
Union Slough.
Upper Mississippi River Wild Life and Fish Refuge (see also Illinois, Minnesota, and Wisconsin).
- Kansas:
Kirwin Wildlife Management Area.
- Kentucky:
Kentucky Woodlands.
- Louisiana:
Lacassine.
Shell Keys.
- Maine:
Widow's Island.
- Maryland:
Blackwater.
Chincoteague (see also Virginia).
Glenn Martin.
- Massachusetts:
Great Meadows.
Monomoy.
Parker River.
- Michigan:
Huron.
Michigan Islands.
Seney.
Shiawassee.
- Minnesota:
Beltrami Wildlife Management Area.
Mille Lacs.
Mud Lake.
- Rice Lake.
Tamarac.
Talcot.
Upper Mississippi River Wild Life and Fish Refuge (see also Illinois, Iowa, and Wisconsin).
- Mississippi:
Noxubee: All refuge lands in the following subdivisions: T. 17 N., R. 13 E., secs. 13, 14, 23, 24, 25, 26, and 36; T. 16 N., R. 14 E., secs. 1-4, 9-15, and 21-24; T. 17 N., R. 14 E., secs. 31-35; T. 16 N., R. 15 E., secs. 4-8 and 16-21.
Petit Bois (see also Alabama).
- Missouri:
Mingo.
Lands made available by the Corps of Engineers on the Mississippi River between Rock Island and Alton, Illinois.
Missouri Wildlife Management Area.
Squaw Creek.
Swan Lake.
- Montana:
Benton Lake.
Bowdoin.
Medicine Lake: All refuge lands in the following subdivisions: T. 30 N., R. 55 E., all; T. 31 N., Rs. 55 and 56 E., all; T. 31 N., R. 57 E., secs. 3-7, inclusive, all; Sec. 8, N $\frac{1}{2}$ and SW $\frac{1}{4}$; Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$; Sec. 18, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$; T. 32 N., Rs. 55, 56, 57, 58 E., all.
- Nine-Pipe.
Pablo.
Pishkun.
Willow Creek.
- Nebraska:
Crescent Lake: All refuge lands in the following subdivisions: T. 20 N., R. 44 W., secs. 2-7, inclusive, 9, 10, 11, and 18, all; T. 21 N., Rs. 44 and 45 W., all.
North Platte.
Valentine: All refuge lands in the following subdivisions: T. 28 N., R. 27 W., secs. 3-8, inclusive; T. 28 N., R. 28 W., secs. 1 and 12; Ts. 29 and 30 N., Rs. 27, 28, and 29 W., all.
- Nevada:
Anaho Island.
Desert Game Refuge: All Range lands in the following subdivisions: Ts. 9-14 S., Rs. 54-62 E., all; T. 15 S., Rs. 56-62 E., all; T. 16 S., Rs. 56, 57, and 58 E., Secs. 1-6, inclusive; Ts. 16 and 17 S., Rs. 59-62 E., inclusive, all; T. 18 S., Rs. 60, 61, and 62 E., all; also all lands above 6,000' elevation in the following area: T. 17 S., Rs. 54 and 55 E.; Ts. 18 and 19 S., Rs. 54, 55, and 56 E.; T. 20 S., Rs. 55, 56, 57, and 58 E.; T. 21 S., Rs. 56, 57, and 58 E.
Sheldon National Antelope Refuge.
Stillwater National Wildlife Management Area.
Stillwater National Wildlife Refuge.
- New Jersey:
Brigantine.
Killcohook (see also Delaware).
- New Mexico:
Bitter Lake: All of the lands of the refuge west of the Pecos River in the following area: T. 9 S., R. 25 E., secs. 14, 15, 21, 22, 23, 26, 27, 28, 32, 33, 34, and 35; T. 10 S., R. 25 E., secs. 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 20, 21, 22, 28, and 29.
Bosque del Apache: All refuge lands between the East Side Road and the proposed right-of-way for U. S. Highway No. 85.
- New York:
Montezuma.
New York Wildlife Management Area.
Elizabeth Tilton.
Wertheim.
- North Carolina:
Mattamuskeet.
Pea Island.
Swanquarter.
- North Dakota:
Ardoch.
Arrowwood.
- Chase Lake.
Des Lacs.
Lake Ilo.
Kellys Slough.
Lake Zahl.
Long Lake.
Lostwood.
Lower Souris: All refuge lands north of the line common to Townships 158 and 159 North.
Slade.
Stump Lake.
Tewaukon.
Theodore Roosevelt.
Upper Souris.
- Ohio:
West Sister Island.
- Oklahoma:
Salt Plains.
- Oregon:
Cape Meares.
Cold Springs.
Lower Klamath (see also California).
Malheur.
McKay Creek.
Oregon Islands.
Three Arch Rocks.
Upper Klamath.
- Puerto Rico:¹
Culebra.
- South Carolina:
Cape Romain.
Santee.
Savannah (see also Georgia).
- South Dakota:
Bear Buttee.
Belle Fourche.
Lacreek.
Lake Andes.
Sand Lake.
Waubay.
- Tennessee:
Lake Isom.
Reelfoot.
Tennessee.
- Texas:
Laguna Atascosa.
Muleshoe.
- Utah:
Bear River Migratory Bird Refuge.
Locomotive Springs.
- Vermont:
Missisquoi.
- Virginia:
Back Bay.
Chincoteague (see also Maryland).
Presquille.
- Washington:
Columbia.
Copalis.
Dungeness.
Flattery Rocks.
Jones Island.
Lenore Lake.
Matia Island.
Quillayute Needles.
Smith Island.
Turnbull.
Skagit.
Willapa.
- Wisconsin:
Gravel Island.
Green Bay.
Horicon.
Long Tail Point.
Necedah.
Necedah Wildlife Management Area.
Upper Mississippi River Wild Life and Fish Refuge (see also Iowa, Illinois, and Minnesota).
- Wyoming:
Hutton Lake.
Pathfinder: All refuge lands in Townships 29 and 30 N., R. 85 W.

[F. R. Doc. 55-9852; Filed, Dec. 7, 1955; 8:48 a. m.]

¹ The regulations in 43 CFR Part 192 do not apply to Puerto Rico.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11194; FCC 55-1196]

[Rules Amdt. 3-2]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the Matter of amendment of § 3.606 Table of assignments, rules governing Television Broadcast Stations.

1. The Commission has under consideration its Notice of Proposed Rule Making issued in this proceeding on October 7, 1954 (FCC 54-1270), and published in the FEDERAL REGISTER on October 13, 1954 (19 F. R. 6587), proposing to assign Channel 9 to either Blossburg, Pennsylvania, or Elmira, New York, in response to petitions filed by Williamsport Radio Broadcasting Associates, Inc., and John S. Both and Thompson K. Cassel, d/b as Elmira Television, respectively.

2. Comments have been filed by Elmira Television, Williamsport Radio Broadcasting Associates, Inc., Sunbury Broadcasting Corporation, WBRE-TV, Inc., Wyoming Valley Broadcasting Company, Seranton Broadcasters, Inc., Copper City Broadcasting Corporation, Lock Haven Broadcasting Corporation, Southern Tier Radio Service, Inc. The contentions of the parties are discussed below.

3. There is a small area in North Central Pennsylvania and South Central New York where Channel 9 may be assigned in accordance with the Commission's minimum separation requirements. Elmira Television requests that we assign Channel 9 to Elmira, New York, and the mutually exclusive request of Williamsport Radio Broadcasting Associates, Inc., seeks Channel 9 for Blossburg, Pennsylvania. Elmira has a population of 49,716 persons and has been assigned UHF Channels 18 and 24. Elmira Television is authorized to operate Station WTVE on Channel 24, but has not been in operation since the fall of 1954 when its antenna was destroyed by Hurricane "Hazel". A station authorized to operate on Channel 18 surrendered its construction permit in September, 1954. Two competing applications for Channel 18 are now pending. Blossburg, a community of 1,933 persons, has no television assignments. Williamsport, the community which Williamsport Radio proposes to serve from Channel 9 in Blossburg, is assigned UHF Channel 36. Station WRAK-TV has been authorized to operate on Channel 36 in Williamsport but is not yet in operation. The assignment of Channel 9 to Elmira or to Blossburg can be accomplished without making any other changes in the Table of Assignments, except for changes in the offset requirements for Channel 9 at Washington, D. C. (WTOP-TV) and Greenville, North Carolina (WNCT).¹

¹In a letter dated October 28, 1954, WNCT has informed the Commission that it "has no comments to add to the proposal to change to a minus nine channel."

4. In support of its request Elmira Television urges that assignment of Channel 9 to Elmira would conform to the Commission's rules and will not require any deletions or substitutions of channels in any community. It further urges that the total population of Elmira and the villages immediately surrounding it is 62,164 as compared to a population of 1,954 for the borough of Blossburg which has no other cities, towns or villages in the immediate vicinity—a ratio of approximately 32 to 1. Similarly, it is contended that the population of the the cities and towns over 2,500 within the proposed Grade A contour, a radius of 46 miles from Elmira, amounts to 221,871 and that there are only 188,899 persons within a radius of 46 miles of Blossburg. Elmira Television also contends that the total population of towns within 63.5 miles of Elmira, the proposed Grade B contour, is 357,569 as compared to 318,761 within 63.5 miles of Blossburg. It is therefore, contended that the assignment of Channel 9 to Elmira would provide a more fair, efficient and economical distribution of service among the several states and communities as required by Section 307 of the Communications Act. Elmira Television also points out that Elmira is by far the largest city in the area in which Channel 9 may be employed in this section of the United States and therefore under the principles set forth in previous rule making proceedings Channel 9 must be assigned to Elmira. It is also contended that in light of the distance and terrain involved, the assignment of Channel 9 to Blossburg would not provide a satisfactory signal to Williamsport and hence would not accomplish the stated objective of Williamsport Radio's proposal.

5. In order to remove the conflict between the two requests, Elmira Television suggests that either Channel 11 or Channel 13 could be assigned to the Blossburg area. It states that Channel 11 could be assigned without making any other changes in the table and that Channel 13 could be assigned to the town of Mansfield, Pennsylvania, located about 10 miles north of Blossburg, by making the following changes in the table.

City	Channel No.	
	Delete	Add
Utica-Rome, N. Y.	13	11
Kingston, Ontario, Canada	11	13
Pembroke, Ontario, Canada	13	11

Station WKTV operates on Channel 13 at Utica, and an authorization has been issued for a station on Channel 11 at Kingston, Ontario.

6. Elmira Television further proposes that Channel 24, presently assigned to Elmira, be shifted to Lock Haven, Pennsylvania, and that the Commission Order Elmira Television to Show Cause why its authorization should not be modified to specify operation on Channel 9 in lieu of Channel 24. Elmira submits that it has conferred with Lock Haven Broadcasting Corporation and has agreed that, in the event Channel 9 is authorized to Elmira Television, and Channel 24 is

shifted to Lock Haven, its UHF equipment would be made available to Lock Haven. The agreement also contemplates the operation of a station on Channel 24 at Lock Haven as a "satellite" of Station WTVE and provides that Lock Haven will initiate action to acquire the 10,000 converters now in use in the Elmira area. In order to assign Channel 24 to Lock Haven by deleting it from Elmira, it is suggested that Channel 32 be deleted from Lock Haven, that Channel 45 be substituted for Channel 38 at Sunbury, Pennsylvania, and that Channel 60 be substituted for Channel 24 at Baltimore, Maryland.

7. Lock Haven supports the assignment of Channel 9 to Elmira and opposes its assignment to Blossburg. Lock Haven further supports the request of Elmira for a Show Cause Order and the other amendments necessary to make the assignment of Channel 24 feasible in Lock Haven. Sunbury Broadcasting Corporation opposes this phase of the request, urging that it has expended considerable time and money in connection with an application it plans to file for Channel 38 at Sunbury (BPCT-1934, filed December 21, 1954) and opposes the request of Lock Haven for the substitution of Channel 45 for 38 at that city. Sunbury urges that the public interest would not be served by the Lock Haven proposal since there would be no stability in the assignment table if channels were changed at random to serve the private interest of parties.

8. In support of its request to assign Channel 9 to Blossburg, Williamsport Radio urges that since there are no assignments presently in Blossburg, Channel 9 in that community would not create an intermixture problem. Williamsport argues that, on the other hand, since there are two UHF assignments already in Elmira, the assignment of Channel 9 to that city would create such intermixture and could result in the substitution of one VHF service for two possible UHF services. Williamsport Radio submits that the assignment to Blossburg would constitute a more fair and equitable distribution of available facilities since Pennsylvania—excluding Philadelphia—has 1,500,000 more persons than New York—excluding New York City—it has five fewer VHF assignments. Williamsport notes that one of the Commission's objectives in assigning VHF channels is to obtain the broadest possible distribution and that Channel 9 would be further removed from any existing VHF assignment at Blossburg than at Elmira. Williamsport Radio also urges that, assuming operation with 100 kw at 500 feet antenna height, operation at Blossburg would provide a first service to a greater area and population.

9. Elmira Television argues that if the objective of Williamsport Radio is to bring a first television service to Williamsport, the proposed assignment of a channel to Blossburg, a small community of only 1,954 people, would violate good assignment principles since satisfactory service could not be provided to Williamsport and since the Rules require that the main studio of a station be located in the principal community to be served. Elmira Television argues,

further, that virtually all of the "white area" referred to by Williamsport Radio would be served by an operation at Elmira with maximum power and height. In its reply Williamsport Radio submits that assignments of VHF channels have been made to small communities; that need for a first service is greater in Blossburg than need for a third service in Elmira; that no showing of paramount public interest has been made by Elmira Television for a Show Cause Order; that the request of Lock Haven is predicated upon a grant of the assignment of Channel 9 for use by Elmira Television and is without merit; and that, even assuming the use of maximum facilities, a station at Blossburg would provide more of a first VHF service than would one at Elmira. With respect to the proposed assignment of Channel 11 to the Blossburg area in order to remove the conflict, Williamsport Radio points out that the area in which Channel 11 can be assigned is a very small one in which there are no communities and lies closer to Elmira than to Williamsport. This area, about one-half square mile, is situated about 7 miles north of Blossburg and 38 miles from Williamsport. Williamsport Radio further points out that the elevation in the area in question is lower than the surrounding terrain and that a station located there may not provide a satisfactory service to Williamsport. With respect to the proposed assignment of Channel 13 to Mansfield, Williamsport Radio points out that such an assignment would require a change in the channel assignment of one existing United States station and also changes in two Canadian assignments, on one of which there is an outstanding construction permit.

10. WBRE-TV, Inc., permittee of Station WBRE-TV on Channel 28 at Wilkes-Barre, Pennsylvania; Wyoming Valley Broadcasting Company, permittee of Station WILK-TV on Channel 34 at Wilkes-Barre, and Scranton Broadcasters, Inc., permittee of Station WGBI-TV on Channel 22 at Scranton, Pennsylvania, filed a joint comment opposing the proposals of both Elmira and Williamsport Radio. These parties urge that the North Central and North Eastern sections of Pennsylvania and the South Central portion of New York are predominantly UHF areas since only WNBF-TV in Binghamton operates on the sole VHF channel assignment in the area; that they have expended large sums of money in developing the UHF market in the Wilkes-Barre-Scranton area; that the proposed assignment of Channel 9 to either Blossburg or Elmira would create an intermixture of VHF and UHF signals in portions of their present service areas; that UHF cannot effectively compete with VHF; and that this would adversely affect not only the stations of the parties but UHF assignments in other communities and would reduce the number of local stations providing service to the viewing public. These parties request that an oral hearing be held on this matter. Southern Tier Radio Service, Inc., permittee of Station WINR-TV authorized to operate on Channel 40 in Binghamton, opposes the assignment of Channel 9 to Elmira,

asserting that it has incurred expenses in excess of \$50,000 in the prosecution of its application; that it proposes to bring a second service to the Binghamton area; that the assignment of Channel 9 would have an adverse effect on its UHF station since a VHF station in Elmira would place a Grade B service over the entire Binghamton metropolitan area; that experience has shown that a UHF station cannot survive the competition from two VHF stations in the same area; and that it would tend to discourage the development of UHF in many communities and result in a lesser number of competitive services.

11. In reply to the comments of the UHF permittees, Elmira Television and Williamsport Radio submit that the proposed assignments would increase the VHF service in the service areas of the stations involved by only a negligible amount; that Binghamton is already an intermixed area in view of the operation of a station on Channel 12 in that city and the VHF signals which are received in the area from Syracuse; and that intermixture is an integral part of the assignment plan. Elmira Television opposes the request of these parties for oral hearing, contending that it would serve no useful purpose and would merely delay a final decision in this matter.

12. Copper City Broadcasting Corporation, licensee of Station WKTV on Channel 13 at Utica, New York opposes the proposal of Elmira Television for the assignment of Channel 13 to Mansfield, Pennsylvania, which would require Station WKTV to shift from Channel 13 to Channel 11. Copper City urges that it has provided the only television service to Utica for five years; that the proposed change would cost about \$26,000; that it would cost the public about \$860,000 to make adjustments or changes in antenna installations; that it would require the station to be off the air for about a two-week period; and that it has expended over \$200,000 in promotion and publicity for the operation of the station on Channel 13. Copper City also requests a hearing or oral argument in the instant matter.

13. We are faced in this proceeding with two mutually exclusive proposals: One seeks the assignment of Channel 9 to Elmira, a city of some 50,000 persons; the other requests the assignment of this channel to Blossburg, a community of some 2,000 persons. In either case, Channel 9 would represent the first VHF assignment in the community and could be accomplished in accordance with the Commission's minimum mileage requirements. No channels have been assigned to Blossburg, and while there are two UHF assignments at Elmira, there are no stations presently on the air in that city.

14. UHF permittees in Wilkes-Barre, Scranton and Binghamton oppose the assignment of a VHF channel in either Elmira or Blossburg. We have carefully considered the contentions of the UHF broadcasters opposing the VHF assignment. As we pointed out in the Report and Order adopted November 10, 1955, in which we added a new channel assignment to Vail Mills, New York, the Commission does not believe that it would

be in the public interest to withhold valuable frequencies, for which active demand is indicated, when channels can be added to the present Table of Assignments without violating the established minimum separations or other existing television standards, or otherwise departing from the basic structure of the present television allocations plan. While the Commission has, on November 10, 1955, initiated a rule making proceeding to consider proposals for nationwide revision of the present television assignments and standards, we do not believe it would be either justifiable or desirable, pending the outcome of that proceeding, to block the potential expansion of television services in a situation such as this, where a new assignment can be added to the present Table in complete conformity with all existing requirements. Channel 9 is available for assignment under our Rules in the Elmira-Blossburg area. We believe the record in this proceeding supports the assignment of a VHF channel in the area and the public interest, in our view, would be served by the addition.

15. Having determined that the assignment of Channel 9 in the Elmira-Blossburg area would serve the public interest, we must next decide to which community the channel should be assigned since the requests before us are mutually exclusive. Upon our consideration of the record before us, we have determined that the assignment of Channel 9 to Elmira is to be preferred. The need for this assignment in Elmira, in our view, outweighs the comparative need for this frequency in Blossburg. We are not unmindful in reaching this result of the stated objective of Williamsport Radio in seeking Channel 9 for Blossburg to afford a first VHF service to Williamsport, a city of some 45,000 persons. Nevertheless, Channel 9 cannot, under our mileage separation requirements, be assigned to Williamsport directly, and Blossburg is approximately 30 miles distant from Williamsport.

16. While we have determined that Channel 9 should be assigned to Elmira, we are of the view that this assignment should be made available for application by any interested party, and that Elmira Television's request for the issuance of a Show Cause Order to it to enable Station WTVE to operate on this assignment should be rejected. Since the request and counterproposal of Lock Haven relative to shifting Channel 24 to Lock Haven and changing channel assignments at Baltimore and Sunbury are premised upon a grant of a Show Cause Order to Elmira Television, which we have not issued, there is no need to consider its proposals further.

17. We believe Elmira Television's proposals to remove the conflict involving Channel 9 by assigning either Channel 11 or 13 to the area near Blossburg are without merit. Channel 11 may be assigned in a very small area containing no community of any size, with such terrain and at such a distance as to make it infeasible as a location for operation of a television station to serve Williamsport. To assign Channel 13 to Mansfield, changes would be necessitated in the

assignment of an existing United States station and two Canadian assignments. The Commission is of the view that such changes may be justified only upon a clear showing that the public interest would be served thereby. No such showing has been made here. Further, the assignment of Channel 13 to Mansfield presents some of the drawbacks which we found in the Channel 11 proposal.

18. Nor do we see any necessity for the holding of an oral hearing or oral argument, as requested by WBRE-TV, Inc., Wyoming Valley Broadcasting Company and Scranton Broadcasters, Inc. Adequate opportunity has been afforded all interested parties to participate in this proceeding, and the lengthy comments submitted provide a sufficient basis for a decision in the matter before us. Oral argument or an oral hearing is unnecessary and would serve no useful purpose.

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

20. In view of the foregoing: *It is ordered*, That effective January 6, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the community named is concerned, as follows:

(a)

City:	Channel No.
Elmira, N. Y.-----	9-, 18+, 24-

(b) Change the offset carrier requirements for Channel 9 at Washington, D. C., from 9 minus to 9 even and in Greenville, North Carolina, from 9 even to 9 minus.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: November 30, 1955.

Released: December 5, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,¹
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9857; Filed, Dec. 7, 1955;
8:49 a. m.]

[Rules Amdt. 7-6]

PART 7—STATIONS ON LAND IN THE
MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 7 of the Commission's rules governing stations on land in the maritime services.

The Commission having under consideration certain editorial changes in Part 7 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the

¹ Commissioners Bartley, Hyde and Webster dissenting. Dissenting statement of Commissioner Hyde filed as part of original document.

provisions of Section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and § 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 5th day of December 1955, that effective immediately, Part 7, Stations on Land in the Maritime Services, is amended to include the editorial changes set forth below.

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

Released: December 5, 1955.

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

A. Part 7 is amended as follows:

1. Section 7.601 (a) is amended as follows:

Change the addresses of the following Radio District Offices:

- | Radio district | Address of the engineer in charge |
|----------------|---|
| 4. | 400 McCawley Building, 400 East Lombard Street, Baltimore 2, Maryland. |
| 5. | (Delete "Ship Office: Room 200, U. S. Post Office Building, Newport News, Virginia") listed under Radio District No. 5.) |
| 6. | 718 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Georgia. Sub-office: P. O. Box 77, 214 Post Office Building, Savannah, Georgia. |
| 8. | 608 Federal Building, 600 South Street, New Orleans 12, Louisiana. Sub-office: 419 U. S. Courthouse and Customhouse, Mobile 10, Alabama. |
| 9. | (NOTE: Main office address unchanged—change Sub-office address to read as follows:) Sub-office: P. O. Box 1527, (329 Post Office Building, 300 Willow Street), Beaumont, Texas. |
| 10. | P. O. Box 5238, 500 U. S. Terminal Annex Building, (Houston and Jackson Streets), Dallas 22, Texas. |
| 12. | 323-A Customhouse (555 Battery Street), San Francisco 26, California. |
| 14. | 802 Federal Office Building (1st Avenue and Marion), Seattle 4, Washington. |
| 15. | 521 New Customhouse (19th between California and Stout Streets), Denver 2, Colorado. |
| 17. | 3100 Federal Office Building, 911 Walnut Street, Kansas City 6E, Missouri. |
| 23. | (NOTE: Main office address unchanged—change Sub-office address to read as follows:) Sub-office: P. O. Box 1421, 6 Shattuck Building, Juneau, Alaska. |
| 24. | Briggs Building, 22d and E Streets NW., Washington 25, D. C. |

2. Section 7.601 (b) is amended as follows:

Change the addresses of Regional Offices Nos. 1, 2, 3, and 4 to read:

Region No. 2—718 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Georgia. To include: Districts Nos. 6, 7, 8, 9, 10 and 22.

Region No. 3—323-A Customhouse (555 Battery Street), San Francisco 26, California. To include: Districts Nos. 11, 12 and 15.

Region No. 4—802 Federal Office Building (First Avenue and Marion), Seattle 4, Washington. To include: Districts Nos. 13, 14 and 23.

3. Section 7.601 (c) is amended to read as follows:

(c) The primary monitoring stations of the Field Engineering and Monitoring Bureau are located at the following addresses:

Federal Communications Commission, Allegan Monitoring Station, P. O. Box 89, Allegan, Michigan.

Federal Communications Commission, Grand Island Monitoring Station, P. O. Box 788, Grand Island, Nebraska.

Federal Communications Commission, Kingsville Monitoring Station, P. O. Box 632, Kingsville, Texas.

Federal Communications Commission, Millis Monitoring Station, P. O. Box 458, Millis, Massachusetts.

Federal Communications Commission, P. O. Box 1142, Lanikai Monitoring Station, Lanikai, Oahu, Hawaii.

Federal Communications Commission, Santa Ana Monitoring Station, P. O. Box 744, Santa Ana, California.

Federal Communications Commission, Laurel Monitoring Station, P. O. Box 31, Laurel, Maryland.

Federal Communications Commission, Livermore Monitoring Station, P. O. Box 989, Livermore, California.

Federal Communications Commission, Portland Monitoring Station, P. O. Box 5165, Portland 18, Oregon.

Federal Communications Commission, Powder Springs Monitoring Station, P. O. Box 98, Powder Springs, Georgia.

4. Section 7.601 (d) is amended to read as follows:

(d) Secondary monitoring stations of the Field Engineering and Monitoring Bureau are located at the following addresses:

Federal Communications Commission, P. O. Box 5098, Fort Lauderdale, Florida.

Federal Communications Commission, P. O. Box 251, Chillicothe, Ohio.

Federal Communications Commission, P. O. Box 1448, Muskogee, Oklahoma.

Federal Communications Commission, Searsport, Maine; P. O. Box 44, Belfast, Maine.

Federal Communications Commission, P. O. Box 191, Spokane, Washington.

Federal Communications Commission, P. O. Box 499, Twin Falls, Idaho.

Federal Communications Commission, P. O. Box 719, Anchorage, Alaska.

Federal Communications Commission, P. O. Box 810, Fairbanks, Alaska.

[F. R. Doc. 55-9858; Filed, Dec. 7, 1955;
8:49 a. m.]

[Rules Amdt. 8-7]

PART 8—STATIONS ON SHIPBOARD IN THE
MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 8 of the Commission's rules governing stations on shipboard in the maritime services.

The Commission having under consideration certain editorial changes in Part 8 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under