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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.384]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in Parts I and IV of Executive Order No. 10000, dated September 16, 1948, as amended by Executive Order No. 10623,[1] dated July 23, 1955 and by Executive Order No. 10636,[2] dated September 16, 1955, in section 443 of the Foreign Service Act of 1946 (60 Stat. 1006; 22 U. S. C. 888), as amended, and in section 207 of the Independent Offices Appropriation Act, 1949, as amended by section 104 of the Supplemental Independent Offices Appropriation Act, 1949 (62 Stat. 1205; 5 U. S. C. 118th Supp.), Part 325, Chapter III, Title 5 of the Code of Federal Regulations is hereby amended effective as of the beginning of the first pay period following January 1, 1959. Section 325.11 is re-numbered § 325.15. Sections 325.1 through 325.10 and §§ 325.12 and 325.13 are deleted and the following is substituted in lieu thereof:

§ 325.1 *Definitions.* As used in this part the following have the meanings indicated:

(a) "Differential" covers both the "foreign post differential" established in Part I of Executive Order 10000 of September 16, 1948, as amended, and the "salary differential" established by section 443 of the Foreign Service Act of 1946, as amended. It means the additional compensation over base salary payable to eligible personnel at differential posts or in differential areas.

(b) "Agency" means any executive department, independent board, bureau, commission, establishment, or other agency of the Federal Government; or any corporation wholly owned (either directly or through one or more corporations) by the United States. "Head of agency" means either the head of an agency or anyone designated by him to make determinations in his behalf.

(c) "Foreign areas" means all areas not included in the continental United States and the territories and possessions of the United States.

(d) "Territories and possessions of the United States" means Alaska, Hawaii, the Commonwealth of Puerto Rico, the possessions of the United States including Canton and Enderbury Islands in the Phoenix Group; and also the Trust Territory of the Pacific Islands and the Panama Canal Zone.

(e) "United States" includes the areas enumerated in paragraph (d) of this section. "Continental United States" means the States and the District of Columbia.

(f) "Basic compensation" means the rate of compensation fixed by law for the position held by an individual, before any deduction is made and exclusive of additional compensation of any kind, such as overtime pay, extra pay for work on holidays, differentials and allowances.

(g) "Detail" for the purpose of differential means temporary assignment or temporary duty (including temporary duty for consultation) for a minimum of 24 consecutive hours, counted from the time of arrival, at a post other than the employee's regular post of assignment, including also all periods of authorized leave with pay while serving at the post of temporary assignment or temporary duty.

(h) "Day" in § 325.5 (d) means each midnight, including the midnight of the 24-hour period required by paragraph (g) of this section, occurring while the employee is on detail at a differential post.

(i) "Assigned" or "on assignment" to a post means officially occupying a position located at the post, geographically and organizationally, and having official headquarters at the post for travel and other administrative purposes.

(j) "Differential post" means a post, or a location in an area, listed in § 325.15.

(k) "Contract" means a legally binding document specifying, for an employee whose rate of basic compensation is fixed by statute, the compensation to be paid during his employment outside the con-

(Continued on next page)

[1] 3 CFR, 1955 Supp., p. 77.
[2] 3 CFR, 1955 Supp., p. 84.

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FEDERAL REGISTER

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

tinental United States. An employment agreement which does not include terms controlling payment of compensation due to service outside the continental United States is not a contract as here defined.

(l) "Separation" means termination of an employee's services with an agency.

(m) "Transfer" means a change in an employee's post of assignment within the same agency.

§ 325.2 *Authorization and requirement for agencies to pay differentials.* Subject to Executive Order 10000, as amended, and to the regulations of this part, every agency of the United States Government operating in foreign areas is authorized to pay a differential fixed under § 325.15 to each of its employees eligible to receive such differential under § 325.3. Agencies authorized to pay differentials under Part I of Executive Order 10000, as amended, shall pay the prescribed differentials to all eligible employees. Agencies authorized to pay dif-

ferentials under Part IV of that order may, in their discretion, pay the prescribed differentials to all eligible employees.

§ 325.3 *Employees eligible.* With the exceptions contained in § 325.4, an employee shall be eligible for a differential if he is a civilian citizen or national of the United States whose basic compensation is fixed by statute, and if the employing agency has determined that he is in a foreign area because of his employment by the United States Government. The list of eligible employees includes, but is not necessarily limited to, the following groups:

(a) Those recruited or transferred from the United States.

(b) Those transferred to the area from another foreign area under Government orders.

(c) Those recruited locally who are not normally resident in the area and whose presence there at the time of recruitment is owing to one of the following reasons:

(1) Temporary absence from residence in the United States for travel or study.

(2) Military service of the United States.

(3) Employment by other Federal agencies, United States firms, interests or organizations, international organizations in which the United States Government participates, or foreign governments, provided they were originally recruited from the United States and their conditions of employment provide for their return transportation to the United States.

(d) Those authorized under § 325.5 (b) and (d) to be paid differential while on detail.

§ 325.4 *Employees excluded.* (a) An employee who is the spouse of an employee stationed or resident in the area shall not be eligible to receive a differential when the agency concerned determines that the spouse's presence there is primarily in order to be with such individual and not for the convenience of the Government.

(b) Any other provisions of this part to the contrary notwithstanding, any employee who would otherwise be eligible to receive a differential under this part shall, if he is serving under contract as defined in § 325.1 (k), be compensated according to the terms of such contract for the period thereof and shall, during such period, be ineligible to receive a differential.

§ 325.5 *Differential authorized.* The following shall govern the authorization of differential to eligible employees:

(a) During an employee's assignment to a differential post, the differential prescribed for the post in § 325.15 is authorized on a full-day basis for days spent in pay status at that post beginning as of one of the following dates, whichever is latest:

(1) Date of arrival of employee at post.

(2) Date of entrance on duty, if recruited locally (see § 325.3 (c)).

(3) Date of assignment, if already at post on detail or leave.

It shall be resumed as of the date the employee returns to the post following a period of absence or the date on which basic compensation again becomes payable at the post after it has been terminated for any reason.

(b) Differential at the rate prescribed for the post is authorized for the first 42 consecutive calendar days of an employee's temporary absence from his post of assignment, except as provided in paragraphs (c) and (f) of this section.

(c) Differential at the rate prescribed for the employee's post of assignment shall terminate as of the close of business on one of the following dates, whichever is earliest:

(1) Date employee commences travel under orders for transfer including transfer combined with leave or detail, or separation, except that if the transfer orders are cancelled and the employee returns to the post, the provisions of subparagraph (3) of this paragraph shall apply.

(2) Date of separation from the agency.

(3) Forty-second consecutive calendar day of employee's temporary absence from post of assignment.

(4) Day immediately preceding effective date of transfer, if employee is already on detail or leave at post to which transferred during first 42 calendar days' absence from post of assignment.

(5) Date on which basic compensation is terminated.

(d) To become eligible for differential at the rate prescribed for the post of detail an employee must have served 42 days (§ 325.1 (h)) in pay status on detail at one or more differential post(s) during any one period of absence, regardless whether differential was authorized under paragraph (b) of this section. On and after the 43rd day, differential at the rate prescribed in § 325.15 for the post(s) of detail is authorized for days of detail in pay status at differential posts during that period of absence (see §§ 325.1 (g) and (h)). This section shall apply also to an employee who is on temporary assignment or temporary duty enroute to or from a post of assignment, or who has no regular post of assignment.

(e) In emergency evacuation when employees are removed from a post of assignment pursuant to phenomena of nature or acts of God, or because of other dangerous conditions prevailing at the post or in the area, the provisions of paragraph (b) of this section shall apply.

(f) Notwithstanding the rate of differential prescribed for the post in § 325.15, if the country listed for the post in that section has a chief of mission position classified pursuant to U. S. C. 866, the per annum differential rate at which payment is made to any employee assigned to such post shall be reduced, if necessary, so that the combined per annum differential and basic salary, or differential, basic salary and charge pay (22 U. S. C. 876 and 877) authorized for the employee, does not exceed an amount which is one hundred dollars ($100.00) less than the per annum salary authorized for the chief of mission position.

(g) No payment shall be made:

(1) While basic compensation is not paid;

(2) Concurrently with the territorial post differential prescribed in § 350.10 of this chapter.

(h) Where the employee is on duty or leave at two differential posts for portions of the same day, payment for that day shall be made at the rate authorized for the previous day.

(i) Payments to persons serving on a part-time basis shall be prorated to cover only those periods of time for which basic compensation is received.

§ 325.6 *Exclusion from basic compensation.* Differential shall not be included in the computation of overtime pay, night-pay differential, extra pay for work on holidays, allowances, retirement deductions, or insurance deductions.

§ 325.7 *Periodic pay increases.* The payment of differential shall not be construed as an equivalent increase in compensation for purposes of periodic within-grade salary advancements.

§ 325.8 *Subject to income tax.* Differential has been determined to be income for tax purposes and shall be included in total compensation for computation of withholding tax.

§ 325.9 *Payment after absence.* To facilitate administration, payment of differential following a period of absence from the post of assignment should be made after the employee's arrival at his regular, or new, post of assignment. For this purpose, the head of agency may require the employee to submit a certified statement showing the dates and time of arrival at, and departure from, each place on his itinerary.

§ 325.10 *Continuance of previous regulations.* Notwithstanding any provision of this chapter to the contrary, an employee who is absent from his post of assignment on detail or leave as of the beginning of the first pay period following January 1, 1959 (effective date of this amendment) shall be paid differential in accordance with regulations in effect on the date of departure from his post of assignment until the date he returns to such post, transfers to another post, or is separated from the agency, whichever is earliest.

§ 325.11 *Effective date of classifications and reclassifications.* (a) As a rule, the effective date of an initial classification will be the date of first arrival of employees assigned or detailed to the post or area, even though this date is prior to the date of approval of the classification. However, where those employees or their agency delay unduly in submitting the basic data required by the Secretary of State, the effective date of any resulting classification will not necessarily be the date of arrival.

(b) Any reclassification of a post already classified in § 325.15 will be made currently effective.

§ 325.12 *Future revisions.* The Department of State will review the conditions at differential posts or areas at

least once annually, or more often as circumstances require, and will amend § 325.15 as it becomes necessary. Rates are subject to increase or decrease depending upon changed environmental conditions and/or changes in policy or standards of determination.

§ 325.13 *Reports to be submitted by agencies.* In determining differential classifications, the Department of State will use as its chief source of information completed Form DSP–36, Foreign Post Differential Questionnaire, and will prescribe the differential classifications in § 325.15. The determinations will be based on the existence of extraordinarily difficult living conditions, excessive physical hardship, or notably unhealthful conditions affecting the majority of personnel at the post or in the area. Living costs are not included in the bases for differentials. Forms DSP–36 and other reports shall be submitted by agencies to the Allowances Division, Department of State, in such manner and on such dates as specified by the Secretary of State.

§ 325.14 *Non-differential posts.* A foreign post differential shall not be payable under the regulations in this part for service at any post not listed in § 325.15.

For the Secretary of State.

W. K. Scott,
Assistant Secretary.

November 26, 1958.

[F. R. Doc. 58–10182; Filed, Dec. 9, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 4]

Part 7—Agricultural Stabilization and Conservation Committees

Annual and Sick Leave

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, the regulations in this subpart published in the Federal Register of November 2, 1956 (21 F. R. 8385), May 8, 1957 (22 F. R. 3222), November 1, 1957 (22 F. R. 8802), and November 13, 1958 (23 F. R. 8775) are hereby amended as follows:

In § 7.31, paragraphs (a) and (b) are amended by deleting the present provisions and substituting therefor the following:

(a) *Annual leave.* Leave of absence with pay shall be earned at the rate of one and one half days for each 20 days of service rendered. An employee shall be credited at the beginning of a leave year with any unused leave which he may have earned during, or carried over into, the preceding leave year: *Provided,* That in no case shall the amount of leave so credited exceed 15 days. The amount of leave so credited may be used by the employee in addition to the leave earned by him during the leave year.

(b) *Sick leave.* Leave of absence with pay because of illness shall be earned at the rate of one day for each 20 days of service rendered. Leave of absence with pay because of illness may at the discretion of the county office manager be granted prior to its having been earned in an amount not to exceed 12 days during any one leave year. Any leave which has been advanced shall be deducted from sick leave which may be earned at a later date. An employee shall be credited at the beginning of a leave year with any unused sick leave which he may have earned during, or carried over into, the preceding leave year.

(Sec. 4, 49 Stat. 164, as amended; 16 U. S. C. 590d)

Done at Washington, D. C., this 5th day of December 1958.

[SEAL] True D. Morse,
Acting Secretary.

[F. R. Doc. 58–10208; Filed, Dec. 9, 1958; 8:51 a. m.]

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter D—Regulations Under the Poultry Products Inspection Act

Part 81—Inspection of Poultry and Poultry Products

Miscellaneous Amendments

Notices of the proposed issuance of amendments to the regulations governing the inspection of poultry and poultry products (7 CFR, Part 81, as amended) were published in the Federal Register of June 21, 1958 (23 F. R. 4519) and October 18, 1958 (23 F. R. 8068). The regulations hereinafter promulgated are issued pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U. S. C. 451 et seq.).

The amendments, among other things, establish the procedure for approval of compounds that are used in official establishments; set forth the recordkeeping requirements; provide for exemptions from specific provisions of the act; and contain the requirements applicable to imported poultry products.

After consideration of all relevant material, the regulations in 7 CFR Part 81, as amended, are hereby further amended as follows:

1. Add the following heading immediately preceding the heading "Definitions" at the beginning of the text of the regulations: "Subpart A—General Regulations."

2. Change the introductory phrase of § 81.1 to read as follows: "For the purposes of the regulations in this part, unless the context otherwise requires, the following terms shall have the following meanings:"

3. Add a new definition immediately preceding the definition of *Giblets* in § 81.1, to read as follows:

Free from protruding pinfeathers. "Free from protruding pinfeathers" means that the carcass is free from protruding pinfeathers which are visible to an inspector during an examination of the carcass at normal operating speeds. However, a carcass may be considered as being free from protruding pinfeathers if it has a generally clean appearance (especially on the breast), and if not more than an occasional protruding pinfeather is in evidence during a more careful examination of the carcass.

4. Change the definition of *Ready-to-cook poultry,* in § 81.1 to read as follows:

Ready-to-cook poultry. "Ready-to-cook poultry" means any dressed poultry from which the protruding pinfeathers, vestigial feathers (hair or down as the case may be), head, shanks, crop, oil gland, trachea, esophagus, entrails, reproductive organs and lungs have been removed, and with or without the giblets, is ready to cook without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry or any edible part thereof, as described in this paragraph.

5. Delete the centerheading "General Regulations" preceding § 81.2 of the text of the regulations.

6. Change paragraph (h) of § 81.14 to read as follows:

(h) *Order of service.* On the date when service is inaugurated under this act all establishments that are approved pursuant to the regulations in this part will be granted inspection service simultaneously subject to the availability of funds and qualified inspectors. Thereafter, applications will be considered in the order received and service will be installed in the order of approval of establishments subject to the availability of inspectors and funds to provide service.

7. Change paragraph (e) of § 81.48 to read as follows:

(e) Chilling or defrosting tanks shall be emptied after each use. They shall be thoroughly cleaned at least once daily when in use, except that when the same poultry is held therein in excess of 24 hours, the tanks shall be thoroughly cleaned after the poultry is removed therefrom and prior to reuse.

8. Change § 81.52 to read as follows:

§ 81.52 *Use of compounds.* Only germicides, insecticides, rodenticides, detergents, or wetting agents or other similar compounds which will not deleteriously affect the poultry or poultry products and which have been approved by the Administrator may be used in an official establishment. The use of such compounds shall be in a manner satisfactory to the Administrator. Such compounds shall be approved, for the purpose of the Poultry Products Inspection Act only, upon application and in accordance with the following procedure:

(a) The manufacturer or user of the compound or any other interested person shall submit to the Administrator the following data:

(1) The formula of the compound listing each ingredient and the percentage of each ingredient in terms of weight or liquid measure, if the product is a liquid, and in terms of weight, if it is solid or semisolid viscose or a mixture of liquid

and solids. The ingredients must be stated in terms of the well-known common names of the ingredients or if an ingredient has no common name, the correct chemical name. However, in the case of any compound subject to the Federal Insecticide, Fungicide and Rodenticide Act, a statement of the composition of the compound as required for registration under that act shall be submitted in lieu of the data otherwise required by this subparagraph.

(2) A certification that the compound as it is proposed to be used in the official establishment will not deleteriously affect the poultry or poultry products. The certification shall include the conditions under which the particular compound is believed to be satisfactory for use and the precautions necessary, if any, in the use of such compound for the purpose intended in poultry processing establishments.

(b) As a prerequisite for approval, any compound which is required to be registered under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act shall be registered and comply with the provisions of that act. The applicant shall furnish the registration number assigned under the aforesaid act along with two copies of the label being currently used on the product.

(c) A small sample of the compound (4 to 6 ounces) shall be submitted with the request for approval of its use in poultry processing establishments.

(d) The Administrator will either approve or disapprove the use of a particular compound after a careful evaluation of the data submitted pursuant to paragraph (a) of this section and consideration of any other information that is available pertaining to the compound under consideration.

(e) The inspection Service is authorized to draw samples of any compound used in any official plant and make analyses of such compound to determine if the compound conforms to that originally approved and if it is satisfactory for use in official establishments under this section. Whenever the Administrator has reason to believe that a compound may have a deleterious effect on poultry or poultry products, the approval of the particular compound may be suspended, and in such case the processor shall be given an opportunity to show that the compound does not have such effect. After such opportunity has been afforded to the processor, the Administrator shall make a determination as to the effect of the compound on poultry and poultry products and withdraw or reinstate the approval of the compound accordingly. Use of the compound shall not be permitted during the period of suspension.

(f) Compounds which have been approved prior to January 1, 1959, will not require reapproval on the basis of the procedure set forth in this section but will be subject to the other provisions of this section.

9. Add the following sentence at the end of § 81.71: "However, the Administrator may, whenever he deems it advisable and under such conditions as he may require to carry out the purposes of the act, authorize the removal, from any carcass or parts thereof, prior to inspection, of any part which will not be used in the preparation of any edible product."

10. Change paragraph (a) of § 81.92 to read as follows:

(a) Steam treatment (which shall be accomplished by processing the condemned product in a pressure tank under at least 40 pounds of steam pressure) or thorough cooking in a kettle or vat, and processing for a sufficient time to effectively destroy the product for human food purposes and preclude dissemination of disease through consumption by animals. Tanks and equipment used for this purpose or for rendering or preparing inedible products shall be in rooms or compartments separate from those used for the preparation of edible products. There shall be no direct connection, by means of pipes, or otherwise, between tanks containing inedible products and those containing edible products.

11. Change the centerheading immediately preceding § 81.95 to read as follows: "Reinspection and ingredients".

12. Change the title of § 81.95 to read: *"Reinspection of poultry products; ingredients."*

13. Add the following sentence to paragraph (c) of § 81.95: "Liquid and frozen egg products used in the preparation of any poultry product shall have been prepared under continuous inspection of the Department."

14. Change paragraph (a) (3) of § 81.130 to read as follows:

(3) The net weight or other appropriate measure of the contents, except that the Administrator may approve the use of labels for certain types of immediate containers which do not bear the net weight: *Provided*, That the retailer or distributor supplying the retailer agrees in writing to the Administrator to mark the true net weight on the label prior to display and sale thereof: *And provided further*, That the shipping container bears a statement "Net weight to be marked on consumer packages prior to display and sale": *And provided further*, That the total net weight of the contents of the shipping container shall be marked on such container.

15. Add a new § 81.147 to read as follows:

§ 81.147 *Labeling products of poultry not intended for human food.* Products of poultry that are not intended for use as human food may, after they have been denatured or decharacterized as poultry products, be shipped from the official establishment and in commerce even though they do not comply with all the provisions of the regulations applicable to poultry products, if the containers of such products are marked "Not fit for human food" and bear the packer's name and address and the plant number of the plant where they were packed. The inspection mark shall not appear on containers of such products.

16. Add a new § 81.148 to read as follows:

§ 81.148 *Labeling of poultry products at retail stores.* Retailers who handle only inspected poultry products may use placards or labels in conjunction with the display of inspected poultry products to indicate that they have been inspected by the Department. Such labels shall be submitted to the Administrator for approval prior to their printing and use. Retailers using such labels shall furnish proof, upon the request of an authorized representative of the Department, that the poultry products so labeled are in fact inspected products. This section shall not be construed to allow any person to falsely make, issue, alter, forge, simulate or counterfeit any official inspection identifications, and official inspection identifications shall not be applied to any products except at official establishments under this part or Part 70 of this chapter.

17. In § 81.151, delete the words "Poultry Law Investigators" and insert in lieu thereof the words "Poultry Regulatory Inspectors."

18. Add a new § 81.152 to read as follows:

§ 81.152 *Records of interstate transactions.* Persons engaged in the business of processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce, or holding such products so received, shall maintain complete, accurate, and legible records of such transactions as hereinafter provided, and shall, upon the request of a duly authorized representative of the Secretary, permit him at reasonable times to have access to and to copy all such records.

(a) *Forms of records.* Where a person maintains, subject to inspection, copies of bills of lading, shipping invoices, warehouse receipts, or similar documents which give the information required in this section additional records are not required to be kept by this section.

(b) *Processors.* Processors shall keep copies of bills of sale, or the initial bills of lading or other shipping papers, which give the name or description of products sold, shipped, or received in commerce, net weight, number of shipping containers, name and address of the buyer (if known), name and address of the consignee or receiver (if different than the buyer), if known, address at the destination, method of shipment, and name of the carrier.

(c) *Transportation agencies.* Transportation agencies shall maintain records showing the name or description of the products transported in commerce, weight (indicating net or gross), number of shipping containers, date of receipt, name and address of shipper, name and address of consignee, date of arrival at destination, and name of the person accepting products for consignee. When more than one transportation agency is used for any shipment, each such agency shall maintain such records, to the extent it is concerned.

(d) *Public warehouse or storage companies.* Public warehouse or storage companies shall maintain records showing the name or description of products shipped or received in commerce, name

and address of the owner, date of arrival, weight (indicating net or gross), number of shipping containers, name of carrier delivering products to the warehouse or storage point, name of carrier picking up products at warehous or storage point for delivery, date of shipment, and name and address of consignee or receiver.

(e) *Wholesalers, jobbers, or other distributors of poultry or poultry products for resale.* Persons such as wholesalers, jobbers, and other distributors receiving products which are intended for resale shall maintain records showing the name or description of the products shipped or received in commerce, name and address of the seller of the products, date of receipt, net weight, number of shipping containers, and name of the carrier.

(f) *Retailers.* Retailers receiving products directly in commerce shall maintain records showing the name or description of such products, the name and address of the seller of the products, the date of receipt, net weight or number of head, and the number of shipping containers in the shipment.

(g) *Record retention period.* Any record required to be maintained by this section shall be maintained for a period of two years after the transaction, which is the subject of such record, has taken place.

19. Change § 81.154 to read as follows:

§ 81.154 *Dressed poultry and poultry products processed before January 1, 1959*—(a) *Exemption from certain provisions.* Until July 1, 1960, non-federally-inspected poultry and poultry products processed entirely prior to January 1, 1959, are hereby exempted from the inspection and other provisions of sections 6, 7, 8 and 9 (a) and (i) of the act and §§ 81.4 to 81.25, 81.31 to 81.114, 81.118 to 81.122, and 81.125 to 81.147. Unless expressly permitted under this part, dressed poultry and poultry products which are processed on or after January 1, 1959, shall not be shipped in commerce unless they have been inspected pursuant to the act and this part, and all transactions concerning such products shall comply with the act and this part.

(b) *Processing date.* The shipper of any non-federally-inspected poultry or poultry products moving in commerce under this section after January 1, 1959, shall furnish evidence, upon the request of the Administrator, that such dressed poultry or poultry products were processed prior to January 1, 1959.

(c) *Certificate required.* A certificate, in the form set forth in paragraph (d) of this section shall be issued by the shipper and shall accompany each shipment of non-federally-inspected products transported in commerce under this section. A copy of each such certificate issued by a shipper of such products shall immediately be sent by him to the Chief of the Poultry Inspection Service, Poultry Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C. Any shipment in commerce of non-federally-inspected poultry under this section without an accompanying certificate properly completed shall be deemed to be in violation of the act and this part. Notwithstanding the foregoing, certificates are not required with respect to shipments that are in transit as of December 31, 1958.

(d) *Forms of certificate.* (1) The certification required by this section to be prepared by the shipper shall be in the following form:

CERTIFICATE FOR SHIPPING POULTRY AND POULTRY PRODUCTS

Date _____, 19__.
Name of carrier _____
Shipper _____
Originating point of shipment _____
Consignee _____
(Name) (Address)
Destination _____

I hereby certify that the following-described poultry or poultry products are eligible for shipment in commerce pursuant to § 81.154 of the regulations governing the inspection of poultry and poultry products:

Kind of product

_____
_____

Number of shipping containers — *Net weight*

_____ — _____
_____ — _____

_____
(Signature of shipper)
_____
(Address of shipper)

Endorsement No. 1. (Form of certification to be used for reshipment in commerce of total quantity of products covered by the certificate.)

I certify that the above-listed products were received by me under certification prepared on _____ by _____
(Name and address of shipper)
attesting to the fact that the products are eligible for shipment in commerce.

Date _____

_____
(Signature of shipper)
_____
(Address of shipper)

(2) When only a portion of a lot of product covered by such a certificate is reshipped in commerce the shipper shall issue a new certificate using the following certification in lieu of that shown in the above form:

I hereby certify that the following-described product was received by me under a certificate issued by _____ on _____ stating that the product are eligible for shipment in commerce.

Date _____

_____
(Signature of shipper)
_____
(Address of shipper)

(e) *Inventory reports.* An inventory of all non-federally inspected dressed poultry and poultry products which were processed prior to January 1, 1959, and which are on hand as of June 30, 1959, and are intended for transportation or sale in commerce subsequent thereto, shall be made by the owner of such products. A report of such inventory shall be submitted to the Chief of the Poultry Inspection Service no later than July 30, 1959. The inventory shall show the number of containers of product, the kind (name) of the product, net weight, warehouse lot numbers or other identifying marks, the brand name, if any, and the location (name and street address, city and State) of the storage. The owner of such inventoried product shall make an inventory quarterly and shall submit the report of the inventory to the Chief of the Inspection Service no later than the 30th day of each January, April, July, and October, until his supply of non-federally inspected product is exhausted. In the event a person acquires, subsequent to June 30, 1959, non-federally inspected product that was processed prior to January 1, 1959, and is intended for transportation or sale in commerce he shall also submit reports of inventories of such products in the manner provided in this section.

20. Add a new § 81.157 to read as follows:

§ 81.157 *Penalties inapplicable to carriers and public warehousemen.* No carrier or public warehouseman shall be subject to the penalties of the Act, other than the penalties for violation of section 11, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman, respectively, of slaughtered poultry or poultry products, owned by another person, unless the carrier or warehouseman has knowledge, or is in possession of facts which would cause a reasonable person to believe that such slaughtered poultry or poultry products were not inspected or marked in accordance with the provisions of the Act or were not otherwise eligible for transportation under the Act.

21. Change § 81.169 to read as follows:

§ 81.169 *Schedule of operation of official establishment.* Operating schedules of an official establishment shall be subject to approval of the Administrator, and for the purpose of this regulation the normal operating schedule shall consist of a continuous 8-hour period per day (excluding not to exceed 1 hour for lunch), 5 days per week, within the period of Monday through Saturday, for each full shift required. Any variation from such Monday through Saturday schedule of operation must be fully justified and approved in advance. Clock hours of daily operations are not to be specified in a schedule although as a condition of continuance of approval of a schedule the hours of operation must be reasonably uniform from day to day.

22. Change § 81.170 to read as follows:

§ 81.170 *Overtime inspection service.* When operations in an official establishment require the services of inspection personnel beyond their regularly assigned tour of duty on any day, or on a day outside the established schedule, such services are considered as overtime work. The official establishment shall give reasonable advance notice to the inspector in charge for any overtime service necessary and shall pay the Secretary for such overtime at a rate of $5.40 per hour to cover the cost thereof.

23. Change § 81.171 to read as follows:

§ 81.171 *Holiday inspection service.* (a) When an official establishment requires inspection service on a holiday, falling within the established normal

operating schedule, such service is considered holiday work. The official establishment shall, in advance of such holiday work, request the inspector in charge to furnish inspection service during such period and shall pay the Secretary therefor at the rate of $5.40 per hour to cover the cost of such holiday service. Service in excess of the 8 hours for that day is considered overtime and shall be paid for at the rate of $5.40 per hour.

(b) Holidays for Federal employees shall be the 1st day of January, 22d day of February, 30th day of May, 4th day of July, 1st Monday of September, 11th day of November, 4th Thursday of November, 25th day of December, and any other calendar day designated as a holiday by Federal statute or executive or administrative order. When a holiday falls on Sunday, the following Monday is, by law, a holiday for Federal employees, and payment for inspection performed on such Monday shall be made to the Secretary by the official establishment at the rate of $5.40 per hour. When Labor day, the 1st Monday of September, or Thanksgiving Day, the 4th Thursday in November, falls on a day which is outside the regular basic work week of any Federal employee, the following day is a holiday for such employee and payment for inspection performed by the employee on such following day shall be made to the Secretary by the official establishment at the rate of $5.40 per hour (Executive Order 10358, June 9, 1952).

(c) Holidays to be counted with respect to State employees shall be those legally observed by employees of that State.

24. Change § 81.172 to read as follows:

§ 81.172 *Supervisor overtime or holiday service.* When, because an establishment requires overtime service as provided in § 81.170 or requires holiday service as provided in § 81.171, a station supervisor (veterinarian) is required to work overtime or on a holiday, in the establishment, in order to supervise the service or to make final condemnation, the establishment shall pay the Secretary for such overtime or holiday work at the rate of $5.40 per hour.

25. Add new Subparts B and C to read as follows:

Subpart B—Exemptions

Sec.
81.200 Producer exemptions.
81.201 Retail dealer exemptions.
81.202 Exemptions because of impracticability to provide inspection.
81.203 Exemptions based on religious dietary laws.
81.204 Effect of exemptions on other persons.
81.205 Termination of exemptions.
81.206 Inspection of exempted plants and products.
81.207 Violations involving exempted poultry and poultry products.

Subpart C—Imports

81.300 Requirements for importation into United States; definition of United States.
81.301 Eligibility of foreign countries for importation of products into the the United States.
81.302 Imported products; foreign inspection certificates required.
81.303 Importer to make application for inspection of imported products.
81.304 Inspection of imported products.
81.305 Imported products; retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities and assistance.
81.306 Means of conveyance and equipment used in handling products to be maintained in sanitary condition.
81.307 Marking of products offered for importation.
81.308 Foreign products offered for importation; reporting of findings to customs; handling of articles refused entry.
81.309 Labeling of consumer packages of product for importation.
81.310 Labeling of shipping containers of product for importation.
81.311 Small importations for consignee's personal use.
81.312 Returned United States inspected and marked products; not importations.
81.313 Imported product to be handled and transported as domestic; entry into official establishments; transportation.
81.314 Imported products; charges for storage, cartage, and labor with respect to products which are refused admission.

AUTHORITY: §§ 81.200 to 81.314 issued under sec. 14, 71 Stat. 447; 21 U. S. C. 463.

SUBPART B—EXEMPTIONS

§ 81.200 *Producer exemptions.* Poultry producers are hereby exempted from the inspection and other requirements of sections 6, 7, 8 and 9 (a) and (i) of the act and §§ 81.4 to 81.25, 81.31 to 81.114, and 81.118 to 81.147, and need not apply for exemption therefrom, with respect to poultry of their own raising on their own farms which they sell either as dressed poultry or poultry products directly to household consumers or restaurants, hotels, and boarding houses for use in their own dining rooms or in the preparation of meals for sales direct to consumers only: *Provided,* That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms: *And provided further,* That such poultry is healthy and is slaughtered and processed under such sanitary standards, practices and procedures as result in the preparation of sound, healthful and wholesome poultry and poultry products, and the shipping containers of such poultry and poultry products shall bear the producer's name and address and the statement "Exempted—P. P. I. A. 85–172."

§ 81.201 *Retail dealer exemptions.* Retail dealers who perform no processing operation except the cutting up of poultry products on the premises where such products are sold to consumers are hereby exempted from the inspection and other requirements of sections 6, 7, 8 and 9 (a) and (i) of the act and §§ 81.4 to 81.25, 81.31 to 81.114, and 81.118 to 81.147 and need not apply for exemption therefrom with respect to poultry products sold directly to consumers in the individual retail stores: *Provided,* That the poultry products are cut up under such sanitary standards, practices and procedures as will result in wholesome products being delivered to the consumer. Retail dealers who cut up and repackage at an individual store or other facility for distribution and sale in other individual stores where commerce is involved are not eligible for this exemption and are required to operate under inspection unless otherwise exempted.

§ 81.202 *Exemptions because of impracticability to provide inspection.* (a) The Administrator, pursuant to section 15 (a) (3) of the act, has determined that it would be impracticable to provide continuous resident inspection of operations specified in subparagraphs (1) and (2) of this paragraph and that the exemption of such operations and products as provided in this section will aid in the effective administration of the Act.

(1) Poultry processors who conduct no slaughtering or eviscerating operations but who engage in further processing operations such as canning, preparing poultry pies, poultry dinners, or other poultry products, or cutting-up and repackaging of ready-to-cook poultry, are hereby exempted, upon compliance with the conditions set forth in this section, from the requirements of section 9 (a) of the act with respect to continuous resident inspection and from the continuous resident inspection provisions of the regulations in this part; and the poultry products produced by such processors are likewise exempted: *Provided,* That the poultry ingredients in such products have been inspected pursuant to the regulations in this part, or the regulations in Part 70 of this chapter or originate in establishments exempted under this section.

(2) Poultry processors who conduct slaughtering or eviscerating operations, as well as further processing operations, are hereby exempted, upon compliance with the conditions set forth in this section, from the requirements of section 9 (a) of the act with respect to continuous resident inspection and from the continuous resident inspection provisions of the regulations in this part, insofar as they concern the further processing operations; and the poultry products produced in such further processing operations are likewise exempted: *Provided,* That the poultry ingredients in such products have been inspected pursuant to the regulations in this part, or the regulations in Part 70 of this chapter or originate in establishments exempted under this section. For purposes of this paragraph, cutting-up and packaging of the raw product at the establishment where inspected shall be considered to be an integral part of the slaughtering and eviscerating operations rather than further processing operations.

(b) Upon a determination by the Administrator that it is impracticable to provide inspection with respect to certain categories of processing operations other than those provided for in paragraph (a) of this section and that exemption thereof from specific provisions of the act and the regulations will aid in the effective administration of the act, it

may be necessary to grant exemptions, upon application to the Poultry Inspection Branch by interested persons or at the instance of the Administrator, for limited periods of time prior to July 1, 1960, for such operations. Such categories may include the following:

(1) Processing of poultry and poultry products by poultry producers, other than those exempted by § 81.200, on their own farms from poultry raised on their own farm; and

(2) Processing operations by poultry processors whose operations in commerce are of limited volume or are intermittent or irregular.

(c) As a prerequisite to exemption under this section, processors shall receive approval of their processing plant and facilities as provided for in § 81.14.

(d) The sanitary requirements set forth in §§ 81.32 to 81.53 shall apply to processing operations exempted under paragraph (a) or (b) of this section.

(e) With the exception of continuous inspection supervision, the canning requirements set forth in § 81.100 shall apply to canning operations exempted by this section.

(f) The labeling provisions set forth in §§ 81.125 to 81.147 shall apply to poultry products exempted by this section, with the exception that the plant number and the inspection mark as required in § 81.130 shall not be used, but in lieu thereof, the labels for immediate and shipping containers shall be marked "USDA Exemption No. 000": *Provided*, That if the exempted products are processed under continuous resident inspection under the regulations in Part 70 of this chapter, a plant number and inspection mark as provided in the regulations in this part may be used, in which case the special labeling requirements of this paragraph shall not apply.

(g) No exemption under this section shall be effective later than July 1, 1960, and any exemption under this section may be terminated at any time prior to July 1, 1960, whenever it is found to be practicable to provide inspection under the act.

(h) Poultry processors whose operations are within paragraph (a) or (b) of this section shall notify the Poultry Inspection Branch as to the nature of their operations on forms supplied by the Branch. The Inspection Service will issue an exemption certificate to each such processor and the number of said certificate shall be shown on labels for poultry products as provided in paragraph (f) of this section.

(i) Whenever it is possible to formulate a general rule granting exemptions under paragraph (b) of this section, it will be included in this section.

(j) Other authorizations and exemptions are set forth in §§ 81.153 to 81.156.

§ 81.203 *Exemptions based on religious dietary laws.* (a) Any person who slaughters or processes poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws may apply for exemption from specific provisions of the act or regulations which are in conflict with such religious dietary laws. Any person desiring an exemption shall apply in writing to the Chief, Poultry Inspection Service, Poultry Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C., setting forth the specific provisions of the act and regulations from which exemption is sought and setting forth the provisions of the religious dietary laws in support of the requested exemptions. In addition, the applicant for an exemption shall submit a statement from the clerical official having jurisdiction over the enforcement of the religious dietary laws, which enumerates the provisions pertaining to the slaughter and processing of the poultry and poultry products involved and a certification that such requirements are in conflict with specific provisions of the act and regulations from which exemption is sought.

(b) The Administrator, upon a determination that an exemption should be granted, may grant such exemption to the extent necessary to avoid conflict with such requirements while still effectuating the purposes of the Act. He may impose such conditions as to sanitary standards, practices, and procedures in granting such exemption as he deems necessary to effectuate the purposes of the act. Any person who processes poultry or poultry products under exemption from certain requirements as provided in this section shall be subject to all of the other applicable provisions of the act and the regulations in this part. Processing plants shall meet the sanitary requirements set forth in Subpart A of this part and be approved as official establishments. Slaughtered poultry which is prepared under an exemption authorizing the sale of noneviscerated poultry in commerce shall be individually identified with a label approved by the Administrator which identifies the clerical official under whose supervision the poultry was slaughtered. The shipping containers of all poultry and poultry products exempted under this section shall bear the plant number and the statement: "Dressed Poultry or Eviscerated Poultry (whichever is applicable)—Processed under USDA Exemption Permit No. 000," in lieu of the inspection mark.

§ 81.204 *Effect of exemptions on other persons.* Whenever a slaughterer or processor is granted an exemption under § 81.202 or § 81.203 with respect to the slaughtering or processing of any poultry or poultry products under this subpart, under specified conditions, the sale, offer for sale, transportation and other handling in commerce by any person of such poultry and poultry products in accordance with such conditions is hereby authorized, except as restricted by the act.

§ 81.205 *Termination of exemptions.* The Administrator may by order suspend or terminate any exemption under section 15 of the act with respect to any person whenever he finds that such action will aid in effectuating the purposes of the act. Failure to comply with the conditions of the exemption, including, but not limited to, failure to process poultry and poultry products under clean and sanitary conditions may result in termination of an exemption, in addition to any other penalties provided by law.

§ 81.206 *Inspection of exempted plants and products.* Duly authorized inspectors of the Inspection Service are hereby authorized to make inspections in accordance with law to ascertain whether any of the provisions of the act or the regulations applying to exempted producers, retailers or other persons have been violated.

§ 81.207 *Violations involving exempted poultry or poultry products.* It is a criminal offense, punishable by fine or imprisonment, or both fine and imprisonment, for any person to sell, deliver, transport, or offer for sale or transportation in commerce any poultry or poultry products exempted under section 15 of the act which are unwholesome or adulterated and are intended for human consumption.

§ 81.300 *Requirements for importation into United States; definition of United States.* Slaughtered poultry or poultry products may be imported into the United States from any foreign country only in accordance with the regulations in this subpart. Dressed poultry may be imported into the United States only if it is consigned to an official establishment for inspection under the act. The term "United States," as used in this subpart, means the States, the District of Columbia, Alaska, Hawaii, and Puerto Rico.

§ 81.301 *Eligibility of foreign countries for importation of products into the United States.* (a) Whenever it is determined by the Administrator that the system of poultry inspection maintained by any foreign country is the substantial equivalent of the system maintained by the United States, notice of that fact will be given by listing the name of such foreign country in paragraph (b) of this section. Thereafter slaughtered poultry and poultry products from the countries so listed shall be eligible, subject to the provisions of this subpart, for importation into the United States. Such products to be imported into the United States from these foreign countries must meet, to the extent applicable, the same standards and requirements that apply to comparable domestic products as set forth in the regulations in this entire part. Slaughtered poultry and poultry products from foreign countries not listed herein are not eligible for importation into the United States, except as provided by § 81.311.

(b) [Reserved]

§ 81.302 *Imported products; foreign inspection certificates required.* (a) Except as provided in § 81.311, each consignment containing any slaughtered poultry or poultry product consigned to the United States from a foreign country shall be accompanied with a foreign inspection certificate substantially in the form illustrated in paragraph (b) of this section if it covers a poultry product, and in the form illustrated in paragraph (c) of this section if it covers dressed poultry or other slaughtered poultry.

(b) The form of foreign poultry product inspection certificate shall be as follows:

FOREIGN POULTRY PRODUCT INSPECTION CERTIFICATE

Place _____ _____
(City) (Country)
Date _____

I hereby certify that the poultry products herein described were derived from poultry which received ante mortem and post-mortem inspections at the time of slaughter, and that such poultry products are sound, healthful, wholesome, clean and otherwise fit for human food, and are not adulterated and have not been treated with and do not contain any dye, chemical, preservative or ingredient not permitted by the regulations governing the inspection of poultry and poultry products of the United States Department of Agriculture, filed with me, and that said poultry products have been handled only in a sanitary manner in this country:

Kind of product

_____
_____
_____

Number of pieces or packages *Weight*

_____ _____
_____ _____
_____ _____
Identification marks on containers _____
Consignor _____
Address _____
Consignee _____
Destination _____
Shipping marks _____
(Signature) _____
(Name of official of national foreign government authorized to issue inspection certificates for poultry products exported to the United States)
(Official title) _____

(c) The form of foreign inspection certificate for dressed poultry or other slaughtered poultry [1] shall be as follows:

FOREIGN DRESSED POULTRY INSPECTION CERTIFICATE

Place _____ Date _____

I hereby certify that the dressed poultry herein described was derived from poultry which received ante mortem inspection at the time of slaughter and that such dressed poultry is sound, healthful, wholesome, clean and otherwise fit for human food and is not adulterated and has not been treated with and does not contain any dye, chemical, or preservative not permitted by the regulations governing the inspection of poultry and poultry products of the United States Department of Agriculture, filed with me, so far as could be determined by such ante mortem inspection, and that said dressed poultry has been handled only in a sanitary manner in this country.

Number of pieces or packages *Weight*

_____ _____
_____ _____
Identification marks on containers _____
Consignor _____
Address _____
Consignee _____
Destination _____
Shipping marks _____
(Signature) _____
(Name of official of national foreign government authorized to issue inspection certificates for dressed poultry exported to the United States)
(Official title) _____

§ 81.303 *Importer to make application for inspection of imported products.* Each person who wishes to import any slaughtered poultry or poultry product shall make application for inspection, upon a form provided by the Administrator, to the Chief, Poultry Inspection Service, Poultry Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C., or to the officer in charge of the Poultry Division office at the port where the product is to be offered for importation, as long as possible in advance of the anticipated arrival of each consignment of such product, except in the case of product exempted from inspection by § 81.311. Each application shall state the approximate date on which the consignment is due to arrive in the United States, the name of the boat or other carrier transporting it, the name of the country from which the product was shipped, the place of destination, the quantity and kind of product, whether fresh, frozen, cured, or canned, and the point of first arrival in the United States.

§ 81.304 *Inspection of imported products.* (a) Except as provided in § 81.311, all slaughtered poultry and poultry products offered for importation from any foreign country shall be inspected in accordance with established inspection procedures, including the examination of the labeling information on the containers, by an inspector, before the same shall be admitted into the United States. Importers will be advised of the point where inspection will be made, and in case of small shipments (less then carload lots) the importer may be required to move the product to the location of the nearest inspector.

(b) Inspectors shall take, without cost to the United States, from each consignment offered for importation, samples of any product which is subject to analysis, except that samples of any product offered for importation under § 81.311 shall not be taken unless there is reason for suspecting the presence therein of a substance in violation of that section.

§ 81.305 *Imported products; retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities and assistance.* (a) No slaughtered poultry or poultry product required by this subpart to be inspected shall be released from customs custody prior to inspection, but such product may be delivered to the consignee, or his agent, prior to inspection, if the consignee shall furnish a bond, in form prescribed by the Secretary of the Treasury, conditioned that the product shall be returned, if demanded, to the collector of the port where the same is offered for clearance through the customs.

(b) Notwithstanding paragraph (a) of this section, no product required by this subpart to be inspected shall be moved, prior to inspection, from the port of arrival where first unloaded, and if arriving by water, from the wharf where first unloaded at such port, to any place other than the place designated in accordance with this subpart as the place where the same shall be inspected; and no product shall be conveyed in any manner other than in compliance with this subpart.

(c) Means of conveyance or packages in which any product is moved in accordance with this subpart, prior to inspection, from the port or wharf where first unloaded in the United States, shall be sealed with special import seals of the Department of Agriculture, unless already sealed with customs or consular seals in accordance with the customs regulations. Packages shall be securely tied before being offered for sealing. Such special seals shall be affixed by inspectors, or, if there is no inspector at such port, then by customs officers.

(d) No person shall affix, break, alter, deface, mutilate, remove, or destroy any special import seal of the Department of Agriculture, except customs officers or inspectors or as provided for in paragraph (f) of this section.

(e) No product shall be removed from any means of conveyance or package sealed with a special import seal of the Department of Agriculture, except under the supervision of an inspector or a customs officer, or as provided for in paragraph (f) of this section.

(f) In case of a wreck or similar extraordinary emergency, the special import seal of the Department of Agriculture on a car, truck, or other means of conveyance, may be broken by the carrier, and, if necessary, the articles may be reloaded into another means of conveyance for transportation to destination. In all such cases, the carrier shall immediately report the facts by telegraph to the Chief of the Poultry Inspection Service.

(g) The consignee, or his agent, shall furnish such facilities and shall provide such assistance for handling and marking products offered for importation as the inspector may require.

§ 81.306 *Means of conveyance and equipment used in handling products to be maintained in sanitary condition.* Compartments of steamships, railroad cars, and other means of conveyance transporting any product to the United States, and all chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling any product offered for importation into the United States, shall be maintained in a sanitary condition.

§ 81.307 *Marking of products offered for importation.* (a) Poultry products which upon inspection are found to be acceptable for importation into the United States shall be marked "Inspected for Wholesomeness by U. S. Department of Agriculture," or an authorized abbreviation thereof, and with the name of the station to which the in-

[1] When slaughtered poultry other than dressed poultry is involved the word "dressed" shall be deleted throughout the certificate.

spector is assigned. Dressed poultry which upon inspection is found to be acceptable, shall be marked "Dressed Poultry—Eligible for Processing under U. S. D. A. Inspection." Products which are inspected and rejected shall be marked "U. S. Refused Entry." Such marks shall be applied to the shipping containers.

(b) To each consumer package of imported poultry product which has been inspected and passed in compliance with this part and which is to be removed from the shipping container at a place other than an official establishment, and thereafter to be transported in commerce, or to an official establishment, there shall be securely affixed, under the supervision of an inspector, a sticker, approved by the Administrator, bearing an official inspection mark and an identifying serial number.

(c) To each consumer package of any imported poultry product which has been inspected and passed in compliance with this part and which is removed from a shipping container at an official establishment, a sticker bearing an official inspection mark and the plant number shall be securely affixed, before the same shall be allowed to leave the establishment.

§ 81.308 *Foreign products offered for importation; reporting of findings to customs; handling of articles refused entry.* (a) Inspectors shall report their findings to the collector of customs at the port where products are offered for entry, and shall request the collector to refuse entry to all products which are marked or designated "U. S. Refused Entry" or otherwise are not in compliance with the regulations in this subpart. Unless such products shall be exported by the consignee within a time to be specified by the collector of customs (usually 30 days), the consignee, within such specified time, shall cause the destruction of such products for food purposes under the supervision of an inspector. If products are destroyed for food purposes under the supervision of an inspector, he shall give prompt notice thereof to the collector.

(b) Consignees shall, at their own expense, return immediately, to the collector of customs, in means of conveyance or packages sealed with the special import seal of the Department of Agriculture, any product received by them under this subpart which is marked or designated "U. S. Refused Entry," or which in any respect does not comply with this subpart.

(c) Except as provided in § 81.305 (a), no person shall remove or cause to be removed from any place designated as the place of inspection, any poultry product which the regulations in this subpart require to be marked in any way, unless the same has been clearly and legibly marked in compliance with this subpart.

§ 81.309 *Labeling of consumer packages of product for importation.* (a) Consumer packages of product offered for importation shall bear a label, printed in English, showing (1) the name of product; (2) the name of the country of origin preceded by the words "Product of," which statement shall appear immediately under the name of the product; (3) the word "Ingredients" followed by a list of the ingredients in case of product fabricated from two or more ingredients, including a declaration of artificial flavors, colors, or preservatives, if any; (4) the name and place of business of manufacturer, packer or distributor, qualified by a phrase which reveals the connection that such person has with the product; and (5) an accurate statement of the quantity of contents.

(b) The labels shall not be false or misleading in any respect.

§ 81.310 *Labeling of shipping containers of product for importation.* Shipping containers in which consumer packages of foreign product are shipped to the United States are required to bear the true name of the product and the name of the country of origin in a prominent and legible manner. Labeling on shipping containers shall be examined at the time of inspection and if found to be false or misleading, the product shall be refused entry.

§ 81.311 *Small importations for consignee's personal use.* (a) Any product offered for importation in small quantity exclusively for the personal use of the consignee, and not for sale or distribution, which is sound, healthful, wholesome, and fit for human food, and which is not adulterated and contains no substance not permitted by the act or regulations in this part, may be admitted into the United States without foreign inspection certificates and such products are not required to be inspected upon arrival in the United States.

(b) The shipper of such products shall deliver to the initial carrier a certificate in the form set forth in paragraph (c) of this section which will authorize the shipment of such products in commerce. The duplicate copy of the certificate shall be forwarded immediately by the shipper to the Chief of the Poultry Inspection Service, Poultry Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C. The shipper's certificate shall be retained in the files of the initial carrier. The agent of the initial carrier and each succeeding carrier shall deliver to the connecting carrier a certificate in the form shown in paragraph (d) of this section.

(c) The form of certification required from the shipper pursuant to paragraph (b) of this section shall be as follows:

Date _____ 19__
Name of carrier _____
Shipper _____
Point of shipment _____
Consignee _____

I hereby certify that the following products were imported into the United States exclusively for the personal use of the consignee, and not for sale or distribution, and are exempted from inspection by the regulations governing the inspection of poultry and poultry products of the United States Department of Agriculture:

Kind of product	*Amount and weight*
_____	_____
_____	_____

_____
(Signature of shipper)

_____
(Address of shipper)

(d) The form of certification by the agent of the initial or succeeding carrier shall be as follows:

_____
(Name of transportation company)

Imported for the personal use of consignee and exempt from inspection, as evidenced by shipper's certificate on file with initial carrier.

(Signed) _____
Agent
(The signature of the agent shall be written in full)

§ 81.312 *Returned United States inspected and marked products; not importations.* Products, which have been inspected by the United States Department of Agriculture and so marked, which are returned from foreign countries are not importations within the meaning of this part. Such returned shipments shall be reported to the Administrator by letter.

§ 81.313 *Imported product to be handled and transported as domestic; entry into official establishments; transportation.* (a) All imported products, after admission into the United States in compliance with this part, shall be deemed and treated and, except as provided in § 81.311 (b), shall be handled and transported as domestic product, and shall be subject to the provisions of this part and to the provisions of the Poultry Products Inspection Act and the Federal Food, Drug, and Cosmetic Act.

(b) Imported poultry products inspected, passed, and marked in accordance with this subpart may, subject to the provisions of the regulations in this part, be taken into official establishments and be mixed with or added to products in such establishments which have been inspected and passed therein.

(c) Imported poultry products which have been inspected, passed, and marked under this subpart may be transported in commerce, only upon compliance with the applicable regulations.

§ 81.314 *Imported products; charges for storage, cartage and labor with respect to products which are refused admission.* All charges for storage, cartage, and labor with respect to any imported product which is refused admission pursuant to the regulations in this subpart shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

The foregoing amendments must be made effective not later than January 1, 1959, in order to implement the Poultry Products Inspection Act which becomes fully effective on that date. The amendments in most respects consist of proposals set forth in two notices of rule making heretofore published, and the variations from such proposals are formal in nature or are made as a result of suggestions received pursuant to the notices or to carry out more fully the legislative intent or are necessary because of limited resources. In the last category are the provisions for exemption from the continuous resident inspection requirements under the Act of poultry processing operations other than slaughtering and eviscerating. It is believed

that the objectives of the statute can best be effectuated by concentrating available resources on providing inspection of slaughtering and eviscerating of poultry for distribution in commerce under the act, and therefore it is necessary to exempt other processing operations from the continuous resident inspection requirements of the act. It does not appear that further rule-making procedure would make additional information available to this Department.

Section 81.169 of the regulations as set forth in the amendments relieves requirements on payment of overtime charges for inspection service and should be made effective as of December 1, 1958, in order to be of maximum benefit to poultry processors subject to such requirements.

In view of all the circumstances set out above, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that further notice of rule making and other public procedure on the amendments would be impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective on January 1, 1959, except for the amendment of § 81.169 of the regulations which shall be effective as of December 1, 1958.

(Sec. 14, 71 Stat. 447; 21 U. S. C. 463)

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 5th day of December 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-10201; Filed, Dec. 9, 1958; 8:50 a. m.]

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

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.19, Amdt. 4]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT-CONSUMPTION PORTION OF MAINLAND QUOTA FOR PUERTO RICO, 1958

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of further amending Sugar Regulation 814.19 (23 F. R. 136, 2853, 5708, 8973), which established allotments of the direct-consumption portion of the 1958 mainland quota for Puerto Rico.

The purpose of this amendment of Sugar Regulation 814.19 is to revise deficits in the allotments of two allottees which were prorated to other allottees by Amendment 3 (23 F. R. 8973). Subsequent to the issuance of S. R. 814.19, Amendment 3, Central Roig Refining Company and the Western Sugar Refining Company advised the Department in writing that they would be able to deliver in 1958 to the continental United States 18,300 tons and 20,150 short tons, raw value, respectively, within the direct-consumption limitation of the 1958 mainland quota. These quantities exceed those which these allottees had previously notified the Department as their maximums by 1,300 tons for Central Roig Refining Company and 150 short tons, raw value, for the Western Sugar Refining Company. However, these quantities are still below the allotments which the allottees would otherwise receive. The maximum quantities of sugar which can be delivered into the continental United States in 1958 by the Central Aguirre Sugar Company, a Trust, and Central San Francisco remain unchanged at 6,434 tons and 1,473 short tons, raw value, respectively. Accordingly, allotments are herein established for each of these four allottees equal to the respectively indicated maximums. These four allotments total 46,357 tons. The balance of the 136,113 tons, which is the direct-consumption limitation, less 200 tons set aside for all other persons, amounts to 89,556 short tons, raw value. That quantity is herein allotted to the Porto Rican American Sugar Refinery, Inc., resulting in an allotment for that allottee which exceeds by 5,000 short tons, raw value, the allotment which would be established in the absence of allotment deficits.

Findings heretofore made by the Secretary in the course of this proceeding (23 F. R. 136) provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Effective date. It is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered that paragraph (a) of § 814.19 be further amended to read as follows:

§ 814.19 *Allotment of the direct-consumption portion of 1958 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1958 sugar quota for Puerto Rico, amounting to 136,113 short tons, raw value, is hereby allotted as follows:

Allottee:	*Direct-consumption allotment (short tons, raw value)*
Central Aguirre Sugar Co., a trust	6,434
Central Roig Refining Co	18,300
Central San Francisco	1,473
Porto Rican American Sugar Rfy., Inc	89,556
Western Sugar Refining Co	20,150
All other persons (raw sugar only)	200
Total	136,113

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209, 61 Stat. 926, as amended, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 5th day of December, 1958.

[SEAL] TOM O. MURPHY,
Acting Director, Sugar Division,
Commodity Stabilization Service.

[F. R. Doc. 58-10207; Filed, Dec. 9, 1958; 8:51 a. m.]

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.76, as amended, Supp. 6]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

MICHIGAN FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877), the Agricultural Stabilization and Conservation Michigan State Committee has issued the bases and procedures for establishing individual farm proportionate shares from an allocation totalling 76,437 acres, including a supplemental allocation of 51 acres from the National Reserve, as established for Michigan under the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the Cahill Building, 200 North Capitol Avenue, Lansing, Michigan, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Michigan. These bases and procedures incorporate the following:

§ 850.82 *Michigan*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU-100, Requests for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.76.

(b) *Establishment of individual farm proportionate shares.* For each farm in Michigan for which a request for proportionate share is filed, the proportionate share shall be established from the allocation of 76,437 acres so as to coincide with the acreage of 1958-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished with a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

STATEMENT OF BASES AN CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Michigan State Committee for determining farm proportionate shares in Michigan in accordance with the determination of proportionate shares for

the 1958 crop of sugar beets as issued by the Secretary of Agriculture.

The acreage of sugar beets actually planted within the State is smaller than the State allocation. This situation makes unnecessary the carrying out of detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the planted acreages on the various farms.

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

Dated: September 16, 1958.

[SEAL] HOWARD J. MCKENZIE,
Chairman, Agricultural Stabilization and Conservation Michigan State Committee.

Approved: December 3, 1958.

TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58-10204; Filed, Dec. 9, 1958; 8:50 a. m.]

[Sugar Determination 850.76, as amended, Supp. 8]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

WISCONSIN FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877) the Agricultural Stabilization and Conservation Wisconsin State Committee has issued the bases and procedures for establishing individual farm proportionate shares from an allocation totalling 9,058 acres, including supplemental allocations of 451 acres from the National Reserve, as established for Wisconsin under the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 3010 E. Washington Avenue, Madison, Wisconsin, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Wisconsin. These bases and procedures incorporate the following:

§ 850.84. *Wisconsin*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU-100, Requests for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.76.

(b) *Establishment of individual farm proportionate shares.* For each farm in Wisconsin for which a request for proportionate share is filed, the proportionate share shall be established from the allocation of 9,058 acres so as to coincide with the acreage of 1958-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished with a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Wisconsin State Committee for determining farm proportionate shares in Wisconsin in accordance with the determination of proportionate shares for the 1958 crop of sugar beets as issued by the Secretary of Agriculture.

The acreage of sugar beets actually planted within the State is smaller than the State allocation. This situation makes unnecessary the carrying out of detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

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

Dated: October 22, 1958.

[SEAL] IVAN H. KINDSCHI,
Chairman, Agricultural Stabilization and Conservation Wisconsin State Committee.

Approved: December 3, 1958.

TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58-10206; Filed, Dec. 9, 1958; 8:51 a. m.]

[Sugar Determination 850.76, as amended, Supp. 20]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

CALIFORNIA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877; 23 F. R. 4325), the Agricultural Stabilization and Conservation California State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 200,503 acres established for California by the determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at 2020 Milvia Street, Berkeley, California, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of California. These bases and procedures incorporate the following:

§ 850.96 *California*—(a) *Proportionate share areas.* California shall be divided into two proportionate share areas, one of which shall comprise all of California except Imperial County and the other shall be Imperial County. These areas shall be designated the "Northern Area" and the "Imperial Area", respectively. Acreage allotments for these areas shall be computed by applying to the sugar beet acreage record for each area a weighting of 50 percent to the average accredited acreage for the crops of 1955 through 1957, as a measure of "past production", and a weighting of 50 percent to the largest accredited acreage of any of the crops of 1955 through 1957 as a measure of "ability to produce", with pro rata adjustments to a total of 200,503 acres. Acreage allotments computed as aforestated are established as follows: Northern Area—157,277 acres, and Imperial Area—43,226 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Northern Area—3,145 acres each for new producers and appeals and 4,718 acres for adjustments in initial shares; Imperial Area—865 acres each for new producers and appeals, and 1,297 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU-100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date of such filing, as provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully completed Form SU-100 shall be filed by May 27, 1958, for Imperial County and by January 7, 1958 for all other counties. However, requests for proportionate shares may be accepted after such dates and shares may be established if the county committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such dates because of absence, illness or other reasons beyond his control.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* For each farm whose operator is a tenant with a personal accredited acreage record during at least one of the crop years 1955-57, the 1958 base shall be determined by applying to the larger of his personal accredited acreage record or the landlord's share of the accredited acreage record of the farm, a weighting of 75 percent to the average accredited acreage for the crop years 1953-57, as a measure of past production, and a

weighting of 25 percent to the average accredited acreage of the crop years 1955–57 as a measure of ability to produce: *Provided*, That the base for a farm operated by a tenant having a personal accredited acreage record for any of the 1955, 1956 or 1957 crop years under a new-producer share shall equal the most recent accredited acreage for the farm, most recently operated by him during such years but not in excess of the most-recently established share for such farm. If the operator is the owner of the farm, or is a tenant without a personal accredited acreage record in at least one of the years 1953–57, and the farm has an accredited acreage record during at least one of the years 1955–57, the 1958 base for such farm shall be determined by applying the above-specified weightings to the landlord's share of the accredited acreage record of the farm for the crop years 1953–57.

(2) *Initial proportionate shares.* For the Northern Area, the total of individual farm bases for old-producer farms, as established pursuant to the preceding subparagraph, is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph. For the Imperial Area, the total of individual farm bases for old-producer farms, as established pursuant to the preceding subparagraph, is more than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) at 25 percent of the cropland, or 40 acres in the Northern Area and 35 acres in the Imperial Area, whichever is less, by taking into consideration the availability and suitability of land, are of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. In considering new-producer requests, special consideration shall be given to operators who have a personal history of beet production during 1950–54 and to operators of farms having a record of beet production during those years.

(f) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76, applicable to appeals.

(g) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958-crop seasons. However, any acreage released by producers prior to March 1, 1958, in the Northern Area and October 1, 1958, in the Imperial Area, shall be used to increase small proportionate shares so as to promote the more efficient operation of farms. First consideration shall be given to shares too small for economical operation; then consideration shall be given to shares which are small in comparison with those for similar farms. In no case shall the increases in proportionate shares in the Northern Area be larger than 50 percent of the established share for the farm, except that shares for a farm having more than 160 acres of cropland may be increased to 40 acres, and shares for a farm having less than 60 acres of cropland may be increased to 20 acres. In the Imperial Area, no increase from released acreage greater than the smaller of 20 percent of the established share for the farm or 10 acres shall be granted until all producers who have requested additional acreage have received the smaller of that much increase or their requested acreage. When increasing such small-producer shares, the State Committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of share.* If the Agricultural Stabilization and Conservation County Committee determines that the proportionate share for any farm was established with consideration for the personal history of a person who had no interest or did not acquire any interest in such farm as a tenant, or who was not the operator of the farm at the time of planting sugar beets on the farm, the State Committee shall be notified of the circumstances and the actual operator of the farm shall be given an opportunity to file a request for a share for such farm. Pursuant to such a request, the proportionate share for the farm shall be redetermined on the basis of the personal history of such actual operator, the farm history, or new-producer procedure, whichever is applicable, even though a downward adjustment to zero acres may be required. The actual farm operator shall be furnished a Form SU–103–A setting forth the redetermined share for the farm and he shall also be furnished a statement explaining the reasons for the adjustment. A copy of such statement shall be furnished the person to whom the original Form SU–103 was issued.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation California State Committee for determining farm proportionate shares in California in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

California is divided into the same two areas. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by applying formulas to the accredited acreages for the crop years 1953–57.

The procedure for establishing farm shares for new producers meets the related requirements of § 850.76.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals, are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

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

Dated: July 21, 1958.

[SEAL] A. L. FOURCHY,
Chairman, Agricultural Stabilization and Conservation California State Committee.

Approved: December 3, 1958.

TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58-10205; Filed, Dec. 9, 1958; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Reg., Amdt. 60-13]

PART 60—AIR TRAFFIC RULES

ALTIMETER SETTING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 4th day of December 1958.

This amendment provides for the use of a standard altimeter setting for aircraft operating at or above 24,000 feet MSL and the use of current reported altimeter setting from the surface upward to 23,500 feet MSL.

Though a standard setting for altimeters has been advocated for domestic use for some time, and the system is used successfully for transoceanic flights and in other countries, until recently the use of current reported altimeter setting has been satisfactory. Corrected altimeter settings are still considered desirable for use at the lower altitudes. For operations such as takeoff and landing, where terrain clearance is of primary importance, this setting provides the vital information of height above obstacles to the pilot. Where this system is used, resettings of the altimeter are required for cruising flight, but these settings are generally available and the resulting cruising altitudes are reasonably constant.

The experience gained with the present volume of jet operations has led to general agreement that the use of the standard setting is a requisite at higher altitudes. Standard setting eliminates altitude conflicts caused by altimeter settings derived from geographically different sources. In the average flight, one resetting during climb and one resetting in the terminal area before descent will replace the frequent resetting made necessary by rapid transit of pressure systems. Besides being better adapted to automatic flight and improving correlation between performance data and actual performance, the standard setting system eliminates station barometer errors and some of the altimeter instrument errors.

In earlier considered plans to enable the use of two settings, a sterile airspace, or "buffer zone," was included in which cruising flight was to be prohibited. Since cruising altitudes are at a fixed altitude above MSL, and the altitude of flight levels varies as atmospheric pressure changes, it is apparent that conditions could exist in which a flight level would be coincident with a cruising altitude. As atmospheric pressure decreases, the altitude of a flight level decreases. The sterile area was devised to provide airspace to accommodate this sinking effect of flight levels when a significant decrease below standard in the atmospheric pressure occurs. A disadvantage in this, however, is that a buffer zone entails permanent loss of altitudes which would otherwise be available for cruising flight when atmospheric pressure is at or above standard. This has been considered unacceptable because of the volume of air traffic in the United States which requires use of all available flight altitudes; therefore, this amendment provides for the use of all cruising altitudes at all times and a loss of flight levels only when atmospheric pressure is below standard.

Essentially, flight of aircraft at and above 24,000 feet MSL is to be conducted by reference to an altimeter set to a standard setting and would utilize flight levels; cruising flight in the airspace between the ground and 23,500 feet is to be conducted at cruising altitudes maintained by reference to an altimeter set to current reported altimeter setting. Through proper planning by pilots and air traffic controllers, the possibility of conflict between aircraft using the different systems of setting can be eliminated. As there is no buffer zone, the workability of this amendment is predicated on maintaining at least the standard vertical separation, 1,000 feet, between aircraft even though they may be controlled by altimeters set to different pressure references.

The rule describes the areas wherein each system will be employed. The dividing line is the lower limit of the continental control area, which is defined as 24,000 feet above MSL. All cruising altitudes from the ground to 23,500 feet are available at all times, regardless of the atmospheric pressure. However, when pressure is below 29.92" Hg., the altitude of an aircraft using standard setting is below the altimeter indication. Since this altimeter indication defines the flight level, it follows that some flight levels will fall below 24,000 feet MSL. Obviously, this situation could result in conflict with aircraft conducting flight at a cruising altitude and, therefore, pilots must not choose, nor controllers assign, flight levels without ascertaining that the flight level is actually at or above 24,000 feet MSL.

The comment received in response to Draft Release 58-12 was favorable. The military agencies and the organizations representing the pilots and operators of civil aircraft which will use the higher altitudes urged the adoption of the amendment. The only change of note from the draft release was a requirement to avoid conflict with existing procedures internationally recognized as applying in United States possessions, territories, and mandates. For this reason, the areas covered by altimeter setting procedures contained in ICAO documents are excluded from the application of the rule.

Interested persons have been afforded an opportunity to participate in the making of this amendment (23 F. R. 4102), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective January 15, 1959.

1. By adding a new § 60.25 to read as follows:

§ 60.25 *Altimeter setting.* The cruising altitude or flight level of aircraft shall be maintained by reference to an altimeter which shall be set:

(a) At or below 23,500 feet MSL, to the current reported altimeter setting of a station along the route of flight within 100 nautical miles: *Provided,* That where there is no such station, the current reported altimeter setting of an appropriate available station shall be used: *And provided further,* That in aircraft having no radio the altimeter shall be set to the elevation of the airport of departure or appropriate altimeter settings available prior to departure shall be used.

(b) At or above 24,000 feet MSL, to 29.92" Hg. The use of flight levels below this altitude is not permissible.

(c) For overseas operations, in ICAO Flight Information Regions, in accordance with ICAO Regional Supplementary Procedures.

NOTE: Flight levels appropriate to normally encountered atmospheric pressure are shown in the table following:

Atmospheric pressure in inches of mercury:	*Lowest usable flight level*
29.92	240
29.91 to 29.42	245
29.41 to 28.92	250
28.91 to 28.42	255
28.41 to 27.92	260

2. By amending the introductory paragraph of § 60.32 to read as follows:

§ 60.32 *VFR cruising altitudes.* When an aircraft is operated in level cruising flight at 3,000 feet or more above the surface, the following cruising altitudes, or the equivalent flight levels, whichever is appropriate, shall be observed:

3. By amending § 60.41 (e) to read as follows:

§ 60.41 *IFR flight plan.* • • •

(e) Cruising altitudes or flight levels, and the route to be followed;

4. By amending the introductory paragraph of § 60.44 to read as follows:

§ 60.44 *IFR cruising altitudes.* When an aircraft is operated in level cruising flight, it shall be operated in accordance with the following cruising altitudes, or the equivalent flight levels, whichever is appropriate, except that, in the absence of a specific altitude authorized by air traffic control, aircraft operating "on top" shall be flown at altitudes specified in § 60.32:

5. By amending the first sentence of § 60.49 (b) to read as follows: "Proceed according to the latest air traffic clearance to the radio facility serving the airport of intended landing, maintaining

the minimum safe altitude, or the last acknowledged assigned altitude or flight level, whichever is higher."

6. By amending § 60.60 by deleting the present definition "Cruising altitude" and inserting in lieu thereof the following:

§ 60.60 *Definitions.* * * *

Cruising altitude. Cruising altitude is a level determined by vertical measurement from mean sea level.

7. By amending § 60.60 by adding in proper alphabetical order a new definition to read as follows:

§ 60.60 *Definitions.* * * *

Flight level. Flight level is a level of constant atmospheric pressure related to a reference datum of 29.92" Hg. For example, flight level 250 is equivalent to an altimeter indication of 25,000 feet, and flight level 265 to 26,500 feet.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58-10209; Filed, Dec. 9, 1958; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 3]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN CONTINENTAL CONTROL AREA

ALTERATIONS

The coded jet route and navigational aid alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 602 is amended as follows:

1. Section 602.11 *Description of points and intersections* is amended under paragraph (c) *Omnirange stations,* by adding the following points:

Gainsville, Fla., VOR.
Nantucket, Mass., VOR.
Norfolk, Va., VOR.
Wilmington, N. C., VOR.

and by deleting the following point:

Lakeland, Fla., VOR.

2. Section 602.549 is amended to read:

§ 602.549 *VOR/VORTAC jet route No. 49 (Miami, Fla., to Presque Isle, Maine).* From the Miami, Fla., VOR via the INT of the Miami VOR 316° and the Gainesville VOR 167° radials; Gainesville, Fla., VOR; INT of the Gainesville VOR 354° and the Alma VOR 179° radials; Augusta, Ga., VOR; Spartanburg, S. C., VOR; Greensboro, N. C., VOR; Morgantown, W. Va., VOR; Pittsburgh, Pa., VOR; Philipsburg, Pa., VOR, Albany, N. Y., VOR; Bangor, Maine, VOR; to the Presque Isle, Maine, VOR.

3. Section 602.575 is amended to read:

§ 602.575 *VOR/VORTAC jet route No. 75 (Miami, Fla., to the United States-Canadian Border).* From the Miami, Fla., VOR via the INT of the Miami VOR 316° and the Gainesville VOR 167° radials; Gainesville, Fla., VOR; INT of the Gainesville VOR 354° and the Alma VOR 179° radials; Alma, Ga., VOR; INT of the Alma VOR 035° and the Columbia VOR 183° radials; Columbia, S. C., VOR; Gordonsville, Va., VOR; Allentown, N. Y., VOR; Idlewild, N. Y., VOR; Albany, N. Y., VOR; Plattsburg, N. Y., VOR; to the point of INT of the Plattsburg, N. Y., VOR 341° radial with the United States-Canadian Border.

4. Section 602.577 is amended to read:

§ 602.577 *VOR/VORTAC jet route No. 77 (Miami, Fla., to the United States-Canadian Border.)* From the Miami, Fla., VOR to the West Palm Beach, Fla., VOR. From the Wilmington, N. C., VOR via the INT of the Wilmington VOR 354° and the Gordonsville VOR 178° radials; Gordonsville, Va., VOR; Allentown, Pa., VOR; Idlewild, N. Y., VOR; Boston, Mass., VOR; INT of the Boston VOR 014° and the Bangor VOR 225° radials; Bangor, Maine, VOR; to the point of INT of the Bangor VOR 060° radial with the United States-Canadian Border.

5. Section 602.579 is added to read:

§ 602.579 *VOR/VORTAC jet route No. 79 (Miami, Fla., to Norfolk, Va.).* From the Miami, Fla., VOR to the West Palm Beach, Fla., VOR. From the Wilmington, N. C., VOR via the INT of the Wilmington VOR 354° and the Norfolk VOR 229° radials; to the Norfolk, Va., VOR.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., December 10, 1958.

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

DECEMBER 5, 1958.

[F. R. Doc. 58-10200; Filed, Dec. 9, 1958; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

DESCRIPTIVE LIST; URANIUM ISOTOPIC STANDARDS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from November 17, 1958.

1. A new series (Uranium Isotopic Standards) is added to § 230.11 *Descriptive list* and designated paragraph (y) to read as follows:

(y) *Uranium isotopic standards.*

Standard No.	Nominal composition, percent U-235	Price per gram U
U005	0.5	$20.50
U010	1.0	20.50
U015*	1.5	20.50
U020*	2.0	21.00
U030*	3.0	21.00
U050*	5.0	21.00
U100	10.0	22.00
U150	15.0	23.00
U200*	20.0	23.50
U350	35.0	26.50
U750	75.0	33.50
U800	80.0	34.00
U850*	85.0	35.00
U900*	90.0	36.00
U930*	93.0	37.50

*The standards followed by an asterisk are now available for distribution. Announcements will be made as the remaining standards become available for distribution. The request for uranium isotopic standards must be made on special Purchase Request forms obtainable free of charge from the Chemistry Division, National Bureau of Standards, Washington 25, D. C. The fees include a 100 percent deposit on the value of the special nuclear material. The Atomic Energy Commission will refund 90 percent of the deposit on the portion of the materials returned in accordance with the agreement contained in the Purchase Request form. Standards are available only to AEC licensees and others authorized by AEC to have possession of nuclear material (88 stations).

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U. S. C. 275a)

R. D. HUNTOON,
Deputy Director, National Bureau of Standards.

Approved: December 3, 1958.

LEWIS L. STRAUSS,
Secretary of Commerce.

[F. R. Doc. 58-10198; Filed, Dec. 9, 1958; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-520]

PART 43—OUTLET AND SWITCH BOX MANUFACTURING INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of December 10, 1958.

Statement by the Commission. Trade practice rules for the Outlet and Switch Box Manufacturing Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these rules are established consists of persons, firms, corporations and organizations engaged in the manufacture and sale of the following products used in the electrical

field: Formed metal switch boxes, outlet boxes, gang boxes, utility boxes, concrete boxes, extension rings, box covers, bar hanger sets, and combination and parts of such products, exclusive of (1) boxes and cabinets which have interior pre-assembled wiring, (2) hinged cover and pre-assembled screw cover metal cabinets, (3) junction boxes and fittings for under-floor-duct systems, (4) floor boxes, (5) fittings and accessories manufactured as part of surface raceway systems, (6) and combination and parts of such excluded products.

Proceedings relating to the establishment of these rules were instituted upon an application of the Outlet and Switch Box Association, Inc. A general industry conference was held under Commission auspices in Washington, D. C. on April 16, 1958, at which proposals for rules were submitted for consideration of the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held in Washington, D. C. on September 10, 1958, and all matters there presented, or otherwise received in the proceeding, were considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules, as approved, become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

AUTHORITY: §§ 43.0 to 43.13 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 43.0 *Definitions.* As used in this part the terms "industry member" and "industry products" shall have the following meanings, respectively:

(a) *Industry member.* Any person, firm, corporation or organization engaged in the manufacture and sale of industry products as defined below.

(b) *Industry products.* The following products used in the electrical field: Formed metal switch boxes, outlet boxes, gang boxes, utility boxes, concrete boxes, extension rings, box covers, bar hanger sets, and combination and parts of such products, exclusive of (1) boxes and cabinets which have interior pre-assembled wiring, (2) hinged cover and pre-assembled screw cover metal cabinets, (3) junction boxes and fittings for under floor-duct systems, (4) floor boxes, (5) fittings and accessories manufactured as part of surface raceway systems, (6) and combination and parts of such excluded products.

§ 43.1 *Misrepresentation and deception (general).* It is an unfair trade practice for any industry member, in connection with the offering for sale, sale, or distribution of industry products, to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, warranty, mark, brand, label, trade name, picture, design or device, designation, or other type of oral or written representation, however disseminated or published, or to fail to disclose any material fact, when such representation or failure to disclose has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the price, type, grade, quality, quantity, use, size or size symbol, material, finish, strength, thickness, composition, origin, preparation, manufacture, or distribution of any product of the industry, or in any other material respect. [Rule 1]

§ 43.2 *Substitution of products.* It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications (in bids or otherwise) upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 2]

§ 43.3 *Prohibited forms of trade restraints (unlawful price fixing, etc.).*[1] It is unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 3]

§ 43.4 *Misrepresentation as to character of business.* It is an unfair trade practice for any industry member, in the course of or in connection with the sale of industry products, to represent, directly or indirectly, that he is a manufacturer of industry products, unless he owns and operates or directly controls a factory wherein such products are made, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 4]

§ 43.5 *Defamation of competitors or false disparagement of their products.* It is an unfair trade practice for any industry member:

(a) To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations; or

(b) To falsely disparage competitors' products as to grade, quality, or method of manufacture and distribution, or in any other respect; or

(c) To falsely disparage the business methods, selling prices, values, credit terms, policies, services, or conditions of employment, of competitors.

NOTE: Nothing in this section shall be construed as preventing the full, fair, and nondeceptive comparison, by demonstration or otherwise, of competitors' products with the

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

products of another industry member before purchasers or prospective purchasers.

[Rule 5]

§ 43.6 *Procurement of competitors' confidential information.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 6]

§ 43.7 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers, or between competitors and their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 7]

§ 43.8 *Exclusive deals.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale of any industry product, for use, consumption, or resale within any place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale, or such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 8]

§ 43.9 *Prohibited discrimination*[1]—(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: *Cost justification to be based on net savings in cost of manufacture, sale or delivery.* Cost justification under subparagraph (2) of this paragraph depends upon net savings in cost based on all facts relevant to the transactions under the terms of such subparagraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as, but not limited to, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

(b) The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present, and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section):

Example No. 1. The granting of a discount on a purchase made by a customer which is not granted on purchases made by all other customers, or which is not granted in the same amount on the purchases of all other customers.

Example No. 2. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of such customer's purchases during the period and fails to grant a discount of the same percentage to all other customers on their purchases during such period.

Example No. 3. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

Example No. 4. Terms 5/15 prox. are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take an additional discount when making payment to the industry member within the time prescribed.

Example No. 5. At the time of price decline, price adjustments upon inventory of customers are granted to some customers and not to other customers.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice

[1] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all customers competing in the distribution of such products or commodities.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of Section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section.

(f) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any person engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the provisions of paragraphs (a) to (e) of this section.

NOTE: Paragraph (f) of this section is a restatement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said Act and not justified under subparagraph (2), (4), or (5) of paragraph (a) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller, were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential. [Rule 9]

§ 43.10 *Misleading price lists.* It is an unfair trade practice for any industry member, in the course of or in connection with the offering for sale, sale or distribution of industry products, to publish or circulate price lists which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any material respect. [Rule 10]

§ 43.11 *Deceptive invoicing, etc.* It is an unfair trade practice for members of the industry to issue invoices, billings, or sales slips which by reason of misstatements therein or imissions therefrom have the capacity or tendency or effect of deceiving purchasers or prospective purchasers in any material respect. [Rule 11]

§ 43.12 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of obsolescent goods; (2) of perishable goods in respect to which deterioration is imminent; (3) made under judicial process; or (4) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 12]

§ 43.13 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 13]

Issued: December 5, 1958.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-10194; Filed, Dec. 9, 1958; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

EXEMPTION OF ACQUISITION OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

Adoption of Rule N-10F-3 (§ 270.10f-3) permitting acquisition of securities of underwriting syndicate pursuant to section 10 (f) of the Investment Company Act of 1940.

On July 15, 1958, the Securities and Exchange Commission published notice that it had under consideration the adoption of Rule N-10F-3 (§ 270.10f-3) under the Investment Company Act of 1940 and invited all interested persons to comment upon the proposal. The Commission has considered all comments and suggestions received and has determined to adopt such a rule in the form set forth below. The comments generally favored adoption of a rule and suggested various changes in its conditions, several of which have been incorporated in the rule.

Section 10 (f) of the Investment Company Act provides that no registered investment company shall purchase, during the existence of any underwriting syndicate, any security a principal underwriter of which is an officer, director, member of an advisory board, investment adviser, or employee of such registered company, or is a person of which any such officer, director, member of an advisory board, investment adviser, or employee is an affiliated person. Such section, however, authorizes the Commission, by rules and regulations, as well as by order, to exempt any such transaction from such prohibitions, if and to the extent that such exemption

is consistent with the protection of investors.

The experience heretofore gained by the Commission in its consideration of requests for orders of exemption under this exemptive authority indicates that protection of investors may be adequately insured by the conditions and safeguards specified in the rule being adopted. These include limitations with respect to the consideration paid, as related both to the amount of the offering and the assets of the investment company. In addition, underwriters' commissions may not exceed stated amounts, no purchase may be made from an affiliated underwriter, and the offering must be effectively registered under the Securities Act of 1933.

The conditions are designed to permit purchases without an exemptive order where the circumstances are such as to make it unlikely that the purchase would not be consistent with the protection of investors. The conditions relating to the percent of offering and assets are standards which have been met by most of the purchasers which we have heretofore permitted by order. The condition that no purchase may be made from an affiliated underwriter eliminates from the operations of the rule cases where further investigation would be necessary to be satisfied that an exemption is appropriate for the protection of investors.

The limitations on underwriters' commissions were also satisfied by most of the purchases heretofore permitted by order, and it is believed that they will tend to restrict operation of the rule to investment grade offerings. Purchases that do not meet the strict conditions of the rule may nevertheless be exempted by order upon application where the statutory standard is satisfied.

This action is taken pursuant to section 10 (f) and section 38 (a) of the Investment Company Act of 1940. The text of the rule follows:

§ 270.10f-3 *Exemption of acquisition of securities during the existence of underwriting syndicate.* Any purchase of securities by a registered investment company prohibited by section 10 (f) of the act shall be exempt from the provisions of such section if the following conditions are met:

(a) The securities to be purchased are (1) part of an issue effectively registered under the Securities Act of 1933 which is being offered to the public; (2) purchased at not more than the public offering price prior to the end of the first full business day after the first date on which the registered issue is offered to the public, if not offered for subscription upon exercise of rights or, if so offered, purchased on or before the fourth day preceding the day on which the rights' offering terminates; and (3) offered pursuant to an underwriting agreement under which the underwriters are committed to purchase all of the registered securities being offered, except those purchased by others pursuant to a rights' offering, if the underwriters purchase any thereof.

(b) The gross commission, spread or profit to the principal underwriters (excluding, in the case of a rights' offering, any profits or losses resulting from purchases or sales by the underwriters of rights or securities during or after the rights period) shall not exceed: (1) 7.0 percent of the public offering price if the security to be purchased is a common stock; (2) 3.50 percent of the public offering price if the security to be purchased is a preferred stock, whether or not convertible into common stock; (3) 2.50 percent of the public offering price if the security to be purchased is a subordinated debenture, or a bond or debenture convertible into common stock or having common stock purchase warrants attached; or (4) 1.50 percent of the public offering price in respect of any other security to be purchased.

(c) The issuer of the securities to be purchased shall have been in continuous operation for not less than three years, including the operations of any predecessors.

(d) The amount of securities of any class of such registered issue to be purchased by the registered investment company or by two or more investment companies having the same investment adviser, shall not exceed 3 percent of the amount of the offering of such class.

(e) The consideration to be paid by the registered investment company in purchasing the securities being offered shall not exceed 3 percent of the total assets of such registered investment company, provided that if such consideration shall exceed $1,000,000, it shall not exceed 1 percent of such company's total assets.

(f) Such registered investment company does not purchase the securities being offered directly or indirectly from an officer, director, member of an advisory board, investment adviser or employee of such registered investment company or from a person of which any such officer, director, member of an advisory board, investment adviser or employee is an affiliated person. A purchase from a syndicate manager shall not be deemed to be a purchase from a specific underwriter so long as that underwriter does not benefit directly or indirectly from the transaction.

(g) The purchase of the securities being offered shall have been authorized or approved by a resolution of the board of directors of the registered investment company, or of an executive, investment, or similar committee composed of at least three members of such board, or of a similar committee of the registered investment company's investment adviser provided that there is no affiliation direct or indirect between such investment adviser or any of its partners, employees, or stockholders and any principal underwriter of the issue being offered, which resolution shall state that in the judgment of the board or committee, the purchase of securities proposed will meet all the requirements of paragraphs (a) to (f) of this section, and which authorization or approval shall have been supported by the vote (at a meeting or by written consent given without a meeting) of not less than a majority (consisting of at least three persons) of the members of the board of directors or of the committee who were not affiliated persons of any principal underwriter of the issue offered.

(h) A statement of the transaction clearly indicating compliance with this section shall be filed with the Commission within thirty days after consummation thereof.

(Sec. 38, 54 Stat. 841; 15 U. S. C. 80a-37)

Effective December 2, 1958.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 1, 1958.

[F. R. Doc. 58-10184; Filed Dec. 9, 1958; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

CASCO BAY, MAINE

Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 159; 33 U. S. C. 180), § 202.5 is hereby amended by the inclusion of paragraph (a-1), designating a special anchorage area in Merriconeag Sound at Harpswell, Maine, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, as follows:

§ 202.5 *Casco Bay, Maine.* * * *

(a-1) *Merriconeag Sound, Harpswell.* The area comprises that portion of the Sound beginning at a point on the shoreline about 1,000 feet northeasterly from the southwesterly extremity of Orr's Island at latitude 43°45'09", longitude 69°59'14", thence extending 290° (True) to a point at latitude 43°45'10", longitude 69°59'20", thence extending 20° (True) to a point at latitude 45°45'34", longitude 69°59'05", thence extending 110° (True) to a point on the shoreline at latitude 45°45'33", longitude 69°58'58", thence along the shoreline to the point of beginning.

NOTE. The area is principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area. Fixed mooring piles or stakes are prohibited. All anchoring in the area shall be under the supervision of the local harbor master or such authority as may be designated by authorities of the town of Harpswell, Maine.

[Regs., November 25, 1958, 800.212 (Casco Bay, Maine)-ENGWO] (Sec. 1, 54 Stat. 150; 33 U. S. C. 180)

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

[F. R. Doc. 58-10180; Filed, Dec. 9, 1958; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 13—ADDRESSES

CORRECTION OF MAILING LISTS

In § 13.5 *Correction of mailing lists* amend paragraph (a) to read as follows:

(a) *Service available.* Mailing lists submitted by departments of State Governments, municipalities, religious, fraternal, and recognized charitable organizations and mailing lists used by concerns or persons for the solicitation of business by mail will be corrected as frequently as requested, at the expense of the owners of the lists. For lists received from Federal agencies and members of Congress, see paragraph (d) of this section. Postal employees must not compile mailing lists including occupant lists.

NOTE. The corresponding Postal Manual section is 123.51.

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

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

[F. R. Doc. 58-10189; Filed, Dec. 9, 1958; 8:47 a. m.]

PART 111—POSTAL UNION MAIL

PART 112—PARCEL POST

PART 123—INSURANCE

MISCELLANEOUS AMENDMENTS

1. In § 111.1 *All categories* amend paragraph (a) by converting country item "Netherlands West Indies" to "Netherlands Antilles."

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

2. In § 112.1 *Chart of rates and mailing conditions* amend the chart by converting country item "Netherlands West Indies" to "Netherlands Antilles."

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

3. In § 123.3 *Fees and limits of insurance* amend the table of countries in paragraph (b) (1) by converting country item "Netherlands West Indies" to "Netherlands Antilles."

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

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

[F. R. Doc. 58-10190; Filed, Dec. 9, 1958; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12485; FCC 58-1164]

[Rules Amdt. 12-8]

PART 12—AMATEUR RADIO SERVICE

USE OF A1 EMISSION

1. A notice of proposed rule making was issued in the above-captioned proceeding on June 11, 1958. Ample opportunity was afforded all interested parties to file comments in support of and opposition to the proposal which, if adopted, would allow only those amateurs utilizing type A1 emission [1] to operate in the frequency ranges 50.0–50.1 and 144.0–144.1 Mc whereas various other types of emission, principally A3,[2] presently may be utilized in such frequency ranges.

2. Rules changes proposed in this proceeding were engendered by a petition filed by the American Radio Relay League, Inc.[3] and have elicited an extremely large number of comments from individual amateurs and organizations representing groups of amateurs. These comments range all the way from those devoid of reasons and which merely state "I request you vote yes [or no] on this matter" to well-reasoned, thoughtful comments both in support of and in opposition to the proposal.

3. The principal arguments advanced by comments supporting adoption of the proposed rule changes may be summarized as follows:

(1) Adoption of the proposed amendments will afford " the many experimentally inclined amateurs now operating in the 50 and 144 Mc bands the means of further adding to the knowledge of propagation characteristics of the very high frequency portion of the radio spectrum."

(2) The provision of sub-allocated bands in the 50–54 and 144–148 Mc amateur bands restricted to the use of type A1 emission would encourage "a great deal more useful serious work of amateurs thereby contributing to the development of the radio art."

(3) The proposed amendment, if adopted, would "tend to increase c. w. (A1) activity in the 6 meter band and as a result one could raise his code speed with little difficulty."

(4) "The government is spending large sums to promote research into scatter propagation. The amendments that are proposed will make available to the government, through the ARRL–IGY project, coordinated reports from hundreds of amateurs who will use these frequencies. Much of the unusual signal reception will be obliterated if the weak c. w. signals are forced to compete against phone stations occupying the same frequencies."

(5) Adoption of the proposals will enable amateurs to "uphold our tradition of leading the way in experimental work."

(6) Adoption of the proposals "will make it much easier for United States amateurs operating on voice to work foreign voice stations because foreign voice stations will be able to get away from United States phone QRM by transmitting in our c. w. band."

(7) "The allocation of A1 emission subbands in the high frequency amateur bands has been necessary and proved successful through the years. 50 and 144 Mc bands should not be an exception."

(8) Although the 50 Mc amateur band extends from 50 to 54 Mc "frequencies above 52 Mc in this band are seldom used" and adoption of the proposal will encourage utilization of the band above 52 Mc.

(9) A sub-band allocation in the 50.0–54.0 and 144.0–148.0 Mc bands would "insure an increase in positive results through decreased A3 interference during years of peak activity by operators not inclined toward propagation experimentation. The value of the results achieved by relatively minor number of dedicated amateurs should more than offset any inconvenience suffered by those not engaged in scientific aspects of the HF communication."

(10) Many serious experimenters employ the bands involved in the subject docket and, because of signal-to-noise ratio advantages, these experimenters most frequently employ A1 emission whereas the general amateur employs A3 or other modes of emission. The "serious experimenters" have in the past suffered extreme difficulties caused by interference from general activity in the bands. The proposed rule making would eliminate a great majority of this interference.

(11) At the present time "many operators refrain from trying to use c. w. solely because of phone interference" and adoption of the proposal will encourage such amateurs to enter the "c. w." field.

(12) Restriction of portions of amateur bands below 50 Mc for type A1 emission has contributed much to the development of the "low frequency amateur bands" and similar restriction of a portion of the VHF bands is "essential for their development."

(13) "An exclusive A1 sub-band within the 50 Mc amateur band would do much to 'prod' the Technician Class amateur in upgrading himself by becoming more proficient in code transmission and thereby obtaining a higher type license."

(14) Adoption of the proposed amendments will "permit better coordination with foreign amateur stations specifically licensed for the IGY year. Experience in the fall, winter and spring of the 1957-1958 season shows that considerable harm has already been done by the intolerable local and USA A3 interference to the frequencies occupied by foreign amateur stations specifically licensed by their respective governments for the IGY year."

(15) Adoption of the proposed amendment would "in no way interfere with the established emergency or civil defense networks, all of which remain considerably higher in frequency than these bands."

(16) "Adoption of the Commission's amendment will promote vital and basic studies in scatter propagation, aurora communications, and space communication techniques."

(17) Adoption of the proposals will encourage use of c. w. and "will benefit national defense and security by providing a wider range of skilled and national manpower."

(18) Adoption of the proposals will aid in carrying out the President's desire

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[1] Telegraphy without the use of modulating audio frequency.

[2] Telephony.

[3] Hereinafter referred to as the League.

to encourage scientific progress wherever possible.

4. The principal arguments advanced by those opposed to adoption of the proposed rules are:

(1) "Sunspots will only be with us a few months more and then the c. w. operators will, as in the past, move to greener pastures leaving their 100 kc segment completely unused. The few contacts made by these operators are of far less value to IGY than the thousands of reports they get from regular operators on that band. C. w. men can easily move above 50.5 Mc for their work when the lower channels are full.

(2) "When conditions favor c. w., there is seldom any problem of interference from anything but other c. w. signals" in the 144 Mc band.

(3) Adoption of the proposed amendments would be inconsistent with the Commission's prior refusals to "allocate separate frequencies for single sideband on the lower frequency amateur bands. SSB and AM are as incompatible as are c. w. and AM."

(4) Adoption of this proposal will not eliminate the problem of A1 operation being interfered with by A3 operation because such interference would still be present by virtue of foreign amateurs, such at Canadian, operating with type A3 emission.

(5) "There has been little evidence of interference to A1 by A3 generated by amateurs." To the contrary "commercial harmonics have caused more trouble."

(6) "Unlike the lower frequencies practically all of the early work in the development of the 50 and 144 Mc bands has been done by amateurs using A3 emission." Therefore, adoption of the proposal would give "the c. w. operator a better and unwarranted opportunity for contact over the phone operator."

(7) Amateur stations using A3 emission, located in areas served by television channel 2, "cause much less television interference, due to fundamental overloading, when said stations operate in the 50. 0–50.35 Mc portion of the 6 meter band. Amateur stations using type A1 emission, on the other hand, can operate in any portion of the 6 meter band [4] with negligible television interference."

(8) Most amateurs utilizing type A3 emission work at the lower portion of the band in order to keep down the TVI [5] complaints, as many TV set owners will not install the proper filters. Adoption of the proposal would cause more television interference than has ever been experienced previously and in particular will cause "more interference to the 35 cities that have channel 2—to say nothing of the fringe areas around them." It is imperative "that the phone operation be allocated the lower sections (of the 50–54 Mc band) so as to minimize television interference."

(9) "There are many occasions when the first 50–100 kc are the only points at which there are signals except for the ground wave signals, and the use of this portion for c. w. only would seem to limit operation on this band." Therefore, since the 50–54 Mc amateur band is primarily a phone band the proposal is alleged to be both discriminatory and "intended for the benefit of a very small minority of those presently operating the band."

(10) The first 100 kilocycles of the 50 Mc amateur band is the "most desirable for DX [6] work" and those amateurs who desire to use type A3 emission resent "being pushed out of this section of the band."

(11) There are presently "hundreds of kilocycles given over to c. w. which are hardly used at all, yet phone is squeezed into a small spectrum of these amateur bands against all good judgment as to the proper use of our frequencies" and any extension intensifies this inequitable situation.

(12) Television harmonics occupy the band above 50.5 Mc in channel 2 TV areas. Thus the 100 kc proposed to be restricted to the use of type A1 emission represents 20% of the "useful segment of the band."

(13) There is presently underway serious work on long distance phone communications in the first 100 kilocycles of the 50–54 Mc band which would be disrupted by the adoption of the proposal.

(14) The 50–54 Mc and the 144–148 Mc amateur bands are "essentially local-contact bands." C. w. and phone have been operating simultaneously on the first 400 kilocycles of the 50–54 Mc band with concentration on the first 100 kilocycles with a minimum of dissension. "There is no necessity for specific allocation of frequencies for exclusive c. w. operation on these bands."

(15) "Limiting the first 100 kilocycles (of the 50–54 Mc band) to c. w. would not result in effective full time use of these desirable frequencies."

(16) A substantial number of amateurs operate transmitters and receivers that are not built for A1 operation, the crystals of which "for these bands are in this 100 kc segment." Thus, such amateurs would "have to go to quite a bit of expense and trouble to continue to operate on these [50 and 144 Mc] bands."

(17) "There will be many hundreds of nets, including civil defense nets, that will be forced off the air or maybe suffer great expense in order to move to another frequency" by adoption of the Commission's proposal.

(18) Adoption of the proposed amendment would "benefit only a few high powered stations which are in a minority" and, therefore, "is not in the interest of the majority of amateurs consigned to the area."

(19) "The c. w. art is as well developed as it will ever be, due to the limitations of the human ear. This type of amateur operation is already well protected on lower frequencies. It has been found that high power scatter is very effective on VHF but that the amateur cannot work on this development because of the one kilowatt input limitation. * * * In this day of high speed communications need it would seem a waste of scarce frequencies to protect it for the use of telegraph which cannot be half as fast as the slowest talker."

(20) "The bottom of the band [50.0–54.0 Mc] is the best part for the rare DX that we have and should be used by component stations who comprise the overwhelming majority of the amateur use in the 50 Mc band."

(21) If the proposal is adopted "eleven months or so around the year we will have nothing except the dead spot of 100 kc in the ham bands in question". On the other hand, "thousands of hams presently use these lower frequencies in the bands for local communications, something that VHF bands are extremely useful for". Furthermore, in contrast to amateurs who utilize type A3 emission, amateurs who utilize type A1 emission "for the most part are completely useless in a local emergency case".

(22) The proposal, if adopted, "will require additional manpower and use of time to enforce the regulation" which will add to the burden of the "monitoring service".

(23) Not only will "TVI complaints increase sharply * * * as a result of phone operation being pushed up 100 kc" but amateur operation will also encounter interference due to the close frequency proximity, of high power to TV stations.

(24) Many times the "MUF" reaches into the 50 Mc band only as far as 50.1 Mc and adoption of the proposal would mean that "only a few c. w. operators could take advantage of the best DX conditions while thousands would be unable to participate on phone."

(25) Adoption of the Commission's proposal "would hamper the increasing use of this band for the only really practical long-time use of which it is capable, local communications by low-powered amateur stations."

(26) The use of type A1 emission is "on a gradual but steady decline in not only the amateur service but in the military and commercial as well. The tendency seems toward the greater use of narrow band radio-telephone and mechanical radio-telegraph systems in all services." Therefore, any benefit which might be gained by adoption of the Commission's proposals relative to the training of additional telegraph operators, is likewise decreasing and should be given little weight in this proceeding. Furthermore, the use of a "clear channel", free of all interference, "does not develop the operator's ability to communicate under all conditions."

(27) The Commission proposal should not be adopted on the basis that other amateur bands are partially restricted for the use of type A1 emission because the 50 Mc band differs from the lower frequency bands in several respects; namely, it is principally a local band; is not crowded; and the majority of operation is A3. In view of these facts, subdividing these bands for the different modes of operation is unnecessary.

(28) The proposed rule change is "discriminatory" in that it deprives "amateur radiotelephone operators of the use of the preferred portions of the 50 Mc band. This portion is particularly desirable for at least two reasons: It is the farthest

[4] 50.0–54.0 Mc.

[5] Television Interference.

[6] Amateur operation ordinarily involving communications beyond the customary range of the frequency being used.

removed from the television band, and it is a portion of the band where the possibility of skywave communication is most frequent."

(29) Adoption of the Commission proposal will not aid in encouraging present Technician Class licensees to obtain a higher class of license.

5. The Commission has carefully considered every comment filed and evaluated each as to the position expressed and the reasons or arguments offered in support of such position with particular emphasis upon the soundness of such reasons or arguments. As a result of such consideration and evaluation together with consideration of other information available to it, the Commission finds:

(1) The lower portions of the involved frequency bands, are presently utilized to a much greater extent than are the upper portions of these bands.

(2) Operation in upper portions of the 50–54 Mc band has been voluntarily avoided by amateurs using type A3 emission in numerous areas so as to reduce complaints of interference to television receivers. As a consequence of this fact and the recognized tendency of amateurs to "group," operation on upper portions of the band has also been avoided in areas where interference to television is not a factor.

(3) Operation in the upper portions of the 50–54 Mc band, when it has occurred, has resulted in reception by the Commission of a number of complaints from television viewers even though such interference often resulted from faulty television receivers or other factors unrelated to amateur operation per se.

(4) The 50–54 Mc and 144–148 Mc bands are normally better suited for local than for long distance communication.

(5) Much more operation on frequencies in the involved bands is conducted by use of type A3 emission than is conducted by use of type A1 emission.

(6) Restricting operation in the lower 100 kc of the 50–54 Mc band to the use of type A1 emission will result in more operation in the upper portion of this band.

(7) Increased operation in the upper portion of the 50–54 Mc band will result in an increase in the number of interference complaints received from television viewers.

(8) Establishment of segments of the involved bands wherein operation may be conducted only by use of type A1 emission will encourage amateur experimentation relative to "over the horizon" communications in the 50–54 Mc and 144–148 Mc bands.

(9) Establishment of segments of the 50–54 Mc and 144–148 Mc bands for use of A1 emission only will minimize interference between those amateurs using type A1 emission and those using type A3 emission.

(10) Establishment of segments of the involved bands for use of A1 emission only will benefit those amateurs seeking to "work" foreign amateur stations.

(11) There is no significant difference in propagation characteristics of frequencies in the ranges 50.9–51.0, and 50.0–50.1 Mc and those of frequencies in the 144.0–144.1 Mc and 147.9–148.0 Mc ranges.

6. The Commission recognizes that some members of the League have indicated a position contrary to that taken by the organization but the Commission must conclude that the League represents the view of the majority of its membership.

The Commission concludes that the public interest will be served by establishment, as proposed, of 100 kc segments of the 50–54 Mc and 144–148 Mc amateur frequency bands wherein operation may be conducted only if type A1 emission is used. However, the Commission is also led to conclude that the public interest will not be served by utilizing the lower 100 kc of the 50–54 Mc and 144–148 Mc bands, as proposed, for establishment of such segments for the following reasons:

Those amateurs who have been primarily responsible for the present stage of development of operations in the involved frequency bands would be required to relinquish the preferable portions of such bands for the use of a lesser number of amateurs who have contributed little to such development; complaints alleging interference to television reception as a result of amateur operation would be increased; and other portions of the 50–54 Mc and 144–148 Mc bands have only insignificantly different propagation characteristics and, therefore, are suitable for establishment of the desired "c. w." bands.

7. In view of all factors involved, it is concluded that restriction of the frequency ranges 50.9–51.0 Mc and 147.9–148.0 Mc so as to permit operation therein only when type A1 emission is used will be in the public interest.

8. *Accordingly, it is ordered*, Pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, that Part 12 of the Commission's rules be and is amended, effective January 10, 1959 as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: December 3, 1958.

Released: December 5, 1958.

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

1. Section 12.111 (h) is amended to read:

(h) 50.0 to 54.0 Mc using type A1 emission, 50.0 to 50.9 Mc using types A2, A3, A4 and narrow band F3 emission, 51.0 to 54.0 Mc using types A0, A2, A3, A4 and narrow band F3 emission, and on frequencies 52.5 to 54.0 Mc using types F0, F1, F2 and F3 emission.

2. Section 12.111 (i) is amended to read:

(i) 144.0 to 148.0 Mc using type A1 emission, and 144.0 to 147.9 Mc using types A0, A2, A3, A4, F0, F1, F2 and F3 emission.

[F. R. Doc. 58-10212; Filed, Dec. 9, 1958; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 924, 1025]

[Docket Nos. AO-225-A10, AO-310]

MILK IN DETROIT, MICHIGAN, AND CENTRAL MICHIGAN MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Lansing Civic Center Building, West Allegan Street, Lansing, Michigan, beginning at 10:00 a. m., local time, on January 6, 1959, with respect to (1) proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Detroit, Michigan, marketing area and (2) a proposed marketing agreement and order to regulate the handling of milk in the Central Michigan marketing area.

Subject and issues involved in the hearing. The public hearing is for the purpose of receiving evidence with respect to (a) the economic and marketing conditions relating to the handling of milk in the areas described in proposals numbered 1 through 7, (b) the alternative possibilities of (1) enlarging the presently defined Detroit, Michigan, marketing area so as to regulate all or a part of the areas so described under Order No. 24, or (2) issuing one or more separate orders to regulate the handling of milk in all or part of the areas so described (in view of the substantial duplication of area described in such proposals testimony with respect to either such alternative will be received with respect to the entire area described in any proposal), and (c) the other specific proposals for amendment of Order No. 24 listed below.

The hearing on the various proposals is to determine whether (1) the handling of milk in the areas proposed to be regulated is in the current of interstate or

foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce; (2) the amendment of the present order referred to, or the issuance of one or more additional marketing agreements and orders regulating the handling of milk in the proposed areas, is justified; and (3) the provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will best tend to effectuate the declared policy of such act with respect to milk handled in the described areas.

The proposal relative to a redefinition of the Detroit, Michigan, marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the act, if applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments or the proposed marketing agreement and order provisions set forth below have not received the approval of the Secretary of Agriculture. At the hearing evidence will be received with respect to all aspects of the marketing conditions which are dealt with by the various proposals or any appropriate modifications thereof.

In the interest of orderly procedure, evidence will first be received at the hearing concerning economic and marketing conditions in the areas described in proposals 1 through 7.

Proposal regarding separate marketing agreement and order for Central Michigan Marketing Area:

Proposed by Dairyland Cooperative Creamery Company, Independent Cooperative Milk Producers Association, Inc., Kalamazoo Milk Producers Association, Lansing Dairy Company, McDonald Cooperative Dairy Company, and Producers Creamery.

Proposal No. 1:

DEFINITIONS

§ 1025.1 *Act.* "Act" means Public Act No. 10, 73rd Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended. (7 U. S. C. 601 et seq.)

§ 1025.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1025.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 1025.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1025.5 *Central Michigan marketing area.* "Central Michigan marketing area" hereinafter referred to as the marketing area, means all the territory, including all municipal corporations, within the counties of Mecosta, Isabella, Midland, Bay, Huron, Montcalm, Gratiot, Saginaw, Tuscola, Kent, Ionia, Clinton, Shiawassee, Genesee, Lapeer, Barry, Eaton, Ingham, Livingston, Kalamazoo, Calhoun, Jackson; the townships of Greenleaf, Austin, Minden, Evergreen, Argyle, Wheatland, Lamotte, Moore, Custer, Marlette, Elmer, and Watertown in Sanilac County; the townships of Wright, Tallmadge, Georgetown, and Jamestown in Ottawa County; the townships of Dorr, Leighton, Hopkins, Wayland, Watson, Martin, Otsego, and Gun Plain in Allegan County, and the township of Holly in Oakland County, all in the State of Michigan.

§ 1025.6 *Handler.* "Handler" means (a) any person who operates a pool plant, (b) any person who operates a nonpool plant from which Class I products are disposed of on a route(s) in the marketing area, (c) a cooperative association with respect to milk of its members collected in bulk pickup trucks and customarily directed by the association to be delivered to the pool plant(s) of other handlers, or (d) a cooperative association with respect to milk customarily received at a pool plant which is diverted to a nonpool plant for the account of the association.

§ 1025.7 *Producer.* "Producer" means a dairy farmer who produces milk which is received directly from the farm at a pool plant or is diverted for a handler's account from a pool plant to a nonpool plant.

§ 1025.8 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler who processes milk from his own farm production, distributing all or a portion of such milk as Class I milk on routes in the marketing area, and (1) whose own farm production does not exceed 1,075 pounds on a daily average during the month and whose only source of supply for fluid milk products is milk of his own farm production and bulk milk or packaged fluid milk products from pool plants, or (2) whose sole source of supply for fluid milk products is milk of his own farm production: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 1025.9 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ 1025.10 *Other source milk.* "Other source milk" means all skim milk and butterfat received by a handler in any form, other than that contained in producer milk and shall include the skim milk equivalent of concentrated products classified as Class I pursuant to § 1025.41 (a).

§ 1025.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State which the Secretary determines:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members; or

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 1025.12 *Base.* "Base" means a quantity of milk expressed in pounds per day, determined for each producer as provided in § 1025.70.

§ 1025.13 *Base milk.* "Base milk" means milk delivered by a producer each month which is not in excess of his base multiplied by the number of days on which milk is delivered during the month.

§ 1025.14 *Excess milk.* "Excess milk" means milk delivered by a producer each month in excess of his base milk.

§ 1025.15 *Route.* "Route" means a delivery (other than to a handler) including a sale from a store of a Class I product to a wholesale or retail stop(s).

§ 1025.16 *Pool plant.* A "pool plant" shall be any plant meeting the conditions of paragraph (a), (b) or (c) of this section, except the plant of a producer-handler or handler exempted in § 1025.101.

(a) A distributing plant in which milk is pasteurized or packaged for distribution in the marketing area, and from which 20 percent or more of the total receipts of milk are disposed of as Class I milk in the marketing area other than to another pool plant: *Provided*, That the total quantity of all Class I milk distributed on all routes operated inside or outside the marketing area equals 55 percent of the receipts of milk approved for fluid use by the appropriate health authority during the months of September through February, and 45 percent of such receipts during March through August.

(b) A supply plant approved by an appropriate health authority in the marketing area, and from which 40 percent or more of the milk receipts from dairy farms approved for fluid use are moved to a distributing plant(s): *Provided*, That any supply plant which was a pool plant during each of the months of August through November immediately preceding shall continue to be a pool plant for each of the following months of December through July unless written request to the contrary is filed with the market administrator on or before the first of the month. A pool designation so cancelled shall not be reinstated until the plant requalifies on the basis of monthly shipments.

(c) Any plant approved by an appropriate health authority in the marketing area as a supply of milk for fluid consumption and operated by a cooperative association, if 75 percent (50 percent for May and June) or more of the milk delivered during the month by producers who are members of such association is received at the pool plants of other handlers.

§ 1025.17 *Northeastern and western pools*—(a) *Northeastern pool.* "Northeastern pool" means and includes (1) all plants located in the counties of Isabella, Midland, Saginaw, Shiawassee, except the Townships of Sciota, Bennington, Woodhull and Perry, and Livingston

County, and any portion of the marketing area east of these counties, or (2) any pool plants located outside the marketing area which the administrator determines to have more sales in the northeastern pool than in the western pool.

(b) *Western pool.* "Western pool" means and includes (1) all plants located in the counties of Mecosta, Montcalm, Gratiot, Clinton, Ingham and Jackson, or in Sciota, Bennington, Woodhull and Perry Townships of Shiawassee County, and in any portion of the marketing area south and west of these counties, or (2) any pool plants located outside the marketing area which the administrator determines to have more sales in the western pool than in the northeastern pool.

MARKET ADMINISTRATOR

§ 1025.20 *Market administrator.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1025.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions;

(d) To recommend amendments to the Secretary.

§ 1025.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 1025.86:

(1) The cost of his bond and the bonds of his employees

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1025.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to §§ 1025.30 and 1025.31, or

(2) Payments pursuant to §§ 1025.80 and 1025.84.

(g) Calculate a base for each producer in accordance with § 1025.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part, and

(j) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to §§ 1025.51 and 1025.52, and the handler butterfat differential computed pursuant to § 1025.53, and

(2) On or before the 11th day of each month the uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 1025.62, 1025.63 and 1025.64, and the producer butterfat differential computed pursuant to § 1025.81.

REPORTS, RECORDS AND FACILITIES

§ 1025.30 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler shall report to the market administrator for the preceding month, in the detail and on forms prescribed by the market administrator, the following with respect to (a) all producer milk received, (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk (except any nonfluid milk product which is disposed of in the same form as received) received at a pool plant(s):

(1) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(2) The utilization or disposition of such receipts; and

(3) Such other information with respect to such receipts and their utilization or disposition as the market administrator may prescribe.

§ 1025.31 *Other reports.* (a) Each producer-handler and each handler described in § 1025.101 shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 1025.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests of butterfat, skim milk and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 1025.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1025.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a pool plant (a) in milk from producers or from a cooperative association, (b) in any form from other handlers, and (c) in other source milk required to be reported pursuant to § 1025.30, shall be classified (separately as to skim milk and butterfat) in the classes set forth in § 1025.41.

§ 1025.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1025.42 and 1025.43, the classes of utilization shall be as follows:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of for consumption in fluid form as milk, skim milk, buttermilk, flavored milk, half and half, sweet or sour cream, and (2) not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat (1) used to produce ice cream, ice cream mix, or cottage cheese, whole or skimmed condensed or evaporated milk (sweetened or unsweetened) in bulk or in hermetically sealed cans, cheese, dried whole milk, non-fat dry milk solids, or butter; (2) in actual shrinkage of skim milk and butterfat in milk received from producers, but not to exceed 2 percent of such receipts; (3) in actual shrinkage in other source milk; and (4) in skim milk authorized by the market administrator to be dumped or accounted for as disposed of as livestock feed.

§ 1025.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and in other source milk.

(b) Shrinkage on producer milk shall be computed on that quantity of milk received directly from producers. Shrinkage shall be computed on diverted producer milk at the plant receiving such milk.

§ 1025.43 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to another pool plant in the form of milk, skim milk or cream shall be Class I utilization unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 1025.30: *Provided,* (1) That in no event shall the amount so classified as Class II be greater than the amount of producer milk used in such class in the pool plant of the transferee handler after allocating other source milk in such plant in series beginning with the lowest-price utilization, and (2) such classification shall result in the maximum quantity of producer milk being allocated to Class I in both plants.

(b) Skim milk and butterfat disposed of by a handler from a pool plant to a nonpool plant in the form of milk or skim milk shall be Class I utilization if so reported by the handler, or unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the lowest use during the months of April, May, or June and to the highest use during any other month. If all or a portion of the milk so transferred is retransferred to a second nonpool plant, the same conditions of audit, classification, and allocation shall apply.

(c) Producer milk transferred in bulk by a cooperative association to a pool plant, shall be deducted before classification of producer milk at the transferor's plant and shall be included in producer milk classified at the plant of the transferee handler.

(d) Skim milk and butterfat disposed of from a pool plant to a producer-distributor shall be Class I utilization.

§ 1025.44 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1025.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for each handler.

§ 1025.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 1025.41 (b) (2);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that to be subtracted pursuant to paragraph (c) of this section;

(c) Subtract from the pounds of butterfat remaining in each class in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers in such classes pursuant to § 1025.43 (a); and

(e) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(f) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, substract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 1025.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 1025.46.

MINIMUM PRICES

§ 1025.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents and multiply by 8.2.

(c) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants, except any which meet the qualifications of paragraph (b) of this section, for which prices have been reported to the market administrator.

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Kraft Cheese Company, Pinconning, Mich.
Carnation Company, Sheridan, Mich.
Pet Milk Company, Wayland, Mich.
Nestle's Company, Ubly, Mich.
Fairmont Foods Company, Bad Axe, Mich.
Saginaw Creamery Company, Saginaw, Mich.

§ 1025.51 *Class I milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I utilization shall be the basic formula price plus $1.63 for the months of August through January, and $1.23 for February through July.

§ 1025.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class II utilization, shall be the higher of the price per hundredweight described in § 1025.50 (b) less 30.3 cents or the price per hundredweight described in § 1025.50 (c).

§ 1025.53 *Handler butterfat differential.* There shall be added to or subtracted from, respectively, the prices of milk for each class as computed pursuant to §§ 1025.51 and 1025.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the average daily wholesale price per pound of Grade A (92 score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

§ 1025.54 *Handler location adjustment.* For milk which is received from producers at a pool plant located outside

the marketing area and more than 70 miles, but not more than 90 miles by the shortest highway distance as determined by the market administrator, from the Court House in Big Rapids, Bay City, Kalamazoo, or Jackson, whichever is closer, and utilized as Class I, the price shall be the price computed pursuant to § 1025.51 less 10 cents, and less one cent additional for each 20 miles or fraction thereof over 90 miles.

§ 1025.55 *Use of equivalent price.* If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF UNIFORM PRICE

§ 1025.60 *Computation of value of producer milk for each handler.* (a) Subject to paragraph (b) of this section, the value of producer milk received during the month by each handler who operates a pool plant shall be a sum of money computed by the market administrator by multiplying by the applicable class price, adjusted pursuant to §§ 1025.53 and 1025.54, the total combined hundredweight of skim milk and butterfat received from producers allocated to each class pursuant to §§ 1025.46 and 1025.47, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources, add an amount computed by multiplying any such excess utilization classified pursuant to § 1025.46 (f) and the corresponding paragraph of § 1025.47 by the applicable class price.

(b) Each handler operating a pool plant at which other source milk is allocated to Class I pursuant to § 1025.46 (b) and the corresponding step of § 1025.47 shall pay to the producer equalization fund each month an amount computed by multiplying the hundredweight of milk so allocated by the difference between the Class I and the Class II prices for the month adjusted by (1) a location adjustment, to apply on any other source milk shipped as fluid whole milk or fluid skim milk, at the same rate as specified in § 1025.54 for the location at which the other source milk originates, and (2) the butterfat differentials provided in § 1025.53 to the butterfat test of such other source milk.

§ 1025.61 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute, separately for the Northeastern and the Western pools, the 3.5 percent value of producer milk by:

(a) Combining into one total the individual values of milk of all handlers computed pursuant to § 1025.60 (a).

(b) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 1025.81 multiplied by 10.

(c) Adding the aggregate of the values of the applicable producer location adjustments pursuant to § 1025.82.

(d) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 1025.62 *Uniform price.* For each month, the uniform price shall be computed by:

(a) Dividing the amount computed pursuant to § 1025.61 by the hundredweight of milk received from producers represented by the values included in § 1025.61 (a) and

(b) Subtracting not less than 6 cents or more than 7 cents.

§ 1025.63 *Excess milk price.* For each month, the excess price shall be the price of Class II utilization, determined pursuant to § 1025.52, rounded off to the nearest full cent.

§ 1025.64 *Computation of uniform price for base milk.* (a) Multiply the total pounds of excess milk and milk to be paid for at the excess milk price pursuant to § 1025.70 (b) for the month by the excess milk price.

(b) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 1025.70 (b), (c) and (e) by the uniform price for the month.

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 1025.61;

(d) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 1025.70 (b) and (e); and

(e) Subtract not less than 6 cents nor more than 7 cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5 percent butterfat content received at pool plants.

§ 1025.65 *Handler operating a nonpool plant.* Each handler other than a producer-handler or one exempt pursuant to § 1025.101, who during the month operates a nonpool distributing plant shall pay to the market administrator the following:

(a) For the producer equalization fund, on or before the 25th day after the end of such month, any plus amount resulting from the following computation:

(1) Compute an amount equal to the net pool obligation which would be computed pursuant to § 1025.60 for milk received from dairy farmers at such plant for such month if such handler operated a pool plant;

(2) Deduct the gross payments, inclusive of any premiums, but exclusive of deductions, made by the handler to dairy farmers for milk received at such plant during such month;

(3) Divide the remainder, if any, by the number of hundredweights of milk received from dairy farmers and utilized for Class I purposes: *Provided,* That in no event shall the resulting amount per hundredweight exceed the difference between Class I and Class II prices; and

(4) Multiply the amount per hundredweight determined pursuant to subparagraph (3) of this paragraph by the number of hundredweights of Class I milk disposed of from such plant in the marketing area.

(b) As his pro-rata share of the expense of administration, on or before the 13th day after the end of such month, the rate specified in § 1025.86 with respect to Class I milk disposed of on routes in the marketing area.

§ 1025.66 *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month;

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 1025.80, 1025.84, 1025.86, 1025.87 and 1025.90.

BASE RULES

§ 1025.70 *Determination of base.* (a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year shall have a base computed by the market administrator to be applicable, subject to § 1025.72, for the 12 months' period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided,* That a producer who had a base on December 1 and whose average of daily deliveries for August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries.

(b) A producer who has no base shall be paid during the first three full months he is a producer the uniform price in each of the months of August through December and in other months, the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for January and February, 70 percent for March, 60 percent for April and July and 40 percent for May and June. At the conclusion of the first three full months' delivery, a base shall be established in the following manner: Multiply the total deliveries in the months of August and September by 0.8 and October, November and December by 0.9, in January and February by 0.75, in March by 0.7, in April and July by 0.6, and in May and June by 0.4. Add the amounts so computed and divide by the number of days in which milk was delivered during the three months.

(c) Whenever total receipts of producer milk by all handlers during the

month are less than 112.5 percent of the total Class I utilization of all milk by handlers during such month, all producers and cooperative associations shall be paid the uniform price for all milk delivered.

(d) A producer who does not forfeit his base pursuant to § 1025.71 (c) but who fails to deliver milk on at least 122 days of the August 1 through December 31 period shall have his base for the 12 months beginning the following February 1 computed by dividing the total pounds shipped during the period by 122.

(e) From the effective date of this part through the following January, each producer shall have the option of the following methods of payment:

(1) To be paid at the uniform price;

(2) To establish a base on the basis of deliveries of milk for the preceding August–December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator.

§ 1025.71 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period, and upon death may be transferred to a member or members of the deceased producer's immediate family.

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer the entire base may be transferred to a member or members of his immediate family.

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator.

(3) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership.

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that the following producers may retain their bases without loss for 12 months:

(1) A producer who suffers the complete loss of his barn as a result of fire or windstorm; or

(2) A producer for whom loss of 70 percent or more of the milk herd from brucellosis or bovine tuberculosis, as shown by evidence issued under state or federal authorities.

§ 1025.72 *Establishing a new base.* A producer with a base, by notifying the market administrator that he relinquishes such base, may establish a new base pursuant to § 1025.70 (b) once during each 12-month period ending December 31, the period for establishing a new base to begin the first day of the month specified but not earlier than the first day of the month in which such notification is received by the market administrator.

PAYMENT FOR MILK

§ 1025.80 *Time and method of payment.* (a) On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from such association or from producers for the account of such association, the uniform price as provided in § 1025.70 (b), (c) or (e), or the base price for base milk and for milk to be paid for at the base price pursuant to § 1025.70 (b) and (e) and milk transferred pursuant to § 1025.43 (c), and the excess price for excess milk and milk to be paid for at the excess price pursuant to § 1025.70 (b) and (e), adjusted by the butterfat differential, pursuant to § 1025.81 and any location adjustment pursuant to § 1025.82: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1025.85, he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 13th day of each month, written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month,

(ii) The total pounds of butterfat contained in such milk,

(iii) The number of days on which milk was received, and

(iv) The amounts withheld by any handler in payment for supplies sold.

The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator, and shall be subject to his determination.

§ 1025.81 *Producer butterfat differential.* In making payments pursuant to § 1025.80, the base price and excess price or the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by an amount equal to the average daily wholesale price per pound of Grade A (92 score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplies by 0.113 and the result rounded to the nearest one-half cent.

§ 1025.82 *Producer location adjustments.* In making payments to producers or cooperative associations pursuant to § 1025.80 at the base or uniform price, a handler may deduct, with respect to all milk received by him from producers at a pool plant located more than 70 miles by the shortest highway distance, as determined by the market administrator, from the Court House in Big Rapids, Bay City, Kalamazoo, or Jackson, the amount per hundredweight applicable to the pool plant as set forth in § 1025.54.

§ 1025.83 *Producer equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 1025.84 out of which he shall make all payments pursuant to § 1025.85.

§ 1025.84 *Payments to the producer equalization fund.* On or before the 13th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 1025.60, shall pay to the market administrator any amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 1025.80.

§ 1025.85 *Payments out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 1025.60 is less than the total minimum amount required to be paid by him pursuant to § 1025.80, less any unpaid obligations of such handler to the market administrator pursuant to § 1025.84: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1025.86 *Expense of administration.* (a) As his pro rata share of the expense

of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month, three cents per hundredweight with respect to (1) all receipts within the month of milk from producers including milk of such handler's own production, (2) any other source milk allocated to Class I pursuant to § 1025.46 (b) and the corresponding step of § 1025.47, and (3) the amount specified in § 1025.65 (b).

(b) For the 13th through the 24th month from the effective date of this part, and for each succeeding 12-month period thereafter, the market administrator shall:

(1) Subtract from the amount in the administrative fund at the end of each 12-month period, one-third to one-half of the previous year's expenses.

(2) Return or credit to each handler by the end of the fourth month following such 12-month period, any plus balance remaining after subparagraph (1) of this paragraph, in the same ratio as the total administrative assessments paid by each handler bore to the total amount collected: *Provided*, That no return or credit shall be made to any handler for assessments paid during the first 12 months he is regulated under this part.

§ 1025.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1025.80 for milk received from each producer at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight as the Secretary may prescribe, with respect to all such milk received during the month and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1025.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

ADJUSTMENT OF ACCOUNTS

§ 1025.90 *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler, the market administrator shall notify such handler promptly of any such amount due; and payment thereof shall be made on or before the next date, following the 5th day after such notice, for making payment set forth in the provision under which such error occurred.

§ 1025.91 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1025.84, 1025.86, 1025.87 and 1025.90 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 1025.100 *Milk caused to be delivered by cooperative associations.* Milk referred to in this subpart as received from producers by a handler shall include milk of producers caused to be delivered to such handlers by a cooperative association.

§ 1025.101 *Handler exemption.* A handler who operates a plant located outside the marketing area from which Class I milk is disposed of on a route(s) within the marketing area but from which the disposition of Class I milk on all routes operating wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers, or a handler whom the Secretary finds is subject, during the delivery period, to another Federal order, and whose disposition of Class I milk in the other Federal marketing area exceeds that in the Central Michigan marketing area, shall be exempted for such month from all provisions of this part except §§ 1025.31, 1025.32 and 1025.33.

§ 1025.102 *Producer-handler.* A producer-handler shall be exempt from all provisions of this part except that he shall make reports to the market administrator at such time and in such manner as the market administrator may request.

TERMINATION OF OBLIGATIONS

§ 1025.110 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if any underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1025.120 *Effective time.* The provisions of this part, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1025.121 *When suspended or terminated.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 1025.122 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1025.123 *Liquidation.* Under the suspension or termination of the provisions of this part, except this section, the market administrator or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1025.130 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1025.131 *Separability of provisions.* If any provision of this part or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1025.132 *Special reporting dates.* When a holiday prevents normal business activities on any day except Sunday during the first 15 days of the month, those of the dates specified in §§ 1025.22 (j) (2), 1025.31 (b), 1025.66, 1025.80, 1025.84, 1025.86 and 1025.87, which follow such holiday shall be postponed by the number of days lost as a result of such holiday.

PROPOSALS WITH RESPECT TO MARKETING AREA

Proposed by Michigan Milk Producers Association:

Proposal No. 2: That the name of the Detroit, Michigan, Market Order be changed when the expanded marketing area is adopted to read, Southeastern Michigan Market Order.

Proposal No. 3: That § 924.5 *Detroit, Michigan marketing area* as presently defined be amended by adding the counties of Barry, Bay, Eaton, Genesee, Ingham, Isabella, Jackson, Kalamazoo, Kent, Livingston, Midland and Saginaw; the townships of Dorr, Leighton, Wayland, Martin and Gunplain in Allegan County; the townships of Sherwood and Union in Branch County; all of Calhoun County except Clarendon and Homer Townships; the townships of Bath, DeWitt, Eagle, Olive, Riley, Victor, Watertown and Westphalia in Clinton County; the townships of Campbell, Danby, Odessa, Orange, Portland and Sebewa in Ionia County; the townships of Macomb and Shelby in Macomb County; the townships of Aetna, Austin, Big Rapids, Deerfield and Mecosta in Mecosta County; the townships of Dundee, Exeter, London and Milan in Monroe County; the townships of Pierson, Maple Valley, Reynolds and Winfield in Montcalm County; the townships of Groveland, Highland, Holly, Lyon, Milford, Rose and Springfield in Oakland County; all of Shiawassee County except the townships of Rush, Caledonia, New Haven, Fairfield, Middlebury and Owosso; and that part of Washtenaw County not presently included in the Detroit Marketing Area.

Proposed by Michigan Producers Dairy Company:

Proposal No. 4: Revise § 924.5 *Detroit, Michigan, Marketing Area* to include all of the present marketing area and such portions of Lenawee County not already in the Toledo, Ohio, Marketing Area.

Proposed by Detroit Creamery Division, National Dairy Products Corporation:

Proposal No. 5: Consider the inclusion of all the territory inside the geographical limits of the following counties and townships in the State of Michigan within "Marketing Area" for Federal Milk Market Order Regulation: Dexter, Lima, Freedom, Bridgewater, Manchester, Sharon, Sylvan and Lyndon Townships in Washtenaw County; Jackson County; Hillsdale County; Ridgeway, Macon, Clinton, Tecumseh, Raisin, Franklin, Adrian, Madison, Fairfield, Cambridge, Rome, Dover, Seneca, Woodstock, Rollin, Hudson and Medina Townships in Lenawee County; Branch County; Calhoun County; Kalamazoo County; Dorr, Leighton, Hopkins, Wayland, Watson, Martin, Otsego and Gunplains Townships in Allegan County; Barry County; Eaton County; Ingham County; Livingston County; Lyon, Milford, Highland, Rose, Holly, Groveland, Springfield, Brandon, Independence, Oxford, Orion, Addison and Oakland Townships in Oakland County; Bruce, Washington, Shelby, Macomb, Ray, Armada, Richmond and Lenox Townships in Macomb County; Columbus, Casco, Riley, Berlin, Emmett, Mussey, Brockway and Lynn Townships in St. Clair County; Lapeer County; Genesee County; Shiawassee County; Clinton County; Ionia County; Kent County; Wright, Tallmadge, Georgetown and Jamestown Townships in Ottawa County; Newaygo County; Mecosta County; Isabella County; Midland County; Bay County; Saginaw County; Gratiot County; Montcalm County; Tuscola County; Sanilac County; Huron County; Arenac County; Iosco County and Clare County.

Determine what portions, if any, of said areas shall be included within the "Marketing Area" of the Federal Milk Marketing Order Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area, Part 924, at § 924.5; and what portion, if any, of said areas shall be included within the "Marketing Area" of a separate Federal Milk Market Order to be promulgated and known as the "Central Michigan Milk Market Order".

Proposed by London's Farm Dairy, Inc.:

Proposal No. 6: That all of Sanilac County with the exceptions of Custer, Marlette, Maple Valley and Elk Townships; the townships of Sherman, Sand Beach and Rubican in Huron County; and those Townships in St. Clair County which are not now a part of the Detroit Marketing Area be made a part of that Area.

Proposed by Independent Milk Dealers of Kalamazoo, Michigan:

Proposal No. 7: If a separate order is issued for Central Michigan or if the Marketing area under Detroit Order No. 24 is extended as proposed, it is further proposed that Van Buren, Berrien and Cass Counties be added to the area to be regulated.

PROPOSALS WITH RESPECT TO DEFINITIONS

Proposed by Michigan Milk Producers Association:

Proposal No. 8: Amend § 924.6 (b) so that this section will be applicable to the expanded marketing area by either inserting the various Departments of Health or the words "the applicable Department of Health". And insert

(c) A cooperative who either transports their members milk to the market in bulk or directs the transportation of their members milk in bulk shall be the handler for such milk.

Proposed by Detroit Creamery Division, National Dairy Products Corporation:

Proposal No. 9: Consider appropriate revision of § 924.7 *Producer*, and §924.9 *Producer milk*, Detroit Federal Milk Marketing Order, to provide a limitation on the extent to which milk may be diverted with the retention of status as producer milk.

Proposal No. 10: Amend § 924.8, Detroit Federal Milk Market Order, by striking the present language and substituting therefor the following:

§ 924.8 *Producer handler.* "Producer handler" means a person who is a handler and who produces milk, but receives and processes no milk other than from his own farm production.

Proposal No. 11: Amend § 924.10 *Other source milk*, Detroit Federal Milk Marketing Order, to exclude from the other source milk definition, nonfluid milk products which are not reprocessed or converted to another product in the plant during the month.

PROPOSALS WITH RESPECT TO CLASSIFICATION

Proposed by Detroit Creamery Division, National Dairy Products Corporation:

Proposal No. 12: Consider the amendment of the Transfer provisions of the Detroit Federal Market Order, § 924.43, in the classifications assigned to milk transferred to nonpool plants and transferred to and from plants regulated by another Federal Milk Market Order.

Proposal No. 13: Amend the Order to provide equitably and properly with respect to the classification and accounting of milk in consumer packaged fluid milk products received from a plant regulated by another Federal Milk Market Order and disposed of in the same consumer packages in which received. To this end consider, among other provisions, the exclusion of such milk from the other source milk definition, and

provision in the allocation provisions at § 924.46 that such milk shall be assigned to the classification in which it was classified under the other order.

Proposal No. 14: Amend the Detroit Federal Milk Market Order, in the classification, allocation and pricing provisions, and make conforming changes, to provide more equitable treatment in the obligation of a handler with respect to concentrated milk solids added to fluid milk products to enrich the milk solids content of such products.

PROPOSALS WITH RESPECT TO PRICES AND PAYMENTS

Proposed by Michigan Milk Producers Association:

Proposal No. 15: Amend § 924.50 by adding paragraph (d) as follows:

(d) The price per hundredweight computed as follows:

(1) Multiply by 3.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("Cheddars", f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department of Agriculture during the month;

(2) Add 0.902 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month; and

(3) Subtract 34.3 cents.

Proposal No. 16: Amend § 924.51 by deleting paragraph (b) from the order, or suspend its operation until such time as the Supply-Demand relationship has been determined in the enlarged area.

Proposal No. 17: Amend § 924.63 *Excess milk price*, to provide that each month the excess milk price shall be the Class II price determined pursuant to § 924.52 (but not subject to a location adjustment).

Proposal No. 18: Amend § 924.70 (e) to provide that a producer referred to may have the option of having his base established on the basis of deliveries of milk to such plant for the preceding August–December period, or receiving the blend or uniform price of the market for all milk delivered until he has delivered milk through the next August–December period and has a base established on these deliveries.

Proposal No. 19: Amend § 924.80 by adding:

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 13th day of each month, written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month,

(ii) The total pounds of butterfat contained in such milk,

(iii) The number of days on which milk was received, and

(iv) The amounts withheld by the handler in payment for supplies sold.

The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator, and shall be subject to his determination.

Proposed by Michigan Producer Dairy Company:

Proposal No. 20: Amend § 924.52 (b) by adding to paragraph (b) the following: "*Provided*, That during the months of October, November, December and January a credit of twenty cents (20c) per hundredweight on skim milk used to produce nonfat dry milk and one half cent (½c) per pound of butterfat used to produce butter, after first allocating other source milk to the lowest classification, be allowed."

Proposed by Northland Dairy:

Proposal No. 21: Delete paragraph (b) of § 924.52.

Proposed by Detroit Creamery Division, National Dairy Products Corporation:

Proposal No. 22: Amend § 924.52, Detroit Federal Milk Market Order, Class II Milk Price, by striking paragraph (b) therein.

Proposal No. 23. Make such amendment of § 924.60 (c), Detroit, Michigan, Federal Milk Market Order, and effect conforming changes in the other provisions of the order, as to permit appropriate provisions for location differentials in the light of consideration of expanded marketing area.

PROPOSAL WITH RESPECT TO APPLICATION OF PROVISIONS IN CENTRAL MICHIGAN ORDER

Proposed by Driggs Dairy Farms, Inc., and Babcock Dairy Company:

Proposal No. 24. In the suggested separate order for the Central Michigan Milk Marketing Area, should such an order be issued:

Any handler subject to another Federal Order and whose Class I disposition in the other Marketing Area exceeds that in the Marketing Area here defined, shall be exempt from all but the reporting provisions of this order.

PROPOSAL WITH RESPECT TO CONFORMING CHANGES

Proposed by Dairy Division, Agricultural Marketing Service:

Proposal No. 25. Make such changes as may be necessary to make the entire marketing agreement and the order for the Detroit, Michigan, Marketing Area conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2890 West Grand Blvd., Detroit 2, Michigan, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 5th day of December 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-10192; Filed, Dec. 9, 1958; 8:47 a. m.]

[7 CFR Part 1015]

CUCUMBERS GROWN IN FLORIDA

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary is considering a proposed rule to establish a budget of expenses of the Florida Cucumber Committee of $70,330.00 and to fix a rate of assessment to two and one-half cents ($0.025) per 54-pound bushel of cucumbers, or respective equivalent quantities thereof, for the fiscal period ending July 31, 1959. The proposed rule, which is based on recommendations of the Florida Cucumber Committee and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015), regulating the handling of cucumbers grown in Florida. Said marketing agreement and order is effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 1015.202 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Florida Cucumber Committee, established pursuant to Marketing Agreement No. 118 and this part, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and this part, during the fiscal period ending July 31, 1959, will amount to $70,330.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 118 and this part, shall be two and one-half cents ($0.025) per 54-pound bushel of cucumbers, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 118, and this part.

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

Dated: December 5, 1958.

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

[F. R. Doc. 58-10202; Filed, Dec. 9, 1958; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 103]

SMALL BUSINESS SIZE STANDARDS

NOTICE OF PROPOSAL TO ESTABLISH DEFINITION OF SMALL BUSINESS SALES OF GOVERNMENT PROPERTY

Notice is hereby given that the Administrator of the Small Business Administration proposes to adopt the following amendments to the small business size standards regulation, as amended (21 F. R. 9709, 22 F. R. 2121, 2758, 3314, 4190, 23 F. R. 2636, 3099, 7622) to establish a definition of small business to be used in connection with the sale of Government property.

Interested persons may file written statements of facts, opinions or arguments concerning the rules herein proposed. All correspondence shall be addressed to the Administrator, Small Business Administration, Washington 25, D. C. within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

No formal hearing is contemplated with respect to these proposed rules but informal conferences may be arranged with designated officials of the Agency.

The following amendments are proposed to carry out the policy of Congress to insure that a fair proportion of the total sales of Government property be made to small business concerns: Said policy is set forth in section 2 of the Small Business Act, as amended (Pub. Law 85-536, Pub. Law 85-699.)

The small business size standards regulations, as amended, (21 F. R. 9709, 22 F. R. 2121, 2758, 3314, 4190, 23 F. R. 2636, 3099, 6722), is hereby further amended by:

1. Redesignating §§ 103.4, 103.5 and 103.6 as §§ 103.5, 103.6 and 103.7 respectively;

2. Adding the following new § 103.4:

§ 103.4 *Determination of small business for sales of government property.*—(a) *General.* In connection with the sale of Government property, other than timber, a small business concern is a concern that (1) is independently owned and operated, is not dominant in its field of operation, and with its affiliates has annual sales of $5,000,000 or less, or (2) is certified as a small business concern by SBA.

(b) *Sales of Government timber.* In connection with the sale of Government timber, a small business concern is a concern that (1) is independently owned and operated, is not dominant in its field of operation, and with its affiliates employs 250 or less persons or (2) is certified as a small business concern by SBA.

3. Deleting from the first paragraph of § 103.5 the phrase "(except procurement assistance)" and substituting in lieu thereof the following: "(except Government procurement and sales assistance.)"

Dated: December 1, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-10199; Filed, Dec. 9, 1958, 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 65]

HEART MOUNTAIN DIVISION, SHOSHONE PROJECT, WYOMING

ANNUAL WATER RENTAL CHARGES

NOVEMBER 21, 1958.

1. *Water rental.* (a) The minimum water rental charge for lands of the Heart Mountain Division for the irrigation season of 1959 and thereafter, until further notice, will be $3.00 per irrigable acre, whether water is used or not, except that such minimum charge need not be paid in any year for any acreage which the Chief, Shoshone Field Division, certifies is temporarily nonirrigable during the year due to seepage or land subsidence. Payment of such minimum charge will entitle each water user to such amount of water per acre as may beneficially be used by him, such amounts being based on water-holding capacity soil groups and topography. Determination of the total amount of water allowable under the minimum charge payment will be made by the Chief, Shoshone Field Division, whose decision will be final, in accordance with tables of water requirements for particular soil and topographic land factors. Such tables will be compiled by the Bureau of Reclamation and will be on file and available for inspection at the office of the Chief, Shoshone Field Division. Water in addition to the determined requirements, if available, will be furnished during each irrigation season at the rate of $1.25 per acre-foot for the first acre-foot of water per acre, and for $1.50 per acre-foot for the second and succeeding acre-foot of water per acre.

(b) Upon approval of the Chief, Shoshone Field Division, water may be furnished for classes 5 and 6 lands. The determination of the total amount of water allowable, the minimum charge, and rates for additional water, will be in accordance with paragraph 1 (a) of this notice.

2. *Time of payment.* The minimum charge for water to be delivered for each irrigation season will be due and payable on March 31 preceding that season. Charges for water delivered in excess of the minimum for each irrigation season will be due and payable by the following January 1. No water will be delivered to a water user until all charges have been paid in full.

3. *Discounts and penalties.* If payment of the minimum charge and the charge for additional water furnished under this notice is made on or before January 1 of the year in which due, a discount of 5 percent of such charges will be allowed. To any payment of the charges which is made on and after April 1 of the year in which such payment is due, there shall be added a penalty of one-half of one percent of the unpaid amount for each month or fraction thereof after March 31, so long as such default shall continue, and no water will be delivered until all charges and penalties have been paid in full.

4. *Place of payment.* All charges will be paid at the office of the Bureau of Reclamation, P. O. Box 822, Powell, Wyoming.

5. *Public Notices Nos. 53, 55, and 58 supplemented.* This notice supplements subparagraphs 5a (1) and (2) of Public Notices Nos. 53, 55, and subparagraph 24 (b) of Public Notice No. 58, Shoshone Project, Wyoming.

F. M. CLINTON,
Regional Director.

[F. R. Doc. 58-10181; Filed, Dec. 9, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

EUDORA LIVESTOCK AUCTION ET AL.

POSTED STOCKYARDS

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in sec-

tion 302 of the act (7 U. S. C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

ARKANSAS

Name of stockyard	Date of posting
Eudora Livestock Auction, Eudora	August 15, 1958.

CALIFORNIA

Cypress Auction Yard, Cypress	September 4, 1958.

COLORADO

Shults Sale Yard, Grand Junction	August 21, 1958.

IOWA

Sweetland Auction Sales, Muscatine	June 26, 1958.
Oxford Auction Co., Inc., Oxford	August 5, 1958.

LOUISIANA

Lum Bros. Stockyards, Vidalia	August 22, 1958.

NEBRASKA

Nebraska Livestock Sales, Inc., Lincoln	June 27, 1958.
Wisner Livestock Sales Company, Inc., Wisner	July 15, 1958.

OKLAHOMA

Ada Livestock Auction, Inc., Ada	July 21, 1958.
Union Stockyards, McAlester	August 12, 1958.

TEXAS

Hereford Livestock Auction, Hereford	October 28, 1958.

Done at Washington, D. C., this 4th day of December 1958.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division, Agriculture Marketing Service.

[F. R. Doc. 58-10193; Filed, Dec. 9, 1958; 8:47 a. m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

DECEMBER 1958 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on credit sales made in December under the Export Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 3⅝ percent per annum.

For periods over 6 months up to and including 18 months, 4⅛ percent per annum.

For periods over 18 months up to and including 36 months, 4⅝ percent per annum.

DECEMBER 1958 MONTHLY SALES LIST

Notice to buyers. If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct.

If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS Office and therefore generally they do not appear in the Monthly Sales List.

Notice to export buyers. On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that sales to United States Government agencies, with only minor exceptions, will constitute a domestic, unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

Commodity	Sales price or method of sale
Dairy products	All sales are under LD-29 and amendments. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot. Domestic price: For unrestricted use price is "in store"[1] at storage locations of products. For restricted use price is on the basis of delivery f. o. b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-29. Export prices are on the basis of delivery f. a. s. vessel or at buyer's option f. o. b. cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-29. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter	Domestic, unrestricted use: 68 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 67¼ cents per pound, Washington, Oregon, and California. All other States 67 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of other products made from chocolate, 39 cents per pound. Export, unrestricted use: 39 cents per pound.
Nonfat dry milk (spray, roller) as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 16.25 cents per pound; in bags, 15.40 cents per pound. Roller process, U. S. Extra Grade; in barrels and drums, 14.25 cents per pound; in bags, 13.40 cents per pound. Domestic, restricted use (animal and poultry feed): In barrels, drums, or bags, 10.65 cents per pound. Export, unrestricted use: Spray or roller process, U. S. Extra Grade; in barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound.
Cotton, upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5, (revision 1), as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcements CN-EX-5 and NO-C-11, as amended.
Cotton, extra long staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcements NO-C-6, as amended, and NO-C-10, as amended. Catalogs for upland and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Peanuts, shelled and unshelled (as available).	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1, as amended. Available Dallas CSS Commodity Office.
Wheat, bulk	Domestic, commercial wheat-producing area: A. For wheat stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing wheat: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 21 cents per bushel if received by truck or (2) 16 cents per bushel if received by rail or barge. B. For wheat not included under A above: Market price but not less than the 1958 applicable loan rate plus (1) 21 cents per bushel if received by truck or 16 cents if received by rail, plus (2) any reductions in freight rates, in effect at time of sale, from those in effect on May 1, 1958, from the point of storage to the designated terminal.[2] Examples of the foregoing minimum per bushel (ex-rail or barge): Chicago, No. 1 RW, $2.31; Minneapolis, No. 1 DNS, $2.39; Kansas City, No. 1 HW, $2.31; Portland, No. 1 SW, $2.21. Noncommercial wheat-producing area: Same basis as in commercial area except 123 percent of applicable support rate. If delivery is outside the area of production, applicable freight will be added to the above. Export (as wheat): Under Announcement GR-261 revised, as amended, for application to certain barter contracts and specially approved credit sales only at prices determined daily, and under Announcement GR-212 revised, amended, for specific offerings as announced. Disposals under Payment-in-Kind Program under Announcement GR-345. Available Dallas, Evanston, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas, Evanston, Minneapolis, and Portland when announced.

See footnotes at end of table.

Commodity	Sales price or method of sale
Rice, milled (as available)	Domestic, unrestricted use: Market price but not less than equivalent 1958 loan rate for rough rice by varieties and grades plus 5 percent adjusted for milling, plus 39 cents per cwt. basis in store. Prices and quantities available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices. Example of minimum prices of milled rice per hundredweight, at mills: U. S. No. 3: Blue Bonnet $9.99, Century Patna 9.65; U. S. No. 4: Blue Bonnet $9.29, Century Patna 8.96; U. S. No. 5: Blue Bonnet $8.51, Century Patna 7.79
Rice, rough	Export: Under Announcement DL-MR 400/57 revised, as amended, and GR-PD-99 as amended for application to approved barter contracts and approved credit and emergency sales. Domestic: Market price but not less than the 1958 loan rate plus 5 percent, plus 31 cents per hundredweight, basis in store. Prices and quantities available by varieties may be obtained from Dallas CSS Commodity Office, or from Portland CSS Commodity Office for Pearl and Calrose. Export: For export as milled or brown under Announcement to be issued for payment-in-kind. Also for export as milled or brown rice for application approved barter contracts and approved credit and emergency sales under applicable sales announcement.
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[1] but not less than the 1958 applicable loan rate for corn produced in compliance with 1958 acreage allotments plus: (1) a markup of 13 cents per bushel for corn in storage at point of production, (2) a markup of 15 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn 13.3 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago, $1.70½; Minneapolis, $1.59½. Noncommercial corn-producing area: Market price, basis in store,[1] but not less than 133 percent of the applicable 1958 loan rate plus markups as above. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Non-storable corn, unrestricted use (as available): At other than bin sites, through the above offices. At bin sites, through ASC County Offices. Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368, for Feed Grain Payment-in-Kind Program.
Oats, bulk	Domestic: Market price, basis in store [2], but not less than the 1958 applicable loan rate, plus (1) a markup of 11 cents per bushel for oats in storage at point of production, (2) a markup of 13 cents per bushel and the rail freight from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago, No. 3 oats or better, $0.82½; Minneapolis, No. 2 oats or better, $0.76½. Available Minneapolis, Evanston, Kansas City, Portland and Dallas CSS Commodity Offices. Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales and under Announcement GR-368 for Feed Grain Payment-in-Kind Program.
Barley, bulk	Domestic: A. For barley stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing barley: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 15 cents per bushel if received by truck or (2) 12 cents per bushel if received by rail or barge. B. For barley not included under A above: Market price but not less than the 1958 applicable loan rate plus (1) 15 cents per bushel if received by truck or 12 cents per bushel if received by rail, plus (2) any reduction in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the designated terminal.[3] If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex-rail or barge): Minneapolis, No. 2 barley, $1.30. Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Rye, bulk	Domestic: A. For rye stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing rye: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 18 cents per bushel if received by truck or (2) 13 cents per bushel if received by rail or barge. B. For rye not included under A above: Market price but not less than the 1958 applicable loan rate plus (1) 18 cents per bushel if received by truck or 13 cents per bushel if received by rail, plus (2) any reductions in effect on May 1, 1958, from the point of storage to the designated terminal.[3] If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex-rail or barge): Minneapolis, No. 2 or better, $1.47. Available Evanston, Kansas City, Minneapolis, Portland, and Dallas CSS Commodity Offices. Export: Under Announcement GR-212, revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program.
Grain sorghums, bulk	Domestic: A. For grain sorghums originating in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington or stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing grain sorghums: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 31 cents per hundredweight if received by truck or (2) 22 cents per hundredweight if received by rail or barge. B. For grain sorghums not included under A above: Market price but not less than the 1958 applicable loan rate plus (1) 31 cents per hundredweight if received by truck or 22 cents per hundredweight if received by rail, plus (2) any reductions in effect on May 1, 1958, from the point of storage to the designated terminal.[3] If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (ex-rail or barge): Kansas City, No. 2 or better, $2.53. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368, for Feed Grain Payment-in-Kind Program.
Soybeans, bulk 1957 crop (as available)	Domestic (for crushing) or export: Market price basis in store but not less than the 1957 basic loan rate for No. 2 grade, basis point of production plus 5 cents per bushel. Market discounts for quality factors will be applied to the basis price to determine the actual minimum sales prices. If delivery is outside of the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price. Available Evanston, Kansas City, and Minneapolis CSS Commodity Offices.
Burley tobacco (as available)	Domestic or export, unrestricted use: Competitive bid and/or fixed prices under the terms and conditions of Announcement to be issued. This announcement will cover a limited quantity (about 11 million pounds). Copies of such announcement, when issued, may be obtained from the Tobacco Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C.
Gum rosin	Domestic or export: Offer and acceptance basis "as is" in galvanized metal drums (averaging 517 lbs. net) in the stated quantities and on the designated storage yards, subject to the terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers Assn. Coop., Valdosta, Ga.
Gum turpentine	Domestic or export: Offer and acceptance basis, "as is", bulk in tanks in the stated quantities and in the designated storage tanks subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Ga.
Tung oil	Export: Competitive bid under Announcement CT-OP-10 by Cincinnati CSS Commodity Office.

See footnote at end of table.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyers.

[2] In those counties in which grain is stored in CCC bins sites, delivery will be made f. o. b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouse for storage documents.

[3] This provision is necessary to insure continuation of CCC sales at terminal locations in their normal ratio to sales at non-terminal locations. The minimum sales prices of these grains at affected locations will be increased by an amount corresponding to any decrease since May 1, 1958, in the freight rates from the point of storage to a designated terminal. CSS Commodity Offices will furnish freight rate information upon request.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: December 5, 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-10203; Filed, Dec. 9, 1958; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

A. KIRSTEN AND SARTORI & BERGER

NOTICE OF AGREEMENT FILED FOR APPROVAL

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

Agreement No. 7822-C, between A. Kirsten and Sartori & Berger, provides for the cancellation of approved Agreement No. 7822, as amended, covering the establishment and maintenance of a joint cargo service under the trade name "Hamburg-Chicago Line", in the trade between ports of the Great Lakes of the United States and Canada, the St. Lawrence River, Nova Scotia, New Brunswick and Newfoundland, on the one hand, and Continental ports of Europe within the Bordeaux/Hamburg Range and the Port of London, on the other hand, and in the trades between any two of said ports which are in the Western Hemisphere (not including transportation within the purview of the coastwise laws of the United States).

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

Dated: December 8, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-10242; Filed, Dec. 9, 1958; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9300 et al.]

WESTERN AIR LINES, INC., AND FRONTIER AIRLINES, INC.

NOTICE OF HEARING

In the matter of the complaint of Western Air Lines, Inc., v. Frontier Airlines, Inc.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled matter is assigned to be held on December 22, 1958, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C. before Examiner John A. Cannon.

Dated at Washington, D. C., December 5, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-10210; Filed, Dec. 9, 1958; 8:52 a. m.]

[Docket No. 9528]

NATIONAL AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of contest activities of National Airlines, Inc. enforcement proceeding.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled matter is assigned to be held on December 19, 1958, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., December 4, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-10211; Filed, Dec. 9, 1958; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1186]

AMERICAN-SOUTH AFRICAN INVESTMENT CO., LTD.

NOTICE OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

DECEMBER 2, 1958.

Notice is hereby given that American-South African Investment Company, Limited (Applicant), a registered closed-end management investment company, has filed an application under section 17 (b) of the Investment Company Act of 1940 ("act") for an order of the commission exempting from the provisions of section 17 (a) of the act the transactions summarized below.

Applicant proposes to increase its present holdings in St. Helena Gold Mines Limited ("St. Helena") and in Stilfontein Gold Mining Company Limited ("Stilfontein") by purchasing an additional 35,000 shares and 45,000 shares, respectively, of such companies. Such purchases are to be made from certain subsidiaries of Engelhard Industries, Inc., of which company Charles W. Engelhard, Chairman of the Board of the Applicant, owns a majority of the outstanding voting stock.

Applicant's investment policy contemplates that it will invest, in the main, in securities of South African companies engaged in gold mining and related activities, and that the major portion of its assets will consist of securities listed on the Johannesburg Stock Exchange ("Exchange"). In a public offering of 1,200,000 shares of its common stock which were registered under the Securities Act of 1933, Applicant obtained net proceeds of approximately $31,000,000, of which all but approximately $5,000,000 has been invested in accordance with the company's investment policy. The application states that the investment of such proceeds has presented a serious problem because of the limited number of shares available for purchase on the Exchange, in that large purchases on the Exchange would tend to increase the prices of the securities being purchased unless the purchase program is spread over a long period of time, in which case Applicant would suffer by reason of not receiving an adequate return on its assets during such period. Applicant therefore considers it desirable to buy as many securities as possible in blocks off the Exchange. The proposed purchase is to be made at a price per share that will be one shilling below the average market price of the shares of each such company on the Exchange during the week preceding the purchase, provided such price is not in excess of 48/3 shillings per share for the St. Helena stock and 47 shillings per share for the Stilfontein stock. The purchase would be effected as soon as practicable after the entry of a Commission order granting the exemption. Applicant cites as an additional reason for the proposed transaction that it would avoid the payment of commissions which are required in connection with the purchase of securities on the Exchange.

Section 17 (a) of the act, with certain exceptions, prohibits an affiliated person (the subsidiaries of Engelhard Industries, Inc.) of an affiliated person (Charles W. Engelhard) of a registered investment company (Applicant) from selling to or purchasing from such registered investment company any security unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a) after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any one concerned and that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested persons, may, not later than December 16, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted

as provided in Rule N–5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–10185; Filed, Dec. 9, 1958; 8:46 a. m.]

[File No. 70–3741]

YANKEE ATOMIC ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING ISSUANCE AND SALE AND ACQUISITION OF COMMON STOCK AND NOTES OF SUBSIDIARY

DECEMBER 2, 1958.

In the matter of Yankee Atomic Electric Company, New England Power Company, Western Massachusetts Companies, Public Service Company of New Hampshire, Montaup Electric Company, File No. 70–3741.

Notice is hereby given that Yankee Atomic Electric Company ("Yankee"), a public-utility subsidiary of New England Electric System, a registered holding company; New England Power Company ("NEPCO"), a public-utility subsidiary of New England Electric System and an exempt holding company; Western Massachusetts Companies ("Western Massachusetts"), an exempt holding company; Public Service Company of New Hampshire ("New Hampshire"), a public-utility company and an exempt holding company; and Montaup Electric Company ("Montaup"), a public-utility subsidiary of Eastern Utilities Associates, a registered holding company, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6, 7, 9 and 10 of the act and Rules 23, 42 (b) (2), 50 (a) (1) and (a) (5) promulgated thereunder as applicable to transactions therein proposed, which are summarized below:

Yankee intends to construct and operate a nuclear power plant of approximately 134,000 KW net electrical capacity. The total capital requirements, including construction costs and working capital, are estimated by Yankee at $57,000,000. The plant is presently scheduled for completion in 1960.

Yankee has outstanding $8,000,000 par value of common stock and $2,000,000 of non-interest bearing notes held by its eleven stockholder companies shown in the table set forth hereinafter. Prior to the issuance of additional shares of common stock for which authorization is sought herein, Yankee intends to issue $3,000,000 of additional non-interest bearing notes which was approved on August 26, 1958, by the Commission (Holding Company Act Release No. 13811).

Yankee herein proposes to issue and sell 50,000 additional shares of common stock and the proceeds will be used to retire its then $5,000,000 of outstanding short-term notes. The shares will be offered to the stockholder companies for subscription at a price of $100 per share, as fixed by Yankee's board of directors, on the basis of five new shares for each eight shares presently held. Yankee also proposes, from time to time prior to June 30, 1959, to issue to its stockholder companies non-interest bearing promissory notes up to a maximum aggregate amount of $7,000,000 at any one time outstanding. Such notes will mature not more than one year from the date of issue. Such stockholder companies as are required to do so under the act and the rules thereunder seek Commission approval of their respective acquisition of the common stock and notes herein proposed to be issued by Yankee. The stockholder companies propose to use treasury funds to acquire the additional shares of Yankee common stock and the notes in the proportions and amounts indicated in the table below:

Stockholder	Percent of Yankee stock presently held	Par Value of common stock to be acquired	Principal amount of notes to be acquired
New England Power Co.	30.0	$1,500,000	$2,100,000
The Connecticut Light and Power Co.	15.0	750,000	1,050,000
Boston Edison Co.	9.5	475,000	665,000
Central Maine Power Co.	9.5	475,000	665,000
The Hartford Electric Light Co.	9.5	475,000	665,000
Western Mass. Electric Co.	7.0	350,000	490,000
Public Service Co. of N. H.	7.0	350,000	490,000
Montaup Electric Co.	4.5	225,000	315,000
New Bedford Gas & Edison Light Co.	2.5	125,000	175,000
Cambridge Elec. Light Co.	2.0	100,000	140,000
Central Vermont P. S. Corp.	3.5	175,000	245,000
	100.0	5,000,000	7,000,000

Upon completion of the proposed stock and note issues Yankee's total outstanding securities will consist of $13,000,000 par value of common stock and $7,000,000 of non-interest bearing promissory notes.

It is stated that New England Power Service Company, an affiliated service company, will perform incidental services in connection with the proposed transactions and such services will be performed at the actual cost thereof estimated not to exceed $2,500. Other expenses to be borne by Yankee are Federal stamp taxes of $5,000 and a State filing fee of $2,500, making total estimated expenses of Yankee $10,000. The expense of the other applicants-declarants in connection with the proposed acquisitions, including legal fees and the preparation of regulatory Commission applications, are estimated not to exceed $300 for NEPCO, $200 for Western Massachusetts, and $100 each for New Hampshire and Montaup.

It is represented that the Massachusetts Department of Public Utilities has jurisdiction over the issue and sale of common stock by Yankee and over the note and stock acquisitions by such stockholder companies as are Massachusetts utility companies. A copy of the State commission order will be supplied by amendment.

Notice is further given that any interested person may, not later than December 17, 1958 at 5:30 p. m., request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified if the Commission orders 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 it may be amended, may be granted and permitted to become effective in a manner similar to the procedure provided for in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules promulgated under the act as provided in Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–10186; Filed, Dec. 9, 1958; 8:46 a. m.]

[File No. 70–3742]

METROPOLITAN EDISON CO. AND GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING REGARDING PROPOSAL BY SUBSIDIARY TO ISSUE AND SELL TO PARENT ADDITIONAL SHARES OF COMMON STOCK

DECEMBER 2, 1958.

Notice is hereby given that Metropolitan Edison Company ("Meted"), a public utility, and its parent company, General Public Utilities Corporation ("GPU"), a registered holding company, have filed with this Commission a joint application, pursuant to the Public Utility Holding Company Act of 1935 ("act"), and have designated sections 6 (b), 9 (a) and 10 of the act and Rule 50 (a) (3) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application on file at the office of the Commission for a statement of the proposed transactions, which are summarized as follows:

Meted proposes to issue and sell, from time to time not later than December 31, 1958, and GPU proposes to acquire, not to exceed an aggregate of 12,000 additional shares of Meted's authorized but unissued no par value common stock for a cash consideration of $100 per share, or an aggregate of $1,200,000. The proceeds from the proposed sale of additional shares of its common stock are to be used by Meted to reimburse its treasury in part for construction expenditures made therefrom.

The fees and expenses, including legal fees, to be incurred by GPU in connection with the proposed transactions are estimated at not to exceed $500; and the fees and expenses, including legal fees of $750, to be incurred by Meted in connection with the proposed transactions are estimated at $4,720.

The application states that the proposed issue and sale by Meted of additional shares of its common stock are subject to the jurisdiction of the Pennsylvania Public Utility Commission, that

the order of that Commission authorizing the proposed transaction by Meted will be supplied by an amendment to the application, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 19, 1958, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application which he desires to controvert, or he may request that he be notified should the Commission 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 joint application as filed, or as it may be hereafter amended, may be granted as provided by Rule 23 promulgated under the act, or the Commission may grant exemption from its rules under the act as provided by Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-10187; Filed, Dec. 9, 1958; 8:46 a. m.]

[File No. 24NY-4578]

SPORTS ARENAS (DELAWARE) INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 4, 1958.

I. Sports Arenas (Delaware) Inc. ("Sports Arenas"), a Delaware corporation, Crompond Road, R. F. D. #2, Yorktown Heights, N. Y., filed a notification and offering circular and subsequently filed amendments thereto relating to a proposed public offering of 240,000 shares of common stock, 1 cent par value, at $1.25 a share, or $300,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to state in the notification each of the jurisdictions in which the securities were to be offered as required by Item 1;

2. The issuer failed to disclose all promoters and affiliates as required by Items 2 and 3 of the notification and all promoters and controlling persons as required by paragraph 9 of Schedule I;

3. The aggregate public offering price of the securities and the aggregate gross proceeds actually received from the sale of the securities to the public exceeded the $300,000 limitation prescribed by Rule 254;

4. An offering circular was not used in connection with the offering of the issuer's securities to the public as required by Rule 256;

5. Use has been made of written communications which were not filed with the Commission as required by Rule 258; and

6. The issuer failed to file a complete and accurate report on Form 2-A as required by Rule 260 in that the report filed March 13, 1958 states, contrary to fact, that the offering was completed on November 11, 1957 and that the offering was made at $1.25 per share and by the broker-dealer firms named therein, and does not reflect the actual commissions paid and received.

B. The offering circular and sales material used contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the method of the offering whereby the issuer's securities would be offered to the public at higher and undetermind prices by the named underwriters and certain others purchasing from the named underwriters with a view to distribution, and the profits made by such underwriters and others participating in such distribution;

2. The failure to name and disclose the background of all promoters and affiliates of the issuer; and

3. Statements made and omissions in sales material distributed to the public concerning, among other things, construction contracts, earnings, experience of management, territorial franchises, stockholders equity, outstanding debt and stock dividends;

C. The offering is being made and would be made in violation of section 17 of the Act.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to any person having any interest in any of the above matters that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after receipt of such request, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the suspension order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-10188; Filed, Dec. 9, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 246]

MOTOR CARRIER APPLICATIONS

DECEMBER 5, 1958.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 489 (Sub No. 25), filed October 27, 1958. Applicant: F. LANDON CARTAGE, CO., a Corporation, 1030 West Monroe Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Kenosha, Wis., and the proposed site of the Maj. Richard I. Bong Air Base, near Brighton, Wis., over Wisconsin Highway 43, serving the intermediate point of Paris, Wis.; and (2) Between Kenosha, Wis., and the proposed site of the Maj. Richard I. Bong Air Base, near Brighton, Wis., from Kenosha over Wisconsin Highway 50 to junction Wisconsin Highway 75, thence over Wisconsin Highway 75 to the proposed site of the Maj. Richard I. Bong Air Base, and return over the same route, serving the intermediate point of Klondike, Wis. Applicant is authorized to conduct operations in Illinois and Wisconsin.

NOTE: Duplication with present authority to be eliminated.

HEARING: January 9, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 730 (Sub No. 127), filed November 25, 1958. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, but except those of unusual value, livestock, household goods as defined by the Commission, and commodities requiring special equipment, serving

Stead Air Force Base, located approximately seven (7) miles northwest of Reno, Nev., as an off-route point in connection with applicant's authorized regular route operations to and from Reno. Applicant is authorized to conduct operations in California, Colorado, Arizona, Idaho, Illinois, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

HEARING: January 20, 1959, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 128.

No. MC 2153 (Sub No. 25), filed October 23, 1958. Applicant: MIDWEST MOTOR EXPRESS, INC., 12th Street and Front Avenue, Bismarck, N. Dak. Applicant's attorney: F. J. Smith, Suite 200, Professional Building, P. O. Box 1436, Bismarck, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Bismarck, N. Dak., and Minot, N. Dak., and the site of the United States Air Force Base located north of Minot, over U. S. Highway 83, serving all intermediate points, and the off-route points of Turtle Lake, Mercer, McClusky, Riverdale, and Garrison Damsite; and between Jamestown, N. Dak., and Minot, N. Dak., and the site of the Minot Air Force Base, over U. S. Highway 52, serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's authorized regular route operations between St. Paul, Minn., and Mandan, N. Dak., and routes hereinabove proposed. Applicant is authorized to conduct regular route operations in Minnesota, Montana, North Dakota and South Dakota, and irregular route operations in Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

HEARING: February 2, 1959, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 300.

No. MC 7746 (Sub No. 94), filed September 29, 1958. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George R. La Bissoniere, 654 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Spokane, Wash., and Great Falls, Mont., from Spokane over U. S. Highway 10 to Milltown, Mont., thence over Montana Highway 20 to junction U. S. Highway 89 (near Sun River, Mont.) thence over U. S. Highway 89 to Vaughn, Mont., thence over combined U. S. Highway 89 and 91 to Great Falls, and return over the same route, serving all intermediate points east of Mullan, Idaho. Applicant is authorized to conduct operations in Washington, Oregon, Idaho and Montana.

NOTE: Applicant states that essentially the purpose of this application is to remove a restriction contained in Certificate No. MC 7746 Sub No. 80.

HEARING: January 22, 1959, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 79.

No. MC 8948 (Sub No. 41), filed November 30, 1958. Applicant: WESTERN TRUCK LINES, LTD., 2550 East 28th Street, Los Angeles 58, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, except live animals including poultry, articles of extraordinary value, and bulk liquids other than those in containers, between Reno, Nev., and Stead Air Force, Nev., from Reno over U. S. Highway 395 to junction unnumbered highway (access road), thence over unnumbered highway to Stead Air Force Base, and return over the same route, serving all intermediate points.

HEARING: January 20, 1959, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 128.

No. MC 11207 (Sub No. 196), filed October 9, 1958. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue North, Birmingham, Ala. Applicant's representative: John W. Cooper, 818–821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings*, and *iron and steel articles*, moving in flatbed trailers, from Guntersville and Whitesburg, Ala., to points in Alabama, Georgia, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: January 12, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 100, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 11207 (Sub. No. 197), filed October 27, 1958. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue, North, P. O. Box 1271, Birmingham, Ala. Applicant's attorney: John W. Cooper, 818–821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel* and *cast iron pipe and fittings*, and *iron and steel articles*, moving in flat-bed trailers, from Decatur, Ala., to points in Tennessee, Mississippi, Louisiana, Arkansas, and Alabama. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: January 13, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Michael B. Driscoll.

No. MC 20783 (Sub. No. 39), filed November 10, 1958. Applicant: TOMPKINS MOTOR LINES, INC., 120 Ewing Lane, Nashville, Tenn. Applicant's attorneys: David Axelrod and Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products, dairy products*, and *articles distributed by meat packinghouses*, from Evansville, Ind., to points in Tennessee, Alabama, Georgia, Florida, North Carolina, and South Carolina. Applicant is authorized to conduct regular route operations in Georgia, North Carolina and Tennessee, and irregular route operations in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee.

NOTE: Common control may be involved.

HEARING: January 19, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 29886 (Sub No. 136), filed November 3, 1958. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles* (imported from foreign countries), in secondary movements, in truckaway service, from points in California to South Bend, Ind. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 16, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 44947 (Sub 15), (CORRECTION) published in the FEDERAL REGISTER November 19, 1958, at page 9002, filed October 10, 1958. Applicant: DEIOMA TRUCKING CO., P. O. Box 891, Mount Union Station, Alliance, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Port Homer, Jefferson County, Ohio, and points within 5 miles thereof, to points in New Jersey, Virginia, Delaware, and the District of Columbia, and *pallets, skids* and *empty containers* used in transporting the above commodities on return. Applicant is authorized to conduct operations in Ohio, New York, Pennsylvania, West Virginia, Michigan, Maryland, New Jersey, Delaware, Virginia, Indiana, New Hampshire, Vermont, Maine, Massachusetts, Connecticut, Rhode Island, and the District of Columbia.

NOTE: A proceeding has been instituted under Section 212 (c) to determine whether applicant's status is that of a common or contract carrier in No. MC 44947 (Sub. No. 14). The previous publication was in error inasmuch as the words "to points in" the named states was omitted.

HEARING: Remains as assigned January 23, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 45657 (Sub No. 22), filed November 7, 1958. Applicant: PIC-WALSH FREIGHT CO., a Corporation, 731 Campbell Avenue, St. Louis 15, Mo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk (1) between Memphis, Tenn., and Cincinnati, Ohio: from Memphis over U. S. Highway 79 to junction U. S. Highway 68, thence over U. S. Highway 68 to junction U. S. Highway 31W, thence over U. S. Highway 31W to junction U. S. Highway 42, and thence over U. S. Highway 42 to Cincinnati, and return over the same route, serving no intermediate or off-route points; and (2) between Memphis, Tenn., and Cincinnati, Ohio: from Memphis over U. S. Highway 79 to junction U. S. Highway 68, thence over U. S. Highway 68 to junction U. S. Highway 31W, thence over U. S. Highway 31W to junction the Kentucky Turnpike, thence over the Kentucky Turnpike to junction U. S. Highway 42, and thence over U. S. Highway 42 to Cincinnati, and return over the same route, serving no intermediate or off-route points, as alternate routes for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Missouri, Illinois, Ohio, Indiana, Arkansas, and Tennessee.

HEARING: January 16, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner C. Evans Brooks.

No. MC 50069 (Sub No. 206), filed November 3, 1958. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, except milk and petroleum products, in bulk, in tank vehicles, from Peoria, Ill., and Terre Haute, Ind., and points within five miles of each, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Maine, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: January 26, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 55811 (Sub No. 46), filed October 27, 1958. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, glassware, caps, and other closures, paper* and *fibreboard boxes, rubber jar rings, zinc dry battery shells, stripped zinc*, and such *materials, supplies* and *equipment* as are used in the manufacture, packing and shipping of glass, glassware, closures, paper and fibreboard boxes, rubber jar rings, zinc dry battery shells and stripped zinc, between Gas City, Ind., on the one hand, and, on the other, points in Illinois, Ohio, those in the lower peninsula of Michigan, those in Iowa within ten miles of the Iowa-Illinois State line, those in Missouri within ten miles of the Missouri-Illinois State line, those in Kentucky within ten miles of the Kentucky-Illinois State line, the Kentucky-Indiana State line, and the Kentucky-Ohio State lihe, those in West Virginia within ten miles of the West Virginia-Ohio State line, those in Pennsylvania within ten miles of the Pennsylvania-Ohio State line and in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeanette, Schenley, and South Connellsville, Pa., and points within ten miles of Jeanette, Schenley, and South Connellsville, Pa. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

HEARING: February 3, 1959, at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Harold P. Boss.

No. MC 59583 (Sub No. 75), filed October 23, 1958. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Greeneville, Tenn., and the plant site of Consolidated Feldspar, a division of International Minerals & Chemicals Corporation, located approximately eight miles south of the town of Greeneville, Tenn., on Tennessee Valley Authority's Lake Davy Crockett. Applicant is authorized to conduct regular route operations in Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia, and irregular route operations in Georgia, Maryland, New York, Pennsylvania, Tennessee, and Virginia.

HEARING: January 19, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 73165 (Sub No. 161), filed October 8, 1958. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Applicant's attorney: Maurice F. Bishop, 325-29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, on flat bed equipment, from Decatur, Guntersville and Whitesburg (near Huntsville), Ala., to points in Alabama, Georgia and Tennessee. Applicant is authorized to conduct operations in Georgia, Mississippi, Tennessee, Alabama, Florida, Louisiana, Texas, Virginia, Arkansas, South Carolina, North Carolina, Iowa, Kansas, Missouri, Illinois, Michigan, Ohio, and Wisconsin.

HEARING: January 14, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 239, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 74721 (Sub No. 68), filed November 18, 1958. Applicant: MOTOR CARGO, INC., 1540 West Market Street, Akron, Ohio. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Frozen foods*, serving Fairmont, Minn., as an off-route point in connection with applicant's authorized regular route operations, subject to the restriction that no shipments shall be transported between any two points, both of which are west of the Illinois-Indiana State line. Applicant is authorized to conduct operations in Ohio, Pennsylvania, Wisconsin, Iowa, Illinois, Indiana, Minnesota, New Jersey, Maryland, New York, and the District of Columbia.

NOTE: Applicant states that it is presently authorized to serve Fairmont, Minn., as an off-route point, restricted to the pickup of canned goods.

HEARING: January 16, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third Street, Minneapolis, Minn., before Joint Board No. 145.

No. MC 16279 (Sub No. 8), filed September 15, 1958. Applicant: SODAK TRANSPORT, INC., 907 Thomas Avenue, North, Minneapolis, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, Saint Paul 14, Minn. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, from Chaska, Minn., to points in that part of Iowa on and west of U. S. Highway 71, and on and north of U. S. Highway 20, and those in South Dakota east of the Missouri River, except Big Stone City, Milbank, Twin Brooks, Marvin, Summit, Ortley, Waubay, Webster, Holmquist, Bristol, Butler, Andover, Pierpont, Langford, Eden, Roslyn, Claremont, Sisseton, Aberdeen, Groton, and Britton, S. Dak., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to transport similar commodities in Iowa, Minnesota, and South Dakota.

NOTE: A proceeding has been instituted under Section 212 (c) in No. MC 76279 (Sub. No. 4) to determine whether applicant's status is that of a common or contract carrier. Duplication with present authority to be eliminated.

HEARING: January 19, 1959, in Room 929, Metropolitan Building, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 147.

No. MC 78632 (Sub No. 104), filed October 20, 1958. Applicant: HOOVER MOTOR EXPRESS CO., INC., P. O. Box 450, Polk Avenue, Nashville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Birmingham, Ala., and Chattanooga, Tenn.; from Birmingham over U. S. Highway 11 to Chattanooga, and return over the same route, serving no intermediate points; and (2) between Anniston, Ala., and Chattanooga, Tenn.; from Anniston over U. S. Highway 431 to junction U. S. Highway 11 at or near Attalla, Ala., and thence over U. S. Highway 11 to Chattanooga, and return over the same route, serving no intermediate points, as alternate routes for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Tennessee, Georgia, Alabama, Missouri, Illinois, Kentucky, Mississippi, and Ohio.

HEARING: January 20, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 239, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 78705 (Sub No. 13), filed November 10, 1958. Applicant: McLAIN TRUCKING, INC., 1242 N. Jefferson Street, Muncie, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Cans* and *can ends*, from Austin, Ind., to Louisville, Ky., and *packing materials, such as wooden pallets and chipboard sheets* used in transporting the above commodities on return. Applicant is authorized to conduct operations in Ohio, Indiana, Michigan, New York, and Illinois.

NOTE: A proceeding has been instituted under Section 212 (c) to determine whether applicant's status is that of a common or contract carrier in No. MC 78705 (Sub No. 12).

HEARING: January 23, 1959, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 82507 (Sub No. 5), filed October 22, 1958. Applicant: LANDWEHR TRANSFER AND STORAGE, INC., 225 N. P. Lane SE., St. Cloud, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bags*, from Chippewa Falls, Wis., to Browerville, Minn. Applicant is authorized to conduct operations in Minnesota.

HEARING: January 14, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142.

No. MC 83539 (Sub No. 26) (REOPENING FOR FURTHER HEARING AS AMENDED), published issue of September 11, 1957 at page 7253, filed July 12, 1957. Applicant: C & H TRANSPORTATION CO., INC., 1935 Commerce Street, P. O. Box 5976, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes. By Order of the Commission dated July 28, 1958, proceedings in the above-entitled matter were reopened for further hearing at a time and place to be hereinafter fixed. As amended, the application now seeks authority to extend operations for the transportation of (1) *tractors* (other than truck tractors), *tractor tool bars*, and *tractor attachments;* (2) *contractors' equipment* and *contractors' equipment attachments;* (3) *construction machinery and equipment*, as defined by the Commission in Appendix VIII to MC 45, 61 MCC 266; (4) *road and street-building and maintenance machinery and equipment, including motor graders, scarifiers, street sweepers, snow plows and attachments;* (5) *excavating, dirt-moving, loading and unloading machinery and equipment, and attachments;* (6) *cranes, derricks, and attachments;* (7) *heavy machinery and attachments;* (8) *commodities*, the loading, unloading or transportation of which, because of size, weight or shape, require the use of special equipment, special rigging or special handling; and (9) *parts* and *accessories* of commodities described in items 1 through 8, inclusive, above, (A) from Beloit, Milwaukee, Racine, Waukesha, and West Allis, Wis., to points in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; from Houston, Tex., New Orleans, La., and Oklahoma City, Okla., to Beloit, Manitowoc, Milwaukee, Racine, and Two Rivers, Wis. (B) between points in Texas and Oklahoma, on the one hand, and, on the other, points in North Dakota, South Dakota, and Wisconsin, except from Beloit, Milwaukee, Racine, Waukesha, and West Allis, Wis., to points in Texas and Oklahoma; and, from Houston, Tex., and Oklahoma City, Okla., to Beloit, Manitowoc, Racine, and Two Rivers, Wis.; (C) between Wichita, Kans., on the one hand, and, on the other, points in Missouri, Nebraska, Colorado, and those in Texas on and north of U. S. Highway 80; (D) between points in that part of Texas on and north of U. S. Highway 80 from the Texas-Louisiana State line through Marshall, Dallas, and Fort Worth, to Mineral Wells, Tex., and on and east of U. S. Highway 281 from Mineral Wells through Wichita Falls to the Texas-Oklahoma State line, on the one hand, and, on the other, points in Colorado, Nebraska, and Missouri; (E) between points in Kansas, New Mexico, Texas, Oklahoma, and Louisiana; between points in New Mexico, Texas, and Oklahoma, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Mississippi, and Arkansas; between points in Illinois, Indiana, Kentucky, Mississippi, and Arkansas; (F) from Oil City and Braddock, Pa., to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Montana, North Dakota, Oklahoma, and Wyoming; from points in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Oklahoma, and Texas, to Oil City and Braddock, Pa.; from Wichita Falls, Tex., to points in Pennsylvania, except Oil City and Braddock; (G) between points in Texas, on the one hand, and, on the other, points in Ohio, Pennsylvania, Indiana, Illinois, Minnesota, Wisconsin, Michigan, Iowa, New Jersey, and New York; (F) from points in Ohio to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas; and (I) between points in Illinois and Indiana, on the one hand, and, on the other, points in Louisiana.

NOTE: Applicant states it will request cancellation of any duplicating authority.

FURTHER HEARINGS: January 7, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill.; on *January 12, 1959*, in Court Room B, United States Post Office and Court House, Denver, Colo., and on *January 19, 1959*, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 84516 (Sub No. 9), filed October 3, 1958. Applicant: OLLIE P. BROWN, doing business as BROWN TRUCKING COMPANY, 403 South Cass Street, P. O. Box 302, Wabash, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool*, (rock, slag or glass) and *products thereof*, from Wabash, Ind., to points in Ohio, Illinois, Michigan, Kentucky, Pennsylvania, Wisconsin, those in Missouri and Iowa within 10 miles of the Mississippi River, and those in that part of West Virginia west and north of a line beginning at the West Virginia-Pennsylvania State line and extending along U. S. Highway 19 to Gauley Bridge, W. Va., and thence along U. S. Highway 60 to the Ohio River, including points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Pennsylvania.

NOTE: Applicant states in its opinion the above commodity description becomes necessary to avoid confusion, first as to the present authority outstanding, and second, to cover the description of additional commodities, and reference is made to mineral wool (glass) and products thereof which includes furnace and air conditioning filters. It is applicant's position that the present authority although in one place showing the authority as mineral wool (rock or slag) and in another rock wool, the same commodities are covered (the pertinent portions of present authority are set out in the application); that the commodity description as suggested

appears to follow the classification and should bring about uniformity; and that applicant does not seek duplicate authority. Applicant is authorized to conduct common carrier operations in Certificate No. MC 22484. Dual operations under section 210 may be involved. A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 84516 (Sub No. 8).

HEARING: February 2, 1959, at 9:30 o'clock a. m. United States standard time (or 9:30 o'clock a. m. local daylight saving time, if that time is observed), at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Harold P. Boss.

No. MC 87514 (Sub No. 15), filed November 12, 1958. Applicant: NICHOLAS TUSO, JR., doing business as INTERSTATE TRANSPORTATION COMPANY, P. O. Box 55, Vineland, N. J. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, in hopper and tank vehicles, from points in Pennsylvania to points in New Jersey. Applicant is authorized to conduct operations in New Jersey and Pennsylvania.

NOTE: A proceeding has been instituted under Section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 87514 (Sub No. 14).

HEARING: January 16, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 92983 (Sub No. 325), filed October 20, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, in bulk, liquid or dry (1) from Memphis, Tenn., to points in Arkansas, Mississippi, and Missouri; (2) from Greenville, Miss., to points in Arkansas and Louisiana. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: January 12, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner C. Evans Brooks.

No. MC 929983 (Sub No. 326), filed October 20, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, except those acids and chemicals also described as a petroleum product, in bulk (1) from Memphis, Tenn., to points in Arkansas, Alabama, Louisiana, Mississippi, and Texas. (2) Between Memphis, Tenn., on the one hand, and, on the other, points in Florida and Georgia. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: January 12, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner C. Evans Brooks.

No. MC 95540 (Sub No. 295), filed October 27, 1958. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* exempt under section 203 (b) (6) of the Interstate Commerce Act, as amended, when transported on the same vehicle with commodities not exempt under section 203 (b) (6) of the act namely: (1) *Eggs*, albumen fresh liquid; dried; frozen; liquid, whole or separated; powdered, dried; shelled; yolks, dried; yolks, fresh liquid; (2) *Fish (including shell fish)* including cooked or uncooked (including breaded), *fish or shell fish* when frozen or fresh (but not including fish and shell fish which have been treated for preserving, such as canned, smoked, pickled, spiced, corned or kippered products), and *fish (including shell fish)*, in hermetically sealed containers for cleanliness only, preservation attained by refrigeration; (3) *Nuts (including peanuts)*, shelled or unshelled, raw, and (4) *Poultry*, dressed, fresh or frozen; *poultry parts*, fresh or frozen; *poultry*, stuffed and frozen; between points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: January 14, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Thomas P. Kilroy.

No. MC 95627 (Republication) PETITION FOR REFORMATION OF CERTIFICATE, received May 15, 1958, published issue May 28, 1958. Petitioner: EUGENE NELMS, RFD No. 4, P. O. Box 191, Suffolk, Va. Petitioner's attorney: Harry F. Gillis, Mills Building, Washington, D. C. Eugene Nelms, petitioner, directs this petition specifically to the commodity description "lard cans, meat boxes and barrels" contained in its Certificate MC 95627 dated April 4, 1951, in connection with the following portion of authority therein: "Meats, salt, *lard cans, meat boxes, barrels*, and coal"; "Meats, salt, *lard cans, meat boxes, barrels, coal, roofing, nails, feed, seed* and *wire fencing*" from and to specified points in Virginia; and "*Pepper, saltpeter* and *lard cans*", from Baltimore, Md., to Smithfield, Va. Petitioner seeks modifications of the above italicized restrictions in the form of a correction or change, to read "and containers used in the transportation thereof", in support of which petitioner states that it is recognized today that many certificates issued in the early days of regulation were unduly restrictive in their commodity descriptions; and such narrow description does not meet petitioner's or its shippers present-day transportation requirements.

HEARING: January 13, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 101075 (Sub. No. 55), filed October 17, 1958. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Hastings, Minn., to site of the United States Air Force Base, near Grand Forks, N. Dak., and the site of the United States Air Force Base, near Minot, N. Dak. Applicant is authorized to conduct operations in Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

HEARING: January 12, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 24.

No. MC 103051 (Sub No. 55), filed October 2, 1958. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid tallow, animal oils, animal fats*, and *animal greases*, and *animal oils* blended with vegetable oils, in bulk, in tank vehicles, from points in Alabama and Mississippi, to points in Hamilton County, Tenn. Applicant is authorized to conduct operations in Georgia, Tennessee, Alabama, Mississippi, North Carolina, Delaware, Kentucky, Maryland, Virginia, South Carolina, Florida, Louisiana, and Texas.

HEARING: January 15, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 110, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 105461 (Sub No. 13), filed November 18, 1958. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anti-freeze alcohol* and *anti-freezing compounds*, in containers, from Marcus Hook, Pa., to Cleveland, Boardman, and Akron, Ohio, Wheeling, W. Va., Providence, R. I., Baltimore, Md., Richmond, Va., and points in New York, New Jersey, Connecticut, and Massachusetts. *Empty anti-freeze alcohol and*

anti-freezing compounds containers, from Cleveland, Boardman and Akron, Ohio, Wheeling, W. Va., Providence, R. I., Baltimore, Md., Richmond, Va., and points in New York, New Jersey, Connecticut, and Massachusetts, to Philadelphia, Pa. Applicant is authorized to conduct common carrier operations in Delaware, Maine, Maryland, New Hampshire, New Jersey, Pennsylvania, Vermont, Virginia, and the District of Columbia. Applicant holds contract carrier authority in Permit No. MC 68807 and sub numbers thereunder. Applicant indicates dual operations under section 210 are involved.

HEARING: January 21, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 105813 (Sub No. 33), filed October 27, 1958. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, Suite 713–17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products*, and *articles distributed by meat-packinghouses*, as defined by the Commission in Appendix I to Ex Parte MC–45, from Danville, Ill., to points in Florida. Applicant is authorized to conduct operations in Delaware, Florida Illinois, Indiana, Kansas, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, Wisconsin, and the District of Columbia.

HEARING: January 16, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 105837 (Sub No. 8), filed October 3, 1958. Applicant: FLOYD L. UNGER, doing business as UNGER TRUCKING COMPANY, 661 Erie Street, Wabash, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool*, (rock, slag or glass), and *products thereof*, from Wabash, Ind., to points in Illinois, Ohio, Michigan, Kentucky, and St. Louis, Mo. Applicant is authorized to conduct operations in Indiana, Kentucky, Missouri, Illinois, Ohio, and Michigan.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 105837 (Sub No. 7). Applicant states that it does not seek duplicating authority.

HEARING: February 2, 1959, at 9:30 o'clock a. m. United States standard time (or 9:30 o'clock a. m. local daylight saving time, if that time is observed), at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Harold P. Boss.

No. MC 107002 (Sub No. 131), filed September 29, 1958. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable asphalt storage tanks*, between points in Alabama, Mississippi, Georgia, Tennessee, and that portion of Florida west of the Chattahoochee River and west of the Apalachicola River. Applicant is authorized to conduct operations in Louisiana, Mississippi, Tennessee, Arkansas, Alabama, Kentucky, Florida, Georgia, Texas, North Carolina, Oklahoma, South Carolina, Missouri, Pennsylvania, Connecticut, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Rhode Island, Virginia, and Wisconsin.

HEARING: January 16, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Michael B. Driscoll.

No. MC 107002 (Sub No. 132), filed September 29, 1958. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Tuscaloosa, Ala., to points in that portion of Florida west of the Chattahoochee River and west of the Apalachicola River. Applicant is authorized to conduct operations in Louisiana, Mississippi, Tennessee, Arkansas, Alabama, Kentucky, Florida, Georgia, Texas, North Carolina, Oklahoma, South Carolina, Missouri, Pennsylvania, Connecticut, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Rhode Island, Virginia, and Wisconsin.

HEARING: January 16, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 107107 (Sub No. 108), filed October 31, 1958. Applicant: ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, 2424 Northwest 46th Street, Allapattah Station, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish, including shell fish* whether cooked or uncooked, breaded, frozen or fresh (but not including fish and shell fish which have been treated for preserving such as canned, smoked, pickled, spiced, corned, or peppered products); (2) *Agricultural commodities including horticultural commodities*, (not including manufactured products thereof) shown as "exempt" in the "Commoditiy List" in Administrative Ruling No. 107 of the Bureau of Motor Carriers (but not including frozen fruit, frozen berries, and frozen vegetables, cocoa beans, coffee beans, tea, bananas or hemp, and wool imported from any foreign country, wool tops and noils or wool waste whether corded, spun, woven or knitted) in the same vehicle with other commodities which are not exempt from regulation which applicant is authorized to transport in its certificates MC 107107 and various subs, between points in Florida, Georgia, North Carolina, South Carolina, Alabama, Mississippi, Louisiana, Texas, Michigan, Oklahoma, Arkansas, Tennessee, Kansas, Missouri, Kentucky, Virginia, West Virginia, Nebraska, Iowa, Wisconsin, Illinois, Maryland, Pennsylvania, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, South Dakota, North Dakota, Minnesota, Ohio, Indiana, Delaware, and the District of Columbia. Applicant is authorized to conduct operations in the above named States.

HEARING: January 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 107403 (Sub No. 272), filed December 1, 1958. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Street, Philadelphia, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Canton, Ohio, to points in Indiana. Applicant is authorized to conduct operations in Delaware, Pennsylvania, District of Columbia, New Jersey, New York, Ohio, Maryland, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Indiana, Kansas, Kentucky, Missouri, Tennessee, and Michigan.

HEARING: January 6, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 60, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 107515 (Sub No. 297), filed October 2, 1958. Applicant: REFRIGERATED CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*. (1) from Jackson, Memphis, Bolivar, and Humboldt, Tenn., to points in Alabama, Florida, North Carolina, and South Carolina; and (2) from Nashville, Tenn., to points in Florida, North Carolina, South Carolina, Alabama, and Georgia. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: January 14, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner C. Evans Brooks.

No. MC 107515 (Sub No. 298), filed October 6, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Jackson, Memphis, Bolivar, and Humboldt, Tenn., to points in Louisiana, Mississippi, Arkansas, Oklahoma, Texas, Missouri, Kansas, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, and Indiana.

Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: January 13, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner C. Evans Brooks.

No. MC 107913 (Sub No. 5), filed November 10, 1958. Applicant: F & W EXPRESS, INCORPORATED, 678 Louisiana Street, Memphis, Tenn. Applicant's attorney: Ramsey Wall, First National Bank Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Clarksdale, Miss., and Dundee, Miss., from Clarksdale over Mississippi Highway 6 to Friars Point, Miss., thence over unnumbered county road through Powell, Miss., to Dundee, and return over the same route, serving all intermediate points and off-route points within five miles of the designated route. Applicant is authorized to conduct operations in Mississippi and Tennessee.

HEARING: January 9, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 108449 (Sub No. 73), filed August 21, 1958. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glen W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients*, dry, in bulk, from Waterloo, Iowa, and points within five (5) miles thereof, to points in Minnesota and Nebraska. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: January 16, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third Street, Minneapolis, Minn., before Joint Board No. 182.

No. MC 108449 (Sub No. 74), filed September 19, 1958. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gas* and *jet fuel*, in bulk, in tank vehicles, from Hastings, Minn., to Milwaukee, Wis. Applicant is authorized to conduct operations in Wisconsin, Minnesota, Michigan, Iowa, South Dakota, North Dakota, Illinois, Missouri, and Nebraska.

HEARING: January 14, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 108449 (Sub No. 77), filed October 29, 1958. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West Count Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Hastings, Minn., to the U. S. Air Force Base near Grand Forks, N. Dak., and to the U. S. Air Force Base near Minot, N. Dak. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: January 12, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third Street, Minneapolis, Minn., before Joint Board No. 24.

No. MC 109637 (Sub No. 98), filed November 6, 1958. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products, coal tar* and *coal tar products, chemicals* and *molasses*, in bulk, in tank vehicles, from the site of the Terminal of Kentucky Asphalt Terminal, Inc., on Cane Run Road in Jefferson County, Ky., to points in Illinois, Indiana, Ohio and Tennessee, and *empty containers or other such incidental facilities* (not specified), used in transporting the above commodities on return. Applicant is authorized to conduct operations in Illinois, Kentucky, Missouri, Iowa, Tennessee, Virginia, South Carolina, Ohio, Indiana, Georgia, Louisiana, Alabama, Michigan, Minnesota, Mississippi, North Carolina, Texas, West Virginia, and Wisconsin.

NOTE: Applicant states that no duplication of authority is sought.

HEARING: January 27, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner C. Evans Brooks.

No. MC 109638 (Sub No. 11), filed October 23, 1958. Applicant: WOODROW EVERETTE, doing business as W. EVERETTE TRUCK LINE, Washington, N. C. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles, bottle caps* and *bottle stoppers*, from Millville, and Sayreville, N. J. to Clinton, Greenville, Kinston, New Bern, Wilson, and Washington, N. C., and *damaged, refused or rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Delaware, Maryland, Pennsylvania, North Carolina, New Jersey, New York, Virginia, West Virginia, and the District of Columbia.

HEARING: January 13, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 110193 (Sub No. 35), filed November 18, 1958. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products* and *articles distributed by meat-packing houses*, as described by the Commission in 61 M. C. C. 209, from Storm Lake, Iowa, to points in Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, Maine, New Hampshire, Vermont, Maryland, and District of Columbia, and *empty containers, hooks, racks and pallets or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Arkansas, Colorado, Delaware, Connecticut, Illinois, the District of Columbia, Indiana, Iowa, Kansas, Maryland, Kentucky, Michigan, Massachusetts, Missouri, Minnesota, Wisconsin, Rhode Island, Pennyslvania, Ohio, New Jersey, and Nebraska.

HEARING: January 21, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 110420 (Sub No. 203), filed October 30, 1948. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: James K. Knudson, Sundial House, 1821 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk commodities* (except cement and any bulk aggregates used in building or construction industries), in equipment especially designed for transporting any bulk commodities, from points in Illinois to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: January 21, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 110505 (Sub No. 45), filed October 13, 1958. Applicant: RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's Attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery* and *parts*, from Shelbyville, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South

Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, and the District of Columbia and *rejected* and *damaged shipments* of the above commodities on return. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant states that agricultural machinery parts will move with such machinery at the same time and in the same vehicle.

HEARING: January 29, 1959, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Harold P. Boss.

No. MC 112223 (Sub No. 39), filed November 7, 1958. Applicant: QUICKIE TRANSPORT COMPANY, a Corporation, 1121 South Seventh Street, Minneapolis 4, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Hastings, Minn., to the United States Air Force Base near Grand Forks, N. Dak., and to the United States Air Force Base near Minot, N. Dak. Applicant is authorized to conduct operations in Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: January 12, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third Street, Minneapolis, Minn., before Joint Board No. 24.

No. MC 112582 (Sub No. 10), filed November 12, 1958. Applicant: T. M. ZIMMERMAN COMPANY, a Corporation, 227 West Commerce Street, Chambersburg, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods* and *foodstuffs* requiring the use of controlled mechanical refrigerated equipment, between Chambersburg, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *empty containers on other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

HEARING: January 16, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Isadore Freidson.

No. MC 112617 (Sub No. 48), filed November 5, 1958. Applicant: LIQUID TRANSPORTERS, INC., P. O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, *coal tar* and *coal tar products*, *chemicals*, and *molasses*, in bulk, in tank vehicles, from the site of the terminal of Kentucky Asphalt Terminal, Inc., on Cane Road, in Jefferson County, Ky., to points in Illinois, Indiana, Ohio and Tennessee. Applicant is authorized to conduct operations in Ohio, Indiana, Kentucky, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, West Virginia, Pennsylvania, Michigan, Tennessee, Missouri, Wisconsin, Nebraska, Oklahoma, and Arkansas.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: January 27, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner C. Evans Brooks.

No. MC 112696 (Sub No. 10) (REPUBLICATION), filed August 19, 1958, published FEDERAL REGISTER issue of September 10, 1958. Applicant: HARTMANS, INCORPORATED, P. O. Box 466, Harrisonburg, Va. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D. C. By the subject application, carrier seeks to convert its present authority from regular-route operations to irregular route operations, in the transportation of *leather*, *shoes*, *rubber heels* and *soles*, and *supplies and equipment used in a shoe factory*, and *brooders* and *brooder supplies and air conditioning equipment*, from and to specified points in Virginia, Massachusetts, and Pennsylvania, and other eastern states, all as more fully described in the first-published notice of filing in the FEDERAL REGISTER September 10, 1958. In a Report and Order recommended by Gerald F. Colfer, Hearing Examiner, served December 4, 1958, an amendment to include Dillsburg, Pa., as a point of service is allowed. The inclusion of Dillsburg is covered in the Report referred to as follows: Applicant's certificate in the MC 112696 (Sub-9) proceeding was issued the same date the instant application was filed and the point of Dillsburg, Pa., granted therein was not included in the instant application. Inasmuch as applicant is here seeking to convert the operation of which service to and from Dillsburg is a part, it asks that the application be amended to include Dillsburg as a point of service. In view of the lack of opposition to the application, the desirability of avoiding a further hearing in the matter, and the apparent insignificance of the amendment, it will be allowed. Because of the lack of notice to the public; however, and to possible interested parties, if no exceptions to the order recommended herein are filed, the authority actually requested should be republished in the FEDERAL REGISTER and the issuance of a certificate herein should be withheld until the elapse of 30 days from the date of such republication, during which period any proper party in interest may file a protest and petition for further hearing. This constitutes the republication referred to above.

No. MC 112703 (Sub No. 4), filed September 11, 1958. Applicant: OIL CARRIERS CO., a Corporation, 12030 Pleasant, Detroit 25, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, paint and paint material, synthetic resin, resin compound surface coating, ester-gum, paint oil, varnish, glycerine*, and *liquid glue*, in bulk, in tank vehicles, between Ferndale, Mich., on the one hand, and, on the other, points in Colorado. Applicant is authorized to conduct operations as a common carrier transporting petroleum products in bulk during the period each year of closed navigation on the Great Lakes from Toledo, Ohio, to Detroit and Trenton, Mich. and points within 3 miles of Trenton.

NOTE: Applicant is authorized to conduct operations as a contract carrier in permit No. MC 111478; it also has pending an application seeking to convert its operations from contract to common carrier, and if said application is not granted, applicant requests contract carrier authority to transport the commodities proposed in this application. A proceeding has been instituted under section 212 (c) in MC 111478 (Sub No. 11), to determine whether applicant's status is that of a contract or common carrier. Dual operations under Section 210 may be involved.

HEARING: January 12, 1959, at the Federal Building, Detroit, Mich., before Examiner Harold P. Boss.

No. MC 113288 (Sub No. 24), filed November 12, 1958. Applicant: LESTER C. NEWTON TRUCKING CO., a Corporation, Bridgeville, Del., Applicant's attorney: Glenn F. Morgan, 1006–1008 Warner Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foods*, (1) from points in Delaware, Maryland, and Virginia south of the Chesapeake and Delaware Canal and east of the Chesapeake Bay, to points in Virginia west of U. S. Highway 1; (2) from Bridgeville, Del., to Lakeland, Fla.; (3) from Dunn, N. C., to Bridgeville, Del.; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia.

HEARING: January 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William E. Messer.

No. MC 113388 (Sub No. 25), filed November 12, 1958. Applicant: LESTER C. NEWTON TRUCKING CO., a Corporation, Bridgeville, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal (tin) cans*, from Hurlock, Md., to Bridgeville and Marydel, Del., and *empty containers or other*

such incidental facilities (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia.

HEARING: January 14, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 40.

No. MC 113459 (Sub No. 13) (REOPENING FOR FURTHER HEARING AS AMENDED), published issue of September 11, 1957, at page 7258, filed July 12, 1957. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P. O. Box 4877 Capitol Hill Station, 4720 South Sheilds, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes. By Order of the Commission dated July 28, 1958, proceedings in the above-entitled matter were reopened for further hearing at a time and place to be hereafter fixed. As amended, the application now seeks authority to extend operations for the transportation of (1) *tractors* (other than truck tractors), *tractor tool bars* and *tractor attachments;* (2) *contractors' equipment* and *contractors' equipment attachments;* (3) *construction machinery and equipment*, as defined by the Commission in Appendix VIII to MC 45, 61 MCC 286; (4) *road and street-building and maintenance machinery and equipment, including motor graders, scarifiers, street sweepers, snow plows and attachments;* (5) *excavating, dirt-moving loading and unloading machinery and equipment, and attachments;* (6) *cranes, derricks,* and *attachments;* (7) *heavy machinery and attachments;* (8) *commodities*, the loading, unloading or transportation of which, because of size, weight or shape, require use of special equipment, special rigging, or special handling; and (9) *parts* and *accessories* of commodities described in Items 1 through 8, inclusive, above, (A) from Peoria, Ill., to points in Texas; from Chicago and Springfield, Ill., La Porte, Indianapolis, and Evansville, Ind., and Cedar Rapids, Iowa, to points in Oklahoma and Texas; between Peoria, Ill., on the one hand, and, on the other, points in Oklahoma; (B) between points in Arkansas, Kansas, Missouri, New Mexico, Oklahoma and Texas; between points in Illinois, on the one hand, and, on the other, points in Louisiana; between points in Illinois and Indiana, on the one hand, and, on the other points in Arkansas, Kansas, Missouri, New Mexico, Oklahoma, and Texas; (C) between points in Colorado, Kansas, Louisiana, Oklahoma, Texas, and Wyoming; (D) between points in Oklahoma, on the the one hand, and, on the other, points in Montana, Nebraska, North Dakota, South Dakota, and Utah; (E) between points in Illinois, on the one hand, and, on the other, points in Montana, North Dakota, and South Dakota; (F) from Fort Morgan, Colo., to points in Banner, Cheyenne, and Kimball Counties, Nebr.; (G) from points in Ohio to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas; and from Galion, Ohio, to points in Wyoming.

NOTE: Applicant states it will request cancellation of any duplicating authority.

FURTHER HEARINGS: January 7, 1959, in room 852, U. S. Customs House, 610 South Canal Street, Chicago, Ill.; on *January 12, 1959*, in Court Room B, United States Post Office and Court House, Denver, Colo.; and on *January 19, 1959*, at the Baker Hotel, Dallas, Texas, before Examiner Mack Myers.

No. MC 113651 (Sub No. 24), filed November 6, 1958. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products,* and *articles distributed by meat packing houses*, as described in Appendix I of 61 M. C. C. 209, from Evansville, Ind., to points in Alabama, Florida, Georgia, North Carolina, Tennessee and South Carolina. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: January 19, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 113779 (Sub No. 79), filed September 30, 1958. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P. O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Texas. Applicant is authorized to conduct operations in all of the United States except Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and the District of Columbia.

HEARING: January 15, 1959, at the Claridge Hotel, Memphis, Tenn., before Joint Board No. 34, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 113843 (Sub No. 32), filed October 16, 1958. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Applicant's attorney: James M. Walsh, 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Detroit, Mich., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, District of Columbia, Kentucky, Ohio, Indiana, Illinois, and Missouri. *Meats, meat products* and *meat by-products*, from Detroit, Mich., to points in Ohio, Pennsylvania, New York, New Jersey, Maryland, Delaware, Virginia, West Virginia, and Vermont. *Frozen foods*, from Pittsburgh, Pa., to points in Michigan (except Detroit, Mich.), New York (except New York City and points within 75 miles of Rochester, N. Y.). Applicant is authorized to conduct operations in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 13, 1959, at the Federal Building, Detroit, Mich., before Examiner Harold P. Boss.

No. MC 114019 (Sub No. 22), filed November 5, 1958. Applicant: THE EMERY TRANSPORTATION COMPANY, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products, and commodities used by packing-houses*, as defined by the Commission, (a) from Fargo and West Fargo, N. Dak., North Platte, Nebr., and Huron, S. Dak., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, New Hampshire, New Jersey, New York; Maryland, Massachusetts, Michigan, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (b) from Sioux City, Iowa, Omaha, and South Omaha, Nebr., to points in Connecticut, Delaware, Maine, New Hampshire, New Jersey, those in New York on and east of U. S. Highway 15, Maryland, Massachusetts, those in Pennsylvania on and east of U. S. Highway 219, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Tennessee, Ohio, Indiana, Pennsylvania, Illinois, West Virginia, Michigan, Wisconsin, New York, New Jersey, Kentucky, Missouri, North Carolina, Georgia, Iowa, Virginia, District of Columbia, Connecticut, Rhode Island, and Vermont.

HEARING: January 20, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 114091 (Sub No. 22), filed October 16, 1958. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South 7th Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, 294, in bulk, in tank vehicles, from Siloam, Greenup County, Ky., and points within ten miles of Siloam, to points in Delaware, Georgia, Indiana, Kentucky,

Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, and Tennessee.

HEARING: January 26, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner C. Evans Brooks.

No. MC 114781 (Sub No. 3), filed November 18, 1958. Applicant: HYMAN D. ABRAMSON AND DONALD M. ABRAMSON, doing business as H. D. ABRAMSON AND SON, 131 Hess Boulevard, Lancaster, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-Inflammable petroleum products*, in containers, from Karns City, Pa., to Erie, Pa. Applicant is authorized to conduct operations in Pennsylvania.

HEARING: January 21, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 115523 (Sub No. 27), filed October 10, 1958. Applicant: CLARK TANK LINES COMPANY, a Corporation, 1450 Beck Street, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road oil, asphalts*, and *heavy fuels*, in bulk, in tank vehicles, and *contaminated or rejected shipments thereof*, between points in Montana and Idaho. Applicant is authorized to conduct operations in Oregon, Idaho, and Utah.

HEARING: January 27, 1959, at the Montana Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 269.

No. MC 115841 (Sub No. 35), filed October 27, 1958. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P. O. Box 2169, Birmingham, Ala. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat by-products*, (1) between Lake Charles, La., and Jackson, Miss., on the one hand, and, on the other, Humboldt and Jackson, Tenn., (2) from Jackson, Miss., to points in Delaware, Maine, New Hampshire, Vermont, Rhode Island, Massachusetts (except Boston), Connecticut, and points in New York other than Buffalo and New York City, (3) from Jackson and Humboldt, Tenn., to points in Delaware, Maryland, Virginia, District of Columbia, Maine, New Hampshire, and Vermont, (4) from Lake Charles, La., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, New Hampshire, and Vermont, (5) from Nashville, Tenn., to points in Maine, New Hampshire, and Vermont. RESTRICTION: Route (1) above to be subject to the restriction that the authority requested therein is not to be tacked with any other authority for the performance of through transportation. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

HEARING: January 9, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Michael B. Driscoll.

No. MC 115876 (Sub No. 2), filed September 5, 1958. Applicant: ERWIN HURNER, 1314 Fifth Street South, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pebble lime*, in bulk, from points in the Duluth, Minn.-Superior, Wis., Commercial Zone, as defined by the Commission, to points in the Fargo, N. Dak.-Moorhead, Minn., Commercial Zone, as defined by the Commission, and *grain* on return movements. Applicant is authorized to conduct operations in Minnesota, Montana, and North Dakota.

NOTE: Applicant states he proposes to use special equipment, especially designed and constructed for hauling Lime, in bulk.

HEARING: January 13, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 219.

No. MC 116387 (Sub No. 21), filed October 29, 1958. Applicant: ALABAMA TANK LINES, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Birmingport, Ala., to points in Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Alabama, Mississippi, Tennessee, Georgia, Florida, Kentucky, Louisiana, North Carolina, South Carolina, and Arkansas.

HEARING: January 15, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Michael B. Driscoll.

No. MC 116424 (Sub No. 3), filed October 27, 1958. Applicant: HERBERT B. FULLER, doing business as FULLER TRANSFER COMPANY, P. O. Box 422, Marysville, Tenn. Applicant's attorney: F. G. Asquith, Bank of Knoxville Building, Knoxville 2, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by the Commission in Subsection A of Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, 61 M. C. C. 766, in vehicles equipped with mechanical refrigeration, for the accounts of Oscar Mayer & Co., Cudahy Brothers Company, and Kingan Division, Hygrade Food Products Corporation, in pool-car distributing service, from Knoxville, Tenn., to points in Anderson, Blount, Greene, Hamblen, Jefferson, Knox, and Sevier Counties, Tenn., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

NOTE: Applicant is authorized in Permit No. MC 116424 Sub No. 1 dated September 4, 1958, to transport the above-described commodities from and to the said points under a continuing contract or contracts with John H. Morrell & Co., and Rath Packing Company.

HEARING: January 20, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 116634 (Sub No. 1), filed August 21, 1958. Applicant: ERNEST BRAUN, doing business as BRAUN TRANSPORT, 120 Second Street, SE., Dickinson, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Sacked cement*, from Rapid City, S. Dak., to Dickinson, N. Dak., from Rapid City over U. S. Highway 14 to junction of South Dakota Highway 24, thence over South Dakota Highway 24 to Belle Fourche, S. Dak., thence over U. S. Highway 85 to junction of U. S. Highway 10, thence over U. S. Highway 10 to Dickinson, serving no intermediate points.

HEARING: January 30, 1959, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 158.

No. MC 116959 (Sub No. 2), filed November 19, 1958. Applicant: PAUL KLANKOWSKI, East Grove Street, Caledonia, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, in bags and in bulk, from Belmond, Iowa to points in Adams, Buffalo, Clark, Columbia, Crawford, Dodge, Fond Du Lac, Grant, Green Lake, Iowa, Jackson, Jefferson, Juneau, Lafayette, Marathon, Marquette, Milwaukee, Oconto, Outagamie, Ozaukee, Portage, Richland, Sauk, Shawano, Sheboygan, Trempeleau, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood Counties, Wis., and those in Clay, Crow Wing, Douglas, Grant, Hubbard, Morrison, Otter Tail, Pennington, Polk, Pope, Sherburne, Stearns, Stevens, and Todd Counties, Minn. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

HEARING: January 19, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third Street, Minneapolis, Minn., before Joint Board No. 181.

No. MC 117109 (Sub No. 4), filed October 30, 1958. Applicant: SYKES TRANSPORT COMPANY, a Corporation, P. O. Box 297, Ironton, Mo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* and *jointing*

materials, except packaged brick and packaged drain tile, from Owensboro, Ky., to points in Florida, South Carolina, Georgia, Alabama, Tennessee, Mississippi, Louisiana, and Texas.

NOTE: Dual operations may be involved.

HEARING: January 29, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner C. Evans Brooks.

No. MC 117344 (Sub No. 12), filed November 13, 1958. Applicant: THE MAXWELL CO., a Corporation, 2300 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Daviess County, Ky., to points in Maryland, North Carolina, Pennsylvania, South Carolina, Virginia, those in Brooke, Hampshire, Hancock, Kanawha, Marion, Maisall, Monongalia, Pleasants, and Wetzel Counties, W. Va., and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting chemicals on return. Applicant is authorized to conduct operations in Ohio, Kentucky, West Virginia, New York, Pennsylvania, Indiana, Illinois, Michigan, Alabama, Arkansas, Georgia, Michigan, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under Section 212 (c) to determine whether applicant's status is that of a common or contract carrier in MC 50404 (Sub No. 55).

HEARING: January 20, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Donald R. Sutherland.

No. MC 117376 (Sub No. 1), filed October 10, 1958. Applicant: DAVID JORDAN, Clarksville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except high explosives, livestock, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Nashville, Tenn., and St. Louis, Mo., from Nashville over U. S. Highway 41 to Hopkinsville, Ky., thence over U. S. Highway 68 to Paducah, Ky., thence over U. S. Highway 45 to Vienna, Ill., thence over Illinois Highway 146 to Ware, Ill., thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to junction U. S. Highway 460, thence over U. S. Highway 460 to East St. Louis, Ill., and thence across the Mississippi River to St. Louis, Mo., and return over the same route, serving the intermediate point of Paducah, Ky., including the U. S. Atomic Energy Commission Plant near Paducah, Ky.

HEARING: January 21, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner C. Evans Brooks.

No. MC 117537, filed July 21, 1958. Applicant: C. J. SKJONSBY AND ORVILLE HEGLIE, doing business as S & H TRUCK LINE, 107 North 23d Street, Fargo, N. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New heavy-set-up machinery, including tractors*, except truck tractors designed to be used in the transportation of property on highways, from points in Cass and Grand Forks Counties, N. Dak., to points in Minnesota and South Dakota. *Used machinery, including tractors*, except truck tractors designed to be used in the transportation of property on highways, between points in South Dakota, and that portion of North Dakota on and south of North Dakota Highway 5 and on and east of North Dakota Highway 3; and that part of Minnesota bounded on the north and east by a line commencing at the Minnesota-North Dakota State line near Warren, Minn., and extending easterly along Minnesota Highway 1 to Cook, Minn., thence southerly along U. S. Highway 53 and 61 to junction Minnesota Highway 23 near Hinckley, Minn., thence southeasterly along Minnesota Highway 23 to junction U. S. Highway 71, thence along U. S. Highway 71 to the Minnesota-Iowa State line, including points on said highways.

HEARING: January 20, 1959, at the U. S. Court Rooms, Fargo, N. Dak., before Joint Board No. 143.

No. MC 117566, filed August 4, 1958. Applicant: THORVALD GRESLIVOLD, doing business as GRESLIVOLD TRUCK LINES, 909 Soo Street, Minot, N. Dak. Applicant's attorney: Richard H. McGee, 312 First Street, SW., Minot, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete culverts*, from Williston, N. Dak., to Wolf Point and Glasgow Air Base, Mont., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: January 30, 1959, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 84.

No. MC 117574 (Sub No. 37), filed November 13, 1958 Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street, NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards* and *sheets consisting of sawdust, ground wood, wood chips or wood shavings with resin binder*, from Tyronne, Pa., and points within five miles thereof, to points in Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin, and Kentucky. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 19, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 117583 (Sub No. 1), filed October 22, 1958. Applicant: RAYMOND F. CHLAN, Fifth Street NE., Montgomery, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* and *poultry feed*, from New Richmond, Wis., to points in Derryname, Lanesburgh, Lexington, and Montgomery Townships in Le Sueur County, Minn., points in Belle Plaine, Helena, and Cedar Lake Townships in Scott County, Minn., and points in Erin and Wheatland Townships in Rice County, Minn.

HEARING: January 15, 1959, in Room 962, Metropolitan Building, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142.

No. MC 117690, filed October 3, 1958. Applicant: CHESTER D. HAUGEN, 2516 Bemedji Avenue, Bemidji, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphite roadbinder*, from International Falls, Minn., to points in Minnesota and North Dakota. *Coal*, from points in Wisconsin, and Duluth, Minn., to points in Minnesota and North Dakota. The proposed operations will be seasonal between April 15th and October 1st of each year.

HEARING: January 13, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 219.

No. MC 117692, filed October 3, 1958. Applicant: MAURICE TRANSPORT COMPANY, INC., P. O. Box 409, Morton, Ill. Applicant's attorney: Raymond L. Terrell, Myers Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* and *anhydrous ammonia*, in bulk, in tank vehicles, from points in Tazewell and Woodford Counties, Ill., to points in Clinton, Muscatine, Cedar, Scott, Louisa, Des Moines, Henry, Jefferson, Wapello, Monroe, Lucas, Marion, Mahaska, Keokuk, and Washington Counties, Iowa; points in Christian and Trigg Counties, Ky., points in Posey, Vanderburgh, Gibson, Sullivan, Knox, Daviess, Greene, Tippecanoe, White, and Spencer Counties, Ind.; and to those in Shelby, Audrain, Lincoln, Pike, Lewis, Marion, Warren, Franklin, Montgomery, Ralls, Clark, Scotland, and Knox Counties, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: January 28, 1959, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Harold P. Boss.

No. MC 117708, filed October 9, 1958. Applicant: CLARENCE STARK, Mount Hope, Wis. Applicant's attorney: Edward A. Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, and in bulk and bags in mixed shipments, from Minneapolis, Minn., to points in Vernon, Crawford, Richland, Sauk, Iowa, Grant, Dane, Lafayette, Green, Columbia, and Rock Counties, Wis.

HEARING: January 8, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 117729, filed October 20, 1958. Applicant: OSCAR HAYWOOD, EVELYN HAYWOOD, OSCAR HAY-

WOOD, JR., AND JERRY HAYWOOD, a Partnership, doing business as HAYWOOD TRUCKING COMPANY, P. O. Box 215, Wallins Creek, Ky. Applicant's attorney: Robert J. Turley, 503 First Federal Building, Lexington, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Kentucky, Tennessee, South Carolina, North Carolina, Virginia, West Virginia, Ohio, and Indiana, to points in Kentucky, Tennessee, South Carolina, North Carolina, West Virginia, Ohio, Indiana, Illinois, Michigan, Pennsylvania, New York, New Jersey, Maryland, Delaware, Virginia, Georgia, Florida, and Alabama; *sugar*, from Baltimore, Md., to points in Kentucky; and *oil* and *grease*, from Philadelphia, Pa., to points in Kentucky and Tennessee.

HEARING: January 28, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner C. Evans Brooks.

No. MC 117729 (Sub No. 1), filed October 20, 1958. Applicant: OSCAR HAYWOOD, EVELYN HAYWOOD, OSCAR HAYWOOD, JR., AND JERRY HAYWOOD, a Partnership, doing business as HAYWOOD TRUCKING COMPANY, P. O. Box 215, Wallins Creek, Ky. Applicant's attorney: Robert J. Turley, 503 First Federal Building, Lexington, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to points in Harlan and Bell Counties, Ky., and *empty containers or other such incidental facilities* used in transporting malt beverages, on return.

HEARING: January 23, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner C. Evans Brooks.

No. MC 117754, filed October 24, 1958. Applicant: BURTON R. PETERSON AND CARL K. PETERSON, doing business as DALBO FEED AND MILL COMPANY, Cambridge, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* and *poultry feeds*, from New Richmond, Wis., to points in Anoka, Benton, Carlton, Chisago, Isanti, Kanabec, Mille Lacs, Pine, and Washington Counties, Minn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

HEARING: January 15, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 117764, filed October 27, 1958. Applicant: P. BRADLEY JACKSON, BRADLEY JACKSON AND PEARL JACKSON, doing business as BRAD JACKSON & SONS TRUCKING CO., 28735 Joy Road, Garden City, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of their size or weight require the use of special equipment or special handling, between the plant sites of Automotive Rubber Company, Inc., located in Redford Township, Wayne County, Mich., and at or near Schoolcraft, Mich., on the one hand, and, on the other, points in the United States.

HEARING: January 14, 1959, at the Federal Building, Detroit, Mich., before Examiner Harold P. Boss.

No. MC 117770, filed October 28, 1958. Applicant: AMYS AND PANK, INC., 4202 East Second Street, Superior, Wis. Applicant's attorney: Harry E. Larsen, 2215 East Fifth Street, Superior, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *carbonated beverages*, (1) from Milwaukee, Wis., to Duluth and Two Harbors, Minn.; (2) from Waukesha, Wis., to Duluth and Virginia, Minn.; (3) from Minneapolis and St. Paul, Minn., to Superior, Wis.; and (4) from La Crosse, Wis., to Duluth, Minn., and *empty containers or other such incidental facilities* used in transporting malt beverages and carbonated beverages, and *exempt commodities*, on return.

HEARING: January 14, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142.

No. MC 117772, filed October 29, 1958. Applicant: JOHN E. MORRIS, doing business as MORRIS ELEVATOR, 503 East Main Street, Bushnell, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* and *poultry feed*, and *ingredients thereof*, in bulk, from Decatur and Riverdale, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Ohio, and Wisconsin.

HEARING: January 28, 1959, at the U. S. Court Rooms and Federal Bldg., Springfield, Ill., before Examiner Harold P. Boss.

No. MC 117809, filed November 6, 1958. Applicant: P & P CARTAGE, INC., 2235 West 74th Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, and *by-products* of cement (ground agricultural limestone and fly ash), from Gary (Buffington), Ind., to points in Illinois.

HEARING: January 26, 1959, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 117810, filed November 6, 1958. Applicant: PETER J. VAN HAVERMOAT AND LAURIE DeKLERK-WOLTERS, doing business as V & W CARTAGE & LEASING, 10450 Ford Road, Dearborn, Mich. Applicant's attorney: John M. Veale, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Surplus military and naval supplies and materials*, which have been declared surplus by the United States Government, except those requiring special equipment, those of unusual value, household goods as defined by the Commission, and Class A and B explosives, between United States surplus depots in Illinois, Kentucky, Michigan, New York, Ohio, and Pennsylvania on the one hand, and, on the other, points in said States.

HEARING: January 15, 1959, at the Federal Building, Detroit, Mich., before Examiner Harold P. Boss.

MOTOR CARRIERS OF PASSENGERS

No. MC 1002 (Sub No. 13), filed November 17, 1958. Applicant: ASBURY PARK-NEW YORK TRANSIT CORPORATION, 275 Broadway, Keyport, N. J. Applicant's attorney: Edward W. Currie, 123 Main Street, Matawan, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, (1) between Little Silver, N. J., and Red Bank, N. J.: from a point on applicant's authorized route on Rumson Road at the municipal boundary of Little Silver and Rumson Road, via Rumson Road to junction Avenue of Two Rivers, in Rumson, thence via Avenue of Two Rivers to junction Ridge Road, thence via Ridge Road to junction River Avenue, thence via River Avenue to junction River Road, River Avenue, and Buena Vista Avenue at the Fair Haven and Rumson municipal boundary, thence via River Road to Front Street, at a point on applicant's authorized route in Red Bank at the Fair Haven and Red Bank municipal boundary, and return over the same route, serving all intermediate points; and (2) between Rumson, N. J., and Fair Haven, N. J.: from the junction of Rumson Road and Fair Haven Road, in Rumson, via Fair Haven Road to junction River Road in Fair Haven, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, New York, the District of Columbia, Virginia, Pennsylvania, Delaware, and Maryland.

NOTE: Applicant's stockholders also own, and operate under the same management, Coastal Cities Coach Company, Docket MC 29682 and sub numbers thereunder; therefore, common control may be involved.

HEARING: January 13, 1959, at the New Jersey Board of Public Utility Commissioner, State Office Building, Raymond Blvd., Newark, N. J., before Joint Board No. 119.

No. MC 110265 (Sub No. 2), filed October 6, 1958. Applicant: KENTUCKY BUS LINES, INC., 218 East Main Street, Louisville, Ky. Applicant's attorney: Ben T. Cooper, Kentucky Home Life Building, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Kuttawa, Ky., and Paducah, Ky., (1) from Kuttawa over U. S. Highway 62 through Kentucky Dam State Park to Paducah, and (2) from Kuttawa over U. S. Highway 62 to junction Kentucky Highway 282, thence over Kentucky Highway 282 to junction Ken-

tucky Highway 95 at Calvert City, Ky., thence over Kentucky Highway 95 to junction U. S. Highway 62, thence over U. S. Highway 62 to Paducah. Return over the above-specified routes, and serving all intermediate points on the above-specified routes. Applicant is authorized to conduct operations in Kentucky.

HEARING: January 26, 1959, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 165, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 117648, filed September 22, 1958. Applicant: LOUIS VAN HEE, doing business as SEELEY LAKE STAGES, 218 East Main Street, Missoula, Mont. Applicant's attorney: Karl R. Karlberg, First National Bank Building, Missoula, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *mail;* and *general commodities*, as described by the Commission, except articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Missoula, Mont., and Seeley Lake, Mont., from Missoula over U. S. Highway 10 to junction Montana Highway 20, thence over Montana Highway 20 to junction Missoula County Road No. 59, thence over Missoula County Road No. 59 to Potomac, Mont., thence return over said Missoula County Road No. 59 to junction Montana Highway 20, thence over Montana Highway 20 to junction Missoula County Road No. 62, thence over Missoula County Road No. 62 to Greenough, Mont., thence return over said Missoula County Road No. 62 to junction Montana Highway 20, thence over Montana Highway 20 to junction Missoula County Road No. 67, thence over Missoula County Road No. 67 to Woodworth, Mont., thence return over said Missoula County Road No. 67 to junction Montana Highway 20, thence over Montana Highway 20 to Seeley Lake, and return over the same route, serving the intermediate points of Milltown, Bonner, Potomac, Greenough, and Woodworth, including the Anaconda Lumber Camp at Woodworth.

HEARING: January 26, 1959, at the Montana Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 82.

No. MC 117716, filed October 13, 1958. Applicant: THIESSEN BUS LINES, LIMITED, 380 Osborne Street, Winnipeg, Manitoba, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Walhalla, N. Dak., and the port of entry on the International Boundary Line at or near Neche, N. Dak., from Walhalla over North Dakota Highway 32 east to junction North Dakota Highway 55, thence over North Dakota Highway 55 to junction North Dakota Highway 18, thence over North Dakota Highway 18 to the port of entry at or near Neche, and return over the same route, serving all intermediate points. Applicant indicates it will cross border at Neche, N. Dak., north to Gretna, Manitoba, Canada, then to Winnipeg, Manitoba, Canada.

HEARING: January 20, 1959, at the U. S. Court Rooms, Fargo, N. Dak., before Joint Board No. 274.

No. MC 117806, filed November 6, 1958. Applicant: ANTIETAM TRANSIT COMPANY, a Corporation, 437 East Baltimore Street, Hagerstown, Md. Applicant's attorney: James W. Hagar, Commerce Building (P. O. Box 432), Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at points in Washington County, Md., and Franklin County, Pa., and extending to points in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: President of applicant is also president of Valley Transportation Company, operating in interstate commerce under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, Docket No. MC 99779, transporting passengers in scheduled route service. Common control may be involved.

HEARING: January 14, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles D. Riegner.

No. MC 117822, filed November 12, 1958. Applicant: LAWRENCE E. MERGENTHALER AND BERNARD V. DAVIS, doing business as MERGENTHALER & DAVIS BUS SERVICE, 1102 Highland Avenue, Marshallton, Del. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Newcastle County, Del., and extending to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

HEARING: January 19, 1959, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 54578 (Sub No. 26), filed November 17, 1958. Applicant: SAN JUAN BASIN LINES, INC., 1623 Broadway NE., Albuquerque, N. Mex. Applicant's attorney: Donovan N. Hoover, P. O. Box 897, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in New Mexico, Arizona, Colorado, and Utah, as follows: (1) From Cortez, Colo., over Colorado Highway 146 to the Colorado-Utah State line, thence over Utah Highway 262 to junction Utah Highway 47, thence over Utah Highway 47 to Blanding, Utah, and return over the same route, and (2) From Shiprock, N. Mex., over New Mexico Highway 504 to the New Mexico-Arizona State line, thence over unnumbered Arizona Highway to the Arizona-Utah State line, thence over unnumbered Utah Highway to junction Utah Highway 262 (approximately ten (10) miles west of Aneth, Utah), thence over Utah Highway 262 to junction Utah Highway 47, thence over Utah Highway 47 to Blanding, Utah, and return over the same route; Serving all intermediate points, and points within five (5) miles of said highways, including the El Paso Natural Gas Pump Station and the Four-Corners Crude Oil Pump Station, adjacent to Utah Highway 262, as off-route points. Applicant is authorized to conduct operations in Colorado and New Mexico.

NOTE: Duplication with present authority to be eliminated. Applicant states that the above operations will be conducted in connection with its presently authorized operations.

No. MC 66562 (Sub No. 1466), filed November 24, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Spirit Lake, Iowa, and Spencer, Iowa: from Spirit Lake west over Iowa Highway 9, to junction U. S. Highway 71, and thence south over U. S. Highway 71 to Spencer, and return over the same route, serving the intermediate points of Milford, Arnolds Park, and Okoboji, Iowa. RESTRICTIONS: The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, air or railway express service. Shipments transported by said applicant shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by said applicant, an immediately prior or immediately subsequent movement by air or rail. Applicant is authorizd to conduct operations throughout the United States.

No. MC 102608 (Sub No. 12), filed November 13, 1958. Applicant: BURLINGTON CHICAGO CARTAGE, INC., 604 North Tremont Street, Kewanee, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, other than refrigeration, serving the site of the Forest Products Division of Olin Mathieson Chemical Corporation Plant located approximately four miles southeast of junction U. S. Highways 6 and 66, as an off-route point in connection with applicant's authorized regular route operations between Chicago, and Peoria, Ill., over U. S. Highway 66. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Iowa, and Nebraska, and irregular route operations in Illinois, Iowa, and Nebraska.

No. MC 102608 (Sub No. 13), filed November 25, 1958. Applicant: BURLINGTON CHICAGO CARTAGE, INC., 604 North Tremont Street, Kewanee, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, other than refrigeration, serving the plant site of the Amoco Chemical Corporation approximately 6 miles southwest of Joliet, Ill., as an off-route point in connection with applicant's authorized regular route operations from Chicago, Ill., to Peoria, Ill. Applicant is authorized to conduct operations in Iowa, Illinois, and Nebraska.

No. MC 107002 (Sub No. 137), filed November 24, 1958. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P. O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Naval stores* and *naval stores products*, in bulk, in tank vehicles, from Andalusia, Ala., to Mobile, Ala. Applicant is authorized to conduct operations in Louisiana, Mississippi, Tennessee, Alabama, Arkansas, Florida, Georgia, Texas, North Carolina, Missouri, Kentucky, Connecticut, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Oklahoma, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, and Wisconsin.

No. MC 114067 (Sub No. 14), filed November 24, 1958. Applicant: JAMES W. FORE, doing business as FORE TRUCKING COMPANY, Encinal Terminals, Foot of Paru Street, Alameda, Calif. Applicant's attorney: C. S. Sherburne, 1700 Central Tower Building, 703 Market Street, San Francisco 3, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerin*, in bulk, in tank vehicles, from the site of the Procter & Gamble Manufacturing Company's plant in Sacramento County, Calif., to docks, piers, and dockside storage within the San Francisco, Calif., Commercial Zone, as defined by the Commission, including Encinal Terminals, Alameda, Calif. Applicant is authorized to conduct operations in California, Idaho, Nevada, and Oregon.

No. MC 114803 (Sub No. 3), filed November 21, 1958. Applicant: JOSEPH E. GLACKEN AND CHARLES E. GLACKEN, doing business as GLACKEN BROS., 4083 Fairies Parkway, Decatur, Ill. Applicant's representative: W. L. Jordan, 201 National Building, Terre Haute, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-poisonous compressed gases*, in shipper owned manifold tube semi-trailers, from the plant site of National Petro Chemical Company at Ficklin, Ill., to Denver, Colo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Iowa, Indiana, Illinois, Ohio, Pennsylvania, Missouri, Michigan, and Wisconsin.

No. MC 117633 (Sub No. 1), filed November 25, 1958. Applicant: JOE MAGNANO, doing business as BLUEBIRD CAB COMPANY, 502–504 North Barry Street, Olean, N. Y. Applicant's attorney: William C. Arrison, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cash letters*, from one financial institution to another, consisting of checks and other items for collection, to be presented to the other financial institution, with adding machine listings (the listings containing the sending financial institution's identification number) securely wrapped or placed in an envelope, between Olean, N. Y., Bradford, Smethport, and Eldred, Pa.

No. MC 117858, filed November 19, 1958. Applicant: MELTON TRANSPORT COMPANY OF "NEBRASKA", Nelson, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the site of the Great Lakes Pipe Terminal truck loading rack in or near Carter Lake, Nebr., to points in Nebraska.

No. MC 117897, filed November 26, 1958. Applicant: ARTHUR CROWDER, Pittsfield, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from St. Joseph, Mo., to Pittsfield, Ill.

NOTE: Applicant states that he will transport livestock to St. Joseph, Mo., and apples to Kansas City, Mo., as exempt commodities on return movements.

No. MC 117896, filed November 26, 1958. Applicant: ARMORED TRANSPORT, INC., 1705 First Avenue, San Diego, Calif. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coins, currency, checks, securities, gold, silver, negotiable and non-negotiable instruments* and other *valuable papers* and *documents*, between San Diego, Calif., and ports of entry on the International Boundary Line between the United States and Mexico at or near San Ysidro, Calif.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 154), filed November 20, 1958. Applicant: THE GREYHOUND CORPORATION, a Delaware Corporation, 5600 Jarvis Avenue, Chicago 48, Ill. Applicant's attorney: Earl A. Bagby, Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between the points and in both directions over the routes hereinafter set forth, serving all intermediate points. 1. *Proposed Revision of Sheet No. 19.* Extend and revise Calif. Route 80–A, as set forth in Report and Recommended Order in Docket No. MC–1501, Sub No. 145, served October 16, 1958, and renumber this route as Route 80–B, to be shown on a revised certificate sheet number 19. 1.1 *Present Authorization:* "80–A. Between Rodeo and West El Cerrito: from Rodeo over unnumbered highway to junction U. S. Highway 40 (Rodeo Junction), thence over U. S. Highway 49 to West El Cerrito." 1.2 *Requested Certificate Revision:* Delete said Route No. 80–A on Sheet No. 19 and insert in lieu thereof the following: "80–B. Between Crockett Junction and West El Cerrito: from Crockett Junction over U. S. Highway 40 to West El Cerrito." 1.3 *Related Authorized Routes:* The proposed route connects at each of its termini with regular Calif. Route No. 80, and with alternate Calif. Route No. 90 at West El Cerrito, and crosses regular Calif. Route No. 89 extending between Richmond and Oakland, and Route No. 104 extending between Franklin Canyon Junction and Stockton, and alternate Calif. Route No. 88 extending between San Pablo Junction and Richmond (San Pablo and MacDonald Avenue). 2. *Proposed Revision of Sheet No. 19.* Revoke and delete from the certificate the segment of Calif. Route No. 80–A (as presently numbered) which extends between Rodeo and Rodeo Junction. 2.1 *Present Authorization:* See infra proposal 1, Item 1.1. 2.2 *Requested Certificate Revision:* See infra proposal 1, Item 1.2. 2.3 *Related Authorized Routes:* Segment of route proposed to be deleted connects with Calif. Route No. 80 at Rodeo and with Calif. Route No. 80–A (as presently numbered) at Rodeo Junction. 3. Proposed Revisions of Sheets Nos. 20 and 21. Revoke and delete from the certificate alternate Calif. Route No. 88 between San Pablo Junction and Richmond, and alternate Calif. Route No. 90 between North El Cerrito and West El Cerrito. 3.1 *Present Authorizations:* "88. Between San Pablo Junction and Richmond: from junction U. S. Highway 40 and unnumbered highway north of San Pablo (San Pablo Junction), over U. S. Highway 40 to Richmond. Alternate route to be used for operating convenience only, with no service at intermediate points." "90. Between North El Cerrito and West El Cerrito: from junction U. S. Highway 40 and Business Route U. S. Highway 40 (North El Cerrito), over U. S. Highway 40 to junction unnumbered highway west of El Cerrito (West El Cerrito). Alternate route to be used for operating convenience only, with no service at intermediate points." 3.2 *Requested certificate Revisions:* It is requested that said Routes Nos. 88 and 90 be revoked and deleted from applicant's certificate, and that, on the revised sheets to be issued, these routes be shown as intentionally left blank. 3.3 *Related Authorized Routes: Route No. 88:* Connects with Route No. 80 over Former U. S. Highway 40 at San Pablo Junction and with Route No. 89 at San Pablo and MacDonald Avenue, Richmond. *Route No.*

90: Connects with Route No. 89 over Business Route U. S. Highway 40 at North El Cerrito and with Route No. 80–B (as renumbered above) over relocated U. S. Highway 40 at West El Cerrito. 4. *Revision of Sheet No. 19.* Establish an additional regular route between Broderick Junction and Yolo Causeway. 4.1 *Present Authorization:* Not certificated. Present authorization is permissive for operation as an alternate route pursuant to letter-notice given in compliance with 49 CFR 211.1 (c) (8), dated January 17, 1958, and publication thereof in the FEDERAL REGISTER as Deviation No. 8. 4.2 *Requested Certificate Revision:* Pursuant to the foregoing, establish the following additional regular route in lieu of the aforesaid permissive alternate route: "80–A. Between Broderick Junction and Yolo Causeway: from junction U. S. Highway 40 and unnumbered highway west of Sacramento (Broderick Junction), over U. S. Highway 40 to Yolo Causeway." 4.3 *Related Authorized routes:* The proposed route connects at each of its termini with Route No. 80.

NOTE: Applicant states that the changes in operating authority herein proposed arise out of relocation of designated highway in instances where such changes are not subject to be made under 49 CFR 211.1, and where, as indicated by such rule, formal application is required. The changes in operating authorities shown and explained are proposed to be incorporated in revised Certificate No. 1501 Sub 138.

No. MC 3647 (Sub No. 244), filed November 24, 1958. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a New Jersey Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Richard Fryling, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, with passengers, in round-trip special operations, during the racing season, beginning and ending at Fort Lee, N. J., and extending to Yonkers Raceway, Yonkers, N. Y. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Virginia, and the District of Columbia.

No. MC 116580 (Sub No. 1) filed November 13, 1958. Applicant: JOSEPH LOUIS CROGAN, 456 20th Street, Niagara Falls, N. Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vehicle, not including the driver thereof and not including children under ten (10) years of age who do not occupy a seat or seats, in yearly operations beginning and ending at Niagara Falls, N. Y. and points in Niagara County, N. Y., and extending to ports of entry on the boundary between the United States and Canada at Niagara Falls and Lewiston, N. Y.

NOTE: Applicant is authorized to conduct the above-described operations, limited to the transportation of not more than seven (7) passengers, etc.

No. MC 116583 (Sub No. 1), filed November 13, 1958. Applicant: GROVER LONDON, doing business as INTERNATIONAL HONEYMOON TOURS, 8601 Pine Avenue, Niagara Falls, N. Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vehicle, not including the driver thereof and not including children under ten (10) years of age who do not occupy a seat or seats, in seasonal operations between April 15 and November 1 inclusive, of each year, beginning and ending at Niagara Falls, N. Y., and points in Niagara County, N. Y., and extending to ports of entry on the boundary between the United States and Canada at Niagara Falls and Lewiston, N. Y.

NOTE: Applicant is authorized to conduct the above-described operations, limited to the transportation of not more than seven (7) passengers, etc., in yearly operations.

No. MC 116584 (Sub No. 1), filed November 13, 1958. Applicant: LOUIS LARRATTA, 432 10th Street, Niagara Falls, N. Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vehicle, not including the driver thereof and not including children under ten (10) years of age who do not occupy a seat or seats, in yearly operations beginning and ending at Niagara Falls, N. Y. and points in Niagara County, N. Y., and extending to ports of entry on the boundary between the United States and Canada at Niagara Falls and Lewiston, N. Y.

NOTE: Applicant is authorized to conduct the above-described operations, limited to the transportation of not more than seven (7) passengers, etc.

No. MC 116662 (Sub No. 1), filed November 13, 1958. Applicant: ALBERT A. JACOB, doing business as NIAGARA FALLS SCENIC TOURS, 530 18th Street, Niagara Falls, N. Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vehicle, not including the driver thereof and not including children under ten (10) years of age who do not occupy a seat or seats, in seasonal operations between April 15 and November 1 inclusive, of each year, beginning and ending at Niagara Falls, N. Y., and points in Niagara County, N. Y., and extending to ports of entry on the boundary between the United States and Canada at Niagara Falls and Lewiston, N. Y.

NOTE: Applicant is authorized to conduct the above-described operations, limited to the transportation of not more than seven (7) passengers, etc., in yearly operations.

No. MC 116664 (Sub No. 1), filed November 13, 1958. Applicant: ESTELLE LA NASA, doing business as INTERNATIONAL SCENIC TOURS, 308 Ferry Avenue, Niagara Falls, N. Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vehicle, not including the driver thereof and not including children under ten (10) years of age who do not occupy a seat or seats, in seasonal operations between April 15 and November 1, inclusive, of each year, beginning and ending at Niagara Falls, N. Y., and points in Niagara County, N. Y., and extending to ports of entry on the boundary between the United States and Canada at Niagara Falls and Lewistown, N. Y.

NOTE: Duplication with present authority the above-described operations, limited to the transportation of not more than seven (7) passengers, etc., seasonal between April 15 and October 1.

No. MC 116665 (Sub No. 1), filed November 13, 1958. Applicant: JOSEPH D. MONTIE, doing business as MONTIE SIGHTSEEING TOURS, 646 21st Street, Niagara Falls, N. Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vehicle, not including the driver thereof and not including children under ten (10) years of age who do not occupy a seat or seats, in seasonal operations between April 1 and November 1, inclusive, of each year, beginning and ending at Niagara Falls, N. Y., and points in Niagara County, N. Y., and extending to ports of entry on the boundary between the United States and Canada at Niagara Falls and Lewiston, N. Y.

NOTE: Applicant is authorized to conduct the operations proposed above, limited to the transportation of not more than 7 passengers, etc. seasonal between April 15 and October 1.

No. MC 116671 (Sub No. 1), filed November 13, 1958. Applicant: JACK NUDO, 685 70th Street, Niagara Falls, N. Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, limited to the transportation of not more than eight

(8) passengers in any one vehicle, not including the driver thereof, and not including children under ten (10) years of age who do not occupy a seat or seats, in seasonal operations between April 1 and November 30, inclusive, of each year, beginning and ending at Niagara Falls, N. Y., and points in Niagara County, N. Y., within 6 miles thereof, and extending to Ports of Entry on the boundary between the United States and Canada at Niagara Falls and Lewiston, N. Y.

NOTE: Applicant is authorized to conduct the operations proposed above, limited to the transportation of not more than seven (7) passengers, etc. seasonal between April 15 and October 1.

PETITIONS

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No. MC 30319, PETITION TO REOPEN FOR CLARIFICATION OF A RESTRICTION, dated November 17, 1958, SOUTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 810 North San Jacinto St., P. O. Box 4054, Houston, Tex. Petitioner's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. Southern Pacific Transport Company, petitioner, seeks reopening of the above-numbered proceeding for clarification of the first restriction as set forth in report and recommended order therein dated August 6, 1958, as follows: "The service to be performed by carrier shall be limited to that which is auxiliary to or supplemental of rail service of the Texas and New Orleans Railroad Company, hereinafter called the "Railroad", and which involves service to Terrell, Quinlan, Harlow, Cash, and Greenville, Tex. where the Texas and New Orleans Railroad Company is abandoning its rail line. Petitioner, under the order recommended, was permitted to continue rendering motor carrier service at the stations named above. It states that under the circumstances which here exist, the proper interpretation to be placed on that particular restriction is a matter of uncertainty, and submits that such doubt can be removed by modifying the restriction in question to read as follows: "The service to be performed by carrier shall be limited to that which is auxiliary to or supplemental of rail service of the Texas and New Orleans Railroad Company, hereinafter called the railroad, except at Terrell, Quinlan, Harlow, Cash, and Greenville, Tex." Wherefore, petitioner prays the Commission to reopen MC 30319 as it pertains to service at the stations of Terrell, Quinlan, Harlow, Cash and Greenville, Tex., and that the subject restriction be modified as outlined herein.

No. MC 30319 (Sub No. 68), PETITION TO MODIFY ONE RESTRICTION AND TO REMOVE ANOTHER, dated November 21, 1958, SOUTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Petitioner's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. Southern Pacific Transport Company, petitioner, seeks modification and removal of restrictions as set forth in Certificate No. MC 30319 Sub No 68 dated January 8, 1957, as follows: "The service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of rail service of the Texas and New Orleans Railroad, hereinafter called the Railroad". "Shipments transported by carrier shall be limited to those which it receives from and delivers to the Railroad under a through bill of lading or express receipt covering in addition to a motor carrier movement by carrier, an immediately prior or an immediately subsequent movement by rail." The route involved is between San Antonio and Nixon, Tex. over U. S. Highway 87, and the intermediate stations involved are Sayers, Martinez, Adkins, Lavernia, Sutherland Springs, Stockdale, and Pandora, Tex. Petitioner has conducted unrestricted intrastate operations over this route since November 1958. Petitioner states that the Texas and New Orleans Railroad Company has pending before the Commission an application to abandon its rail line from San Antonio, Tex., eastward through the above-named intermediate stations. Petitioner states that while the relief sought in No. MC 30319 Sub No. 68 was granted, some doubt has arisen as to the import of the language used in the first restriction above quoted and that the doubt could be removed by modifying the restriction in question to read as follows: "The service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of rail service of the Texas and New Orleans Railroad, hereinafter called the railroad, except at Sayers, Martinez, Adkins, Lavernia, Sutherland Springs, Stockdale, and Pandora, Tex." Petitioner further submits that the second restriction should be stricken in its entirety; wherefore, it prays that the Commission reopen this proceeding and modify and remove the restrictions to which reference has been made, and in the manner stated.

APPLICATIONS UNDER SECTION 212 (C) CONVERSION PROCEEDINGS

No. MC 52569 (Sub No. 1). Applicant: FERGUSON TRANSFER COMPANY, INC., Johnson City, Tenn. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. It has now been determined that the carrier's operations are in conformance with definition of a contract carrier set forth in section 203 (a) (15) of the Interstate Commerce Act, amended August 22, 1957. On November 15, 1958, the carrier requested dismissal of the application, and an order was entered November 19, 1958, effective January 5, 1959, vacating and setting aside the proceeding.

No. MC 64819 (Sub No. 2), Respondent: C. D. GAMMON COMPANY, Chicago, Ill. The above-numbered proceeding was instituted under section 212 (c) of the Interstate Commerce Act, on the Commission's own initiative, January 3, 1958, to determine the carrier's status pertaining to his contract authority issued on or before August 22, 1957. It has been determined that the carrier's operations are in conformance with the definition of a contract carrier set forth in section 203 (a) (15) of the act, as amended, and the order entered January 3, 1958, instituting this proceeding is hereby vacated and set aside as of January 5, 1959, by order of the Commission, dated November 24, 1958.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F 6822 (INTERSTATE MOTOR FREIGHT SYSTEM—CONTROL—LANCASTER TRANSPORTATION CO.), published in the January 30, 1958, issue of the FEDERAL REGISTER on page 632. Request for amendment filed December 1, 1958. Following service of a negative report and recommended order of the hearing examiner, a request for amendment of the application was filed to seek approval for INTERSTATE MOTOR FREIGHT SYSTEM, INC., to purchase the interstate operating rights of the carrier it seeks to control through stock ownership, LANCASTER TRANSPORTATION CO. Under the amendment the latter would continue as a corporate entity under the control of Interstate and would operate in intrastate commerce in Pennsylvania. Operating rights of the two carriers are as summarized generally in the FEDERAL REGISTER of January 30, 1958.

No. MC-F 7039 (McCRACKEN VAN & STORAGE CO.—PURCHASE—CORA E. HAMMER (FORMERLY CORA E. SEELYE)), published in the November 26, 1958, issue of the FEDERAL REGISTER on page 9166. Supplement filed December 3, 1958, to show joinder of JOHN SKILLERN, 375 West Fourth Avenue, Eugene, Oreg., as an additional person in control of vendee.

No. MC-F 7047. Application of MUELLER TRANSIT CO., 2523 Wabash Avenue, St. Paul, Minn., to purchase the operating rights and other assets of MINNESOTA-WISCONSIN TRANSIT, INC., 2280 Ellis Avenue, St. Paul, Minn. Applicants' attorney: Franklin R. Overmyer, 111 West Monroe, Chicago 3, Ill. Neither vendee nor vendor presently holds operating rights issued by the Interstate Commerce Commission, or operates as a carrier. However, in Nos. MC-FC 61690 (published in the December 3, 1958, issue of the FEDERAL REGISTER, effective December 29, 1958), and MC-FC 61692 (published in the November 25, 1958, issue of the FEDERAL REGISTER, effective December 19, 1958), respectively, transfer to MINNESOTA-WISCONSIN TRANSIT, INC., of the interstate operating rights of MINNESOTA-WISCONSIN TRUCK LINES, INC., and to MUELLER TRANSIT CO., of the interstate operating rights of MUELLER TRANSPORTATION COMPANY were approved by the Commission. The Transfer Board.

If both of those orders become effective and the transfers are consummated, in compliance with requirements of those orders, vendee will have the right to operate as a *common carrier* in Wisconsin, Illinois, and Minnesota and vendor will have the right to transport *general commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Falun, Wis., and St. Paul, Minn., between Danbury, Wis., and Minneapolis and St. Paul, Minn., between specified points in Wisconsin, between Minneapolis, Minn., and Park Falls, Wis., between St. Paul, Minn., and Prentice, Wis., between Minneapolis, Minn., and Hutchinson, Minn., between Rock Creek, Minn., and Pine City, Minn., between Winona, Minn., and Chicago, Ill., between Harmony, Minn., and Winona, Minn., between La Crosse, Wis., and Mankato, Minn., between Minneapolis, Minn., and Waukon, Iowa, and between La Crosse, Wis., and Waukon, Iowa, serving certain intermediate and off-route points; numerous alternate routes for operating convenience only; *compressed gas*, in steel cylinders, from Decorah, Iowa, to Spring Valley, Minn., serving no intermediate points; *empty cylinders*, from Spring Valley, Minn., to Decorah, Iowa, serving no intermediate points; *general commodities*, except Class A and B explosives, and except commodities injurious or contaminating to other lading, over irregular routes, between points in Minnesota within 35 miles of St. Paul, Minn., including St. Paul; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Mankato, Albert Lea, and Austin, Minn., on the one hand, and, on the other, points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and between Rochester, Minn., on the one hand, and, on the other, Chicago, Ill., and points in Iowa; *butter, eggs*, and *poultry*, from Decorah, Cresco, and Ridgeway, Iowa, and certain points in Minnesota to Chicago, Ill.; *catalogs, Christmas trees, soap, canned goods*, and *vinegar*, in pool car distribution service, from Rochester, Minn., to points in Minnesota within 60 miles of Rochester. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 7048. Authority sought for purchase by DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend., Ind., of a portion of the operating rights and certain property of THE BILLY BAKER COMPANY, 1301 Elm Street, Toledo, Ohio, and for acquisition by PAUL A. MAVIS, also of South Bend, of control of such rights through the purchase. Applicants' attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Operating rights sought to be transferred: *Used contractors' equipment*, as a *common carrier* over irregular routes, between certain points in Ohio, on the one hand, and, on the other, certain points in Michigan; *prefabricated structural iron and steel articles, including prefabricated furnaces and treated ties, piling, timbers, and wood paving blocks*, from Toledo, Ohio, to certain points in Michigan; *machinery*, between certain points in Ohio, on the one hand, and, on the other, Detroit, Mich.; *heavy machinery*, between Toledo, Ohio, on the one hand, and, on the other, points in Indiana, Michigan, New York and Pennsylvania; *contractors' equipment and machinery*, between points in Ohio, Michigan, Indiana, and certain points in New York, and certain points in Pennsylvania; *such commodities* which because of size or weight require special handling or the use of special equipment, except automobiles, trucks, buses, trailers, cabs, chassis, and cement in bulk, between points in Ohio on and north of U. S. Highway 30 and 30N, points in Indiana, points in Illinois, and certain points in New York. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 7049. Authority sought for purchase by DIECKBRADER EXPRESS, INC., 5391 Eastern Avenue, Cincinnati, Ohio, of the operating rights and certain property of L. & H. FREIGHT LINES, INC., 3806 Snow Road, Parma, Ohio, and for acquisition by R. E. DIECKBRADER, also of Cincinnati, of control of such rights and property through the purchase. Applicants' attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. Operating rights sought to be transferred: *Raw material* used in the manufacture of paper boxes and cartons, as a *contract carrier* over a regular route from North Tonawanda, N. Y., to Cleveland, Ohio, serving no intermediate points; *paper, paper products*, and *machinery*, over irregular routes, between Cleveland, Ohio, on the one hand, and points in Illinois, Indiana, New Jersey, New York, Ohio, and Pennsylvania, on the other; *wax*, in containers, from Cleveland, Ohio, to points in Michigan, Illinois, Indiana, New York, and Pennsylvania; *paper products*, from Cleveland, Ohio, to points in Michigan; *corrugated sheet paper*, from Monroe, Mich., to Cleveland, Ohio. Vendee is authorized to operate as a *contract carrier* in Illinois, Missouri, Indiana, Kentucky, Ohio, Michigan, Tennessee, West Virginia, Iowa, Minnesota, and Wisconsin. Application has been filed for temporary authority under section 210a (b).

No. MC–F 7050. Authority sought for purchase by FOWLER & WILLIAMS, INC., 1300 Meylert Avenue, Scranton, Pa., of the operating rights and property of M. H. KERNAN, INC., 1424 Prospect Avenue, Scranton, Pa., and for acquisition by HILTON G. FOWLER, also of Scranton, of control of such rights and property through the purchase. Applicants' attorney: Irving Klein, 280 Broadway, New York 7, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Horseheads, N. Y., and Bernice, Pa., serving all intermediate points and the off-route points of Burlington, East Troy and East Smithfield, Pa. Vendee is authorized to operate as a *commpn carrier* in Pennsylvania, New Jersey, New York, Connecticut, Maryland, Virginia, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 7051. Authority sought for purchase by ERIE TRUCKING COMPANY, 1314 West 18th Street, Erie, Pa., of the operating rights and property of MARTIN R. COLEMAN, R. D. No. 1, Kane, Pa., and for acquisition by OREL J. BROWN, EVA I. BROWN, ARTHUR J. BROWN and HOMER A. BROWN, all of Erie, of control of such rights and property through the purchase. Applicants' attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between Kane, Pa., on the one hand, and, on the other, Port Chester, N. Y., points in the NEW YORK, N. Y., COMMERCIAL ZONE, as defined by the Commission, and those in New Jersey within 20 miles of Columbus Circle, New York, N. Y.; *rough rolled glass*, from Sergeant, Pa., to certain points in New Jersey, New York and Ohio and Baltimore, Md.; *uncrated furniture*, from Kane, Pa., to Jamestown, N. Y. Vendee is authorized to operate as a *common carrier* in New York and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 7052. Authority sought for control by GREAT NORTHERN RAILWAY COMPANY, 175 East Fourth Street, St. Paul 1, Minn., of SUPERIOR & DULUTH TRANSFER CO., 911 Tower Avenue, Superior, Wis. Applicant's attorney: R. W. Cronon, 175 East Fourth Street, St. Paul 1, Minn. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between Superior, Wis., and Duluth, Minn.; *household goods*, as defined by the Commission, between Superior, Wis., and Duluth, Minn., on the one hand, and, on the other, points in Wisconsin and Minnesota; *catalogues*, from Duluth, Minn., to certain points in Wisconsin. GREAT NORTHERN RAILWAY COMPANY is authorized to operate as a *common carrier* in Montana, North Dakota, Minnesota, and Oregon. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 7053. Authority sought for purchase by DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N. Y., of the operating rights of JAMES A. HAYES, JR., (KNOWLES CONGDON, TRUSTEE), doing business as HAYES TRANSPORTATION COMPANY, 821 Lafayette Street, Jamestown, N. Y., and for acquisition by HAROLD L. FURNESS, also of Fredonia, of control of such rights through the purchase. Applicant's attorney: Johnson, Peterson, Tener & Anderson, Bank of Jamestown Building, Jamestown, N. Y. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Jamestown, N. Y., on the one

hand, and, on the other, points within the territory bounded by a line beginning at Erie, Pa., and extending along U. S. Highway 19 to Meadville, Pa., thence along Pennsylvania Highway 27 to Pittsfield, Pa., thence along U. S. Highway 6 to Kane, Pa., thence along U. S. Highway 219 to the Pennsylvania-New York State line, thence west and north along Pennsylvania-New York State line to Lake Erie, and thence along the shore of Lake Erie to point of beginning, including points on the indicated portions of the highways specified; *veneer* and *plywood*, from Jamestown, N. Y., to points in Connecticut, Pennsylvania, New Jersey and Massachusetts and those in New York through New Jersey, and from points in Chautauqua County, N. Y., to points in Tennessee, Michigan, Indiana, and Illinois; *wooden doors*, unfinished and unglazed, from Jamestown, N. Y., to points in Pennsylvania, Ohio, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Virginia, West Virginia, Indiana, Illinois, and Michigan; *radio, television and electrical booster cabinets and sets*, uncrated, from points in Chautauqua and Cattarougus Counties, N. Y., to New York, N. Y., and points in New Jersey, Ohio and Indiana; *damaged and defective radio, television, and electrical booster cabinets and sets*, and *commodities* used in the manufacture and distribution of radio, television, and electrical booster cabinets and sets, from points in the above-described destination territory to points in Chautauqua and Cattaraugus Counties, N. Y.; *radio, television and electrical booster cabinets and sets*, from points in Chautauqua County, N. Y., to New York, N. Y., points in New Jersey and Indiana, and certain points in Ohio. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, Ohio, New Jersey, West Virginia, Kentucky, and Michigan. Application has been filed for temporary authority under section 210a (b).

No. MC–F 7054. Authority sought for purchase by INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn., of the operating rights and property of THOMAS C. DYER, INC., East 4031 Trent Avenue, Spokane, Wash., and for acquisition by ROBERT E. THEEL, also of Rochester, of control of such rights and property through the purchase. Applicants' attorney: Van Osdel & Foss, 502 First National Bank Building, Fargo, N. Dak. Operating rights sought to be transferred: *Such commodities* as *contractors' equipment, heavy and bulky articles, machinery and machine parts, articles requiring specialized handling or rigging*, and *machinery, materials, supplies, and equipment* used or useful in road construction, mining, logging, and sawmill operations, as a *common carrier* over irregular routes, between Spokane, Wash., on the one hand, and, on the other, points in Washington and Idaho, certain points in Oregon and certain points in Montana, and between points in Washington and Idaho, certain points in Oregon and certain points in Montana; *tractors* and *agricultural, mining, logging, roadbuilding, and construction machinery*, between certain points in Oregon, on the one hand, and, on the other, points in Washington; *mine machinery and equipment*, and *mine ores*, including concentrates, between Sumpter, Oreg., and points within 50 miles of Sumpter, on the one hand, and, on the other, points in Washington and Idaho; *machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, *machinery, equipment, materials, and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines, and *machinery and machinery parts* not included above, between points in Montana, on the one hand, and, on the other, points in Minnesota on and west of U. S. Highway 71; *heavy machinery*, between points in California within 375 miles of Los Angeles, Calif., including Los Angeles; *crude rubber, cork, cork products, asphaltum, asphaltum paints, pipe, lubricating oil* in containers, *granite and marble blocks*, and *machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between Los Angeles Harbor and Long Beach Harbor, Calif., on the one hand, and, on the other, Los Angeles, Calif.; *machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points within 25 miles of Long Beach, Calif., including Long Beach; *wooden skids, heavy timbers, wood piling, lumber*, and *wood construction poles*, between points in North Dakota, Montana and Minnesota. Vendee is authorized to operate as a *common carrier* in all states in the United States except Texas. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 7055. Authority sought for purchase by TWIN CITY-FARGO FREIGHT, INC., 122 Eighth Street SE., Minneapolis 14, Minn., of the operating rights and property of FERDIE SKAURUD, doing business as SKAURUD TRANSFER, Twin Valley, Minn., and for acquisition by W. E. ELSHOLTZ, also of Minneapolis, of control of such rights and property through the purchase. Applicants' attorney: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Fargo, N. Dak., and junction U. S. Highway 10 and Minnesota Highway 32, and between junction U. S. Highway 10 and Minnesota Highway 32 and Fertile, Minn., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Minnesota and North Dakota. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 7056. Authority sought for purchase by FRED STEWART, CORDELIA STEWART, RODNEY STEWART AND TROY STEWART, doing business as FRED STEWART COMPANY, Magnolia, Ark., of the operating rights and property of FRED STEWART, CORDELIA STEWART AND RODNEY STEWART, doing business as FRED STEWART, 413 Marion Street, Magnolia, Ark., and a portion of the operating rights of ANDREW LEE MOORE AND WOODROW MOORE, doing business as A. L. AND W. MOORE, 231 Benton Road, Bossier City, La. Applicants' attorneys: W. T. Brunson, 508 Leonhardt Building, Oklahoma City, Okla., and Robert L. Garret, Commercial Building, Shreveport, La. Operating rights sought to be transferred: (STEWART) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, as a *common carrier* over irregular routes between points in Arkansas, Louisiana and Texas, between Memphis, Tenn., and points in Mississippi, and between Memphis, Tenn., and points in Mississippi, on the one hand, and, on the other, points in Arkansas, Louisiana, and Texas; *wooden structural forms*, and *hardware* necessary for their installation, from points in Columbia County, Ark., to points in Texas, Oklahoma, Kansas, Kentucky, Tennessee, Alabama, Mississippi, and Louisiana; (MOORE) *Machinery, materials, supplies and equipment* incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development and production of natural gas and petroleum, as a *common carrier* over irregular routes, between points in Oklahoma, Kansas, and Texas. Vendee holds no authority from this Commission; however, FRED STEWART, CORDELIA STEWART AND RODNEY STEWART, A PARTNERSHIP, doing business as FRED STEWART, are the vendors herein. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 7057. Authority sought for purchase by BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla., of the operating rights and certain property of CARTER TRUCKING CO., INC., doing business as COASTAL REFRIGERATED SERVICE, 3999 North West Shore Boulevard, P. O. Box 1689, Tampa, Fla., and for acquisition by WILLIAM J. BELFORD, LEO BELFORD, and CARL SUSSKIND, all of Miami, of control of such rights and property through the purchase. Applicants' attorney: Norman J. Bolinger, 713 Professional Building, Jacksonville 2, Fla. Operating rights sought to be transferred: *Frozen sea food*, as a *common carrier* over irreg-

ular routes, from Boston and Gloucester, Mass., to points in Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, Alabama, and West Virginia; *frozen foods*, from Watertown, Mass., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, from Boston, Mass., to points in Mississippi, and from Washington, D. C., to points in North Carolina, South Carolina, Georgia, and Alabama; *frozen foods*, except frozen sea foods, from Boston, Mass., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, and Louisiana; *frozen fruits* and *frozen vegetables*, from Macon, Ga., to Baltimore, Md., Boston, Springfield, and Worcester, Mass., Newark, Trenton, and Jersey City, N. J., New York, N. Y., Philadelphia, Scranton, and Chester, Pa., Richmond and Norfolk, Va., Hartford, New Haven, Bridgeport, and New London, Conn., Providence, R. I., Wilmington, Del., and the District of Columbia; *cheese*, from Heuvelton and Chateaugay, N. Y., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia; *frozen citrus juice concentrate*, and *citrus products* not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida to certain points in Massachusetts, Connecticut, New York, New Jersey, and Pennsylvania, Petersburg, Va., Huntington, W. Va., and points in Maine, New Hampshire, and Vermont; *frozen fruits* and *frozen vegetables*, only when moving in mixed shipments with frozen citrus juice concentrate, from Plant City, Fla., to points in Maryland, Pennsylvania, and Virginia, and from Jacksonville, Fla., to certain points in Massachusetts, Connecticut, New York, and New Jersey, and Huntington, W. Va. Vendee is authorized to operate as a *common carrier* in Illinois, Wisconsin, Florida, Indiana, Kansas, Missouri, South Carolina, New York, Pennsylvania, Delaware, Virginia, Maryland, Massachusetts, New Jersey, Rhode Island, Iowa, Kentucky, Ohio, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

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

[F. R. Doc. 58-10195; Filed, Dec. 9, 1958; 8:48 a. m.]

[Notice 58]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 5, 1958.

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 61510. By order of November 26, 1958, the Transfer Board approved the transfer to William Earnhardt, doing busines as Earnhardt Transport, Gold Hill, N. C., of a portion of the operating rights in Certificate No. MC 114810, issued December 8, 1955, to R. G. Smith, Statesville, N. C., authorizing the transportation of: Lumber, rough or dressed, except plywood and veneer, from Statesville, N. C., and points within ten miles of Statesville, to Pikesville and Ashland, Ky., Portsmouth, Ironton, and Columbus, Ohio, and Huntington, Parkersburg, Wheeling, and Beckley, W. Va. H. P. Taylor, Jr., Wadesboro, N. C., for applicants.

No. MC-FC 61514. By order of November 26, 1958, the Transfer Board approved the transfer to Kenneth F. Dudley, doing business as Three "I" Truck Line, 106 North Court Street, Ottumwa, Iowa, of certificate in No. MC 108549 Sub 1, issued April 19, 1950, to Murphy Transportation Co., a Corporation, Hampton, Iowa, authorizing the transportation of: *General commodities*, with the usual exceptions including household goods, between Rock Island, Ill., and Chicago, Ill.

No. MC-FC 61571. By order of November 26, 1958, the Transfer Board approved the transfer to John T. Haniwalt, doing business as G. & H. Transfer Co., Franklin, Pa., of Certificate No. MC 31042, issued March 23, 1956, to Louis G. Geib and John T. Haniwalt, doing business as G. & H. Transfer Co., Franklin, Pa., authorizing the transportation of: Household goods, between points in Jefferson, Venango, Butler, Crawford, Mercer, Clarion, Forest, and Warren Counties, Pa., on the one hand, and, on the other, points in New York, New Jersey, West Virginia, Ohio, Illinois, and Indiana. John D. Rynd, Jr., 410 Veach Building, Oil City, Pa., for applicants.

No. MC-FC 61578. By order of November 26, 1958, the Transfer Board approved the transfer to Conway Transport, Inc., Conway, S. C. of Certificate No. MC 105481, issued September 30, 1949, to T. J. Bell and M. E. Bell, doing business as Conway Transport, Conway, S. C., authorizing the transportation of: Petroleum products, in bulk, in tank trucks, from Wilmington, N. C., and points and places within 15 miles of Wilmington, to Little River, Nixon's Cross Roads, Loris, Myrtle Beach, Conway, Georgetown, and Southern Kraft Pumping Station, S. C., and points within 5 miles of each. Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, South Carolina, for applicants.

No. MC-FC 61581. By order of November 26, 1958, the Transfer Board approved the transfer to S. Wade Hastings, doing business as Hastings Transfer and Storage Co., Coffeyville, Kansas, of certificate No. MC 7992, issued March 29, 1956, to Albert E. Hastings and S. Wade Hastings, doing business as Hastings Transfer Company, Coffeyville, Kansas, authorizing the transportation of: Household goods, as defined by the Commission, between Coffeyville, Kans., and points within 50 miles of Coffeyville, on the one hand, and, on the other, points in Kansas, Oklahoma, Arkansas, and Missouri, restricted against service between Coffeyville, Kans., and points within 50 miles of Coffeyville, on the one hand, and, on the other, points in Oklahoma County, Okla., and soda ash, from Kansas City, Mo., and Kansas City, Kans., to Coffeyville, Kans. James F. Miller, 10th and Wyandotte Streets, Kansas City 5, Kans., for applicants.

No. MC-FC 61623. By order of November 26, 1958, the Transfer Board approved the transfer to J. H. McCarty, doing business as J. H. McCarty Truck Line, Trenton, Mo., of certificate in No. MC 1599, issued December 17, 1940, to A. W. Wills, Platte City, Mo., authorizing the transportation of: *General commodities*, with the usual exceptions including household goods, between St. Joseph, Mo., and Kansas City, Kans., and *Livestock*, *Hedge posts*, and *Household goods*, between specified points in Missouri and Kansas. Lewis A. Dysart, Reeder, Griffin & Dysart, 1012 Baltimore Building, Kansas City 5, Mo., for applicants.

No. MC-FC 61641. By order of November 26, 1958, the Transfer Board approved the transfer to LeRoy Shipman, Oskaloosa, Iowa, of certificates in Nos. MC 52525 and MC 52525 Sub 5, issued July 19, 1955, and May 6, 1949, to R. F. Hale, doing business as Hale Transfer & Storage, Oskaloosa, Iowa, authorizing the transportation of household goods, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Illinois, Nebraska, Minnesota, and Missouri, and specified commodities between points in Minnesota, Iowa, Missouri and Illinois. M. S. Life, Life & Davis, Attorneys at Law, Oskaloosa, Iowa.

No. MC-FC 61693. By order of November 26, 1958 the Transfer Board approved the transfer to James Wilson, doing business as James Wilson & Sons, Brooklyn, N. Y., of Permits Nos. MC 14956 and MC 14956 Sub 1, issued December 19, 1940 and December 2, 1952, respectively, to Max H. Gendell, New York, N. Y., authorizing the transportation of: Lacquers, paints, enamels, thinners, and paint dryers, empty drums and carboys, and raw materials used in the manufacture of paints, lacquers, enamels, thinners, and dryers, between Elizabeth, N. J., and New York, N. Y., over regular routes; chemical soaps, liquid, in drums, from Elizabeth, N. J., to New York; chemical soaps, dry, in containers, from New York, N. Y., to Elizabeth, N. J.; empty soap containers, from Elizabeth, N. J., to New York, N. Y.; lacquers, paints, thinners, enamels, and solvents, in containers, from Irvington, N. J., to New York, N. Y.; and empty containers used in transporting lacquers, paints, thinners, enamels, and solvents, from New York, N. Y., to Irvington, N. J. Edward M. Alfano, 36 West 44th Street, New York 36, New York, for applicants.

No. MC-FC 61711. By order of November 26, 1958, the Transfer Board approved the transfer to E. L. Powell &

Sons Trucking Co., Inc., Tulsa, Oklahoma, of certificates in Nos. MC 14743, MC 14743 Sub 9, MC 14743 Sub 12, MC 14743 Sub 13, MC 14743 Sub 14, MC 14743 Sub 15, and MC 14743 Sub 16, issued August 6, 1947, July 8, 1947, September 10, 1951, April 22, 1954, August 12, 1955, June 10, 1955, and November 15, 1955, respectively, to E. L. Powell, H. H. Powell, and B. L. Powell, a partnership, doing business as E. L. Powell & Sons Trucking Company, Tulsa, Oklahoma, authorizing the transportation of machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling, of pipelines, including the stringing and picking up thereof, over irregular routes, between points in Kansas, New Mexico, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Colorado, Wyoming, Montana, North Dakota, South Dakota, and in No. MC-FC 61711-A approved the substitution of said transferee in lieu of transferor as applicant in Nos. MC 14743 Sub 17 and MC 14743 Sub 18. W. T. Brunson, Attorney and Commerce Counselor, Leonhardt Building, Oklahoma City 2, Oklahoma.

No. MC-FC 61716. By order of November 26, 1958, the Transfer Board approved the transfer to Joseph Strauss, doing business as Strauss Trucking, 121 Bowery, New York 2, New York, of a certificate in No. MC 6183 Sub 1, issued May 11, 1944, to Harry Strauss, doing business as Strauss Trucking, 121 Bowery, New York 2, New York, authorizing the transportation of lumber, woodwork, office partitions, moldings, glass, cabinets (all uncrated), and supplies and materials used in or incidental to, the construction, maintenance, and repair of offices, over irregular routes, from New York, N. Y., to points in New Jersey, Pennsylvania, New York, and Connecticut, and new office furniture, uncrated, over irregular routes, from New York, N. Y., to points within 100 miles of New York, N. Y.

No. MC-FC 61719. By order of November 26, 1958, the Transfer Board approved the transfer to Frieda Kocher, doing business as W. H. Kocher Drayage Company, St. Louis, Mo., of Permit No. MC 31823, issued July 7, 1941, to W. H. Kocher doing business as W. H. Kocher Drayage Company, St. Louis, Mo., authorizing the transportation of flour, feeds, cereals, and sugar, over irregular routes, from St. Louis, Mo., to Alton, Belleville, Collinsville, and Edwardsville, Ill., and shortening, over irregular routes, from St. Louis, Mo., to Belleville, Collinsville, and Edwardsville, Ill. Austin C. Knetzger, 722 Chestnut Street, St. Louis 1, Mo., for applicants.

No. MC-FC 61724. By order of November 26, 1958, the Transfer Board approved the transfer to F & C Movers, Inc., Bronx, New York, of that portion of Certificate No. MC 95045, issued by the Commission, March 21, 1956, to Douglas Express, Inc., Yonkers, N. Y., authorizing the transportation of household goods, between New York, N. Y., and points in Westchester County, N. Y., on the one hand, and, on the other, points in New York, Maine, New Hampshire, Massachusetts, Connecticut, New Jersey, and Pennsylvania. David Brodsky, 1776 Broadway, New York 19, N. Y.

No. MC-FC 61743. By order of November 26, 1958, the Transfer Board approved the transfer to Acme Safeway Van & Storage Co., a Corporation, Houston, Texas, of Certificate No. MC 61518 issued November 4, 1943 to Central Transfer & Storage Co., a Corporation, Dallas, Texas, authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between points in Texas, on the one hand, and, on the other, points in Oklahoma; and between Dallas, Tex., on the one hand, and, on the other, points in Texas. Hartford H. Prewett, 2101 Commerce Building, Houston 2, Texas, for applicants.

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

[F. R. Doc. 58-10196; Filed, Dec. 9, 1958; 8:48 a. m.]

[Notice 63]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICE

DECEMBER 5, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 22229 (Deviation No. 4), TERMINAL TRANSPORT COMPANY, INC. 180 Harriett Street SE., P. O. Box 1918, Atlanta 1, Ga., filed November 28, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Atlanta, Ga., and Macon, Ga., as follows: from Atlanta over Georgia Highway 42 to junction Georgia Highway 87, approximately three miles south of Jackson, Ga., thence over Georgia Highway 87 to Macon and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Baldwin, Fla., and Atlanta, Ga., over the following pertinent route: from Baldwin over U. S. Highway 90 to Lake City, Fla., thence over U. S. Highway 41 to Atlanta.

No. MC 22229 (Deviation No. 5), TERMINAL TRANSPORT COMPANY, INC., 180 Harriett Street SE., P. O. Box 1918, Atlanta 1, Ga., filed November 28, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Nashville, Tenn., and Birmingham, Ala., as follows: from Nashville over Alternate U. S. Highway 31 to Lewisburg, Tenn., thence over U. S. Highway 431 to Fayetteville, Tenn., thence over U. S. Highway 231 to junction Alabama Highway 79 near Cleveland, Ala., thence over Alabama Highway 79 to Birmingham and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Nashville, Tenn., and Birmingham, Ala., over U. S. Highway 31.

No. MC 33641 (Deviation No. 1), INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City 1, Utah, filed November 18, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between junction U. S. Highways 6 and 34 at Brush, Colo., and junction U. S. Highways 30 and 281 at Grand Island, Nebr., as follows: from junction U. S. Highways 6 and 34 over U. S. Highway 6 to Sterling, Colo., thence over U. S. Highway 138 to junction U. S. Highway 30 near Big Springs, Nebr., thence over U. S. Highway 30 to Grand Island and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: from Omaha, Nebr., over U. S. Highway 6 via Lincoln, Nebr., to Hastings, Nebr. (also from Lincoln over U. S. Highway 34 to junction U. S. Highway 281, thence over U. S. Highway 281 to Grand Island, Nebr., thence return over U. S. Highway 281 to junction U. S. Highway 34, thence over U. S. Highway 34 to Hastings), thence over U. S. Highway 34 to Brush, Colo., thence over U. S. Highway 6 to Denver, Colo., and return over the same route.

No. MC 33641 (Deviation No. 2), INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City 1, Utah, filed November 18, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Council Bluffs, Iowa, and Des Moines, Iowa, as follows: from Council Bluffs over Iowa Highway 92 (formerly Iowa Highway 100) via junction U. S. Highway 71, to junction Interstate U. S. Highway 35, thence over U. S. Highway 35 to Des Moines and return

over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Chicago, Ill., over U. S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to Oswego, Ill., thence over U. S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to Moline, Ill., thence over U. S. Highway 6 to Lincoln, Nebr.; from Chicago over U. S. Highway 66 to junction U. S. Highway Alternate 66, thence over Alternate U. S. Highway 66 to Joliet, Ill., thence over U. S. Highway 30 to Aurora, Ill., and thence to Lincoln as specified above; and from Chicago over U. S. Highway Alternate 30 via Dixon and Sterling, Ill., to junction U. S. Highway 30, thence over U. S. Highway 30 to Missouri Valley, Iowa, thence over U. S. Highway Alternate 30 to Council Bluffs, Iowa, thence over U. S. Highway 6 to Lincoln; and return over the same routes.

No. MC 68715 (Sub No. 1) (Deviation No. 1), SUMMIT FAST FREIGHT, INC., 1142 Newton Street, Akron 9, Ohio, filed December 3, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Indianapolis, Ind., and Pittsburgh, Pa., as follows: from Indianapolis, over U. S. Highway 40 to the Ohio-Indiana State line, thence over U. S. Highway 40 to the Ohio-Pennsylvania State line, thence over U. S. Highway 40 to Washington, Pa., thence over U. S. Highway 19 to Pittsburgh and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Indianapolis, Ind., and Pittsburgh, Pa. over the following pertinent route: from Indianapolis over Indiana Highway 67 to the Ohio-Indiana State line, thence over Ohio Highway 29 to St. Marys, Ohio, thence over U. S. Highway 33 to Wapakoneta, Ohio, thence over U. S. Highway 25 to Lima, Ohio, thence over U. S. Highway 25 to Beaverdam, Ohio, thence over U. S. Highway 30 North via East Liverpool, Ohio to Pittsburgh.

By the Commission.

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

[F. R. Doc. 58-10197; Filed, Dec. 9, 1958; 8:49 a. m.]