

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 24                      1934                      NUMBER 53

Washington, Wednesday, March 18, 1959

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL AND PROFESSIONAL POSITIONS

##### Geophysicist

Paragraph (a) of § 24.127 is amended as set out below.

§ 24.127 Geophysicist (Earth Physics, Geomagnetism, Seismology), GS-1313-5-15.

(a) *Educational requirement.* Applicants must have completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree including courses in mathematics and physics (inclusive of geophysics) totaling 24 semester hours, and courses in the physical sciences (engineering, geology, astronomy, meteorology, electronics, etc.) totaling 6 semester hours; or

(2) Courses in mathematics and physics in an accredited college or university totaling 24 semester hours; plus additional appropriate experience or education in scientific fields which when combined with the 24 semester hours in mathematics and physics will total 4 years of education and experience and give the applicant a technical and professional knowledge, comparable to that which would have been acquired through the successful completion of the 4-year college course described in the subparagraph (1) of this paragraph.

In either subparagraph (1) or (2) of this paragraph, the 24 semester hours in mathematics and physics (inclusive of geophysics) must have included 10 semester hours in mathematics and 8 semester hours in physics. Acceptable courses in mathematics toward meeting the 24 semester hours required in the combination of mathematics and physics courses are analytical geometry, differential calculus, integral calculus, higher algebra (beyond elementary college

algebra), theory of equations, or any other course in mathematics for which one of these is prerequisite.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] WM. C. HULL,  
*Executive Assistant.*

[F.R. Doc. 59-2265; Filed, Mar. 17, 1959; 8:45 a.m.]

### Chapter II—Employment and Compensation in the Canal Zone

#### PART 201—GENERAL

##### Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, § 201.100 is amended by changing the introductory paragraph and by adding new subparagraphs (3) and (4) to paragraph (b), as follows:

##### § 201.100 Exclusions.

Pursuant to the provisions of § 201.3(b) the following positions and incumbents thereof are excluded, to the extent indicated, from the provisions of the Act of July 25, 1958 (72 Stat. 405) and such regulations:

(b) The following positions, and the incumbents thereof, are excluded from the provisions of Parts 202 and 203 of this chapter.

(3) Positions in the Department of the Army excepted from the competitive service by § 6.105(a) (1) and (6), Schedule A, Part 6 of this title.

(4) Positions in the Department of the Navy excepted from the competitive service by § 6.106(a)(1), Schedule A, Part 6 of this title and § 6.206(a), Schedule B, Part 6 of this title.

[Regs., DA, approved March 4, 1959] (Secs. 3, 15, 72 Stat. 405; E.O. 10794, 23 F.R. 9627; 3 CFR 1958 Supp.)

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

[F.R. Doc. 59-2269; Filed, Mar. 17, 1959; 8:45 a.m.]

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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### CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

Titles 40-42 (\$0.35)  
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**Chapter III—Foreign and Territorial Compensation**

**PART 350—TERRITORIAL POST DIFFERENTIALS AND COST-OF-LIVING ALLOWANCES**

**Payment of Differentials and Allowances**

Effective March 21, 1959, paragraph (b) of § 350.6 is amended as set out below.

**§ 350.6 Payment of differentials and allowances.**

(b) (1) *Post of regular assignment.* Payment of allowances and differentials shall begin as of the date of arrival at the post of duty on regular assignment or transfer, or on the date of entrance on duty in the case of local recruitment. Where an employee is en route to, or returning from, his post of regular assignment, and he is required to perform work in an area where payment of allowances or differentials is authorized, he shall be paid the allowances or differentials for his post of regular assignment while he is performing such work. Payment of allowances and differentials shall cease upon separation, or as of the date of

departure on transfer to a new post of regular assignment.

(2) *Leave.* Payment of allowances and differentials at the rate prescribed for the post of regular assignment shall continue for all periods of absence from such post on leave, including transit time, provided the employee returns to a post of regular assignment outside the continental United States or in Alaska.

(3) *Detail.* An allowance at the rate prescribed for the post of regular assignment shall continue to be paid for all periods of detail, including transit time. A differential shall continue to be paid to an employee for the first 42 consecutive calendar days on detail from his post of regular assignment, including transit time. When an employee during a period of detail has aggregated 42 days in a pay status at a territorial or foreign differential post, or both, he shall thereafter be paid the differential prescribed for each post of detail while serving at each such post, but not for any time in transit. In any case, payment is restricted to the amount specified in paragraph (a) of this section.

(Secs. 207, 104, 82 Stat. 194, 1205, sec. 202, Part II, E.O. 10000, 13 F.R. 5453, E.O. 10636, 20 F.R. 7025; 5 U.S.C. 118h, 3 CFR, 1948 Supp., 1955 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] WM. C. HULL,  
*Executive Assistant.*

[F.R. Doc. 59-2295; Filed, Mar. 17, 1959; 8:49 a.m.]

**Title 7—AGRICULTURE**

**Subtitle A—Office of the Secretary of Agriculture**

[Amdt. 5]

**PART 5—DETERMINATION OF PARITY PRICES**

**Cigar Binder Tobacco, Types 51-52**

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F.R. 761 as amended by 22 F.R. 693 and 8925, 23 F.R. 1565, and 24 F.R. 695) are further amended to incorporate the finding of the Secretary that for the purpose of calculating the adjusted base price for cigar binder tobacco, types 51-52, a price of 37.9 cents per pound should be used in lieu of the average of the prices received by farmers for such tobacco for each of the marketing seasons beginning in the years 1949 through 1958 (24 F.R. 714).

The first paragraph of § 5.2 is amended to read as follows:

**§ 5.2 Marketing season average price data.**

It is hereby found that it is impractical to use averages of prices received by farmers on a calendar year basis for the following agricultural commodities for the purpose of calculating adjusted base prices and, therefore, marketing season average prices will be used. An allowance for any supplemental payment resulting from price support operations shall be included in the determination of

the adjusted base prices. For cigar binder tobacco, types 51-52, for each of the marketing seasons beginning in the years 1949 through 1958, 37.9 cents per pound shall be used in lieu of the average of prices received by farmers for such tobacco during each such marketing season.

(Sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Done at Washington, D.C., this 12th day of March 1959.

[SEAL] CLARENCE L. MILLER,  
*Assistant Secretary.*

[F.R. Doc. 59-2290; Filed, Mar. 17, 1959; 8:48 a.m.]

**Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture**  
**PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA**

**Miscellaneous Amendments**

Notice was published in the March 5, 1959, issue of the FEDERAL REGISTER (24 F.R. 1660) that consideration was being given to a proposal to amend § 989.158 (c) (4) of the administrative rules and regulations, as amended (Subpart—Administrative Rules and Regulations; 23 F.R. 2444, 2568, 6971, 9769), for operations under, and pursuant to, Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), hereinafter referred to as the "act." The amendment was proposed on the basis of the recommendation of the Raisin Administrative Committee and other information available to the Secretary. Said notice afforded interested persons an opportunity to file written data, views, or arguments with respect to the proposal, but none were filed.

Section 989.158(c) (4) provides, in part, that no handler shall return to the tenderer any off-grade raisins received for reconditioning which, after his reconditioning of them is complete, have been stemmed (and thus are no longer in their natural condition) and which then fail to meet the applicable minimum grade standards. Provision is also made for the disposition of such raisins by the handler for distillation, animal feed, or uses other than for human consumption. Operation under these provisions discloses that in some instances tenderers of such raisins that are not reconditioned successfully desire to have other handlers further recondition them in an effort to recover therefrom such raisins as may meet applicable minimum grade standards. Section 989.158(c) (4), as amended hereby, will permit, under proper safeguards, such raisins to be removed by the tenderers to other handlers for further reconditioning. Thus, the prohibition against the disposition for

human consumption of off-grade raisins would remain in effect and, at the same time, the amendment would permit the recovery, to the extent practicable, of raisins which meet the applicable minimum standards.

After consideration of all relevant matters presented, including the proposals set forth in the notice and the recommendations of the committee, it is hereby found that to amend § 989.158(c)(4) of the administrative rules and regulations as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That § 989.158(c)(4) of the administrative rules and regulations, as amended (Subpart—Administrative Rules and Regulations; 23 F.R. 2444, 2568, 6971, 9769), shall be amended in the following respects:

Immediately after the heading of subparagraph (4) insert "(i)"; insert between the third and fourth words of the first sentence "except as otherwise specifically provided in subdivision (ii) of this subparagraph for the removal of certain stemmed raisins by the tenderer"; and added a new subdivision "(ii)" so that subparagraph (4), as amended, will read as follows:

(4) *Off-grade raisins which are not reconditioned successfully.* (i) No handler shall, except as otherwise specifically provided in subdivision (ii) of this subparagraph for the removal of certain stemmed raisins by the tenderer, return to the tenderer any off-grade raisins received for reconditioning which, after his reconditioning of them is complete, have been stemmed (and thus are no longer in their natural condition) and which then fail to meet the applicable minimum grade standards. The handler shall maintain the identity of such raisins and mark them as stemmed raisins which failed to meet the minimum grade requirements after reconditioning, and shall hold them separate and apart from any other raisins. He shall physically dispose of such raisins pursuant to § 989.159(g)(2), for distillation, animal feed, or for any use other than for human consumption. Where the tenderer has not sold such raisins to the handler, the choice of prescribed disposition outlets shall be with the tenderer and the sale for the account of the tenderer.

(ii) Any such handler may, with the prior approval of the committee, permit the tenderer to remove the stemmed raisins (described in subdivision (i) of this subparagraph) but not the residual, directly to the premises, within California, of another handler for the further reconditioning of the raisins at such premises. The committee shall require, as a prerequisite to granting any such approval, a written statement from the other handler that he will receive and accept the raisins for such further reconditioning. Such raisins may be so removed by the tenderer directly to the premises of the other handler for the further reconditioning and received by the other handler without inspection. However, both the removal by the tenderer and the receipt by the other handler shall be at the committee's direction and under its supervision. On and after such

receipt of raisins for further reconditioning, all applicable provisions (including, but not being limited to, requirements and obligations) of this part shall apply with respect to such raisins and the handler so receiving them.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that: (1) This action will permit the wider use of handler processing equipment in the recovery of raisins which meet applicable minimum grade standards; (2) it is necessary that this amendment become effective promptly so as to facilitate and increase the recovery of such raisins from the remaining portion of the 1958 production and thus reduce the present shortage in the supply of such raisins; and (3) handlers are aware that the proposed amendatory action relieving restrictions with regard to certain off-grade raisins has been under consideration. In these circumstances, handlers need no additional advance notice to prepare for operations thereunder. This amendment should, therefore, be made effective upon publication in the FEDERAL REGISTER.

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

Dated March 13, 1959, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,  
Acting Director,  
Fruit and Vegetable Division.

[F.R. Doc. 59-2311; Filed, Mar. 17, 1959;  
8:50 a.m.]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

##### Tolerances for Residues of 1-Naphthyl N-Methylcarbamate

A petition was filed by Union Carbide Chemicals Company, Division of Union Carbide Corporation, 30 East 42d Street, New York 17, New York, requesting the establishment of tolerances for residues of 1-naphthyl N-methylcarbamate in or on apples, beans, and peaches.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C.

346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 C.F.R. 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 C.F.R. Part 120; 21 C.F.R. 120.3 (23 F.R. 6403, 24 F.R. 499)) are amended as indicated below:

#### § 120.3 [Amendment]

1a. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e) is amended by changing the introduction to subparagraph (5) to read:

(5) The following are members of the class of cholinesterase inhibiting compounds:

b. Paragraph (e)(5) is further amended by inserting the term "1-Naphthyl N-methylcarbamate" after the term "Methyl parathion."

2. Part 120 is amended by adding the following new section:

#### § 120.169 Tolerances for residues of 1-naphthyl N-methylcarbamate.

A tolerance of 10 parts per million is established for residues of 1-naphthyl N-methylcarbamate, including its hydrolysis product 1-naphthol calculated as 1-naphthyl N-methylcarbamate, in or on each of the following raw agricultural commodities: Apples, beans, peaches.

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 11, 1959.

[SEAL] JOHN L. HARVEY,  
Commissioner of Food and Drugs.

[F.R. Doc. 59-2300; Filed, Mar. 17, 1959;  
8:50 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### SUBCHAPTER N—TRANSPORTATION

#### PART 206—TRANSPORTATION OF HOUSEHOLD GOODS OF UNIFORMED PERSONNEL BY MOTOR VAN CARRIERS

##### Miscellaneous Amendments

The Assistant Secretary of Defense (Supply and Logistics) approved the fol-

allowing miscellaneous amendments to this Part 206:

1. Section 206.2 is amended to clarify the intent of that part of section 303(c) of the Career Compensation Act of 1949, as amended (37 U.S.C. 253(c)), which is concerned with selecting the mode of transportation for shipping baggage and household effects of uniformed personnel. Section 206.2, as revised, reads as follows:

**§ 206.2 Statutory authority and basic entitlements.**

(a) Section 303(c) of the Career Compensation Act of 1949, as amended (63 Stat. 802), and the Missing Persons Act, as amended (56 Stat. 143), provide statutory authority for the transportation of household goods of uniformed personnel at Government expense. The former Act provides in part that " \* \* \* under such conditions and limitations and for such ranks, grades or ratings and to and from such locations as may be prescribed by the Secretaries concerned, members of the uniformed services \* \* \* in connection with a change of station (whether temporary or permanent) [shall be entitled] to transportation (including packing, crating, drayage, temporary storage and unpacking) of baggage and household effects, or reimbursement therefor, to and from such locations and within such weight allowances as may be prescribed by the Secretaries, without regard to the comparative costs of the various modes of transportation." However, disregard of comparative costs of the various modes of transportation is authorized only to the extent carriers within the mode which would produce the lowest overall cost to the government can not provide the required services satisfactorily.

(b) Basic entitlements established under the aforementioned authorities are set forth in the Joint Travel Regulations promulgated jointly by the Secretaries of the Departments of Army, Navy, Air Force, Treasury, Commerce, and Health, Education, and Welfare.

2. Sections 206.8; 206.9 (a) (3), (c) (4), (e) and (f); and 206.10(c) have been amended to (1) authorize a new billing procedure for motor van carriers transporting household goods in through bill of lading service between the United States and overseas areas; and (2) revise references to the title of DD Form 619 from "Accessorial Services Certificate" to "Statement of Accessorial Services Performed". These sections, as revised, read as follows:

**§ 206.8 Execution of statement of accessorial services performed.**

A statement (DD Form 619<sup>1</sup>) verifying the accessorial services rendered by a motor van carrier in connection with the line-haul transportation must be executed in triplicate by the motor van carrier and the property owner, when applicable. Sufficient copies of this form will be provided the carrier by the ----- officer.

**§ 206.9 Processing of government bills of lading and supporting papers.**

(a) \* \* \*

(3) One copy of the completed Statement of Accessorial Services Performed (DD Form 619<sup>1</sup>) with the words "at origin" added after the name of the shipping activity or installation. (This is required only when accessorial services are performed and so noted on the government bill of lading.)

(c) Except as provided in paragraph (f) of this section, the carrier will submit to the origin ----- officer for the purpose of receiving payment:

(4) Original of Statement of Accessorial Services Performed (DD Form 619<sup>1</sup>). (This is required only when accessorial services are performed and so noted on the government bill of lading.)

(e) To facilitate timely payment to the carrier, the origin ----- officer, upon receipt of the documents enumerated in paragraph (c) of this section, will promptly assemble and review the voucher and supporting papers required by the disbursing procedures of the Military Department concerned, and promptly dispatch such papers to the appropriate disbursing office.

(f) With respect to shipments between the United States and overseas areas under through bills of lading, the carrier will submit the documents enumerated in paragraph (c) of this section directly to the appropriate disbursing office.

**§ 206.10 [Amendment]**

The reference in § 206.10(c) to the title of DD Form 619 has been revised to read "Statement of Accessorial Services Performed".

(Sec. 202, 61 Stat. 500, as amended; 5 U.S.C. 171a)

MAURICE W. ROCHE,  
*Administrative Secretary,  
Office of the Secretary of Defense.*

[F.R. Doc. 59-2270; Filed, Mar. 17, 1959; 8:45 a.m.]

**Chapter VII—Department of the Air Force**

**SUBCHAPTER F—RESERVE FORCES**

**PART 861—OFFICERS' RESERVE**

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**PART 865—RETIREMENT OF AIR FORCE RESERVE PERSONNEL**

**SUBCHAPTER G—PERSONNEL**

**PART 887—APPOINTMENT OF OFFICER PERSONNEL**

**Miscellaneous Revocations**

1. In Part 861, §§ 861.851 to 861.872 (Separation of Officers of the Air Force Reserve) are revoked. (22 F.R. 661, Feb. 1, 1957)

2. In Part 864, §§ 864.71 to 864.91 (Discharge of Airmen of the Air Force Reserve) are revoked. (21 F.R. 10495, Dec. 29, 1956)

3. In Part 865, §§ 865.1 to 865.9 (Placement on Retired List with Retired Pay at Age Sixty) are revoked. (22 F.R. 9429, Nov. 26, 1957)

4. In Part 887, the following sections are revoked:

Sections 887.101 to 887.107 (Appointment of Officers in the Regular Air Force). (21 F.R. 8770, Nov. 10, 1956)

Sections 887.151 to 887.157 (Veterinary and Medical Service Officers). (22 F.R. 667, Feb. 1, 1957)

Sections 887.161 to 887.167 (Appointment of Judge Advocates in the Regular Air Force). (21 F.R. 5692, July 28, 1956)

Sections 887.171 to 887.177 (Appointment of Chaplains in the Regular Air Force). (21 F.R. 10498, Dec. 29, 1956)

[SEAL] CHARLES M. McDERMOTT,  
*Colonel, U.S. Air Force, Deputy  
Director of Administrative  
Services.*

[F.R. Doc. 59-2268; Filed, Mar. 17, 1959; 8:45 a.m.]

**SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS**

**PART 1007—CONTRACT CLAUSES**

**PART 1050—LABOR SUPPLY CONSIDERATIONS TO BE MADE IN THE PLACEMENT OF CONTRACTS**

**Miscellaneous Amendments**

1. In Part 1007, § 1007.2304-5 *Reproduction and use of technical data*, is deleted, and this section reserved. (23 F.R. 1381, March 1, 1958)

2. In Part 1007, paragraph (b) of § 1007.4503-2 is deleted. (23 F.R. 10131, Dec. 24, 1958)

3. Part 1050 is deleted in its entirety. (23 F.R. 1500, March 1, 1958)

[SEAL] CHARLES M. McDERMOTT,  
*Colonel, U.S. Air Force, Deputy  
Director of Administrative  
Services.*

[F.R. Doc. 59-2267; Filed, Mar. 17, 1959; 8:45 a.m.]

**Chapter XIV—The Renegotiation Board**

**PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION**

**Exemption of Common Carriers by Water**

Section 1453.3(d) (2) is amended by deleting, in subdivision (i) thereof, the words "January 1, 1958", and inserting in lieu thereof the words "January 1, 1959".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: March 12, 1959.

THOMAS COGGESHALL,  
*Chairman.*

[F.R. Doc. 59-2264; Filed, Mar. 17, 1959; 8:45 a.m.]

<sup>1</sup> Filed as part of the original document.

## Title 31—MONEY AND FINANCE: TREASURY

### Chapter V—Foreign Assets Control, Department of the Treasury

#### PART 500—FOREIGN ASSETS CONTROL REGULATIONS

##### Miscellaneous Amendments

The Foreign Assets Control Regulations, 31 CFR 500.101–500.808, are hereby amended by the amendment of § 500.321, the addition of § 500.331, the amendment of § 500.538, and the amendment of § 500.601. All of these amendments are technical in nature.

1. Section 500.321 is hereby amended to read as follows:

§ 500.321 United States; continental United States.

The term "United States" means the United States and all areas under the jurisdiction or authority thereof including the Panama Canal Zone and the Trust Territory of the Pacific Islands. The term "continental United States" means the states of the United States and the District of Columbia.

2. Section 500.331 is hereby added as follows:

§ 500.331 Merchandise.

The term "merchandise" means all goods, wares and chattels of every description without limitation of any kind.

3. Section 500.538 is hereby amended to read as follows:

§ 500.538 Transportation of merchandise affected by § 500.204.

(a) To the extent that the transportation of merchandise is prohibited by § 500.204, such transportation by carriers is authorized except as provided in paragraph (b) of this section.

(b) This section does not authorize the transportation to any place other than the United States of merchandise specified in § 500.204(a)(1) nor the transportation to any place other than the United States of any merchandise specified in § 500.204(a)(2), (3), or (4) from or through Hong Kong, Macao, or any country not in the authorized trade territory.

4. Section 500.601 is hereby amended to read as follows:

§ 500.601 Records.

Every person engaging in any transaction subject to the provisions of this chapter shall keep a full and accurate record of each such transaction engaged in by him, regardless of whether such transaction is effected pursuant to license or otherwise, and such record shall be available for examination for at least two years after the date of such transaction.

(Sec. 5, 40 Stat. 415, as amended; 50 U.S.C., App. 5, E.O. 9193, July 6, 1942, 7 F.R. 5205;

3 CFR 1943 Cum. Supp., E.O. 9989, Aug. 20, 1948, 13 F.R. 4891; 3 CFR 1948 Supp.)

[SEAL] T. GRAYDON UPTON,  
Acting Secretary of the Treasury.

[F.R. Doc. 59-2297; Filed, Mar. 17, 1959; 8:49 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1817]

#### NEW MEXICO AND CALIFORNIA

##### Withdrawing Public Lands Within Certain National Forests for Use of Forest Service as Recreation Areas and Revoking the Departmental Order of September 4, 1908

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

Subject to valid existing rights, the following-described public lands in New Mexico and California are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas:

[New Mexico 023138]

#### NEW MEXICO PRINCIPAL MERIDIAN

##### CIBOLA NATIONAL FOREST

###### Cole Springs Recreation Area

T. 11 N., R. 5 E.,  
Sec. 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate 40 acres.

[Sacramento 052439]

#### MT. DIABLO MERIDIAN

##### TAHOE NATIONAL FOREST

###### Squaw Valley Olympic Site and Recreation Area

T. 15 N., R. 15 E.,  
Sec. 2, lots 1, 2, 5, 6, 7, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 16 N., R. 15 E.,  
Sec. 36, lots 1 to 4, incl., and N $\frac{1}{2}$ S $\frac{1}{2}$ .  
T. 15 N., R. 16 E.,  
Sec. 6, lots 1 to 4, incl.  
T. 16 N., R. 16 E.,  
Sec. 28, SE $\frac{1}{4}$  (less that portion in private ownership);  
Sec. 30, lots 3 to 8 incl., S $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 32, S $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ ;  
Sec. 33, N $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ .

The areas described aggregate 2,024.66 acres.

The departmental order of September 4, 1908, reserving the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of sec. 30, T. 16 N., R. 16 E., M.D.M., as an administrative site, is hereby revoked.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,  
Assistant Secretary of the Interior.

MARCH 12, 1959.

[F.R. Doc. 59-2279; Filed, Mar. 17, 1959; 8:47 a.m.]

[Public Land Order 1818]

#### IDAHO

##### Reserving Lands Within the Kaniksu National Forest for Use of Forest Service as Stream and Roadside Zones, Camp and Picnic Grounds and Other Public Uses

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

Subject to valid existing rights the following-described public lands within the Kaniksu National Forest, Idaho, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as stream and roadside zones, camp and picnic grounds, and other sites, as indicated:

#### BOISE MERIDIAN

[Idaho 09138]

##### Lightning Creek Streamside Zone

Strips of land 50 feet in width adjoining each bank of Lightning Creek, extending from its confluence with Morris Creek, northwesterly to Lightning Creek Falls (locally known as Char Falls) through the following described lands:

T. 57 N., R. 2 E.,  
Unsurveyed,  
Sec. 2, lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 13, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$   
SE $\frac{1}{4}$ ;  
Sec. 24, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 58 N., R. 2 E.,  
Unsurveyed,  
Sec. 26, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$   
SW $\frac{1}{4}$ , to Char Falls;  
Sec. 35, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
and SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 56 N., R. 3 E.,  
Sec. 5, lots 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 6, NE $\frac{1}{4}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 57 N., R. 3 E.,  
Unsurveyed,  
Sec. 19, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 29, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 Totalling 145 acres.

**Priest River Road No. 6 to Roadside Zone**

A strip of land 400 feet in width (200 feet on each side of center line) of the Priest River Road No. 6 through the following legal subdivisions or so much of said width as may be situated within said subdivisions:

T. 59 N., R. 4 W.,  
 Sec. 6, lot 8 (except patented portion), lot 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 7, lots 6, 7, and 10;  
 Sec. 18, lots 3, 6, 11, 12, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 19, lots 2, 3, 4, 6, 11, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 60 N., R. 4 W.,  
 Sec. 31, lot 7.  
 T. 58 N., R. 5 W.,  
 Sec. 2, lot 4 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 3, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 59 N., R. 5 W.,  
 Sec. 12, lot 1 and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 13, lots 2 and 3;  
 Sec. 24, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 25, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 60 N., R. 5 W.,  
 Sec. 2, NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 3, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 23, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 T. 61 N., R. 5 W.,  
 Sec. 14, S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 27, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 34, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ .  
 Totalling approximately 444.02 acres.

**Granite Creek Streamside Zone**

A strip of land 50 feet wide contiguous to and on the northerly side of Granite Creek and a strip of land 50 feet wide contiguous to and on the southerly side of Granite Creek. Extending from the boundary between private and national forest land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , section 30, T. 55 N., R. 1 E., B.M., east to the confluence of Dry Gulch and Granite Creek in Section 29, T. 55 N., R. 1 E., B.M., and situated in the following subdivisions:

T. 55 N., R. 1 E.,  
 Sec. 29, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 30, lot 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 Totalling 25 acres.

**East Fork Lightning Creek Campground and Picnic Site**

T. 57 N., R. 3 E.,  
 Unsurveyed,  
 Sec. 32, NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ , that portion east of Lightning Creek and north of the East Fork of Lightning Creek.  
 Totalling 30 acres.

**Beaver Campground and Picnic Site**

T. 57 N., R. 3 E.,  
 Unsurveyed,  
 Sec. 29, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , that portion east of Lightning Creek.  
 Totalling 5 acres.

**Rattle Creek Campground, Picnic Area and Administrative Site**

T. 57 N., R. 2 E.,  
 Unsurveyed,  
 Sec. 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , that portion east of Lightning Creek and south of Rattle Creek.  
 Totalling 25 acres.

**Robinson Lake Campground**

T. 65 N., R. 2 E.,  
 Sec. 21, lot 3 less what would be the N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; lot 4, less what would be the S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 Totalling approximately 24.54 acres.

[Idaho 07978]

**Dickensheet Bridge Recreation Area**

T. 59 N., R. 4 W.,  
 Sec. 19, lot 8;  
 Sec. 20, lot 2.  
 Totalling 19.53 acres.

The areas withdrawn by this order total, in the aggregate, 718.09 acres.

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

ROGER ERNST,

Assistant Secretary of the Interior.

MARCH 12, 1959.

[F.R. Doc. 59-2280; Filed, Mar. 17, 1959; 8:47 a.m.]

[Public Land Order 1819]

[1825763]

**UTAH**

**Partially Revoking Executive Order No. 8652 of January 28, 1941, Which Reserved Lands for Use of the War Department as an Aerial Bombing and Gunnery Range**

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8652 of January 28, 1941, which reserved lands for use of the War Department as an aerial bombing and gunnery range, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 1 N., R. 14 $\frac{1}{2}$  W., unsurveyed.

The area described contains 2,330.00 acres, approximately.

T. 2 S., R. 18 W.,  
 Sec. 17, N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 18, N $\frac{1}{2}$ S $\frac{1}{2}$ .

The areas described aggregate 235.30 acres.

2. The lands within T. 2 S., R. 18 W., have been patented without a reservation of minerals to the United States.

3. Until further notice, the remaining lands shall be subject only to application by the State of Utah, in accordance with and subject to the limitations and requirements of subsection (b) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). Except as to prior existing valid settlement rights and preference rights conferred by existing law other than the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C. 282) as amended, or as to equitable claims subject to allowance and confirmation, they will not be subject to application, petition, location, selection or to any other appropriations under any other non-mineral public land law, unless and until a further order is issued by an appropriate officer of the Bureau of Land Management.

ROGER ERNST,

Assistant Secretary of the Interior.

MARCH 12, 1959.

[F.R. Doc. 59-2281; Filed, Mar. 17, 1959; 8:47 a.m.]

[Public Land Order 1820]

[Oregon 06251]

**OREGON**

**Partially Revoking Reclamation Withdrawal of December 14, 1926, Vale Project**

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of December 14, 1926, which withdrew lands for reclamation purposes in the first form in connection with the Vale Project, Oregon, is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 17 S., R. 45 E.,  
 Sec. 32.

The area described contains 640 acres.

2. The lands are located approximately four airline miles north of Vale, Oregon. Topography is flat to rolling to hilly. Soils are sandy loam at moderate depth in the southwestern portion and sandy loam with rocks at shallow depth in the remainder of the lands.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any appli-

cation that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

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

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

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

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended), presented prior to 10:00 a.m. on April 17, 1959 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on July 17, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on July 17, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to application and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on July 17, 1959.

6. The State of Oregon has waived the preference right of application granted to it by subsection (c) of Section 2 of the Act of August 27, 1958 (72 Stat. 928; Pub. Law 85-771).

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

in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

ROGER ERNST,  
*Assistant Secretary of the Interior.*

MARCH 12, 1959.

[F.R. Doc. 59-2282; Filed, Mar. 17, 1959;  
8:47 a.m.]

[Public Land Order 1821]

[Idaho 09329]

## IDAHO

### Partly Revoking Reclamation Withdrawal of November 17, 1902, Minidoka Project, Idaho

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The Departmental order of November 17, 1902, so far as it withdrew the following-described lands from entry except under the provisions of the said Act of June 17, 1902, is hereby revoked:

#### BOISE MERIDIAN

T. 10 S., R. 22 E.,  
Sec. 23, lots 4 and 10;  
Sec. 24, lot 6.

The areas described aggregate 95.10 acres.

The lands are included in an allowed homestead entry, (Blackfoot 037749) dated August 1, 1912.

ROGER ERNST,  
*Assistant Secretary of the Interior.*

MARCH 12, 1959.

[F.R. Doc. 59-2283; Filed, Mar. 17, 1959;  
8:47 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 19—CITIZENS RADIO SERVICE

##### Definition of "Remote Control" of Radio Station Transmitting Equipment

[FCC 59-212]

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 11th day of March 1959:

The Commission having under consideration the provisions of § 19.63 of its rules which provides that a Class A base or fixed station in the Citizens Radio Service may be authorized to be used or operated by remote control from another fixed location or from mobile units, under certain conditions; and

It appearing that a definition of the term "remote control" previously contained in the rules governing the Citizens Radio Service was inadvertently omitted at the time of the revision of Part 19 by the Commission's Second Report and Order, FCC 58-798, adopted July 31, 1958, in Docket No. 11994; and

It further appearing that a definition of the term "remote control" would be of assistance to applicants in the Citizens Radio Service since it contains a statement of the condition under which the Commission considers a transmitter to be operated by "remote control", and specifies that, under other conditions, approval by the Commission is not required; and

It further appearing that the definition of the term "remote control" adopted herewith for inclusion in Part 19 of the Commission's rules is in accord with the Commission's administration of the provisions of § 19.63 of its rules and is consistent with the definition which previously appeared in Part 19 of the rules; and

It further appearing that the amendment adopted hereby is interpretative and will not adversely affect any party, and thus that prior notice of proposed rule making is unnecessary under the provisions of section 4(a) of the Administrative Procedure Act; and

It further appearing that the amendment ordered hereby is in the public interest and that authority therefore is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended;

It is ordered, That effective May 1, 1959, Part 19 of the Commission's rules, Citizens Radio Service, is amended 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)

Released: March 13, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,

*Secretary.*

1. Amend § 19.2(c) *Miscellaneous definitions*, by the addition of the following in proper alphabetical order:

*Remote control.* The term "remote control" when applied to the use or operation of a citizens radio station means control of the transmitting equipment of that station from any place other than the location of the transmitting equipment, except that direct mechanical control or direct electrical control by wired connections of transmitting equipment from some other point on the same premises, craft or vehicle shall not be considered to be remote control. (Authorization for the use or operation of any transmitting equipment by remote control in the Citizens Radio Service is granted only in the case of Class A base or fixed stations.)

[F.R. Doc. 59-2312; Filed, Mar. 17, 1959;  
8:51 a.m.]



**PROPOSED RULE MAKING**

**DEPARTMENT OF THE TREASURY**

Bureau of Customs

[ 19 CFR Part 24 ]

**CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE**

**Refunds of Certain Alcohol and Tobacco Taxes**

MARCH 9, 1959.

Treasury Department Order No. 165-2, dated October 29, 1953, T.D. 53368 (18 F.R. 7177), authorized the Commissioner of Customs or his delegates to make refunds of excess deposits of internal revenue tax found by collectors of customs on liquidation or reliquidation to be due. The refund authority was delegated to collectors of customs by Custom Delegation Order No. 6, dated October 29, 1953 (T.D. 53369).

The Act of February 11, 1958 (Public Law 85-323) "to prevent unjust enrichment by precluding refunds of alcohol and tobacco taxes to persons who have not borne the ultimate burden of the tax" added a new section 6423 to the Internal Revenue Code of 1954 (26 U.S.C. 6423). Section 6423 requires in substance that a claimant for credit or refund pursuant to a court decision or otherwise of any amount paid or collected as an alcohol or tobacco tax, as defined in new section 6423(e)(1), must show under regulations prescribed by the Secretary or his delegate that he has borne the ultimate burden of such tax to establish his right to the refund. However, not all refunds of such taxes are subject to section 6423.

To promote uniformity and efficiency Treasury Department Order No. 165-2—Amendment 1, T.D. 54803 (24 F.R. 1991), dated March 9, 1959, transferred to the Commissioner of Internal Revenue the authority to make refunds of internal revenue tax collected by collectors of customs in those cases to which new section 6423, supra, is applicable. Customs retains the authority to make refunds of the taxes in those types of cases which are excepted from section 6423.

To specify the types of cases excepted from application of section 6423 as to which the authority of collectors of customs to make refunds is retained and to set forth the procedure to be followed in cases not excepted from the application of that section, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of 26 U.S.C. 6423 it is proposed to amend the Customs Regulations as set forth in tentative form below:

Section 24.36 of the Customs Regulations is amended as follows:

1. A new paragraph (d) is added to read:

(d) The authority of collectors of customs to make refunds pursuant to paragraphs (a), (b), and (c) of this section of excessive deposits of alcohol or

tobacco taxes, as defined in section 6423(e)(1), Internal Revenue Code of 1954 (26 U.S.C. 6423(e)(1)), is confined to cases of the types which are excepted from the application of section 6423, Internal Revenue Code of 1954 (26 U.S.C. 6423). The excepted types of cases and, therefore, the types in which the collector of customs is authorized to make refunds of such taxes are those in which:

(1) The tax was paid or collected on an article imported for the personal or household use of the importer;

(2) The refund is made pursuant to provisions of laws and regulations for drawback;

(3) The tax was paid or collected on an imported article withdrawn from the market, returned to bond, or lost or destroyed, when any law expressly provides for refund in such case;

(4) The tax was paid or collected on an imported article which has been lost, where a suit or proceeding was instituted before June 15, 1957;

(5) The refund of tax is pursuant to a claim based solely on errors of computation of the quantity of the imported article, or on mathematical errors in computation of the tax due;

(6) The tax was paid or collected on an imported article seized and forfeited, or destroyed, as contraband;

(7) The tax was paid or collected on an imported article refused admission to customs territory and exported or destroyed in accordance with section 558, Tariff Act of 1930, as amended;

(8) The refund of tax is pursuant to a reliquidation of an entry under section 520(c)(1), Tariff Act of 1930, as amended, and does not involve a rate of tax applicable to an imported article; or

(9) The tax was paid or collected on a greater quantity of imported articles than that actually imported and the fact of the deficiency is established to the collector of customs' satisfaction before liquidation of the entry becomes final.

2. The following new paragraph (e) is added:

(e) In any instance in which a refund of internal-revenue tax on imported distilled spirits, wines, and beer, is not of a type covered by paragraph (d) of this section the following procedure shall apply:

(1) The collector shall issue a notice of refund for duty only and shall place the following statement on the notice of refund issued for duty: "Claim for re-

"(e) Meaning of terms. For purposes of this section—

(1) Alcohol or Tobacco Tax. The term 'alcohol or tobacco tax' means—

(A) Any tax imposed by chapter 51 (other than part II of subchapter A, relating to occupational taxes) or by chapter 52 or by any corresponding provision of prior internal revenue laws, and

(B) In the case of any commodity of a kind subject to a tax described in subparagraph (A), any tax equal to any such tax, any additional tax, or any floor stocks tax." (26 U.S.C. 6423(e)(1)).

fund of any overpayment of internal-revenue tax on this entry must be executed and filed with the assistant regional commissioner (alcohol and tobacco tax) of the internal revenue region in which the claimant is located, in accordance with internal revenue regulations (Title 26 of the Code of Federal Regulations)." On request of the claimant, the collector shall issue a certified statement on customs letterhead identifying the entry, showing the amount of internal revenue tax deposited with respect to each entry for which a claim on internal revenue Form 843 is to be made, and showing the date of issuance of the notice of refund of duty.

(2) The claim shall be executed on internal revenue Form 843 (original only) which may be procured from offices of the Internal Revenue Service and shall be filed with the assistant regional commissioner (alcohol and tobacco tax) of the internal revenue region in which the claimant is located. The certified statement shall be attached to and filed in support of such claim which may include refunds under more than one entry but shall be limited to refunds under entries filed in the same customs collection district and the same internal revenue region. The data to be shown on the claim shall be as prescribed in internal revenue regulations, with the exception that any data on the certified statement also required to be shown in the claim need not be restated in the claim.

(3) The date of allowance of refund or credit in respect of such tax for the purposes of section 6407, Internal Revenue Code of 1954 (26 U.S.C. 6407) shall be that date on which a claim is perfected and the refund is authorized for scheduling under the applicable internal revenue regulations.

Prior to the adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington 25, D.C., and received within 20 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] FRED C. SCRIBNER, Jr.,  
Acting Secretary of the Treasury.

[F.R. Doc. 59-2296; Filed, Mar. 17, 1959; 8:49 a.m.]

**DEPARTMENT OF AGRICULTURE**

Agricultural Marketing Service

[ 7 CFR Part 974 ]

[Docket No. AO-176-A13]

**MILK IN COLUMBUS, OHIO, MARKETING AREA**

**Decision With Respect to Proposed Amendments to Tentative Marketing Agreement and to Order**

NOTE: The following paragraph was omitted from F.R. Doc. 59-1787, appear-

ing at page 1514 of the issue for Saturday, February 28, 1959. The paragraph should precede the *General findings* paragraph on page 1525:

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

## FEDERAL RESERVE SYSTEM

[ 12 CFR Part 220 ]

[Reg. T]

### EXTENSION AND MAINTENANCE OF CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

#### Notice of Proposed Rule Making

The Board of Governors of the Federal Reserve System is considering proposed amendments to Regulation T (Part 220) in order more effectively to prevent the excessive use of credit for the purchasing or carrying of securities. Specifically these amendments would

(1) Further restrict withdrawals and substitutions of cash or securities in so-called "restricted" accounts (i.e., accounts in which more credit is outstanding on the securities in the account than would be permitted in a new purchase of those securities under current margin requirements); and

(2) Repeat the portion of section 7(a) (§ 220.7(a)) that permits a broker or dealer to arrange for loans to be made by a bank on terms other than those the broker or dealer would have to observe if he made the loan himself.

1. *Withdrawals and substitutions of cash or securities.* Accounts can become "restricted" by declines in value of the securities held in the account or by increases in margin requirements to a level higher than that prevailing at the time the securities were purchased. The proceeds of sales of securities can be withdrawn (or applied toward a new purchase) from these "restricted" accounts to some extent.

Under the present regulation, if a security is sold from a "restricted" account the percentage of sale proceeds that can be withdrawn (or applied toward a new purchase) works out to be the same percentage as the margin currently required to make a new purchase of such a security. This percentage automatically changes with each change in margin requirements.

The proposed amendment to the second paragraph of section 3(b) (§ 220.3(b)(2)), would provide for a new method of limiting withdrawals from, or substitutions of securities in, "restricted" accounts. The amendment provides for a separate figure which would represent the "withdrawal value" of a registered

nonexempted security (i.e., in the case of a withdrawal of securities, the percentage of market value that must be deposited in the account; or, in the case of a sale, the percentage of sale proceeds that must be left in the account). The proposed new requirement would apply to purchase and sale transactions even if made on the same date. In the proposed new paragraph of the Supplement to the regulation (§ 220.8(c)) the withdrawal value is set at 50 percent of the market value of the securities involved.

The effect of the proposed amendment may be illustrated by an example in which \$1,000 of securities held in a "restricted" account is sold. Under the present regulation and the current level of margin requirements, the customer could withdraw \$900 from the account in cash on that date. Alternatively, he could apply \$900 of the sale proceeds toward a new purchase of \$1,000 of stock if the purchase was made on the date of the sale. This is permissible even if substantially less margin was deposited when the securities sold were originally purchased. Under the proposed amendment, so long as the account remained "restricted", the amount that could be withdrawn or applied toward a new purchase would be only \$500.

The proposed amendments would read as follows:

Section 220.3(b)(2) is hereby amended to read as follows:

(2) If, for any customer (or with him), a creditor effects any transaction consisting of purchases of securities in a general account, other than purchases to reduce or close out short positions, the creditor must obtain a deposit as specified in subparagraph (1) of this paragraph at least as large as would be required by subparagraph (1) of this paragraph if such purchases were the only transactions in the account on that day. Such deposit, however, need be no larger than that which would be sufficient to eliminate any excess of the adjusted debit balance over the maximum loan value of the securities in the account. No withdrawal of cash or registered or exempted securities shall be permissible if, after such withdrawal, the adjusted debit balance of the account would exceed the maximum loan value of the securities in the account, except that in the event no cash or securities need to be deposited in the account in connection with a transaction on a previous day and none would need to be deposited thereafter in connection with any withdrawal of cash or securities on the current day, the following shall be permissible: (i) Registered or exempted securities may be withdrawn upon the deposit in the account of cash (or registered or exempted securities counted at their maximum loan value) at least equal to the sum of the maximum loan value of any exempted securities withdrawn and the "withdrawal value", as prescribed from time to time in § 220.8(c) of any registered securities withdrawn, or (ii) cash may be withdrawn upon the deposit in the account of registered or exempted securities having a maximum loan value at least equal to the amount of cash with-

drawn, or (iii) upon the sale (other than short sale) of registered securities in the account, there may be withdrawn in cash, or treated as a cash deposit to meet the requirement of the first sentence of this subparagraph, an amount equal to the difference between the current market value of the securities sold and the "withdrawal value" of those securities.

Section 220.8 is hereby amended by adding a new paragraph (c) to read as follows:

(c) *Withdrawal value for general accounts.* In the case of a general account which would have an excess of the adjusted debit balance of the account over the maximum loan value of the securities in the account following a withdrawal of cash or securities from the account, the "withdrawal value" of a registered nonexempted security, pursuant to § 220.3(b)(2), shall be 50 per cent of the current market value of the security.

2. *Loans arranged by brokers or dealers.* Section 7(a) (§ 220.7(a)) permits brokers or dealers to arrange for loans to be made to their customers by others, but only on the same terms and conditions on which the broker or dealer himself could make the loan. At present, however, there is an exception, namely: this restriction does not apply where a broker or dealer arranges for a bank to make such a loan, and the loan is made against registered or exempted securities.

The proposed amendment to section 7(a) (§ 220.7(a)) would eliminate the foregoing exception so that all loans arranged by brokers or dealers for their customers would be governed by the same terms and conditions which control loans made directly by the brokers or dealers.

The proposed amendment would read as follows:

Section 220.7(a) is hereby amended by striking out the material following the last comma thereof and changing that comma to a period, so that paragraph (a) will read as follows:

(a) *Arranging for loans by others.* A creditor may arrange for the extension or maintenance of credit to or for any customer of such creditor by any person upon the same terms and conditions as those upon which the creditor, under the provisions of this part, may himself extend or maintain such credit to such customer, but only upon such terms and conditions.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2). The proposed changes are authorized under the authority cited at 12 CFR Part 220.

To aid in the consideration of the foregoing matters the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it to the Board to be considered. All such material should be submitted in writing

to be received not later than April 6, 1959.

BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM,

[SEAL] MERRITT SHERMAN,

Secretary.

[F.R. Doc. 59-2323; Filed, Mar. 13, 1959;  
5:06 p.m.]

[ 12 CFR Part 221 ]

[Reg. U]

**LOANS BY BANKS FOR THE PURPOSE  
OF PURCHASING OR CARRYING  
REGISTERED STOCKS**

**Notice of Proposed Rule Making**

Regulation U (Part 221), issued by the Board of Governors of the Federal Reserve System pursuant to the authority cited at 12 CFR Part 221, prescribes the maximum loan value of the collateral in the case of any loan by a bank which is secured directly or indirectly by any stock and made for the purpose of purchasing or carrying any stock registered on a national securities exchange (a "purpose loan").

The Board is considering proposed amendments to Regulation U (Part 221) in order more effectively to prevent the excessive use of credit for purchasing or carrying securities. Specifically these amendments would: (1) Further restrict withdrawals and substitutions of collateral against so-called "restricted" loans (i.e., stock-collateraled loans which are larger than would be permitted in the case of a new loan to purchase those stocks under current margin requirements) under the third paragraph of section 1 (§ 221.1(c)); (2) strengthen the provisions of section 3(a) (§ 221.3(a)) regarding statements accepted by a bank as to the purpose of a loan; (3) broaden the definition of "carrying" in section 3(b)(1) (§ 221.3(b)(1)); (4) provide for reports from certain nonbank lenders by amending section 3(j) (§ 221.3(j)); (5) prohibit in section 3(n) (§ 221.3(n)) "non-purpose" bank loans against the same collateral which already secures a loan for the purpose of purchasing or carrying registered stocks; (6) specify, in a new section 3(q) (§ 221.3(q)), certain situations in which loans are considered to be indirectly secured by stock; (7) add a new section 3(r) (§ 221.3(r)) which would require that loans to certain borrowers, chiefly companies that re-lend bank credit for stock market purposes, and open-end investment companies that customarily hold stocks registered on an exchange, comply with the regulation even though the loans are not secured by any stock; and (8) add a new section 3(s) (§ 221.3(s)) which would require loans for the purchase of convertible bonds or debentures to be brought into conformity with the margin requirements prevailing at the time when the conversion takes place.

It should also be noted that a proposed amendment to section 7(a) of Regulation T (§ 220.7(a)) would bring within the scope of that regulation loans ar-

ranged with a bank by a broker or dealer for his customer, instead of leaving such loans only under Regulation U (Part 221) as they are at the present time.

1. *Withdrawals and substitutions of collateral.* Loans can become "restricted" by declines in value of the stocks securing the loan or by increases in margin requirements to a level higher than that prevailing at the time the loan was made. The proceeds of sales of stocks securing the "restricted" loan can be withdrawn (or applied toward a new purchase) to some extent.

Under the present regulation, if a stock securing a "restricted" loan is sold, the percentage of sale proceeds that can be withdrawn (or applied toward a new purchase) works out to be the same percentage as the margin currently required to finance a new purchase of such a security. This percentage automatically changes with each change in margin requirements.

The proposed amendment to the third paragraph of section 1 (§ 221.1(c)) would provide for a new method of limiting withdrawals and substitutions of collateral securing "restricted" loans. The amendment provides for a separate figure which would represent the "withdrawal value" of a registered stock (i.e., in the case of a sale or other withdrawal of securities, the amount, stated as a percentage of the market value of the securities, by which the loan must be reduced). In a proposed new subsection of the Supplement to the regulation (§ 220.8(c)) the withdrawal value is set at 50 percent of the market value of the securities involved.

The effect of the proposed amendment may be illustrated by an example in which \$1,000 of registered stocks securing a "restricted" loan are sold. Under the present regulation and the current level of margin requirements, the borrower could withdraw \$900 of the sale proceeds in cash, or he could apply the \$900 toward a new purchase of \$1,000 of registered stock. This is permissible even if the loan originally made on the stock involved was substantially less than \$900. Under the proposed amendment, so long as the loan remained "restricted", the amount that could be withdrawn or applied toward a new purchase would be only \$500.

The proposed amendments would read as follows:

Section 221.1 is hereby amended by striking out the entire paragraph (c) and substituting therefor the following language:

(c) While a bank maintains any such loan, whenever made, the bank shall not at any time permit any withdrawal or substitution of collateral if, after such withdrawal or substitution, the loan exceeds the maximum loan value of the collateral, unless the loan is reduced by at least the amount by which the maximum loan value of any collateral deposited is less than the sum of the maximum loan value of any nonstock collateral withdrawn and the "withdrawal value", as prescribed from time to time in § 221.4(b) of any stock collateral withdrawn. If the maximum loan value of the collateral has become less

than the amount of the loan, such amount may nevertheless be increased if there is provided additional collateral having maximum loan value at least equal to the amount of the increase.

Section 221.4 is hereby amended by adding a new paragraph (c) reading as follows:

(c) *Withdrawal value.* In the case of a loan which would exceed the maximum loan value of the collateral following a withdrawal of collateral, the "withdrawal value" of a stock, pursuant to § 221.1(c), shall be 50 percent of the current market value of the stock, as determined by any reasonable method.

2. *Statement of purpose of loan.* The present section 3(a) (§ 221.3(a)) provides that a bank may rely upon a statement signed by an officer of the bank or by the borrower as to the purpose of a loan, if the statement is accepted by the bank in good faith. The proposed amendment would require that the statement be signed by both borrower and officer, and that the officer make and retain a memorandum of supporting facts. The amendment also sets forth more specific tests as to the degree of diligence and alertness required of the bank before a statement can be said to be accepted in good faith. The proposed amendment would read as follows:

Section 221.3 is hereby amended by striking out paragraph (a) and substituting therefor the following language:

(a) In determining whether or not a loan is for the purpose specified in § 221.1 or for any of the purposes specified in § 221.2, a bank may rely upon a statement with respect thereto only if such statement (1) is signed by the borrower; (2) is accepted by the bank in good faith and signed by an officer of the bank as having been so accepted; and (3) is supported by a memorandum or notation of the officer reciting the facts as to why it was so accepted. To accept the statement in good faith the bank must, among other things, be alert to the circumstances surrounding the loan and the borrower and must diligently investigate any information that would put a reasonable man upon inquiry.

3. *Definition of "carrying".* The present section 3(b)(1) (§ 221.3(b)(1)) provides, with some exceptions, that a loan need not be treated as having been made for the purpose of "carrying" registered stock unless the loan is made specifically to enable the borrower to reduce or retire indebtedness originally incurred to purchase such stock. The proposed amendment would broaden this definition and stress the ultimate purpose of the loan, regardless of any temporary applications of loan proceeds to other uses.

The proposed amendment would read as follows:

Section 221.3 is hereby amended by striking out paragraph (b)(1) and substituting therefor the following language:

(1) A loan need not be considered to be for the purpose of enabling a borrower to "carry" a stock registered on a na-

tional securities exchange merely because the borrower already owns the stock and the loan will enable him to avoid selling it. On the other hand, however, the fact that the ultimate purpose of a loan is to purchase or carry such a stock is not altered by temporary application of the proceeds of the loan to some other use. This is true whether the loan occurs before or after the purchase of the stock. Thus, cases in which a loan is to purchase or carry such a stock include, among others, those in which the loan is directly or indirectly to reduce or retire indebtedness incurred to purchase such a stock, or to replace or restore "working capital" or equivalent liquid funds used to purchase such a stock.

4. *Reports from unregulated lenders.* The present section 3(j) (§ 221.3(j)) requires banks to make such reports as the Board of Governors may require. The proposed amendment would expand this requirement to include "every person engaged in the business of making loans for the purpose of purchasing or carrying" registered stocks.

The proposed amendment would read as follows:

Section 221.3(j) is hereby amended by inserting the additional language set off by commas following the words "Every bank" so that the amended paragraph (j) would read as follows:

(j) Every bank, and every person engaged in the business of making loans for the purpose of purchasing or carrying securities registered on a national securities exchange, shall make such reports as the Board of Governors of the Federal Reserve System may require to enable it to perform the functions conferred upon it by the Security Exchange Act of 1934.

5. *Loans against collateral which already secures a purpose loan.* The present section 3(n) (§ 221.3(n)) allows a bank to lend only 10 percent of the market value of a stock used as collateral where the loan is to purchase or carry registered stocks. However, after the bank makes such a loan, unless the borrower is a broker or dealer, the section allows the bank to lend as much more as it pleases on the same collateral for any other purpose. The present section forbids such double use of collateral when the borrower is a broker or dealer. The proposed amendment would expand this prohibition to forbid such double use in all cases under this regulation, just as it is already forbidden in all cases under Regulation T (Part 220).

The proposed amendment would read as follows:

Section 221.3 is hereby amended by striking out the entire paragraph (n) and substituting therefor the following language:

(n) (1) The bank shall identify all the collateral used to meet the collateral requirements of § 221.1 and shall not cancel the identification of any part thereof except in circumstances that would permit the withdrawal of that part. Such identification may be made by any reasonable method, and in the case of in-

debtedness outstanding on (effective date) need not be made until immediately before some change in that or other indebtedness of the borrower or in collateral therefor.

(2) Only the collateral required to be so identified shall have loan value for purposes of § 221.1 or be subject to the restrictions therein specified with respect to withdrawals and substitutions; and

(3) For any indebtedness of the same borrower that is not subject to § 221.1 (other than a loan described in § 221.2(d), (f), (g), or (h)), the bank shall in good faith require as much collateral not so identified as the bank would require (if any) if it held neither the indebtedness subject to § 221.1 nor the identified collateral. This subparagraph shall not be construed, however, to require the bank, after it has made any loan, to obtain any collateral therefor because of any deficiency in collateral already existing on (effective date) or any decline in the value or quality of the collateral or in the credit rating of the borrower.

6. *Examples of "indirectly secured" loans.* At present, the regulation does not specify when a loan is "indirectly" secured by stock. The proposed section 3(q) (§ 221.3(q)) spells out certain cases in which a loan will be held to be indirectly so secured.

The proposed amendments would read as follows:

Section 221.3(m) is hereby amended by inserting the additional language enclosed in parentheses following the words "indirectly by any stock" so that the amended section would read as follows:

(m) Indebtedness "subject to § 221.1" is indebtedness which is secured directly or indirectly by any stock (or made to a person described in § 221.3(q)), is for the purpose of purchasing or carrying any stock registered on a national securities exchange, and is not excepted by § 221.2.

Section 221.3 is hereby amended by adding at the end thereof a new paragraph (q) reading as follows:

(q) Cases in which a loan is directly or indirectly secured by a stock include, among others, those in which (1) the bank and the borrower expect the loan to be so secured even though an actual pledge of the stock is for some reason delayed, (2) the borrower already has or simultaneously obtains another loan at the bank secured directly or indirectly by stock, or (3) the borrower agrees to hold stock free of any claim by others or to pledge stock with the bank upon request or in certain circumstances.

7. *Exemption discontinued for certain unsecured loans.* At present, the regulation exempts all loans that are not secured, directly or indirectly, by at least some stock. The proposed section 3(r) (§ 221.3(r)) discontinues this exemption as to loans made to companies engaged principally, or as one of the company's important activities, in making loans on an exempt basis to finance the purchase of registered stocks, and to open-end in-

vestment companies that customarily own registered stocks.

The proposed amendments would read as follows:

Section 221.1(a) is hereby amended by striking the words "On and after May 1, 1936", and by adding after the words "any stock registered on a national securities exchange" the language enclosed in parentheses, so that the paragraph would read as follows:

(a) No bank shall make any loan secured directly or indirectly by any stock for the purpose of purchasing or carrying any stock registered on a national securities exchange (and no bank shall make any loan described in § 221.3 (r) regardless of whether or not such loan is secured by any stock) in an amount exceeding the maximum loan value of the collateral, as prescribed from time to time for stocks in § 221.4 and as determined by the bank in good faith for any collateral other than stocks.

Section 221.3 is hereby amended by adding at the end thereof a new paragraph (r) reading as follows:

(r) Any loan (1) to a person not subject to the regulations in this part, or Part 220 of this chapter, engaged principally, or as one of the person's important activities, in the business of making loans for the purpose of purchasing or carrying stocks registered on a national securities exchange, or (2) to an "open-end company" described in paragraph (b) (2) of this section, is a loan for the purpose of purchasing or carrying stocks so registered unless the loan and its purposes are effectively and unmistakably separated and disassociated from any financing or refinancing, for the borrower or others, of any purchasing or carrying of stocks so registered. Any loan to any such borrower, unless the loan is so separated and disassociated or is excepted by § 221.2, is a loan "subject to § 221.1" regardless of whether or not the loan is secured by any stock; and no bank shall make any such loan subject to § 221.1 to any such borrower on or after (effective date) without collateral or without the loan being secured as would be required by this part if it were secured by any stock. Any such loan subject to § 221.1 to any such borrower, whether made before or after (effective date), shall be subject to the other provisions of this regulation applicable to loans subject to § 221.1, including provisions regarding withdrawal and substitution of collateral.

8. *Loans to purchase convertible bonds.* The present regulation does not apply to loans for purchasing or carrying convertible bonds. The proposed amendment would add to section 3 (§ 221.3) a new section 3(s) (§ 221.3(s)) which would require the entire transaction to be brought into conformity with margin requirements prevailing at the time when conversion occurred.

The proposed amendment would read as follows:

Section 221.3 is hereby amended by adding at the end thereof a new paragraph (s) reading as follows:

(s) If, after (effective date), a loan is made for the purpose of purchasing or carrying a security other than a stock registered on a national securities exchange and the loan is secured by the security, but subsequently there is substituted as direct or indirect collateral for the loan a stock so registered which is acquired by the borrower through the conversion or exchange of the security pursuant to its terms, the loan shall thereupon be deemed to be for the purpose of purchasing or carrying a stock so registered. In any such case, the amount of the outstanding loan, or such amount plus any increase therein to enable the borrower to acquire the stock

so registered, shall not be permitted on the date such stock is substituted as collateral to exceed the maximum loan value of the collateral for the loan on such date, and thereafter such indebtedness shall be treated as subject to § 221.1.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2). The proposed changes are authorized under the authority cited at 12 CFR part 221.

To aid in the consideration of the foregoing matters, the Board will be glad

to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than April 6, 1959.

BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM,  
[SEAL] MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 59-2322; Filed, Mar. 13, 1959;  
5:06 a.m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[Montana 028667]

#### MONTANA

#### Notice of Proposed Withdrawal and Reservation of Lands

MARCH 10, 1959.

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, has filed an application, Serial Number Montana 028667, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws. The applicant desires the land be reserved in public ownership under the provisions of the Act of August 14, 1946 (60 Stat. 1080; 16 U.S.C. 661-66c). The lands will be administered by the Montana State Fish and Game Department as a portion of the Freezout Lake Waterfowl Management Area.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

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

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

The lands involved in the application are:

#### MONTANA PRINCIPAL MERIDIAN

T. 22 N., R. 3 W.,  
Sec. 5, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 6, Lots 6 and 7, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 7, Lots 1, 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 8, S $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 17, W $\frac{1}{2}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 18, All;  
Sec. 19, All;  
Sec. 20, W $\frac{1}{2}$ ;  
Sec. 29, NW $\frac{1}{4}$ ;  
Sec. 30, All.  
T. 22 N., R. 4 W.,  
Sec. 1, Lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ ;  
Sec. 2, All;  
Sec. 3, Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 12, All;  
Sec. 13, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 24, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 25, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 23 N., R. 4 W.,  
Sec. 26, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 35, SE $\frac{1}{4}$ .

Total acres, 6,696.10.

The following lands were included in the original application, and were noted on the Land Office records. In accordance with an amendment dated December 12, 1958, these lands are no longer requested. The segregative effects of the Land Office record notation will cease to be effective as of March 10, 1959.

#### MONTANA PRINCIPAL MERIDIAN

T. 22 N., R. 4 W.,  
Sec. 14; SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 24, W $\frac{1}{2}$ NW $\frac{1}{4}$ .

R. D. NIELSON,  
State Supervisor.

[F.R. Doc. 59-2284; Filed, Mar. 17, 1959;  
8:47 a.m.]

### DEPARTMENT OF THE TREASURY

#### Office of the Secretary

[T.D. 54803]

[Treasury Department Order 165-2, Amdt. 1]

#### COMMISSIONER OF INTERNAL REVENUE

#### Delegation of Authority With Respect to Certain Functions

MARCH 9, 1959.

Treasury Department Order No. 165-2 dated October 29, 1953, T.D. 53368 (18 F.R. 7177) transferred from the Commissioner of Internal Revenue to the Commissioner of Customs the function

of refunding excess deposits of internal revenue tax, previously collected by collectors of customs, which are found to be due and the functions of determining, allowing, and paying interest in connection with such refunds.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 (3 CFR, 1950 Supp., Ch. III) there are hereby transferred from the Commissioner of Customs to the Commissioner of Internal Revenue the functions of refunding such deposits, and of determining, allowing, and paying interest, in any case in which the allowance or making of the refund is not now or hereafter excepted from the application of section 6423 of the Internal Revenue Code of 1954, as added by the Act of February 11, 1958 (Pub. Law 85-323).

The functions herein transferred may be delegated by the Commissioner of Internal Revenue to subordinates in such manner as he shall direct.

In all other respects Treasury Department Order No. 165-2 dated October 29, 1953, shall remain in full force and effect.

[SEAL] FRED C. SCRIBNER, JR.,  
Acting Secretary of the Treasury.

[F.R. Doc. 59-2298; Filed, Mar. 17, 1959;  
8:49 a.m.]

### DEPARTMENT OF AGRICULTURE

#### Agricultural Research Service

#### REGISTRANTS OF ARAMITE

#### Notice Under Federal Insecticide, Fungicide, and Rodenticide Act of Necessity To Revise Directions for Use

On December 24, 1958, the Commissioner of Food and Drugs, Department of Health, Education, and Welfare, published an order in the FEDERAL REGISTER (23 F.R. 10180) establishing a tolerance of zero for residues of the pesticide chemical Aramite (2-(p-tertbutylphenoxy)-isopropyl-2-chloroethyl sulfite) in or on each of the following raw agricultural commodities: Alfalfa, apples, blueberries, cantaloupes, celery,

ACCEPTABLE USES OF ARAMITE ON RAW AGRICULTURAL COMMODITIES

cucumbers, grapefruit, grapes, green beans, lemons, muskmelons, oranges, peaches, pears, plums, raspberries, soybeans (whole plant), strawberries, sweet corn (kernels) and forage thereof, tomatoes, and watermelons.

Prior to this order, there had been established a zero tolerance for residues of Aramite in or on alfalfa and soybeans (whole plant) and a tolerance of one part per million for such residues in or on the other crops cited. The order resulted from the recommendations of a second advisory committee appointed in accordance with the provisions of Public Law 518 (68 Stat. 511) for the purpose of considering newly available evidence submitted by the manufacturer to demonstrate the safety of Aramite residues.

Many products containing Aramite are currently registered under the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135-135k) with label directions for use on food crops. These directions were accepted on the basis of use patterns which were designed either to leave residues of Aramite not in excess of established tolerances or to avoid any residues of the chemical in or on harvested crops for which no tolerances had been established.

This publication is notice to registrants that products containing Aramite which are presently registered under the Federal Insecticide, Fungicide, and Rodenticide Act will not be regarded as being in compliance with the provisions of such act unless the zero tolerance in or on raw agricultural commodities can be met when label directions are followed. The use of label directions which result in residues of Aramite in or on food or feed crops should be discontinued immediately. Revised labeling bearing directions for use which will meet the tolerance of zero in or on all food and feed crops should be submitted for registration as soon as possible.

The table set forth below entitled "Acceptable Uses of Aramite on Raw Agricultural Commodities," has been prepared to assist registrants in preparing revised label directions. It has been determined that these patterns will not result in residues of Aramite in or on the treated crops. If registrants wish to vary from these patterns, they must submit proof of no residue with their revised labels. Registrants are advised to consult the basic manufacturer of Aramite for patterns of use on crops not listed in the following summary.

It is emphasized that it will not be necessary to revise labeling for all presently registered uses of Aramite. Those uses previously registered for ornamental plants and those uses which leave no residues on food or feed crops are still acceptable.

(Sec. 6, 61 Stat. 163; 7 U.S.C. 135d; 7 CFR 362.3)

Done at Washington, D.C., this 12th day of March 1959.

[SEAL] E. D. BURGESS,  
Director, Plant Pest Control Division.

Crop	Maximum dosage			Gal. <sup>1</sup> per acre	Limitation
	3% dust	2 lbs. per gal. emulsifiable concentrate	15% wettable powder		
	lbs./A	Pints per 100 gal. water	Lbs. per 100 gal. water		
Seed alfalfa.....	45				Do not graze treated areas. Do not feed threshings or straw to livestock.
Seed clover.....	45				Do.
Cotton.....	15	1	1½		Do not apply after bolls open 60 days before harvest. Do not feed treated foliage or cotton trash to livestock.
Apples.....	60 ¾-2 lbs. per tree depending on size.	1	1½		Do not apply after edible parts begin to form.
Blackberries.....	45	1	1½	200	Do.
Blueberries.....	40	1	1½	300	Do.
Currants.....	45	1	1½	200	Do.
Grapes.....	45	1	1½		Do.
Peaches.....	50	1	1½		Do.
Pears.....	50	1	1½		Do.
Prunes.....	50	1	1½		Do.
Plums.....	50	1	1½	200	Do.
Watermelons.....	40	1		200	Do.
Cantaloupe.....	40	1		200	Do.
Raspberries.....	45	1	1½	200	Do.
Strawberries.....	40	1½	2	150	Do.
Apricots.....	100 Approx. 1 lb. per tree.	1	2	600	Apply only before fruit begins to form or after harvest.
Cherries.....	100 Approx. 1 lb. per tree.	1	2	600	Do.
Nectarines.....	100 Approx. 1 lb. per tree.	1	2	600	Do.
Quinces.....	100 Approx. 1 lb. per tree.	1	2	600	Do.
Grapefruit.....	40	1½	2		Do not apply when fruit at any stage of growth are present.
Oranges.....	40	1½	2		Do.
Almonds.....	40	1½	2		Do not apply after husks split or within 15 days of harvest. Do not feed hullings to livestock.
Walnuts.....	40	1½	2		Do.
Broccoli.....	40	1½	2½	100	Do not apply after edible parts begin to form.
Cabbage.....	40	1½	2½	100	Do.
Cauliflower.....	40	1½	2½	100	Do.
Cucumbers.....	40	1½	2½		Do.
Eggplant.....	40	1½	2½	100	Do.
Okra.....	40	1½	2½	100	Do.
Peppers.....	40	1½	2½	100	Do.
Squash.....	40	1½	2½	100	Do.
Tomatoes.....	45	1		150	Do.
Beans.....	40	1	1½		Do not apply after edible parts begin to form. Do not feed treated bean foliage or threshings to livestock.
Sweet corn.....		1		200	Do not apply after tasseling. Do not feed treated corn foliage to livestock.
Celery.....		1		150	Do not apply after seedling stage.
Lettuce.....	40	1	1½	200	Do.
Spinach.....	40	1½	2½	100	Do.
Potatoes.....	40	1½	2½	100	Foliage treatment only.

<sup>1</sup> When no specific gallonage is indicated, use sufficient spray to give adequate coverage.

<sup>2</sup> Recommended dosage is 2 quarts per acre for irrigated acres.

<sup>3</sup> Recommended dosage for clover mite is 1½ pts. of emulsifiable concentrate or 2 lbs. of wettable powder per 100 gals. of water.

[F.R. Doc. 59-2289; Filed, Mar. 17, 1959; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE NO. 32—GREAT LAKES/WESTERN EUROPE

Notice of Tentative Conclusions and Determinations by the Maritime Administrator Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that on March 12, 1959, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality

and United States flag service requirements of United States foreign Trade Route No. 32 and, in accordance with his action of July 27, 1956, ordered that the following tentative conclusions and determinations reached by the Maritime Administrator with respect to said route be published in the FEDERAL REGISTER.

1. Trade Route No. 32, as described below, is affirmed as an essential foreign trade route of the United States: Between United States ports on the Great Lakes and St. Lawrence River, intermediate Canadian Great Lakes ports and other Canadian ports along the general track of the route, and foreign ports in the United Kingdom, Republic of Ireland, Atlantic Europe (Germany to

northern border of Portugal) and Baltic-Scandinavian ports.

2. Requirements for United States flag operation on Trade Route No. 32 during the open season of navigation on the Great Lakes are approximately 8 to 12 freighter sailings per month to the United Kingdom-Republic of Ireland-Atlantic Europe area and approximately 3 to 4 sailings per month to the Baltic-Scandinavian area.

3. Existing C-type and Victory type vessels are suitable for interim operation on Trade Route No. 32 subject to replacement after a trial period with superior vessels particularly suited for long-range operation on this route.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views or request a hearing thereon, should submit same in writing to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D.C., by close of business on March 27, 1959. In the event a hearing is requested, a statement must be included giving the reason therefor. Any hearing thereby afforded will be before an Examiner on an informal basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: March 17, 1959.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 59-2363; Filed, Mar. 17, 1959; 9:55 a.m.]

**TRADE ROUTE NO. 34 — GREAT LAKES/MEDITERRANEAN**

**Notice of Tentative Conclusions and Determinations by the Maritime Administrator Regarding the Essentiality and United States Flag Service Requirements**

Notice is hereby given that on March 12, 1959, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 34 and, in accordance with his action of July 27, 1956, ordered that the following tentative conclusions and determinations reached by the Maritime Administrator with respect to said route be published in the FEDERAL REGISTER:

1. Trade Route No. 34, as described below, is determined to be an essential foreign trade route of the United States: Between United States ports on the Great Lakes and St. Lawrence River, intermediate Canadian Great Lakes ports and other Canadian ports along the general track of the route, and foreign ports in the Mediterranean Sea and Black Sea, Portugal, Spain South of Portugal and Morocco (Tangier to the southern border of Morocco).

2. Requirements for United States flag operation on Trade Route No. 34 during the open season of navigation on the Great Lakes are approximately four to six sailings per month, with all sailings serving the Western Mediterranean (Italy and west), and some of the sailings also serving the Eastern Mediterranean (east of Italy).

3. Existing C-type and Victory type ships with suitable characteristics are suitable for interim operation on Trade Route No. 34 subject to replacement after a trial period with superior vessels particularly suited for long range operation on this route.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views or requests a hearing thereon, should submit same in writing to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D.C., by close of business on March 27, 1959. In the event a hearing is requested, a statement must be included giving the reasons therefor. Any hearing thereby afforded will be before an Examiner on an informal basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: March 17, 1959.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 59-2364; Filed, Mar. 17, 1959; 9:55 a.m.]

**CIVIL AERONAUTICS BOARD**

[Docket No. 8955]

**AEROLINEAS PERUANAS S.A.**

**Notice of Prehearing Conference**

In the matter of the application of Aerolineas Peruanas S.A in a reopened proceeding for a foreign air carrier permit to engage in foreign air transportation between points in Peru and the terminal point, Miami, Florida.

Notice is hereby given that a prehearing conference on the above reopened proceeding will be held on April 7, 1959, at 10:00 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., March 12, 1959.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 59-2305; Filed, Mar. 17, 1959; 8:50 a.m.]

[Docket No. 8943]

**TRANSOCEAN CORP. OF CALIFORNIA AND ATLAS CORP.**

**Notice of Prehearing Conference**

In the matter of the application of The Transocean Corporation of California

and Atlas Corporation for approval under section 408 of the Federal Aviation Act of 1958 of a purchase and acquisition of securities.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 19, 1959, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., March 13, 1959.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 59-2306; Filed, Mar. 17, 1959; 8:50 a.m.]

[Docket No. 10151]

**BAHAMAS AIRWAYS, LTD.**

**Notice of Prehearing Conference**

In the matter of the application of Bahamas Airways Limited for the issuance of a Foreign Air Carrier Permit pursuant to section 402 of the Federal Aviation Act of 1958 authorizing service between the Bahamas and the co-terminal points Miami, Palm Beach, Fort Lauderdale and Tampa via Havana.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on March 26, 1959, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Florida and Connecticut Avenues, NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., March 16, 1959.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 59-2307; Filed, Mar. 17, 1959; 8:50 a.m.]

[Docket No. 9942]

**SOUTHEAST AIRLINES ENFORCEMENT CASE**

**Notice of Postponement of Hearing**

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that the hearing in the above-entitled proceeding heretofore assigned to be held on March 26, 1959, is postponed to begin on May 5, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., March 12, 1959.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 59-2308; Filed, Mar. 17, 1959; 8:50 a.m.]

[Docket No. 10066]

**NATIONAL AIR TAXI CONFERENCE, INC., ET AL.**

**Notice of Postponement of Hearing**

The National Air Taxi Conference, Inc., and American Air Taxi, Inc., v.

Hertz Rent a Plane System, Inc., Docket No. 10066.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the hearing in the above-entitled proceeding originally scheduled for March 25, 1959, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues, NW., Washington, D.C., is hereby postponed to April 28, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Washington, D.C.

Dated at Washington, D.C., March 12, 1959.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 59-2309; Filed, Mar. 17, 1959;  
8:50 a.m.]

[Docket No. 7723 et al.]

### TRANS-PACIFIC ROUTE CASE

#### Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference covering the air route pattern across the Pacific now assigned to be held on April 2 is postponed to April 7, 1959, 10:00 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., March 13, 1959.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 59-2310; Filed, Mar. 17, 1959;  
8:50 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12176 etc.; FCC 59-150]

### KTAG ASSOCIATES (KTAG-TV) ET AL.

#### Memorandum Opinion and Order Amending Issues

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

1. There are before the Commission an Order of the Hearing Examiner released on June 26, 1958 (FCC 58M-687; Mimeo No. 60611), granting KTAG Associates (KTAG) leave to amend its application; petitions for review of the

Hearing Examiner's Order, filed severally by Acadian Television Corporation (Acadian) and Evangeline Broadcasting Company (Evangeline) on July 9, 1958; a petition to enlarge issues, filed by the Commission's Broadcast Bureau; a response to the petition to enlarge issues, filed by KTAG on August 14, 1958 and various oppositions and replies thereto, filed by the parties and the Commission's Broadcast Bureau.

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

3. The application of Camellia Broadcasting Company, Inc. (Camellia), permittee for Channel 10 in Lafayette, Louisiana, for modification of construction permit to change transmitter site and to increase antenna height, was consolidated for hearing in the above proceeding on May 14, 1958.

4. On May 13, 1958, KTAG petitioned the Commission for leave to amend its application by changing transmitter site and reducing its antenna height to 1,049 feet MSL. The site thus proposed met all separations requirements and was approved by the Washington Airspace Panel for the height specified (i.e. 1,049 feet). These proposed facilities provide a field intensity of only 69 dbu over Lake Charles when computations are made in accordance with the Commission's curves, whereas a field intensity of 74 dbu is required by 47 CFR 3.685(a).<sup>2</sup> KTAG asserts, however, that an engineering study<sup>3</sup> which it caused to be made demonstrates that an actual signal

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

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

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

strength of 74 dbu can be expected over Lake Charles from the proposed site, power, and antenna height proposed by its tendered amendment; and that employment of such ad hoc measurements is permitted by 47 CFR 3.685(c).

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

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

7. The facilities proposed by KTAG in its amendment do not meet principal city requirements specified by the Commission's rules. Petitioners argue that the proposed KTAG amendment violates the Commission's rules in that 47 CFR 3.685(a) requires a minimum signal intensity of 74 dbu over Lake Charles; that 47 CFR 3.683 provides that predicted field intensity contours will be used and expressly includes, in subparagraph (b) thereof, determinations of compliance with 47 CFR 3.685(a); that 47 CFR 3.684(a) compels use of the Commission's field intensity charts in predicting coverage; and that 47 CFR 3.686 limits the submission of measurements to (1) rule making proceedings and (2) requests by the Commission. If KTAG is permitted to use ad hoc measurements instead of computations based upon the Commission's curves, petitioners assert that there will be no basis for restricting the future use of such measurements and that the resulting derogation of the Commission's rules will be of such magnitude as to render consideration of KTAG's petition beyond the Hearing Examiner's jurisdiction. Petitioners also argue that KTAG's petition proposes to adopt a new allocation system and should, therefore, be the subject of a rule making proceeding.

8. Additionally, petitioners attack KTAG's reliance upon 47 CFR 3.685(c) because of the alleged failure to relate it to 47 CFR 3.685(b), which section refers to the importance of choosing antenna locations free from obstructions which cause shadowing problems. Petitioners argue that the reference to questionable antenna sites in 47 CFR 3.685(c) refers to locations which might be questionable because of obstructions and means that the Commission may require site tests to resolve such questions. It is further urged that this requirement is in addition to and not in lieu of the prin-



principal city requirement. Finally, petitioners state that there is no question of obstruction with respect to the proposed KTAG site, no such question having been raised by any party, and KTAG having insisted that the terrain involved is flat and free of obstruction.<sup>4</sup>

9. KTAG opposes petitioners' thesis, supra, on the grounds that it is refuted by the terms of 47 CFR 3.683 through 3.686. KTAG bases this conclusion on its construction of these sections of the rules to the effect that the use of field intensity charts relates to determination of Grade A and B contours rather than principal city signal; that 47 CFR 3.685(c) permits measurements to demonstrate coverage of the principal communities to be served; and that 47 CFR 3.686 relates to rule making proceedings only and can have no application within the context of the present proceeding. KTAG also opposes the allegations that grant of its proposed amendment will disrupt the present system of allocations. Supporting arguments advanced by KTAG are that allocations are based upon mileage separations; that stations assigned in accordance with separations criteria are neither required to provide nor entitled to receive further protection; that its proposal meets all separations requirements; and that its use of measurements to determine principal city coverage can have no effect upon the allocation plan.

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

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

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

matter for exploration rather than for rejection of its petition.

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

14. Failure to show good cause: Petitioners argue that KTAG's failure to show good cause involves both the question of timeliness and the substantive question of the effect that the amendment would have upon the present proceeding and upon the Commission's processes. Specific attacks on KTAG's allegation of timeliness are that KTAG could have proffered measurements at the rule making proceeding (Docket No. 11752) in order to persuade the Commission to abandon its curves as the basis for predicting principal city signals; that KTAG does not explain why, in view of its long apparent aeronautical problem, it has delayed producing its measurements; that KTAG represented to the Air Space Subcommittee that a 1,400-foot tower would be required to place a principal city signal over Lake Charles, thus apparently recognizing the need for using the Commission's curves; and it appears that KTAG did not advise the Air Space Subcommittee of the measurements on existing stations which it later cited in its amendment, or of the provisions of 47 CFR 3.685(c). Petitioners argue that these facts demonstrate that KTAG is using 47 CFR 3.685(c) as a basis for a "belated" attempt to "capitalize" on its airspace problem as a "lever" to produce a "distorted" application of the Commission's rules.

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

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

17. The Commission's Broadcast Bureau has also opposed petitioners' attack on KTAG's showing of good cause. Grounds for the Broadcast Bureau's opposition are that KTAG's effort to solve its airspace problem bespeaks good cause for accepting its amendment; that petitioners have not demonstrated how a grant of the pending petition for leave

to amend would delay the proceeding; that in view of the large number of pleadings pending before the Commission with respect to the present proceeding, it does not appear that any subsequently filed pleadings to enlarge the issues as a result of KTAG's amendment would unduly lengthen the proceeding; and that grant of the Broadcast Bureau's currently pending petition to enlarge the issues would hardly require more time and evidence than the air hazard issue which acceptance of KTAG's proposed amendment would render moot.

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

19. The Broadcast Bureau's argument in support of its request is that KTAG has predicated its conclusion that the facilities proposed by its amendment can be expected to put 74 dbu over Lake Charles upon (a) measurements taken on KPLC-TV (Channel 7) and KLFY-TV (Channel 10), and (b) measurements from the Commission's files on stations in both lower (Channels 2-6) and upper (Channels 7-13) VHF bands; that KTAG states that measurement data in the Commission's files indicate field intensities of 2 to 10 db higher than those predicted from the Commission's propagation curves; that it appears that KTAG's own representations do not demonstrate a 74 dbu signal over Lake Charles; and that the proposed issue should be added so as to have a complete record on the question of fact raised by the proposed amendment.

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

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

21. Both Evangeline and Acadian filed comments to the Bureau's request for an enlargement of issues. Neither waived its position of opposition to the proposed KTAG amendment discussed, supra. Petitioners expressed agreement with the Broadcast Bureau's doubt as to the valid-

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

<sup>5</sup>Hearing of this proceeding was continued indefinitely by the Hearing Examiner's Order released November 1, 1957.

ity of KTAG's measurements and with the Bureau's conclusion that enlargement of the issues is a necessary concomitant of amendment. Evangeline, however, has further stated that it is unlikely that the Commission would grant the complete relief requested and that, in such an event, it may be appropriate for the Commission to consider an issue bearing upon whether or not a requested waiver of the rules and standards respecting principal city signal and calculated contours should be granted on the basis of the data proffered by KTAG. In addition, Evangeline suggests that the Commission may wish to consider an issue reflecting the desirability of revising its television allocations system so as not to apply "the most fundamental general principles of that system in favor of ad hoc measurement showings heretofore invariably rejected."

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

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

24. Our conclusion that KTAG may use ad hoc measurements to demonstrate principal city coverage is based upon our construction of 47 CFR 3.683 through 3.685 in the light of both our own and the court's past decisions on related questions. We are unable to agree with petitioners that the provision of 47 CFR 3.683(b), to the effect that the field intensity contours provided for therein shall be considered in determining compliance with 47 CFR 3.685(a), is to be construed as restricting determination of principal city signals to computations based upon our curves. Similarly, we do not construe the provisions of 47 CFR 3.685(b) as restricting the propagation tests referred to in 47 CFR 3.685(c) to those instances involving unusual terrain features which might result in shadowing. To the contrary, it is our opinion that such a narrow construction would not be consonant with the opinion

of the Court of Appeals in Hall and Greenville Television Co. v. F.C.C., 237 F. 2d 567; 99 U.S. App. D.C. 86 (1956), 14 RR 2009, wherein the court stated, in effect, that the Commission's propagation curves are admissible to prove contours even where the area may be abnormal but that evidence of such abnormality would be admissible and might outweigh the probative force of the propagation curves. The Commission has subsequently included issues which contemplate the admission and consideration of such evidence. Great Lakes Television, Inc., 16 RR 201.

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

26. We are of the further opinion that, in view of the showing already made (para. 25, supra), we should grant KTAG's request (paragraph 20, supra) that this proposed new issue be expanded to include determination of whether or not a waiver of 47 CFR 3.685 should be granted in the event that a signal of 74 dbu over Lake Charles is not demonstrated.

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

It is further ordered, That the petition of the Commission's Broadcast Bureau to enlarge the issues is granted; that the issues are further enlarged to include the question of waiver of 47 CFR 3.685, as embodied in KTAG's response filed on August 14, 1958; and, accordingly, that the following issue is added as Issue No. 1 and the present issues are renumbered accordingly:

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

Released: March 4, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

## APPENDIX A

- 47 CFR 1.307 *Defective applications.* (a) Applications which are determined to be patently not in accordance with the Commission's rules \* \* \* unless accompanied by an appropriate request for waiver, will be considered defective and will not be accepted for filing or if inadvertently accepted for filing will be dismissed. \* \* \*
- 47 CFR 1.311 *Amendments of applications.* (b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown \* \* \*
- 47 CFR 3.683 *Field intensity contours.* (a) In the authorization of television broadcast stations, two field intensity contours are considered. These are specified as Grade A and Grade B \* \* \*. (b) The field intensity contours provided for herein shall be considered for the following purposes only: \* \* \* (4) In determining compliance with § 3.685(a) concerning the minimum field intensity to be provided over the principal community to be served.
- 47 CFR 3.684 *Prediction of coverage.* (a) All predictions of coverage made pursuant to this paragraph shall be made without regard to interference and shall be made only on the basis of estimated field intensities. The peak power of the visual signal is used in making predictions of coverage. (b) Predictions of coverage shall be made only for the same purposes as relate to the use of field intensity contours as specified in § 3.683(b). (c) In predicting the distance to the field intensity contours the F (50, 50) field intensity charts (10 and 11 of § 3.699) shall be used. \* \* \* (f) In the cases where the terrain in one or more directions from the antenna site departs widely from the average elevation of the 2 to 10 mile sector, the prediction method may indicate contour distances that are different from what may be expected in practice. For example, a mountain ridge may indicate the practical limit of service although the prediction method may indicate otherwise. In such cases the prediction method should be followed, but a supplemental showing may be made concerning the contour distances as determined by other means. \* \* \*
- 47 CFR 3.685 *Transmitter location and antenna system.* (a) The transmitter location shall be so chosen \* \* \* so that \* \* \* the following minimum field intensity \* \* \* will be provided over the entire principal community to be served: Channels 2-4 74 dbu. (b) Location of the antenna at a point of high elevation is necessary to reduce to a minimum the shadow effect on propagation due to hills and buildings. \* \* \* (c) In cases of questionable antenna locations it is desirable to conduct propagation tests to indicate the field intensity expected in the principal community to be served and in other areas, particularly where severe shadow problems may be expected. In considering applications proposing the use of such locations, the Commission may require site tests to be made. Such tests should be made in accordance with the measurement procedure hereafter described, and full data thereon must be supplied to the Commission. Tests transmitters should employ an antenna having a height as close as possible to the proposed antenna height, using a balloon or

other support if necessary and feasible. Information concerning the authorization of site tests may be obtained from the Commission upon request. \* \* \*

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

[F.R. Doc. 59-2313; Filed, Mar. 17, 1959; 8:51 a.m.]

[Docket No. 12517; FCC 59-211]

**STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING CERTAIN FM BROADCAST STATIONS.**

**Further Notice of Inquiry**

In the matter of inquiry into amendment of Parts 2, 3, and 4 of the Commission's rules and regulations and the Standards of Good Engineering Practice concerning FM Broadcast Stations to permit FM Broadcast Stations to engage in specified non-broadcast activities on a multiplex basis; Docket No. 12517.

1. On July 8, 1958, the Commission released a Notice of Inquiry in the above-captioned proceeding (23 F.R. 5284) for the purpose of exploring possible additional uses of FM multiplexing beyond those uses presently permitted under Subsidiary Communications Authorizations (SCA's) held by FM broadcasters. The closing date, as extended, for the reception of comments was October 2, 1958.

2. While intended as a broad inquiry into the techniques and potentialities of FM multiplexing, the original Notice of Inquiry made specific reference to FM stereophonic programming as both an improved aural broadcast service and as a type of subsidiary service similar to that which may now be offered on a subscription basis.

3. A preliminary analysis of the comments already received reveals a keen awareness of, and widespread interest in FM stereophonic programming among broadcasters, equipment manufacturers, trade associations and listening groups.

4. In view of the close interrelationship between FM stereophonic programming and other forms of multiplexing conducted on FM broadcast channels, the Commission desires at this time to enlarge the scope of this proceeding in order to afford all interested persons an opportunity to submit further data and opinions directed specifically to the matter of stereophonic programming on a multiplex basis.

5. Comments concerning those aspects of multiplexing, other than stereophonic, submitted in response to the original Notice of Inquiry, will be considered further at a later date. Comments concerning stereophonic broadcasting submitted in response to the first Notice will be given appropriate consideration and need not be resubmitted.

6. Data and views submitted in reply to this Further Notice of Inquiry should

include, but need not be limited to, response to the following questions:

(a) Should stereophonic broadcasting by FM broadcast stations on a multiplex basis be permitted on a regular basis, and, if so, should such broadcasting take the form of a broadcast service to the general public, or should it be available only on a subscription basis under Subsidiary Communications Authorizations, or both?

(b) What quality and performance standards, if any, should be applied to a multiplex sub-channel used for stereophonic broadcasting?

(c) Should a specific sub-carrier frequency or frequencies be allocated for stereophonic broadcasting?

(d) Should the quality and performance standards applicable to the main channel be further relaxed, beyond the point already permitted for SCA operations, to accommodate stereophonic broadcasting and, if so, to what extent?

(e) What transmission standards regarding cross-talk between the main channel and stereophonic sub-channel should be adopted?

(f) Should FM broadcast stations engaging in stereophonic broadcasting be required to use a compatible system which allows listeners tuned only to the main channel to hear an aurally balanced program?

7. Written comments may be filed on or before June 10, 1959, in an original and 14 copies. Authorization for the institution of this proceeding is contained in section 403 of the Communications Act of 1934, as amended.

Adopted: March 11, 1959.

Released: March 12, 1959.

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

[F.R. Doc. 59-2314; Filed, Mar. 17, 1959; 8:51 a.m.]

[Docket Nos. 12566, 12774; FCC 59M-315]

**SANFORD L. HIRSCHBERG ET AL.**

**Order Continuing Hearing Conference**

In re applications of Sanford L. Hirschberg and Gerald R. McGuiro, Cohoes-Watervliet, New York; Docket No. 12566, File No. BP-11261; W. Frank Short and H. Clay Esbenshade d/b as Fairview Broadcasters, Rensselaer, New York; Docket No. 12774, File No. BP-12209; for construction permits for new standard broadcast stations.

The Hearing Examiner having under consideration a Petition for Continuance of the prehearing conference presently scheduled to commence on March 20, 1959 to March 27, 1959, said petition having been filed on March 2, 1959 by counsel for Fairview Broadcasters; and

It appearing that no opposition has been expressed and good cause has been shown for such continuance;

It is ordered, This 11th day of March, 1959, that the petition is granted and the prehearing conference is accordingly

rescheduled to commence on March 27, 1959.

Released: March 12, 1959.

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

[F.R. Doc. 59-2315; Filed, Mar. 17, 1959; 8:51 a.m.]

[Docket Nos. 12697, 12698; FCC 59M-313]

**CONTINENTAL BROADCASTING CORP. (WHOA) AND JOSE R. MADRAZO**

**Order Continuing Hearing Conference**

In re applications of Continental Broadcasting Corporation (WHOA), San Juan, Puerto Rico; Docket No. 12697, File No. BP-10489; Jose R. Madrazo, Guaynabo, Puerto Rico; Docket No. 12698; File No. BP-11480; for construction permits.

The Hearing Examiner having under consideration a request by Continental Broadcasting Corporation for a rescheduling of procedures heretofore adopted for this hearing;

It appearing that certain pleadings are pending before the Commission and that, depending upon the action taken on those pleadings, it would be inadvisable to proceed; and

It further appearing that a further conference has been scheduled for March 31, with the date of April 14 tentatively established for commencement of hearing but that the orderly progress of the proceeding calls for a change in the conference date and the setting aside of the hearing date;

It is ordered, This 11th day of March, 1959, that the conference now scheduled for March 31, 1959, is continued to April 14, 1959.

Released: March 12, 1959.

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

[F.R. Doc. 59-2316; Filed, Mar. 17, 1959; 8:52 a.m.]

[Docket Nos. 12720, 12721; FCC 59M-311]

**VALLEY BROADCASTING CO. AND MINERS BROADCASTING SERVICE, INC.**

**Order Continuing Hearing**

In re applications of Valley Broadcasting Company, Leighton, Pennsylvania; Docket No. 12720, File No. BP-11651; Miners Broadcasting Service, Inc., Kingston, Pennsylvania; Docket No. 12721, File No. BP-11795; for construction permits.

The Hearing Examiner having under consideration informal request of counsel for Miners Broadcasting Service, Inc., for continuance of the hearing herein;

It appearing, that counsel for all other parties have informally consented to grant of the request;

*It is ordered.* This 11th day of March, 1959, that the above request is granted; and the hearing now scheduled for April 7, 1959, is continued until April 14, 1959, at 10:00 a.m.

Released: March 11, 1959.

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

[F.R. Doc. 59-2317; Filed, Mar. 17, 1959;  
8:52 a.m.]

[Docket Nos. 12751, 12752; FCC 59M-316]

**MALRITE BROADCASTING CO. AND  
DALE WINDNAGEL**

**Order Scheduling Prehearing  
Conference**

In re applications of Milton Maltz and Robert Wright, d/b as Malrite Broadcasting Co., Tiffin, Ohio; Docket No. 12751, File No. BP-11448; Dale Windnagel, Oak Harbor, Ohio; Docket No. 12752, File No. BP-11953; for construction permits.

*It is ordered.* This 11th day of March, 1959, that all parties, or their counsel, in the above-entitled proceedings are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules at 2:00 o'clock p.m., March 20, 1959, in the Commission's offices, Washington, D.C.

Released: March 12, 1959.

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

[F.R. Doc. 59-2318; Filed, Mar. 17, 1959;  
8:52 a.m.]

[Docket No. 12768; FCC 59M-319]

**TEXAS TRAWLERS, INC.**

**Order Rescheduling Hearing**

In the matter of Texas Trawlers, Inc., P.O. Box 330, Brownsville, Texas; Docket No. 12768; order to show cause why there should not be revoked the License for Radio Station WF-5985 aboard the vessel Kashner, or, in the alternative, why a cease and desist order should not be issued.

*It is ordered.* This 12th day of March 1959, that H. Gifford Irion, in lieu of Millard F. French, will preside at the hearing in the above-entitled proceeding, and that said hearing, which was originally scheduled for April 23, 1959, will be held April 22, 1959, in Washington, D.C.

Released: March 13, 1959.

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

[F.R. Doc. 59-2319; Filed, Mar. 17, 1959;  
8:52 a.m.]

[Docket Nos. 12775, 12776; FCC 59M-320]

**FARMVILLE BROADCASTING CO. AND  
WYSR, INC. (WYSR)**

**Order Scheduling Prehearing  
Conference**

In re applications of James H. Mayo and R. E. Mayo d/b as the Farmville Broadcasting Company, Farmville, North Carolina; Docket No. 12775, File No. BP-11530; WYSR, Incorporated (WYSR), Franklin, Virginia; Docket No. 12776, File No. BP-12323; for construction permits.

*It is ordered.* This 12th day of March, 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules at 10:00 o'clock a.m., April 9, 1959, in the Commission's offices, Washington, D.C.

Released: March 13, 1959.

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

[F.R. Doc. 59-2320; Filed, Mar. 17, 1959;  
8:52 a.m.]

[Docket No. 12807]

**LORENZO SCOLA**

**Order To Show Cause**

In the matter of Lorenzo Scola, 35 Cooper Street, Boston, Massachusetts; Docket No. 12807; Order to Show Cause why there should not be revoked the license for Radio Station WA-8502 aboard the Vessel "Nancy B".

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Violation Notice dated September 25, 1958, alleging that on September 21, 1958, 1331 GMT, the subject radio station was observed in violation of § 8.108—failure to have transmitting equipment of station operated, tuned, and adjusted so as to prevent radiation of emissions outside the authorized frequency band thus transmitting equipment was capable of causing interference to other stations, particularly in the aeronautical radio service.

Official Notice dated November 26, 1958, stating that the licensee, in its response to the above-described Notice, failed to give the date when corrective action was taken to bring station WA-8502 into compliance with Commission Rules, and requesting that the licensee furnish a statement supplying that information.

It further appearing, that, the above-named licensee having failed to make satisfactory reply thereto, the Commission, by letter dated January 13, 1959, and sent by Certified Mail—Return Receipt Requested (No. 635425), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen (15) days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Lucy Scola, on January 15, 1959, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen (15) days have elapsed since the licensee's receipt of the Commission's letter, no response thereto has been received; and

It further appearing, that, in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

*It is ordered.* This 11th day of March, 1959, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

*It is further ordered.* That the Secretary send a copy of this Order by Cer-

<sup>1</sup>Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty (30) days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. If the licensee fails to file such an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty (30) days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty (30) days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

tified Mail—Return Receipt Requested to the said licensee.

Released: March 13, 1959.

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

[F.R. Doc. 59-2321; Filed, Mar. 17, 1959;  
8:52 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-11268]

### PETROL PRODUCTION CO.

#### Notice of Application and Date of Hearing

MARCH 12, 1959.

Take notice that Petrol Production Company (Applicant), an independent producer with its principal place of business in Dallas, Texas, filed, on October 16, 1956, an application as supplemented March 18, 1957, for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to continue the sale of natural gas to Tennessee Gas Transmission Company from production in the Calvin Field, Winn Parish, Louisiana, for resale in interstate commerce pursuant to a contract dated November 15, 1948, between H. L. Hunt and Tennessee Gas Transmission Company, which contract was adopted by Petrol Production Company on August 2, 1956, incident to an assignment to Petrol by Hunt of part of the acreage dedicated to the contract of November 15, 1948. This contract, as ratified by Petrol, is on file with the Commission as Petrol Production Company FPC Gas Rate Schedule No. 1.

Hunt's pending application in Docket No. G-4321 was amended by instrument filed October 16, 1956, as supplemented April 8, 1958, to delete the subject acreage therefrom.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 14, 1959, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will

be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-2271; Filed, Mar. 17, 1959;  
8:45 a.m.]

[Docket No. G-14753]

### SUNRAY MID-CONTINENT OIL CO.

#### Notice of Postponement of Hearing

MARCH 12, 1959.

Upon consideration of the motion filed March 10, 1959, by Counsel for Sunray Mid-Continent Oil Company for postponement of the hearing now scheduled for March 18, 1959 in the above-designated matter:

The hearing now scheduled for March 18, 1959 is hereby postponed to April 22, 1959, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-2272; Filed, Mar. 17, 1959;  
8:46 a.m.]

[Docket No. G-15077]

### UNION PRODUCING CO.

#### Notice of Application and Date of Hearing

MARCH 12, 1959.

Take notice that Union Producing Company (Union), (Applicant), an independent producer with its principal place of business in Shreveport, Louisiana, filed, on May 8, 1958, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to Southern Natural Gas Company (Southern) from the Dexter Area, Marion and Walthall Counties, Mississippi, under a contract dated April 23, 1958, between Union as seller, and Southern as buyer, which is on file with the Commission as Union's FPC Gas Rate Schedule No. 224.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, April 16, 1959, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-2273; Filed, Mar. 17, 1959;  
8:46 a.m.]

[Docket No. G-17769]

### PACIFIC NORTHWEST PIPELINE CORP.

#### Notice of Application and Date of Hearing

MARCH 12, 1959.

Take notice that on February 2, 1959, Pacific Northwest Pipeline Corporation (Applicant) filed an application in Docket No. G-17769, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the delivery and sale of natural gas to Goldendale Natural Gas Company, Inc., for resale in the community of Goldendale, Washington and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant's proposed facilities consist of a measuring and regulating station at a point in Klickitat County, Washington, on its existing 26-inch main transmission line.

The estimated cost of Applicant's proposed facilities is \$7,615. Applicant proposes to finance construction of the facilities out of funds currently available.

The estimated gas requirements of Goldendale are as follows: first year, 46,700 Mcf annually and 346 Mcf peak day; second year, 63,700 annually and 499 Mcf peak day; third year, 77,250 Mcf annually and 659 Mcf peak day. These estimated requirements of natural gas for residential, commercial and public

building consumers are based on past experience taking into consideration contemplated new housing construction in this area.

Temporary authority to construct and operate the facilities proposed in the application herein was granted on February 20, 1959.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 14, 1959, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-2274; Filed, Mar. 17, 1959;  
8:46 a.m.]

[Project No. 2257]

### WASHINGTON PUBLIC POWER SUPPLY SYSTEM

#### Notice of Application for Preliminary Permit

MARCH 12, 1959.

Public notice is hereby given that Washington Public Power Supply System, of Kennewick, Washington, has filed application under the Federal Power Act (16 U.S.C. 791a-825r) for a preliminary permit for proposed water-power Project No. 2257, known as Hoh Bow Hydroelectric and Recreation Project, to be located on Hoh River in Jefferson County, Washington, in the region of Forks, Washington, affecting lands of the United States within Olympic National Forest. The proposed project would consist of a rock and earth filled dam about 210 feet high with a concrete overflow spillway section; a reservoir with normal pool at elevation 390 feet containing about 465,500 acre-feet of gross storage; and a powerhouse located

immediately downstream equipped with two 33,500 horsepower turbines, each connected to a 26,800 kilowatt generator unit.

No construction is authorized under a preliminary permit. A permit, if issued, gives the permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is April 30, 1959. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-2275; Filed, Mar. 17, 1959;  
8:46 a.m.]

[Docket No. E-6866]

### CONOWINGO POWER CO. AND PHILADELPHIA ELECTRIC CO.

#### Notice of Application

MARCH 11, 1959.

Take notice that on March 6, 1959, a joint application was filed with the Federal Power Commission pursuant to sections 203 and 204 of the Federal Power Act by Conowingo Power Company ("Conowingo") and Philadelphia Electric Company ("Peco") seeking an order authorizing (1) the issuance by Conowingo of non-interest bearing promissory notes in an aggregate maximum amount of \$1,200,000 and (2) the acquisition of said notes by Peco. Conowingo is a corporation organized under the laws of the State of Maryland with its principal business office at Elkton, Maryland. Peco is a corporation organized under the laws of the State of Pennsylvania with its principal business office at Philadelphia, Pennsylvania. Peco is the sole owner of Conowingo's capital stock and supplies directly or indirectly all of Conowingo's electrical energy requirements. The approximate dates of issue and face amounts of the notes will be as follows:

1959:		
April	-----	\$100,000
June	-----	100,000
August	-----	300,000
December	-----	100,000
1960:		
May	-----	100,000
June	-----	100,000
August	-----	300,000
December	-----	100,000
Total	-----	\$1,200,000

The promissory notes in said aggregate maximum amount of \$1,200,000 will be

issued and delivered by Conowingo to Peco simultaneously with the delivery of money by Peco in amounts equal to the face amounts of such notes. The aforesaid securities are to be issued to finance in part the construction in 1959-1960 of additions and betterments to Conowingo's electric utility plant.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 2d day of April 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-2276; Filed, Mar. 17, 1959;  
8:46 a.m.]

[Docket No. G-15114, etc.]

### MOUND CO. ET AL.

#### Notice of Applications and Date of Hearing

MARCH 11, 1959.

In the matters of Mound Company,<sup>1</sup> Docket No. G-15114; Alinda Hunt Hill Trust,<sup>2</sup> Docket No. G-15215; Pan American Petroleum Corporation, Docket No. G-15226; Magnolia Petroleum Company, Docket No. G-15270; Hancock Oil Company, now Signal Oil and Gas Company, et al.,<sup>3</sup> Docket No. G-15271; Humble Oil & Refining Company,<sup>4</sup> Docket No. G-15272; Stoka Oil & Gas Company,<sup>5</sup> Docket No. G-15277; Edwin G. Bradley, Operator, et al.,<sup>6</sup> Docket No. G-15279; Pan American Petroleum Corporation, Operator,<sup>7</sup> Docket No. G-15287; Sinclair Oil & Gas Company,<sup>8</sup> Docket No. G-15291; Berg & Buck Drilling Company,<sup>9</sup> Docket No. G-15325; Keith F. Walker, Operator, et al.,<sup>10</sup> Docket No. G-15338.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

*Docket No., Field and Location, Purchaser*  
G-15114; Cowpen Creek Field, Beauregard Parish, La.; Transcontinental Gas Pipe Line Corp.  
G-15215; Horizon Field, Hansford County, Tex.; Northern Natural Gas Co.  
G-15226; Southwest Camp Field, Beaver County, Okla.; Northern Natural Gas Co.  
G-15270; San Carlos Field, Hidalgo County, Tex.; Trunkline Gas Company.  
G-15271; South Andrews Field, Andrews County, Tex.; El Paso Natural Gas Company.  
G-15272; West Charamousca Field, Duval County, Tex.; Coastal States Gas Producing Company.

See footnotes at end of document.

G-15277; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Company.  
 G-15279; Lerado Field, Reno County, Kans.; Panhandle Eastern Pipeline Co.  
 G-15287; Furman-Mascho Field, Andrews County, Tex.; Phillips Petroleum Co.  
 G-15291; Northeast Elmwood Field, Beaver County, Okla.; Northern Natural Gas Co.  
 G-15325; Southeast Eureka Field, Grant County, Okla.; Cities Service Gas Co.  
 G-15338; Robberson Field, Garvin County, Okla.; Lone Star Gas Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 14, 1959 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 2, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,  
 Secretary.

<sup>1</sup> Mound Company is filing for itself and as agent for the following non-signatory co-owners in the Hodges Lease: Jane Gregory Marechal and J. G. J. Corporation. Application covers a ratification agreement dated March 7, 1958, of a basic contract dated December 29, 1955, as amended, between Sun Oil Company, seller, and Transcontinental, buyer. Mound Company is the only signatory seller party to the subject ratification agreement, which agreement is also signed by Buyer. Production is limited to 300 feet below the base of the North Gordon Sand.

<sup>2</sup> Alinda Hunt Hill Trust is filing for its 50 percent interest in production from 320 acres. Application covers a ratification agreement dated March 25, 1958 of a basic contract dated June 26, 1957, between Horizon Oil & Gas Co., et al., seller, and Northern, buyer. Applicant and Northern are both signatory parties to the subject ratification agreement.

<sup>3</sup> Signal Oil and Gas Company, non-operator, is filing for itself and on behalf of Statex. Both are signatory seller parties to the gas sales contract dated October 19, 1958. Original filing made by Hancock Oil Company. Amendment filed January 9, 1959, to substitute Signal for Hancock. Hancock was merged into Signal on December 31, 1958.

<sup>4</sup> Production is limited to depths down to and including, but not below, the 2200' Yegua formation.

<sup>5</sup> Stoka Oil & Gas Company, a partnership, consists of the following co-owners: W. H. Mossor, Peter A. Birckbichler, J. E. Hampton, Raymond C. Harbison or Betty C. Harbison, A. H. Ritson, Jane Goff, Ada Clayton, Opal Moore, Dr. W. H. Prather, Dr. F. G. Prather, John M. Huffner, A. M. Dye, Paul T. Bourdeau, E. D. Goff, Sr., Ralph Lamm or Elsie Lamm, Hilda Clayton, Alfred P. Dye, Paul L. Layman, H. E. Kettering, Fogle F. Earp, E. N. Richmond, and Ezra E. Hamstead, W. H. Mossor is signatory seller party to the gas sales contract dated May 28, 1958, and the remaining above-listed individuals are also signatory seller parties through the signature of W. H. Mossor who has signed the contract as Attorney in Fact for said individuals.

<sup>6</sup> Edwin G. Bradley, Operator, is filing for himself and on behalf of The Rio Hondo Oil and Development Corporation, nonoperator. Both are signatory seller parties to the gas sales contract dated May 6, 1958.

<sup>7</sup> Pan American Petroleum Corporation (formerly Stanolind Oil and Gas Company), Operator, is filing for itself and as operator lists in the application, together with the percentage of working interest of each of the following nonoperators: Amerada Petroleum Corporation, Humble Oil and Refining Company, John J. Reynolds and Lasca, Inc. Application covers an amendatory agreement dated April 3, 1958, which adds production from any additional wells drilled on the same 320-acre tract as the L. T. Davis No. 3 Well, production from which well was dedicated to a basic gas sales contract dated January 31, 1957, between Stanolind Oil and Gas Company (now Pan American), Seller, and Phillips Petroleum Company, Buyer. Stanolind is the only signatory seller party to the subject amendatory agreement.

<sup>8</sup> Sinclair Oil & Gas Company, nonoperator, is filing for its 25 percent interest in production from the Longcor Unit. Application covers an amendatory agreement dated January 28, 1958, which adds additional acreage to a basic gas sales contract dated November 15, 1956. Production is limited to depths shallower than the Mississippi Limestone Zone.

<sup>9</sup> Berg & Buck Drilling Company, Applicant, is a partnership comprised of Ted Berg and Richard Buck. Both are signatory seller parties to the subject gas sales contract.

<sup>10</sup> Keith F. Walker, Operator, is filing for himself and on behalf of the nonoperators, F. M. Petree, W. R. Johnston, and Reuel W. Little. All are signatory seller parties to the subject gas sales contract.

[F.R. Doc. 59-2277; Filed, Mar. 17, 1959; 8:46 a.m.]

[Docket No. G-16007, etc.]

**SUN OIL CO. ET AL.**

**Notice of Applications and Date of Hearing**

MARCH 11, 1959.

In the matters of Sun Oil Company,<sup>1</sup> Docket No. G-16007; El Paso Natural Gas Products Company,<sup>2</sup> Docket No. G-16015; The Shamrock Oil and Gas Corporation, Docket No. G-16148; Skelly Oil Company, Docket No. G-16350; Phillips Petroleum Company, Docket No. G-16582; Columbian Carbon Company, Docket No. G-16678; Paul Shaffer, Operator,<sup>3</sup> Docket No. G-16722; Far-West Trading Company, Docket No. G-16969; Philip M.

See footnotes at end of document.

Lemon, et al.,<sup>4</sup> Docket No. G-16970; Sullie Oil Company, Docket No. G-16972; The Carter Oil Company, Docket No. G-16973; L. W. Prunty, Docket No. G-16974; Clayton Oil & Gas Company,<sup>5</sup> Docket No. G-16980; Harry M. Hoxsey, Operator,<sup>6</sup> Docket No. G-16986; Cities Service Oil Company,<sup>7</sup> Docket No. G-16997; Joe N. Champlin, Operator, Docket No. G-17006; Humble Oil & Refining Company, Docket No. G-17008.

Take notice that each of the above applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

The respective applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

*Docket No., Field and Location, and Purchaser*

- G-16007; Eureka Field, Grant and Alfalfa Counties, Okla.; Cities Service Gas Co.
- G-16015; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.
- G-16148; Hugoton Field, Sherman County, Tex.; Phillips Petroleum Co.
- G-16350; White Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.
- G-16582; Acreage in Reno County, Kans.; Panhandle Eastern Pipe Line Co.
- G-16678; Blackwater Anticline—Southern Extension, Randolph and Pocahontas Counties, W. Va.; Hope Natural Gas Co.
- G-16722; Jefferson District, Nicholas County, W. Va.; Columbian Carbon Co.
- G-16969; Trend (Bijou) Field, Morgan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.
- G-16970; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.
- G-16972; Meade District, Tyler County, W. Va.; Hope Natural Gas Co.
- G-16973; Acreage in Beaver County, Okla.; Natural Gas Pipeline Co. of America.
- G-16974; Bone Creek Field, Union District, Ritchie County, W. Va.; Hope Natural Gas Co.
- G-16980; Union District, Clay County, W. Va.; Hope Natural Gas Co.
- G-16986; Mayflower Field, Grant County, Okla.; Consolidated Gas Utilities Corp.
- G-16997; Acreage in Edwards County, Kans.; Northern Natural Gas Co.
- G-17006; Acreage in Meade County, Kans.; Panhandle Eastern Pipe Line Co.
- G-17008; Amacker Tippet Field, Upton County, Tex.; El Paso Natural Gas Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 14, 1959 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dis-

pose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 2, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

<sup>1</sup> Application covers a proposed sale of natural gas under an amendatory agreement dated July 22, 1958, which adds additional acreage to a basic gas sales contract dated April 15, 1957. Applicant was authorized in Docket No. G-12513 to sell gas under the basic contract.

<sup>2</sup> Application covers a basic gas sales contract dated June 10, 1958 and an amendatory agreement dated July 15, 1958, adding additional producing depths thereto.

<sup>3</sup> Paul Shaffer, Operator, is filing for himself and, as Operator, lists in the related rate schedule filing the following non-operators (with the percentage of working interest of each), Enoch R. Needles, Ellis E. Paul, James P. Uzum, Anne M. Briber, et vir., G. L. Crawford, Luther B. Harless, G. R. Harless, Paul Le Masters, Homer C. Jarrett, Sr., and Joe H. Bonsall. All are signatory seller parties to the subject gas sales contract.

<sup>4</sup> Philip M. Lemon, et al., Applicant, is a partnership consisting of Philip Lemon, William F. Bowman, Edward M. Bennett, Harry C. Tinney, Mrs. A. Gay Califf, Frank H. Crislip, Cecil W. Phillips, Jr., Mrs. Elizabeth Collins, Mrs. Charles M. Wells, Mrs. Ethel Harden, Ann Davis Hewitt, Howard Fowler or Pearl Fowler and H. B. Layfield. All are signatory seller parties to the subject gas sales contract through the signatures of Philip Lemon, who has signed said contract individually and as Attorney-in-Fact for the remaining above-named parties.

<sup>5</sup> Harry M. Hoxsey, Operator, is filing for himself and, as Operator, lists J. R. Porter (nonoperator) as owner of remaining interest in the subject well. Both are signatory seller parties to the gas sales contract dated November 6, 1958.

<sup>6</sup> Application covers an amendatory agreement dated October 16, 1958, which adds additional acreage to a basic gas sales contract dated November 30, 1956. Applicant was authorized in Docket No. G-11838 to sell gas under the basic contract.

<sup>7</sup> Joe N. Champlin, Operator, is filing for himself and on behalf of the nonoperator, R. W. Lange. Champlin is the only signatory seller party to the gas sales contract dated October 2, 1958.

[F.R. Doc. 59-2278; Filed, Mar. 17, 1959; 8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 77]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICE

MARCH 13, 1959.

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 29250 (Deviation No. 3), NEW ENGLAND TRANSPORTATION COMPANY, 402 Congress Street, Boston, Mass., filed March 5, 1959. Attorney for said carrier, C. A. Horne, 54 Meadow Street, New Haven, Conn. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the New England Section of the New York State Thruway at the Bryam River (New York-Connecticut State line) and the Western Terminus of the said Turnpike at the intersection of Bruckner Boulevard and Westchester Avenue in the Bronx, New York City, N.Y., as follows: from the Eastern Terminus of the New England Section of the New York State Thruway over the New England Section of the New York State Thruway and access routes to the Western Terminus of the said Thruway 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 Boston, Mass., and New York, N.Y., over the following pertinent route: from Boston over Massachusetts Highway 9 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U.S. Highway 20 at Auburn, Mass., thence over U.S. Highway 20 through Sturbridge and Palmer, Mass., to Springfield, Mass., thence over U.S. Highway 5 through Hartford, Conn., to New Haven, Conn., thence over U.S. Highway 1 through Milford, Conn., and Port Chester, N.Y., to New York.

No. MC 29988 (Deviation No. 2), DENVER CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colo., filed February 27, 1959. Attorneys for said carrier, Axelrod, Goodman, and Steiner, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over two deviation routes (a) between the Indiana Toll Road at or near the Illinois-Indiana State line, and the Indiana Toll Road at or near the Indiana-Ohio State line as follows: from

the Illinois-Indiana State line over the Indiana Toll Road and access routes to the Indiana-Ohio State line, and (b) between the Ohio Turnpike at or near the Ohio-Indiana State line and the Ohio Turnpike at or near the Ohio-Pennsylvania State line, as follows: from the Ohio-Indiana State line over the Ohio Turnpike and access routes to the Ohio-Pennsylvania State line; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Chicago, Ill., and New York, N.Y., over the following pertinent route: from Chicago over U.S. Highway 20 to junction U.S. Highway 62, approximately four miles north of Hamburg, N.Y., thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 via Avon, Auburn, and Lafayette, N.Y., to Albany, N.Y., (also from Buffalo over New York Highway 5 to Albany), and thence over U.S. Highway 9 (also over U.S. Highway 9W), to New York.

No. MC 45657 (Deviation No. 1), PICWALSH FREIGHT CO., 731 Campbell Avenue, St. Louis 15, Mo., filed March 11, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between St. Louis, Mo., and Paragould, Ark., as follows: from St. Louis over U.S. Highway 61-67 to junction U.S. Highway 67 at or near Festus, Mo., thence over U.S. Highway 67 to junction U.S. Highway 62 at Corning, Ark., thence over U.S. Highway 62 to junction Arkansas Highway 135, thence over Arkansas Highway 135 to junction Arkansas Highway 1, thence over Arkansas Highway 1 to Paragould 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 St. Louis, Mo., and Paragould, Ark., over the following pertinent route: from St. Louis across the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 3 to junction Illinois Highway 146, thence over Illinois Highway 146 and the Mississippi River Bridge to Cape Girardeau, Mo., thence over U.S. Highway 61 to junction U.S. Highway 60 near Sikeston, Mo., thence over U.S. Highway 60 to Dexter, Mo., thence over Missouri Highway 25 to junction Missouri Highway 84 (formerly Missouri Highway 25), thence over Missouri Highway 84 via Kennett, Mo., to junction County Highway EE, thence over County Highway EE to junction Missouri Highway 25, thence over Missouri Highway 25 to the Missouri-Arkansas State line, thence over Arkansas Highway 25 to Paragould.

No. MC 70451 (Deviation No. 5), WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha 8, Nebr., filed March 4, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route,



between Alamosa, Colo., and Colorado Springs, Colo., as follows: from Alamosa over Colorado Highway 17 to junction U.S. Highway 285, thence over U.S. Highway 285 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Colorado Highway 115, thence over Colorado Highway 115 to Colorado Springs, 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 Alamosa and Colorado Springs, over the following pertinent route: from Alamosa over U.S. Highway 160 to Walsenburg, Colo., thence over U.S. Highway 85 to Colorado Springs.

No. MC 71096 (Deviation No. 1), NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio, filed March 6, 1959. 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. Highway 224 (new) and U.S. Highway 21 (old), and junction relocated U.S. Highway 224 (new) and U.S. Highway 42, approximately one mile south of old U.S. Highway 224, as follows: from junction U.S. Highway 224 (new) and U.S. Highway 21 (old) over relocated U.S. Highway 224 to junction U.S. Highway 42 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 Akron, Ohio and Coldwater, Mich., over the following pertinent route: from Akron over U.S. Highway 224 to Lodi, Ohio, thence over U.S. Highway 42 to Mansfield, Ohio, thence over U.S. Highway 30-N to Delphos, Ohio, thence over U.S. Highway 30 to Fort Wayne, Ind., and thence over U.S. Highway 27 to Coldwater.

No. MC 110325 Sub 1 (Deviation No. 4), TRANSCON LINES, 1206 South Maple Avenue, Los Angeles 15, Calif., filed March 2, 1959. Attorney for said carrier, Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Carrier proposes to operate as a common carrier by motor vehicle of general commodities, with certain exceptions, over a deviation route, between Beaumont, Calif., and junction U.S. Highways 60 and 70, near Pomona, Calif., as follows: from Beaumont over U.S. Highway 70 (San Bernardino Freeway) via Colton, to junction U.S. Highway 60 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 Beaumont, Calif., and junction U.S. Highways 60 and 70 near Pomona, Calif., over U.S. Highway 60 via Riverside, Calif.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-2291; Filed, Mar. 17, 1959;  
8:48 a.m.]

No. 53—4

[Notice 5]

### APPLICATIONS FOR MOTOR CARRIER CERTIFICATE OR PERMIT DURING INTERIM PERIOD

MARCH 13, 1959.

Applications for motor carrier certificate or permit covering operations commenced during the "interim" period, after May 1, 1958, but on or before August 12, 1958.

The following applications and certain other procedural matters relating thereto are filed under the "interim" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by Special Rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provide, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 27817 (Sub No. 34), filed November 12, 1958. Applicant: H. C. GABLER, INC., R.D. No. 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought under section 7 of the Transportation Act of 1958 to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen berries*, from Hammon and Neptune, N.J., Norfolk, Va., Benton Harbor, Muskegon and Detroit, Mich., West Rockport, Maine, and Springfield, Mass., to Greencastle, York, and Peach Glen, Pa.

NOTE: Applicant indicates that Greencastle and York, Pa., listed as point of destination, are points at which storage in transit is taking place.

No. MC 114796 (Sub No. 4) (Clarification), filed December 5, 1958, published in the FEDERAL REGISTER February 18, 1959, at page 1274. Applicant: WAREHOUSE DELIVERY SERVICE, INC., 26th and Water Streets, Bellaire, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought under section 7 of the Transportation Act of 1958 to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, in mixed and in straight loads with certain exempt commodities, between points in each of the territories described below in (1), (2), (3), (4), and

(5) on the one hand, and, on the other, points in each of the territories described below in (1), (2), (3), (4) and (5); (1) points in the State of New York located (a) on and west of New York Highway 12 from Lake Ontario to the junction of New York Highway 12 with U.S. Highway 11 north of Binghamton, N.Y., and (b) thence on and west of U.S. Highway 11 to the New York-Pennsylvania line; (2) points in Pennsylvania located on and west of U.S. Highway 11 from the New York-Pennsylvania line to the Pennsylvania-Maryland line; (3) points in Ohio located on and east of U.S. Highway 23 from the Michigan-Ohio line to the Ohio-West Virginia line; (4) points in West Virginia; (5) Boston and Gloucester, Mass. Applicant states that it transported frozen poultry and frozen fish and fish products in mixed shipments with the above commodities.

No. MC 118038 (Sub No. 1), filed December 3, 1958. Applicant: EASLEY HAULING SERVICE, INC., North First Avenue, and Quince Street, Yakima, Wash. Authority sought under section 7 of the Transportation Act of 1958 to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from Walla Walla, Wash., and Milton, Oreg., to Salem, Portland, and Woodburn, Oreg., and Walla Walla, Wash.

No. MC 118251, filed December 10, 1958. Applicant: RAYMOND DeLONG, Mexico, N.Y. Applicant's representative: Raymond A. Richards, 13 Lapham Park, P.O. Box 25, Webster, N.Y. Authority sought under section 7 of the Transportation Act of 1958 to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in New Jersey and New York, to Syracuse, Watertown and Alexandria Bay, New York. Applicant indicates he will also transport *fresh fruits, vegetables, berries, fresh cut flowers and other fresh produce*, in mixed shipments with bananas.

No. MC 118257, filed December 10, 1958. Applicant: JOHN L. FABERT AND PERRY CARPENTER, doing business as CARPENTER TRANSPORTATION COMPANY, 1507 Beck Street, P.O. Box 2522, Salt Lake City, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. Authority sought under section 7 of the Transportation Act of 1958 to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, in mixed and straight shipments with certain exempt commodities, between points in Colorado, Utah, Missouri, Arizona, Kansas, Texas, Oklahoma, California, Washington, Iowa, Oregon, and Idaho.

No. MC 118291 (Sub No. 1), filed December 10, 1958. Applicant: WAYNE A. KIMBALL AND WILLIAM J. NIEMOTH, doing business as BK & N COMPANY, 346 North Greenwich, Grand Island, Nebr. Applicant's attorney: J. Max Harding, IBM Bldg., 605 South 12th

Street, Lincoln 8, Nebr. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in mixed and straight shipments with *certain exempt commodities*, from New Orleans, La., to Kearney and Grand Island, Nebr.

NOTE: Applicant states that coconuts and yams were transported in mixed shipments with the above commodities.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-2292; Filed, Mar. 17, 1959;  
8:48 a.m.]

[Notice 9]

### APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

MARCH 13, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by Special Rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provide, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 263 (Sub No. 101), filed December 2, 1958. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, P.O. Box 349, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: REGULAR ROUTES: *Frozen fruits, frozen berries, and frozen vegetables*, in straight and in mixed loads with *certain exempt commodities*, (1) Serving Hillsboro and Woodburn, Calif., as off-route points in connection with applicant's authorized regular route operations between Pendleton and Portland, Oreg., over U.S. Highway 30. (2) Serving Nampa, Idaho, as an intermediate point in connection with applicant's authorized regular route operations between Boise, Idaho, and Portland, Oreg.,

over U.S. Highway 30. (3) Serving Watsonville, Calif., as an off-route point in connection with applicant's authorized regular route operations between Sacramento and San Francisco, Calif., over U.S. Highway 40. IRREGULAR ROUTES: From Hillsboro and Woodburn, Oreg., Nampa, Idaho, and Watsonville, Calif., to Hillsboro, Oreg., Denver and Grand Junction, Colo., and Butte, Mont. Applicant indicates the above commodities have also been transported in conjunction with *frozen fish*. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: With respect to (2) above, applicant is already authorized to serve Nampa, Idaho, as an intermediate point in connection with the transportation of general commodities, with specified exceptions.

No. MC 2860 (Sub 4), filed December 10, 1958. Applicant: VICTORY TRANSPORTATION, INC., Elmer Street, Vineland, N.J. Applicant's representative: Irving Abrams, 1776 Broadway, New York 19, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables and bananas*, between New York, N.Y., Philadelphia, Pa., Camden, Jersey City, Bayonne and Vineland, N.J., and points in Massachusetts, Connecticut, Vermont, Rhode Island, Pennsylvania, New Jersey, New York, Delaware, Maine, New Hampshire, Virginia, West Virginia, District of Columbia, Maryland, Ohio, Michigan, Wisconsin, Illinois, Indiana, Minnesota, Missouri, and Florida.

No. MC 3009 (Sub No. 29), filed November 17, 1958. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Applicant's attorney: Dudley W. Conner, Conner Building, Hattiesburg, Miss. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Coffee beans and tea*, between New Orleans, La., and Birmingham, Ala., over U.S. Highway 11.

No. MC 5888 (Sub No. 19), filed December 10, 1958. Applicant: MID AMERICAN TRUCK LINES, INC., 1700 West Ninth Street, Kansas City, Mo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in the Kansas City, Mo., Kansas City, Kansas, Commercial Zone to Marshall, Mo., and Chicago, Decatur, Milan, Peoria, and Springfield, Illinois.

No. MC 7228 (Sub No. 23), filed December 5, 1958. Applicant: HOME TRANSFER & STORAGE CO., a corporation, Rt. 3, Box 147, Mt. Vernon, Wash. Applicant's attorney: John M. Hickson, 1225 Failing Building, Portland 4, Oreg. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, and bananas*, in straight and in mixed loads with *certain exempt commodities*, between points in Oregon, Washington, California, Idaho, Nevada, Arizona, Montana, Colorado, Wyoming, Utah, New Mexico, Missouri, Texas, Minnesota, Wisconsin, and Illinois and ports of entry on the International Boundary Line between the United States and Canada.

NOTE: The application indicates the following exempt commodities are included with shipments of frozen fruits, berries and vegetables: *Frozen sea food dinners*; breaded, cooked or uncooked, frozen or unfrozen fish (including shell fish); codfish cakes, cooked or uncooked, frozen or fresh; clam juice or broth, cooked or uncooked, frozen or fresh; cooked or partially cooked fish or shell fish, frozen or fresh; croquettes, salmon, cooked or uncooked, frozen or fresh, deviled crabs, clams, or lobsters, cooked or uncooked, frozen or fresh; dinners, cooked or uncooked, frozen or fresh; fried fish filets, oysters, or scallops, frozen or fresh, and fish sticks, cooked or uncooked, frozen or fresh, frozen and fresh eggs, frozen fish viscera, frozen and fresh fish; frozen poultry viscera; frozen fish filets, frozen and fresh poultry, whole cut up, eviscerated or New York dressed, fresh fruits, and vegetables, frozen fish eggs, peat moss.

No. MC 8544 (Sub No. 18), filed December 8, 1958. Applicant: GALVESTON TRUCK LINE CORPORATION, 6844 Navigation Boulevard, Houston 11, Texas. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tea*, from Galveston, Tex., to points in Lawton, Duncan, Tulsa, and Ardmore, Okla.

No. MC 8948 (Sub No. 42) (Republication), filed December 7, 1958, published issue of February 11, 1959, page 1038. Applicant: WESTERN TRUCK LINES, LTD., 2550 East 28th Street, Los Angeles 58, Calif. Applicant's representative: Lloyd R. Guerra, 2550 East 28th Street, Los Angeles 58, Calif. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, and certain other exempt commodities*, in full loads, and mixed shipments, (1) between Watsonville, Calif., and points within 10 miles thereof, on the one hand, and, on the other, Gilroy, Calif., over California Highway 152, and (2) between Patterson, Calif., and points within 10 miles thereof, on the one hand, and, on the other, Turlock, Calif., over unnumbered highway.

No. MC 45363 (Sub No. 8), filed December 10, 1958. Applicant: STONE'S EXPRESS, INC., 144 Second Street, Cambridge 41, Mass. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Frozen fruits, berries and vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool, wool tops and noils and wool waste* (carded, spun, woven, or knitted), between points in Connecticut, New Jersey, New York, Massachusetts, and Rhode Island.

No. MC 54220 (Sub No. 4), filed December 8, 1958. Applicant: C. E. SHORT AND GENE SHORT, doing business as SHORT AND SON, P.O. Box 607, Goodland, Kans. Applicant's attorney: J. Wm. Townsend, 641 Harrison Street, Topeka, Kans. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables and bananas*, in straight and in mixed loads with *certain exempt commodities*, from points in California to points in Kansas and Iowa.

NOTE: Applicant states that it seeks authority to transport the above listed commodities in the same vehicle and at the same time with commodities still exempt under the Act, namely, unmanufactured agricultural and horticultural commodities and fish.

No. MC 58948 (Sub No. 82), filed December 8, 1958. Applicant: UNION TRANSFER COMPANY, a corporation, doing business as UNION FREIGHTWAYS, P.O. Box 1586, Omaha, Nebr. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from Fairmont, Winnebago and Waseca, Minn., to points in Iowa south of U.S. Highway 30, points in Peoria and Rock Island Counties, Ill., those in Buchanan and Jackson Counties, Mo., and Wyandotte County, Kans., and to all points authorized to be served on regular routes in Certificates No. MC 58948 and Sub numbers thereunder.

No. MC 67158 (Sub No. 5), filed December 8, 1958. Applicant: W. A. QUERNER, doing business as THRU TRUCK SERVICE, 233 North Mesquite Street, San Antonio, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, coffee beans, bananas, and wool tops and noils*, in straight and in mixed loads with *certain exempt commodities*, between points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Carolina, Nevada, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming.

NOTE: Applicant indicates it will also transport numerous exempt commodities, as more fully set forth in its application, in mixed shipments with the above-described commodities.

No. MC 74482 (Sub No. 1), filed November 25, 1958. Applicant: ST. GERMAIN MOTOR TRANSPORTATION, INC., 607 Cumberland Hill Road, Woonsocket, R.I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R.I. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wool imported from any foreign country, wool tops and noils, and wool waste* (carded, spun, woven, or knitted), from points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, and Paterson, N.J., and Oella, Md.

No. MC 75527 (Sub No. 18), filed December 9, 1958. Applicant: LAHN TRANSPORTATION, a corporation, P.O. Box 17, Bridgeton, N.J. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, in straight and in mixed loads with *certain exempt commodities, frozen berries, and frozen vegetables*, between points in Ohio, West Virginia, Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, North Carolina and South Carolina, and the District of Columbia.

NOTE: Applicant also seeks authority to continue to engage in the transportation of fish and poultry in mixed shipments with the above-specified commodities.

No. MC 108884 (Sub No. 4), filed December 1, 1958. Applicant: ROGERS & KASPER, INC., Great Meadows, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables, exempt fish and shellfish, frog legs, and poultry*, between points in New York, New Jersey, Pennsylvania, and Massachusetts.

No. MC 112854 (Sub No. 14), filed December 8, 1958. Applicant: PETER HOLLEBRAND, Ontario, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, between points in Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Virginia, and West Virginia. Also applicant states that *fresh fruits, fresh berries, fresh vegetables and other fresh produce* were transported in mixed shipments with the above commodities, and seeks authority to continue such operations.

No. MC 113309 (Sub No. 4), filed December 8, 1958. Applicant: CRELINSTEEN CARTAGE COMPANY, a corporation, 1665 Trudel Avenue, Montreal, Quebec, Canada. Applicant's attorney: Alan C. Maxwell, Union Trust

Building, Washington 5, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables and bananas*, between New York, N.Y., and the Port of Entry on the boundary between the United States and Canada at or near Champlain, N.Y.; from New York through the Lincoln Tunnel over New Jersey Highway 3 to junction New Jersey Highway 17 at or near Lyndhurst, N.J., thence over New Jersey Highway 17 to Suffern, N.J., exit to the New York State Thruway, thence over the New York State Thruway to Albany, N.Y., and thence over U.S. Highway 9 to the Port of Entry at or near Champlain, and return over the same route.

No. MC 113751 (Sub No. 3), filed December 8, 1958. Applicant: HAROLD F. DUSHEK, 406 East Lake Street, Waupaca, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables and frozen berries*, from points in Door, Brown, Fond du Lac, and Winnebago Counties, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Ohio. *Bananas*, including *fresh fruits, vegetables and berries*, in mixed shipments with bananas, from Chicago, Ill., to points in Minnesota, Wisconsin, and the upper peninsula of Michigan.

No. MC-114095 (Sub-No. 3), filed December 2, 1958. Applicant: WESTERN PRODUCE EXPRESS, INC., 321 Southeast Alder, Portland, Oregon. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables and bananas*, between points in Washington, Oregon, California, and Arizona.

No. MC 114796 (Sub No. 3) (Clarification), filed December 5, 1958, published in the FEDERAL REGISTER February 18, 1959, at pages 1271 and 1272. Applicant: WAREHOUSE DELIVERY SERVICE, INC., 26th and Water Streets, Bellaire, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, in mixed and in straight loads with *certain exempt commodities*, between points in each of the territories described below in (1), (2), (3), (4), and (5) on the one hand, and, on the other, points in each of the territories described below in (1), (2), (3), (4), and (5); (1) points in the State of New York located (a) on and west of New York Highway 12 from Lake Ontario to the junction of New York Highway 12 with U.S. Highway 11 north of Binghamton, N.Y., and (b) thence on and west of U.S. Highway 11 to

the New York-Pennsylvania Line; (2) points in Pennsylvania located on and west of U.S. Highway 11 from the New York-Pennsylvania Line to the Pennsylvania-Maryland Line; (3) points in Ohio located on and east of U.S. Highway 23 from the Michigan-Ohio line to the Ohio-West Virginia line; (4) points in West Virginia; (5) Boston and Gloucester, Mass.

NOTE: Applicant states that it transported frozen poultry and frozen fish and fish products in mixed shipments with the above commodities.

No. MC 117352 (Sub No. 1), filed November 17, 1958. Applicant: HOWARD SCHAFFER, doing business as HOLMES TRANSPORTATION, 437 Greene Street, Buffalo 12, N.Y. Applicant's representative: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables and tea*, between Buffalo, N.Y., and Erie, Pa., over U.S. Highway 20 and New York Highway 5.

No. MC 117678 filed October 3, 1958. Applicant: FRANK L. WESTON, 222 Beresford Road, Rochester, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., Weehawken, N.J., New York, N.Y., Philadelphia, Pa., and Norfolk Va. and points within a 10-mile radius of each to Rochester, N.Y.

No. MC 117687 filed October 6, 1958. Applicant: J. A. SHAROFF, RUTH SHAROFF AND HERBERT H. VEAN, a partnership, doing business as J. A. SHAROFF & COMPANY, 1644 Market Street, Denver 2, Colo. Applicant's attorney: Paul M. Hupp, 738 Majestic Building, Denver 2, Colo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, between points in Colorado and California.

No. MC 117726, filed October 20, 1958. Applicant: ROBERT J. HENDRICKS, 460 St. John Street, Portland, Maine. Applicant's attorney: Milton E. Diehl, 1382 National Press Building, Washington, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Maine to points in New York, Michigan, Connecticut, Massachusetts, New Jersey, Pennsylvania, and Minnesota, and to Pawtucket and Providence, R.I., Miami, Fla., Nashua, N.H., St. Louis, Mo., Milwaukee and Poplar, Wis., Columbus, Ohio, Chicago, Ill., and Kansas City, Kans.

No. MC 117735, filed October 22, 1958. Applicant: WILSEY, BENNETT CO.,

a corporation, 700 Front Street, San Francisco, Calif. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in California, Washington and Oregon, and Phoenix, Ariz., to points in Arkansas, Missouri, Iowa, Illinois, Oklahoma, Kansas and Texas, and Omaha, Nebr., Albuquerque, N. Mex., and Provo, Utah.

No. MC 117742, filed October 22, 1958. Applicant: EDWARD A. SKWIRUT, 1151 Thomas Street, Hillside, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, between points in Maryland, New Jersey, New York, Pennsylvania, and Virginia.

No. MC 117757, filed October 27, 1958. Applicant: W. D. FRISBEE, doing business as FRISBEE MOTOR EXPRESS, Austell, Ga. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Mobile, Ala., Tampa, Miami, Jacksonville and Port Everglades, Fla., Galveston, Tex., and Charleston, S.C., to points in Kentucky, Alabama, Georgia, and Tennessee.

No. MC 117778, filed October 30, 1958. Applicant: CASTLE EXPRESS COMPANY, INC., Route 70 and Sayre Avenue, Merchantville, N.J. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., Weehawken, N.J., and Baltimore, Md., to Philadelphia, Pa.

No. MC 117792 (Sub No. 1) (Republication), filed October 24, 1958, published issue January 22, 1959, at page 517. Applicant: J. C. JACKSON, JR., AND FORREST JAY NICHOLS, doing business as FARM PRODUCTS COMPANY, 105 North Lincoln Street, East Prairie, Mo. Applicant's attorney: A. M. Spradling, 1838 Broadway, Cape Girardeau, Mo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to Milan, Ill. Previous publication gave applicant's docket number as No. MC 117763 in error. The correct docket number is No. MC 117792 (Sub No. 1).

No. MC 117803 (Sub No. 1), filed November 6, 1958. Applicant: RAY E. LABERTEW, 2931 Withers, Pueblo, Colo. Applicant's attorney: Alvin J. Melkjohn, Jr., 526 Denham Building, Denver 2, Colo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to Colorado Springs and Pueblo, Colo.

No. MC 117811, filed November 10, 1958. Applicant: TONY CARUSO, doing business as CARUSO PRODUCE EXPRESS, 930 Southeast Belmont, Portland, Ore. Applicant's attorneys: Reinhardt & Coblens, Corbett Building, Portland 4, Ore. Grandfather authority sought under section 7 of the Transportation Act of 1958, to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Oregon and California, to points in California and Washington.

No. MC 117863, filed November 21, 1958. Applicant: JAMES JOHNSON, CARL JOHNSON AND BIRD OLDS, JR., doing business as JAMES M. JOHNSON, 906 West 11th Street, Mt. Pleasant, Tex. Applicant's attorney: M. Ward Bailey, 807 Continental Life Building, Fort Worth 2, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, and bananas*, in straight and mixed loads with *certain exempt commodities* from points in Texas, California, Tennessee, New Jersey, Michigan, Louisiana, Delaware, Maryland, and Pennsylvania, to points in Louisiana, Ohio, Texas, Illinois, Tennessee, Arkansas, California, New Jersey, Michigan, New Mexico, Indiana, Kentucky, Arizona, New York, and Pennsylvania.

No. MC 117879, filed November 24, 1958. Applicant: VERNON L. ROBERTSON, doing business as ROBERTSON PRODUCE, 104 Leinster Avenue, Hamilton, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Illinois, Michigan, New York, and Pennsylvania, to ports of entry on the International Boundary line between the United States and Canada at or near Detroit and Port Huron, Mich., and Buffalo, Niagara Falls, and Alexandria Bay, N.Y.

No. MC 117921, filed November 28, 1958. Applicant: LLOYD JETER, 2524 Boca Chica Boulevard, Brownsville, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Brownsville and Galveston, Texas, and New Orleans, La., to Fort Worth, Houston, Corpus Christi, Harlingen, San Antonio, Austin, and Dallas, Tex., and Oklahoma City, Okla.

No. MC 117931, filed December 1, 1958. Applicant: LEONARD KURTZ, 146 Fernon Street, Philadelphia, Pa. Applicant's attorney: Joseph E. Gold, Suite 1800 Finance Building, 1428 South Penn Square, Philadelphia 2, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., Weehawken, N.J., and Norfolk, Va., to Philadelphia and Harrisburg, Pa., and Rosenhayn, N.J.

No. MC 117945, filed December 1, 1958. Applicant: WENDELL FREEMAN, 3200 North 19th, Waco, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Bananas*, between New Orleans, La., and Waco, Tex., from New Orleans over U.S. Highway 61 to Baton Rouge, La., thence over U.S. Highway 190 to Madisonville, Tex., thence over U.S. Highway 75 to Buffalo, Tex., and thence over Texas Highway 164 to Waco, and return over the same route, serving all intermediate points.

No. MC 117952, filed December 3, 1958. Applicant: KERMIT L. WEAVER, 1210 Main Street, Lynchburg, Va. Applicant's attorney: William G. Burnette, 302 Seventh Street, Corner Church and Seventh, Lynchburg, Va. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Bananas*, in straight and in mixed loads with *certain exempt commodities*, from points in Alabama, Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia to points in North Carolina, Virginia, and West Virginia.

NOTE: Applicant states that fruits and vegetables were transported in mixed shipments with bananas.

No. MC 117958, filed December 3, 1958. Applicant: HARRY EDWARD FORD, 4513 Golf Park Drive, Lynchburg, Va. Applicant's attorney: W. G. Burnette, P.O. Box 859, Lynchburg, Va. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in straight and mixed loads with *certain exempt commodities*, from points in Alabama, Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia to points in North Carolina, Virginia, and West Virginia.

NOTE: Applicant states that fruits and vegetables were transported in mixed shipments with bananas.

No. MC 117962, filed December 1, 1958. Applicant: QUICKWAY, INC., 4100 Woodland Avenue, Cleveland 4, Ohio. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Tennessee, Kentucky, West Virginia, Ohio, Michigan, Indiana, Illinois, Wisconsin, Iowa,

Nebraska, Missouri, Minnesota, Kansas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Delaware, Connecticut, Oklahoma, Texas, and the District of Columbia.

No. MC 117967 (Sub No. 1), filed December 4, 1958. Applicant: AIR LINE TRUCKING SERVICE, INC., 275 Spring Street SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, in mixed and in straight loads with *certain exempt commodities*, (1) between points in Georgia, Alabama, North Carolina, South Carolina, Tennessee, Virginia, Mississippi, and Louisiana, on the one hand, and, on the other, points in Georgia, Alabama, North Carolina, South Carolina, Tennessee, Virginia, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Wisconsin, Illinois, St. Louis, Mo., Kentucky, Indiana, Michigan, Ohio, District of Columbia, Connecticut, Delaware, Maryland, Pennsylvania, New Jersey, New York and Massachusetts. (2) From points in New York, New Jersey, and Boston, Mass., to points in Ohio, Michigan, and Illinois. *Bananas*, from New Orleans, La., Mobile, Ala., and points in Florida to points in Alabama, Georgia, South Carolina, and Tennessee.

No. MC 117979, filed December 1, 1958. Applicant: HAROLD W. BRACY, P.O. Box 82, Metairie, La. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 117981, filed December 2, 1958. Applicant: HORACE C. DUFFIN, doing business as H. C. DUFFIN PRODUCE, 450 South 300 East Street, Bountiful, Utah. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables and bananas*, in straight and in mixed loads with *certain exempt commodities*, from points in Idaho, Wyoming, Oregon, Washington, California, Nevada, Utah, Arizona, and Colorado to points in Idaho, Wyoming, Oregon, Washington, California, Nevada, Utah, Arizona, and Colorado.

NOTE: Applicant indicates he has transported the above commodities and all other commodities now considered to be exempt.

No. MC-117994, filed December 3, 1958. Applicant: S & S PRODUCE COMPANY, 2526 Airline Drive, Houston, Tex. Applicant's attorney: John M. Robinson, 558 M & M Building (north), Houston 2, Tex.

Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans and bananas*, from points in California to points in Texas, Louisiana, Arkansas, California, Arizona, and New Mexico.

No. MC 117998, filed December 4, 1958. Applicant: RAY WILSON, 307 Missouri Street, Steele, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Mobile, Ala., and Charleston, S.C., to Terre Haute, Indianapolis, and Vincennes, Ind., De Kalb, Ill., Springfield and St. Louis, Mo., Louisville, Ky., Nashville, Tenn., Cincinnati, Ohio, and Corpus Christi, Houston, and Dallas, Tex.

No. MC-118016, filed December 9, 1958. Applicant: DOYLE BURKETT, 4900 Princeton Drive, Little Rock, Ark. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables and bananas*, between New Orleans and Hammon, La., Little Rock, Ark., Tucson and Phoenix, Ariz., and San Francisco, San Diego, Sacramento, and Oakland, Calif.

No. MC 118017, filed December 9, 1958. Applicant: ARTHUR J. ALBERTELLI, doing business as A. ALBERTELLI TRUCKING, 81 Eustis Street, Somerville, Mass. Applicant's representative: Gerard J. Donovan, 37 Leighton Road, Hyde Park 36, Mass. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in the New York, N.Y., Commercial Zone, as defined by the Commission, Brooklyn, N.Y., Weehawken and Port Newark, N.J., Baltimore, Md., and Philadelphia, Pa., to Brockton, Worcester, and Boston, Mass.

No. MC-118024, filed December 8, 1958. Applicant: SUNNYLAND REFINING COMPANY, INC., 3330 10th Avenue North, Birmingham, Ala. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala., New Orleans, La., and Tampa, Fla., to Birmingham, Ala.

No. MC 118033, filed December 8, 1958. Applicant: TENNESSEE EXCHANGE DISTRIBUTING COMPANY, INC., 1026 North First Avenue, Birmingham, Ala. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Miami and Tampa, Fla., to Birmingham, Ala.

No. MC 118038, filed December 8, 1958. Applicant: EASLEY HAULING SERVICE, INC., North First Avenue and Quince Street, Yakima, Wash. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from Walla Walla and Grandview, Wash., and Free-water, Oreg., to Milton, Oreg., and Grandview, Wash.

No. MC 118048, filed December 8, 1958. Applicant: AUGUSTINE J. NELSON AND ALBERT B. ARTHUR, a partnership, doing business as ARNEL TRADING, 67 Washington Avenue, Chelsea, Mass. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wool* imported from any foreign country, *wool tops and noils* and *wool waste* (carded, spun, woven or knitted), from points in Massachusetts east of the Connecticut River, and Rhode Island, and Philadelphia, Pa., and Chicago, Ill., to points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

No. MC 118057, filed December 8, 1958. Applicant: VICTOR ELTING, doing business as E. TRUCKING, 365 River Road, Bogota, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in New York, New Jersey, Pennsylvania, Maryland, and South Carolina, to points in Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia.

No. MC 118064, filed December 8, 1958. Applicant: CAPITOL FISH COMPANY, a corporation, 777 West Whitehall Street SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Maine, Massachusetts, Rhode Island, New York, New Jersey, Maryland, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Arkansas, Michigan, Illinois, Wisconsin, Texas, Oklahoma, Arizona, California, Washington, and Oregon to all points in the United States.

NOTE: Applicant also seeks authority to continue to engage in the transportation of (1) fish and frozen poultry, and (2) fresh and frozen fish (including shell fish and shrimp) frozen or fresh (but not including fish, shell fish, and shrimp which have been treated for preserving, such as canned, smoked, pickled, spiced, corned or kippered

products) and (3) frozen eggs, when transported on the same vehicle with frozen fruits, frozen berries and frozen vegetables.

No. MC 118077, filed December 8, 1958. Applicant: GENE CUMMINGS, 343 South Jefferson Davis Parkway, New Orleans, La. Applicant's attorney: Glenn A. Young, Young Building, 2 North Main, Sapulpa, Okla. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to Indianapolis, Muncie, and Terre Haute, Ind., Norman, Rockfort, and Chicago, Ill., Lima, Toledo, and Cincinnati, Ohio, Nashville, Knoxville, and Johnson City, Tenn., Joplin, Kansas City, and St. Joseph, Mo., Omaha, Nebr., Liberal, Kans., Atlanta, Ga., Los Angeles, Calif., New Hampton, Spencer, Creston, Sioux City, Fort Dodge, Des Moines, and Carroll, Iowa, El Paso, Tex., and Louisville, Ky.

No. MC 118086, filed December 8, 1958. Applicant: WILBUR G. ELTING, doing business as DAWN TRANSPORTATION CO., 9-18 Henderson Boulevard, Fairlawn, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in Maryland, New Jersey, New York, and South Carolina, to points in Connecticut, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin.

No. MC 118131, filed December 9, 1958. Applicant: HARRISBURG FOOD TERMINAL CORPORATION, 317-327 Frederick Street, Steelton, Pa. Applicant's attorney: Earl V. Compton, 800-806 Blackstone Building, 112 Market Street, Harrisburg, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from points in New Jersey, Pennsylvania, Virginia, New York, N.Y., and Chicago, Ill., to points in Missouri, Illinois, and Wisconsin.

No. MC 118138, filed December 9, 1958. Applicant: L. A. BENEFIELD AND G. H. BENEFIELD, doing business as BENEFIELD BROTHERS, Cullman, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery, Ala. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Mobile, Ala., Charleston, S.C., and Tampa and Jacksonville, Fla., to points in Indiana, Illinois, Arkansas, Nebraska, Michigan, California, Wisconsin, Arizona, Missouri, Kentucky, Texas, Minnesota, New Mexico, Iowa, Oklahoma, Alabama, Ohio, and Kansas.

No. MC 118140, filed December 9, 1958. Applicant: W. A. BRITT, 801 North

Dallas, Lamesa, Tex. Applicant's attorney: Robert L. Strickland, 715 Frost National Bank Building, San Antonio 5, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa beans, coffee beans, tea, bananas, hemp, wool* imported from any foreign country, *wool tops and noils, wool waste* (carded, spun, woven or knitted), and *frozen fruits, berries and vegetables*, in mixed and straight shipments with *certain exempt commodities* between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming.

No. MC 118142, filed December 8, 1958. Applicant: M. BRUENGER & CO., INC., 123 South Rock Island, Wichita, Kans. Applicant's attorney: J. Wm. Townsend, 641 Harrison Street, Topeka, Kans. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* and *frozen fruits, berries and vegetables*, in straight and in mixed loads with *certain exempt commodities*, from points in California, Louisiana, and Texas to points in Kansas, Missouri, and Oklahoma.

No. MC 118173, filed December 8, 1958. Applicant: DON McADEN CO., a corporation, General Delivery, Gordonville, Tex. Applicant's attorney: Warren Whitham, 1310-21 Kirby Building, Dallas 1, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, (1) from points in California to points in Texas, Arkansas, Louisiana, and Memphis, Tenn.; (2) from points in Georgia and Louisiana to points in Texas, Arizona, and California; and (3) from points in Starr, Ridalgo, Willacy, and Cameron Counties, Tex., to points in Shelby, Tipton, Fayette, Haywood, Lauderdale, and Crockett Counties, Tenn.

No. MC 118180, filed December 4, 1958. Applicant: MERRILL MOTOR LINE, INC., 2520 Northeast 35th Street, Fort Worth, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to points in Texas and Oklahoma.

No. MC 118186, filed December 8, 1958. Applicant: E. H. PARENT, INC., Grand Isle, Maine. Applicant's attorney: Rudolph T. Pelletier, Madawaska, Maine. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in

straight and in mixed loads with *certain exempt commodities*, from Boston, Mass., to ports of entry on the international boundary line between the United States and Canada in Maine and New Hampshire.

Note: Applicant states that fresh fruits and fresh vegetables were transported in mixed shipments with bananas.

No. MC 118203, filed December 9, 1958. Applicant: E. E. SAUNDERS & COMPANY, a corporation, 813 South Palafox Street, Pensacola, Fla. Applicant's attorney: William J. Augello, Jr., 99 Hudson Street, New York 13, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, (1) from points in Illinois, Michigan, Louisiana, Wisconsin and Tennessee to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Ohio, and Tennessee. (2) From points in New York, Massachusetts and Virginia to points in Alabama, Florida, Georgia, North Carolina, Mississippi, and Virginia. (3) From points in Alabama, Georgia, and Louisiana to points in Florida.

Applicant also seeks authority to continue to engage in the transportation of *fresh and frozen fish, seafoods, and fresh and frozen poultry* in mixed and straight loads with the above-specified commodities.

No. MC 118206, filed December 8, 1958. Applicant: H. A. SCHUMAN, 1608 Broadway, Kilgore, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Galveston, and Brownsville, Tex. to points in Texas, Oklahoma, Arkansas, Louisiana, New Mexico, Mississippi, and Tennessee.

No. MC 118221, filed December 8, 1958. Applicant: ARTHUR J. SMITH, Dunstable Road, Tyngsboro, Mass. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Weehawken and Newark, N.J., and New York, N.Y., to Bangor and Portland, Maine.

No. MC 118222, filed December 8, 1958. Applicant: SOUTHERN SHIPPERS, INC., P.O. Box 1542, Hattiesburg, Miss. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coffee beans, bananas, and hemp*, from New Orleans, La., and Mobile, Ala., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, Virginia, and West Virginia.

No. MC 118224, filed December 8, 1958. Applicant: ABE RUTCHIK, doing business as STANDARD FRUIT & VEGETABLE CO., 2111 Taylor Street, Dallas, Tex. Applicant's attorney: Emil Corenblieth, 1831-36 Republic National Bank Building, Pacific at Ervay, Dallas 1, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in Louisiana and Texas to points in Texas.

No. MC 118229, filed December 8, 1958. Applicant: LEMUEL THORNTON, 3905 Brown Street, Philadelphia, Pa. Applicant's attorney: Edgar R. Einhorn, 1428 South Penn Square, Philadelphia 2, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., Weehawken and Newark, N.J., New York, N.Y., Norfolk and Richmond, Va., and Philadelphia, Pa., to Philadelphia and Harrisburg, Pa., Rosenhayn, N.J., Richmond, Va., Washington, D.C., and Baltimore, Md.

No. MC 118232, filed December 9, 1958. Applicant: V. J. TOVATT COMPANY, a corporation, 3002 East Century Boulevard, Lynwood, Calif. Applicant's attorney: William J. Augello, Jr., 99 Hudson Street, New York 13, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, in straight and in mixed loads with *certain exempt commodities*, (1) from points in California, Oregon and Washington, to points in Alabama, California, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia; (2) between points in California, Oregon, and Washington, on the one hand, and, on the other, points in Arkansas, Georgia, Pennsylvania, Michigan, and Wisconsin; (3) from points in Michigan and Wisconsin to points in Florida and Tennessee; (4) from points in Arkansas, Michigan, and Wisconsin, to points in New York; (5) from points in Delaware, New York, and the District of Columbia, to points in Tennessee; and (6) from points in Georgia and Louisiana, to points in California, Florida, Mississippi, Oregon, Texas, and Washington.

Note: Applicant indicates it also seeks authority to continue the transportation of numerous exempt commodities, as more fully set forth in its application, in mixed shipments with frozen fruits, berries and vegetables.

No. MC 118236, filed December 8, 1958. Applicant: SOUTHERN TRUCK LINES, INC., Huntsville Highway, Fayetteville, Tenn. Applicant's attorney: Martin Sack, Atlantic National Bank Building,

Jacksonville 2, Fla. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Mobile, Ala., and Miami and Tampa, Fla., to Nashville, Tenn.

Note: Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 108991 and sub numbers there under; therefore, dual operations under section 210 may be involved.

No. MC 118281, filed December 10, 1958. Applicant: H. D. AYERS AND LOIS MADDUX, doing business as AYERS & MADDUX, 543 South Central, P.O. Box 21314, Market Station, Los Angeles, Calif. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables and bananas*, from points in California, Oregon, Washington, Utah, Idaho, and Colorado to points in California, Arizona, New Mexico, Colorado, Wyoming, Nevada, Idaho, Oregon, Washington, Montana, Utah, and El Paso, Tex.

No. MC 118285, filed December 9, 1958. Applicant: FOX DELUXE FOODS, INC., P.O. Box 93, Springdale, Ark. Applicant's attorneys: A. Alvis Layne, Jr., Pennsylvania Building, Washington 4, D.C., and John H. Joyce, 26 North College, Fayetteville, Ark. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, (1) from points in Illinois and Michigan, to points in Kansas, Missouri, and Oklahoma; (2) from points in Wisconsin to points in Missouri and Nebraska; (3) from points in New York to points in Missouri; (4) from points in Texas to points in Oklahoma; and (5) from points in Missouri to points in Texas.

No. MC 118291, filed December 10, 1958. Applicant: WAYNE A. KIMBALL AND WILLIAM J. NIEMOTH, doing business as BK & N COMPANY, 346 North Greenwich, Grand Island, Nebr. Applicant's attorney: J. Max Harding, I B M Building, 605 South 12th Street, Lincoln 8, Nebr. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to Kearney and Grand Island, Nebr., in mixed and straight shipments with *certain exempt commodities*.

No. MC 118325, filed December 10, 1958. Applicant: PINES TO PALMS EXPRESS, INC., 1112 Race Street, Baltimore, Md. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, between Baltimore, Md., on the one hand, and, on the other, Harrisburg and Philadelphia, Pa., Richmond, Norfolk, and Roanoke, Va., and Wheeling, W. Va.

Note: Common control may be involved.

No. MC 118327, filed December 1, 1958. Applicant: D. S. PRICE, State Farmer's Market, Columbia, S.C. Applicant's attorney: Eugene P. Rogers, 200-204 Standard Building, 1213 Washington Street, Columbia, S.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Charleston, S.C., Miami and Tampa, Fla., New York, N.Y., and Newark, N.J., to Columbia, S.C., Raleigh, N.C., Miami, Tampa, and Jacksonville, Fla., Huntington, W. Va., Lock Haven, Pa., Goldsboro, N.C., and Richmond, Va.

No. MC 118330, filed December 10, 1958. Applicant: G. B. INVESTMENT, INC., 356 Terminal Building, Phoenix, Ariz. Applicant's attorney: Langmade & Sullivan, Luhrs Building, Phoenix, Ariz. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from Corona, and Anaheim, and points in Los Angeles and San Francisco Counties, Calif., to points in Maricopa County, Ariz.

No. MC 118349, filed December 10, 1958. Applicant: J. F. RAGSDALE, JR., doing business as EAST-WEST REFRIGERATED SERVICE, 856 Warner Street SW., Atlanta, Ga. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from points in California and Washington, to points in Alabama, Georgia, Tennessee, Florida, North Carolina, and South Carolina. Applicant indicates it also seeks authority to continue the transportation of *frozen poultry* (from California only) when transported in the same vehicle with frozen fruits, berries or vegetables.

No. MC 118365, filed December 10, 1958. Applicant: SEATTLE PACKING COMPANY, a corporation, 2203 Airport Way, Seattle, Wash. Applicant's attorney: Richard M. Freeman, One North La Salle Street, Chicago 2, Ill. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen berries, and frozen vegetables*, from points in California, Oregon, and Washington to points in California, Illinois, Iowa, Kansas, Missouri, Minnesota, Nebraska, and Washington, including ports of entry in Washington on the International Boundary line between the United States and Canada.

No. MC 118369, filed December 10, 1958. Applicant: W. H. SNELLING, 1334 Hubbard Street, Jacksonville 6, Fla. Applicant's attorney: Wm. Reece Smith, Jr., P.O. Box 3239. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa, Fla., to Jacksonville, Fla., Birmingham, Ala., Columbia, S.C.,

Knoxville, Tenn., Raleigh, N.C., and Atlanta, Ga.

No. MC 118380, filed December 10, 1958. Applicant: ANTHONY C. JORDAN, doing business as JORDAN'S BANANAS, 700 O'Neil Boulevard, McKeesport, Pa. Applicant's attorney: John A. Vuono, 1211 Berger Building, Pittsburgh 19, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., Philadelphia, Pa., Baltimore, Md., and Charleston, S.C., to points in Pennsylvania.

No. MC 118424, filed December 10, 1958. Applicant: UMATILLA CANNING COMPANY, 235 East Broadway, Milton-Freewater, Ore. Applicant's attorney: Cameron Sherwood, 601-605 Baker Building, Walla Walla, Wash. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, in straight and in mixed loads with *certain exempt commodities*, between points in Washington, Oregon, Minnesota, Idaho, Wisconsin, California, Colorado, Iowa, Missouri, Montana, Nebraska, Nevada, Oklahoma, Utah, and South Dakota.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-2293; Filed, Mar. 17, 1959;  
8:49 a.m.]

[Notice 260]

## MOTOR CARRIER APPLICATIONS

MARCH 13, 1959.

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 (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

### MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 130), filed February 11, 1959. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank vehicles and in special containers, from Lebanon, Ore., to points in California, Nevada, and Arizona. Applicant is authorized to conduct regular and irregular route operations in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

HEARING: April 13, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 1827 (Sub No. 30), filed January 26, 1959. Applicant: K. W. MCKEE INCORPORATED, 2811 Highway 55, St. Paul 18, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, in secondary movements, in truckaway service, from St. Paul, Minn., to points in Minnesota, Montana, North Dakota, South Dakota, and Wisconsin; and *damaged, defective, rejected or returned shipments* of automobiles and trucks, on return. Applicant is authorized to conduct operations in Minnesota, North Dakota, South Dakota, Iowa, Wisconsin, Michigan, Montana, Illinois, Colorado, Wyoming, Kansas, Utah, Idaho, Missouri, Indiana, Arkansas, Arizona, Nevada, Oregon, Texas, and New Mexico.

NOTE: Applicant states the proposed transportation is for the account of the Ford Motor Company.

HEARING: May 8, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 1827 (Sub No. 31), filed February 19, 1959. Applicant: K. W. MCKEE INCORPORATED, 2811 Highway 55, St. Paul 18, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavored and phosphated beverages, and fruit juices*, from points in Eagan Township, Dakota County, Minn., to points in Colorado, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, Wyoming, and the Upper Peninsula of Michigan, and *empty containers* used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Wisconsin, and Wyoming.

HEARING: May 12, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 3094 (Sub No. 9), filed February 17, 1959. Applicant: SERVICE MOTOR FREIGHT, INC., 700 Clements Bridge Road, Barrington, N.J. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including liquid commodities*, in bulk, in tank vehicles and except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission



and commodities requiring special equipment, between Berlin, N.J., on the one hand, and, on the other, points in Connecticut, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Delaware, New York, New Hampshire, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, the Lower Peninsula of Michigan, and the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, Maryland, the District of Columbia, Delaware, New York, Virginia, Massachusetts, Connecticut, and Rhode Island.

NOTE: Applicant states the proposed transportation is to be performed under a continuing contract with Owens-Corning Fiberglass Corporation of Toledo, Ohio.

HEARING: April 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William P. Sullivan.

No. MC 3094 (Sub No. 10), filed February 17, 1959. Applicant: SERVICE MOTOR FREIGHT, INC., 700 Clements Bridge Road, Barrington, N.J. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities including liquid commodities*, in bulk, in tank vehicles, and except commodities of unusual value, Class A and B explosives, household goods as defined by the commission, and commodities requiring special equipment, between Barrington, N.J., on the one hand, and, on the other, points in Georgia, Illinois, Indiana, Kentucky, Maine, New Hampshire, North Carolina, Ohio, South Carolina, Tennessee, West Virginia, Vermont, the lower Peninsula of Michigan, that part of Pennsylvania which is west of Fulton, Huntingdon, Blair, Centre, Clinton, and Potter Counties, and that part of New York which is west or north of Chemung, Tomkins, Cayuga, Oswego, Oneida, Herkimer, Hamilton, Warren, and Washington Counties. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, Maryland, the District of Columbia, Delaware, New York, Virginia, Massachusetts, Connecticut, and Rhode Island.

NOTE: Applicant states the proposed transportation is to be performed under a continuing contract with Owens-Corning Fiberglass Corporation of Toledo, Ohio.

HEARING: April 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William P. Sullivan.

No. MC 4941 (Sub No. 8), filed February 9, 1959. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Crozet, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. Applicant is authorized to conduct operations in Connecticut, District of Columbia, Maine, Maryland,

Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia.

HEARING: April 20, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William P. Sullivan.

No. MC 8681 (Sub No. 75), filed February 24, 1959. Applicant: WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Suite 503, Indianapolis 2, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in initial movements, by the truck-away method, from Kalamazoo, Mich., to points in California, Idaho, Nevada, Oregon, and Washington, and *rejected and/or damaged shipments* of the above-described units to the shipper for repairing on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 23, 1959, at the Federal Building, Detroit, Mich., before Examiner C. Evans Brooks.

No. MC 8948 (Sub No. 46), filed March 8, 1959. Applicant: WESTERN TRUCK LINES, LTD., 2550 East 28th Street, Los Angeles 58, Calif. Applicant's representative: Lloyd R. Guerra, P.O. Box 58274 Vernon Branch, Los Angeles 58, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Class A, B and C explosives, ammunition and component parts not included in Class A, B and C explosives, and component parts* of Class A, B and C explosives, between the United States Naval Ordnance Test Station at China Lake, Calif., and Phoenix, Ariz., (1) from China Lake over carrier's authorized regular route via Los Angeles, Calif., to Phoenix, and return over the same route, serving no intermediate points (2) From China Lake over unnumbered highway to Inyokern, Calif., thence over U.S. Highway 395 to junction U.S. Highway 70 at Colton, Calif., and thence over carrier's authorized regular routes to Phoenix, and return over the same route, serving no intermediate points.

NOTE: Applicant states the two routes described are applied for (1) so that less-truckload shipments of explosives may be readily handled with daily general freight schedules between China Lake and Los Angeles, and thence daily schedules between Los Angeles and Phoenix, and (2) when straight loads or exclusive-use-of-vehicle service is required, shipments may move over U.S. Highway 395 to Colton and beyond to Phoenix, thus avoiding the congested Los Angeles area. Applicant is authorized to conduct operations in Arizona, California, Nevada, New Mexico, and Texas. Common control may be involved.

HEARING: April 29, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 8989 (Sub No. 180), filed February 17, 1959. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment

Building, 15th and K Streets, NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, by truckaway or driveaway service, and *parts, tools and accessories* when moving with the motor vehicles, from points in the Chicago, Ill., Commercial Zone, to points in the United States, and *damaged, rejected or returned shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that service to Alaska is also proposed.

HEARING: May 4, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 16903 (Sub No. 15), filed January 19, 1959. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, P.O. Box 375, Bloomington, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marble, granite, stone, slate; cut, uncut, finished and in the rough*, from Atlanta, Ga., to points in Alabama, Florida, Louisiana, Mississippi, South Carolina, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: April 21, 1959, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner Lucian A. Jackson.

No. MC 26396 (Sub No. 9), filed May 15, 1958. Applicant: STAR TRANSFER COMPANY, a corporation, P.O. Box 229, 1024 Second Avenue North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements, consisting of urea, ethyl, alcohol, phosphoric acid, inorganic chloride salts, water and trace minerals*, from Crete, Nebr., to points in eastern Montana in Glacier, Phillips, Teton, Petroleum, Richland, Deer Lodge, Park, Treasure, Prairie, Powder River, Toole, Valley, Chouteau, Wheatland, Meagher, Silver Bow, Sweet Grass, Big Horn, Wibaux, Carter, Liberty, Daniels, Cascade, Golden Valley, Broadwater, Beaverhead, Stillwater, Garfield, Rosebud, Hill, Sheridan, Judith Basin, Musselshell, Jefferson, Madison, Carbon, McCone, Custer, Blaine, Pondera, Fergus, Roosevelt, Lewis and Clark, Gallatin, Yellowstone, Dawson, and Fallon Counties, Mont., points in Niobrara, Converse, Natrona, Fremont, Sublette, Lincoln, Teton, Park, Hot Springs, Big Horn, Washakie, Johnson, Campbell, Weston, Crook, and Sheridan Counties, Wyo., points in North Dakota west of North Da-

kota Highway 3, and those in South Dakota east of the Missouri River, and *contaminated and rejected products* on return. Applicant is authorized to conduct operations in Montana and Wyoming.

NOTE: Points in North Dakota requested in this application are described as everything west of the straight line drawn from the point where North Dakota Highway 3 crosses the Canadian line to a point where U. S. Highway 83 crosses the North and South Dakota line. Inasmuch as U. S. Highway 10 intersects North Dakota Highway 3 and U. S. Highway 83, the wider territorial area was set in this notice.

HEARING: May 14, 1959, at the Commercial Club, Billings, Mont., before Examiner Allan F. Borroughs.

No. MC 26396 (Sub No. 12), filed September 8, 1958. Applicant: STAR TRANSFER COMPANY, 1024 Second Avenue North, Billings, Mont. Applicant's attorney: J. F. Meglen, 204-205 Behner Building, 2822 Third Avenue North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemical fertilizer and liquid fertilizer compound*, in bulk in tank vehicles, from Don, Idaho to points in Beaverhead, Blaine, Broadwater, Carbon, Custer, Daniels, Dawson, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Hill, Jefferson, Judith Basin, Lake, Liberty, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Stillwater, Sweetgrass, Teton, Valley, Wheatland, and Wibaux Counties, Mont.; (2) *Dry fertilizer and dry fertilizer compound*, in bags and packages, from Don, Idaho to points in Beaverhead, Blaine, Broadwater, Cascade, Chouteau, Custer, Daniels, Dawson, Fallon, Flathead, Gallatin, Glacier, Granite, Hill, Lake, Lewis and Clark, Liberty, McCone, Madison, Meagher, Mineral, Missoula, Park, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Sanders, Teton, Toole, Valley, and Wibaux Counties, Mont.; (3) *Dry fertilizer and dry fertilizer compound*, in bulk, from Don, Idaho to points in Beaverhead, Blaine, Broadwater, Cascade, Chouteau, Custer, Dawson, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Sanders, Sweetgrass, Teton, Toole, Valley, and Wibaux Counties, Mont., and *contaminated or rejected shipments* of the above commodities on return on the above specified routes. Applicant is authorized to conduct operations in Montana and Wyoming.

HEARING: May 20, 1959, at the Commercial Club, Billings, Mont., before Joint Board No. 83, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 28573 (Sub No. 14), filed December 1, 1958. Applicant: GREAT NORTHERN RAILWAY COMPANY, a corporation, 175 East Fourth Street, St.

Paul 1, Minn. Applicant's attorney: R. W. Cronon, 175 East Fourth Street, Law Department, St. Paul 1, Minn. 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 Lewistown, Mont., and Malta, Mont., over Montana Highway 19, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations in Montana and (2) between junction unnumbered Montana Highway and U.S. Highway 87 near Grassrange, Mont., and junction unnumbered Montana Highway and Montana Highway 19 near Roy, Mont., over said unnumbered Montana Highway, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular and proposed regular route operations. Applicant is authorized to conduct operations in Minnesota, Montana, North Dakota, and Oregon.

NOTE: Applicant states that in (1) above it proposes to operate via Roy, Mont., and as a point of joinder only in connection with its authorized regular route operations.

HEARING: May 25, 1959, at the Montana Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 82, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 29647 (Sub No. 28), filed February 27, 1959. Applicant: CHARLTON BROS. TRANSPORTATION COMPANY, INC., 552 Jefferson Street, Hagerstown, Md. Applicant's attorney: Spencer T. Money, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *cement*, in bulk and bags, in packages, and other containers, between points in Washington, Frederick and Carroll Counties, Md., and points in Berkeley County, W. Va., on the one hand, and, on the other, points in Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

HEARING: April 16, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 30561 (Sub No. 5), filed February 16, 1959. Applicant: FEES, INCORPORATED, 3rd and Hunting Park Avenue, Philadelphia, Pa. Applicant's attorney: Paul F. Barnes, 225 South 15th Street, Philadelphia, Pa. Authority sought to operate as a *contract carrier*, by motor vehicles, over irregular routes, transporting: *Steel wire springs, steel wire forms, and component parts* of steel wire springs and steel wire forms, from Philadelphia, Pa., to points in Maryland, Delaware, New York, New Jersey, and the District of Columbia. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Dela-

ware, Maryland, and the District of Columbia.

NOTE: Applicant states that the above service will be limited and subject to a continuing contract with Sterling Wire Products Company, Philadelphia, Pa.

HEARING: April 21, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William P. Sullivan.

No. MC 30887 (Sub No. 89), filed February 11, 1959. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's representative: Donald E. Freeman, 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in dump-tank or hopper-type vehicles, and *cement*, in bags, packages or other containers, from Lime Kiln, Security and Union Bridge, Md., and York, Pa., to points in Delaware, Maryland, North Carolina, Pennsylvania, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Maryland, West Virginia, Rhode Island, Massachusetts, Pennsylvania, New Hampshire, New York, New Jersey, Virginia, North Carolina, South Carolina, Ohio, Indiana, Michigan, Missouri, Wisconsin, Tennessee, Illinois, Georgia, Vermont, Kentucky, and the District of Columbia.

HEARING: April 16, 1959, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 43654 (Sub No. 40), filed January 19, 1959. Applicant: DIXIE OHIO EXPRESS, INC., 237 Fountain Street, Box 750, Akron 9, Ohio. 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, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points within 10 miles of Summerville, Ga., except points on U.S. Highway 27, as off-route points, in connection with applicant's authorized regular route operations between Chattanooga, Tenn., and Atlanta, Ga. Applicant is authorized to conduct operations in Alabama, Georgia, Kentucky, New York, Ohio, Pennsylvania, and Tennessee.

HEARING: April 20, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 46271 (Sub No. 2), filed February 11, 1959. Applicant: WM. G. DEVENNEY, INC., 4200 Pine Street, Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., Bank of Delaware Building, Wilmington 1, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Norristown, Pa., to Wilmington, Del., and *empty containers or other such*

incidental facilities, used in transporting malt beverages, on return. Applicant is authorized to conduct operations in Delaware, New Jersey, Pennsylvania, Maryland, and New York.

NOTE: Applicant states the proposed movements will originate from the Adam Scheidt Brewing Company in Norristown to the warehouse facilities of Ajax Distributors in Wilmington.

HEARING: April 21, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 52858 (Sub No. 76), filed February 13, 1959. Applicant: CONVOY COMPANY, an Oregon corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Trucks, tractors, busses and chassis*, in secondary movements, by the truckway and drive-away methods, from Milpitas, Calif., to points in California. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

HEARING: April 14, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 56388 (Sub No. 14), filed February 12, 1959. Applicant: JAMES R. HAHN, New Market, Md. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper type vehicles, and in bags, packages or other containers, from points in Frederick, Carroll, and Washington Counties, Md., to points in Delaware, District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia. Applicant is authorized to conduct operations in Maryland, Delaware, Virginia, Pennsylvania, West Virginia, and the District of Columbia.

HEARING: April 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 58885 (Sub No. 19), filed January 27, 1959. Applicant: ATLANTA MOTOR LINES, INC., 1268 Caroline Street NE., Atlanta, Ga. Applicant's attorney: Alan Watkins, 214-216 Grant Building, Atlanta 3, Ga. 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 Ellijay, Ga., and Chatta-

nooga, Tenn., from Ellijay over U.S. Highway 76 to Dalton, Ga., thence over U.S. Highway 41 to Chattanooga, and return over the same route; (2) between Mineral Bluff, Ga., and McCaysville, Ga., over Georgia highway 245, serving all intermediate points on the above specified routes, as alternate routes for operating convenience only. Applicant is authorized to conduct operations in Georgia, North Carolina, and Tennessee.

HEARING: April 21, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 238, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 59292 (Sub No. 15), filed February 27, 1959. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Frankfort Avenue, Baltimore 25, Md. Applicant's attorney: Spencer T. Money, Mills Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper type vehicles, and *cement* in bags, packages or other containers, between points in Berkeley County, W. Va., Carroll, Frederick, and Washington Counties, Md., and York County, Pa., and points in Maryland, Delaware, Virginia, West Virginia, New Jersey, Pennsylvania, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Pennsylvania, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Virginia, West Virginia, and the District of Columbia.

HEARING: April 17, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 60612 (Sub No. 12), (RE-PUBLICATION), filed January 4, 1959, published issue of March 4, 1959, at page 1611. Applicant: SAMUEL TISCHLER, Morton Avenue, Rosenhayn, N.J. Applicant's attorney: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Cedarville, Cologne, Folsom, Hammonont, and Vineland, N.J., to Bridgeton, Landisville, and Quinton, N.J., Buffalo and Syracuse, N.Y., and Johnstown, Pa., and from Bridgeton and Landisville, N.J., to Quinton, N.J., Buffalo and Syracuse, N.Y., and Johnstown, Pa. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Maryland, the District of Columbia, Delaware, Connecticut, Massachusetts, and Rhode Island.

NOTE: Applicant states that where the proposed operations appear to be wholly within the State of New Jersey, the purpose is to tack the said authority with applicant's existing authority.

HEARING: Remains as assigned, April 22, 1959, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 61403 (Sub No. 38), filed February 13, 1959. Applicant: THE MA-SON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Author-

ity sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, in tank vehicles, from Chicago Heights, Ill., to Philadelphia, Pa. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: April 24, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 63562 (Sub No. 34), filed September 26, 1958. Applicant: NORTH-EASTERN PACIFIC TRANSPORT COMPANY, a corporation, 176 East Fifth Street, St. Paul, Minn. Applicant's attorney: Harold K. Bradford, Jr., same address as applicant. Applicant's representative: Leland M. Cowan, 425 Burlington Avenue, Billings, Mont. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, in truck load lots, including articles of unusual value, commodities in bulk, and those requiring special equipment, but excluding Class A and B explosives, and household goods as defined by the Commission, between Columbus, Mont., and Nye, Mont.: (a) From Columbus over unnumbered highway via Absarokee, Fishtail, and Dean, Mont., to Nye, and return over the same route, serving no intermediate points; and (b) From Columbus over unnumbered highway via Absarokee and Beehive, Mont., to Nye, and return over the same route, serving no intermediate points. Applicant is authorized to conduct regular and irregular route operations in Montana, Minnesota, North Dakota, and Washington.

NOTE: Applicant states it proposes to transport the above-specified commodities in connection with its present authorized regular route operations.

HEARING: May 19, 1959, at the Commercial Club, Billings, Mont., before Joint Board No. 82, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 66277 (Sub No. 4), filed March 5, 1959. Applicant: ARROW FREIGHT LINES, INC., 727 Front Street, Chicopee, Mass. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *New household furnishings and new furniture*, crated and uncrated, between West Springfield, Mass., and points in Massachusetts within 10 miles thereof, on the one hand, and, on the other, points in Maine, Pennsylvania, and Rhode Island; (2) *Furniture*, returned to manufacturer for repairs under the manufacturer's warranty, uncrated, from points in Connecticut, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont to West Springfield,

Mass., and points in Massachusetts within 10 miles thereof. Applicant is authorized to conduct operations in Massachusetts, New Hampshire, Vermont, Connecticut, New York, and New Jersey.

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 66277 (Sub No. 3).

HEARING: April 17, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Lacy W. Hinely.

No. MC 66562 (Sub No. 1464) (Re-publication), filed November 13, 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 St. Paul, Minn., and Ellsworth, Wis., from St. Paul over Minnesota Highway 212 to the junction of Minnesota Highway 100, thence over Minnesota Highway 100 to North St. Paul, thence over Washington County Highway 29 to the junction of unnumbered county highway approximately 1.4 miles east of North St. Paul, thence over unnumbered county highway southward to junction of Minnesota Highway 212, thence over Minnesota Highway 212 to Stillwater (also from North St. Paul over Minnesota Highway 36 to Stillwater), thence across the St. Croix River to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to Ellsworth, also from Stillwater over Minnesota Highway 95 to junction U.S. Highway 12, thence across the St. Croix River to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to Ellsworth, and return over the same route, serving the intermediate points of North St. Paul, Stillwater, Lake Elmo, and Bayport, Minn., and River Falls, Wis. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 6, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 87514 (Sub No. 16), filed February 17, 1959. Applicant: NICOLAS TUSO, JR., doing business as INTERSTATE TRANSPORTATION COMPANY, P.O. Box 55, Vineland, N.J. Applicant's attorney: Wilmer A. 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, from points in Pennsylvania to points in New Jersey. Applicant is authorized to conduct operations in Delaware, 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 common or contract carrier in MC 87514 (Sub No. 14).

HEARING: April 22, 1959, at the Offices of the Interstate Commerce Com-

mission, Washington, D.C., before Examiner William P. Sullivan.

No. MC 89716 (Sub No. 29), filed September 29, 1958. Applicant: RICHARD R. JONES, doing business as DICK JONES, P.O. Box 773, Powell, Wyo. Applicant's attorney: T. H. Burke, Billings State Bank Building, Billings, Mont. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) *fencing, nails, bailing wire, and wire products*, from Pueblo, Colo., and points within ten (10) miles thereof, to points in Fremont, Hot Springs, Washakie, Big Horn, Park, Sheridan, and Johnson Counties, Wyo., and points in Montana; (b) *roofing materials*, in containers, rolls and packages, from Cody, Wyo., and points within ten (10) miles thereof, to points in Idaho; (c) *agricultural machinery, implements and parts*, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, from Sidney, Nebr., to points in Hot Springs, Washakie, Big Horn, Park, and Fremont Counties, Wyo.; (d) *prefabricated buildings*, portable steel and corrugated iron, with or without wood trim, from Scotts Bluff, Nebr., and points within ten (10) miles thereof, to points in Hot Springs, Washakie, Big Horn, Park, and Fremont Counties, Wyo.; (e) *building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, from Portland, Oreg., and points within ten (10) miles thereof, and points in Washington, to points in Fremont, Hot Springs, Washakie, Big Horn, and Park Counties, Wyo.; and (f) *burial and other cotton bags and bagging*, for beans, potatoes and grains, in 60-pound and larger sizes only, in bundles, from Portland, Oreg., and points within ten (10) miles thereof, and points in Washington, to points in Fremont, Hot Springs, Washakie, Big Horn, and Park Counties, Wyo. Applicant is authorized to conduct operations in Wyoming, Montana, and Colorado.

HEARING: May 21, 1959, at the Commercial Club, Billings, Mont., before Examiner Allan F. Borroughs.

No. MC 90373 (Sub No. 13), filed February 12, 1959. Applicant: C & R TRUCKING CO., a corporation, Avenel, N.J. Applicant's attorney: Milton E. Diehl, 1383 National Press Building, Washington 4, D.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Epoxy resins, pressure sensitive tape, bundle rolls, tape, paper, cloth, latex, solvent, myler, cellophane, epoxy resin systems latex and rubber* between New Brunswick, N.J., on the one hand, and on the other, Fort Wayne, Ind., and Decatur, Ill.

HEARING: April 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William P. Sullivan.

No. MC 92983 (Sub No. 338), filed February 20, 1959. 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: *Liquid commodities*, in

bulk, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, West Virginia, Virginia, Wisconsin, and the District of Columbia.

HEARING: July 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 92983 (Sub No. 339), filed February 20, 1959. 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: *Dry commodities*, in bulk, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, West Virginia, Virginia, Wisconsin, and the District of Columbia.

HEARING: July 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 97336 (Sub No. 8), filed March 9, 1959. Applicant: HOGUE FREIGHT LINES, INC., 4840 Wyoming, Dearborn, 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: *Cement*, from St. Joseph, Mich., to points in Ohio, Indiana, and Illinois, and *empty shipping containers and damaged, rejected, or refused shipments of cement* on return. Applicant is authorized to conduct operations in Indiana and Michigan.

**HEARING:** April 27, 1959, at the Olds Hotel, Lansing, Mich., before Examiner C. Evans Brooks.

No. MC 103654 (Sub No. 47), filed February 4, 1959. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Boulevard, St. Paul, 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: *Liquid adhesive*, in bulk, in tank vehicles, between points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in North Dakota, South Dakota, Iowa, Illinois, Wisconsin, the upper peninsula of Michigan, Montana, ports of entry on the International Boundary line between the United States and Canada in Minnesota, and points in Minnesota on and east of U.S. Highway 53. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Minnesota, North Dakota, and Wisconsin.

**HEARING:** May 8, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 104589 (Sub No. 17), filed March 6, 1959. Applicant: J. L. LAW-HON, 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214-216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Carbonated beverages, flavoring syrup, extracts of flavoring syrup and advertising matter* moving in connection with carbonated beverages, flavoring syrup and flavoring syrup extracts, from the plant site of the Canada Dry Corporation at Atlanta, Ga., to points in Alabama, Mississippi, South Carolina, Tennessee, and those in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington Bay, Jackson, Calhoun, and Gulf Counties, Florida, Asheville, Canton, and Hickory, North Carolina, and those in Wayne, McCreary, Whitley, Bell, Harlan, Knox, Laurel, Pulaski, Rockcastle, Jackson, Clay, Letcher, Knott, Perry, Owsley, Leslie, Lee, Breathitt, Floyd, Pike, Martin, Johnson, Morgan, Wolfe, and Magoffin Counties, Kentucky, and used *empty bottles and containers* used in transporting the above commodities on return. Applicant is authorized to conduct operations in Georgia, Alabama, Florida, North Carolina, and Kentucky.

**HEARING:** April 22, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lucian A. Jackson.

No. MC 105632 (Sub No. 23), filed January 21, 1959. Applicant: CENTRAL OF GEORGIA MOTOR TRANSPORTATION COMPANY, a Georgia corporation, 227 West Broad Street, Savannah, Ga. Applicant's attorney: Walter C. Scott, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving by Railway Express in service

auxiliary to or supplemental of rail service of Central of Georgia Railway Company, between Savannah, Ga., and Atlanta, Ga., from Savannah over U.S. Highway 80 (Georgia Highway 26) to junction with Georgia Highway 17, thence over Georgia Highway 17 to Midville, thence over Georgia Highway 78 to Bartow, thence over U.S. Highway 221 (Georgia Highway 171) to junction with Georgia Highway 24, thence over Georgia Highway 24 to Sandersville, thence over Georgia Highway 15 to Tennille, thence over Georgia Highway 68 to junction with Georgia Highway 57, thence over Georgia Highway 57 to junction with U.S. Highway 80, thence over U.S. Highway 80 to Macon, thence over U.S. Highway 41 (Georgia Highways 19, 18, 7 and 3) to Jonesboro, thence over Georgia Highway 54 to Army Depot, thence over Georgia Highway 160 to Hapeville, thence over Central Avenue to East Point, thence over U.S. Highway 29 (Georgia Highway 14) to Atlanta, and return over the same route, serving the intermediate points of Guyton, Millen, Midville, Wadley, Bartow, Davisboro, Tennille, Oconee, Toombsboro, McIntyre, Gordon, Macon, Forsyth, Barnesville, and Griffin, Ga. Applicant is authorized to conduct operations in Alabama and Georgia.

**HEARING:** April 20, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 106965 (Sub No. 127), filed February 10, 1959. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington, D.C. Applicant's attorney: Dale C. Dillon, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Palm kernel oil*, in bulk, in tank vehicles, from Bayonne, N.J., to Augusta, Ga., (2) *Soybean oil*, in bulk, in tank vehicles, from Kershaw and Hartsville, S.C., and New Bern, N.C., to Bayonne, N.J. and (3) *cottonseed oil*, in bulk, in tank vehicles, from Augusta, Ga., and Wilson and Rocky Mount, N.C., to Bayonne, N.J. Applicant is authorized to conduct operations in Maryland, West Virginia, Virginia, Pennsylvania, New Jersey, New York, District of Columbia, Delaware, North Carolina, Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, Tennessee, Vermont, Alabama, Arkansas, Connecticut, Florida, Georgia, South Carolina, Iowa, Kentucky, Louisiana, Massachusetts, Maine, Mississippi, New Hampshire, and Rhode Island.

**HEARING:** April 20, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 107295 (Sub No. 61), (Republished), filed January 29, 1959, issue of February 26, 1959, at page 1439. Applicant: PRE-FAB TRANSIT CO., a corporation, Farmer City, 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: *Buildings, com-*

*plete, knocked down or in sections, including all component parts, materials, supplies and fixtures*, and, when shipped with such buildings, *accessories* used in the erection, construction and completion thereof, from points in Ohio, and from Parkersburg, W. Va., to points in Mississippi, Alabama, Georgia, Florida, South Carolina, Maine, Vermont, New Hampshire, Connecticut, Rhode Island, and Arizona; and from points in Ohio to the United States-Canadian boundary line. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** Remains as assigned, April 13, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 107353 (Sub No. 11), filed October 2, 1958. Applicant: HAROLD MORSE AND HENRY J. HOLIEN, doing business as HELPHREY MOTOR FREIGHT, 407 North Perry Street, Spokane, Wash. 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 Portland, Oreg., and the site of the Glasgow Air Force Base, located approximately 22 miles northeast of Glasgow, Mont., from Portland over U.S. Highway 30 to Boardman, Oreg., thence over U.S. Highway 730 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction Washington Highway 11B (approximately two (2) miles south of Connell, Wash.), thence over Washington Highway 11B to Washtucna, Wash., thence over Washington Highway 11E to Ritzville, Wash., thence over combined U.S. Highways 10 and 395 to Spokane, Wash., thence over Washington Highway 2H to Otis Orchards, Wash., thence over Trent Road No. 2 to junction Idaho Highway 53, thence over Idaho Highway 53 to Rathdrum, Idaho, thence over unnumbered highway to junction U.S. Highway 95, thence over U.S. Highway 95 to junction U.S. Highway 2, thence over U.S. Highway 2 to Glasgow, thence continue over U.S. Highway 2 to junction unnumbered highway approximately two (2) miles east of Glasgow, thence over unnumbered highway to the site of the Glasgow Air Force Base, located approximately 22 miles northeast of Glasgow, and return over the same route, serving all intermediate points between Coram, Mont., and the site of the Glasgow Air Force Base, including Glasgow, Mont., as well as the intermediate points of Rathdrum, Idaho, and Kahlotus, Washtucna, and Ralston, Wash.; (2) between Seattle, Wash., and the site of the Glasgow Air Force Base, located approximately 22 miles northeast of Glasgow, Mont., from Seattle over U.S. Highway 10 to Spokane, Wash., thence over U.S. Highway 2 to junction unnumbered highway approximately two (2) miles east of Glasgow, thence over unnumbered highway to the site of the Glasgow Air Force Base, located approximately 22 miles northeast of Glasgow, and return over the same route, serving all intermediate points in Idaho and Montana only; (3) Serving points within

thirty (30) miles of Seattle, Wash., including Seattle, as intermediate and off-route points in connection with applicant's authorized regular route operations; (4) Between Browning, Mont., and Great Falls, Mont., from Browning over U.S. Highway 2 to junction U.S. Highway 89, thence over U.S. Highway 89 to Vaughn Junction, Mont., thence over combined U.S. Highways 89 and 91 to Great Falls, and return over the same route, serving no intermediate points; (5) Between Shelby, Mont., and Great Falls, Mont., from Shelby in a westerly direction over U.S. Highway 2 to junction U.S. Highway 91, thence over U.S. Highway 91 to Vaughn Junction, Mont., thence over combined U.S. Highways 89 and 91 to Great Falls, and return over the same route, serving no intermediate points; (6) Between Havre, Mont., and Great Falls, Mont., from Havre in a westerly direction over U.S. Highway 2 to junction U.S. Highway 87, thence over U.S. Highway 87 to Great Falls, and return over the same route, serving all intermediate points; and (7) Between Glasgow, Mont., and Fort Peck, Mont., and points within ten (10) miles of Fort Peck, over Montana Highway 24, serving all intermediate points, and points within ten (10) miles of Fort Peck as intermediate and off-route points. Applicant is authorized to conduct operations in Idaho, Montana, and Washington.

NOTE: Duplication with present and pending authority to be eliminated. Applicants state that Routes (4) and (5) above will be for operating convenience only.

HEARING: May 26, 1959, at the Montana Board of Railroad Commissioners, Helena, Mont., before Examiner Allan F. Borrowings.

No. MC 108106 (Sub No. 5), filed February 16, 1959. Applicant: JULIO A. ARMELLINI, Oak and Brewster Roads, Vineland, N.J. Applicant's representative: G. Donald Bullock, P.O. Box 2517, Grand Central Station, New York 17, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural containers*, from points in Delaware to points in Florida. Applicant is conducting operations in Florida, New Jersey, New York, and Pennsylvania.

HEARING: April 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 110420 (Sub No. 219), filed February 17, 1959. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sugar, starch, and products of corn, dry*, in bulk, in vehicles especially designed for transporting bulk commodities, from Clinton, Cedar Rapids, and Keokuk, Iowa, St. Louis, Mo., and Indianapolis and Roby, Ind., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland,

Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: April 29, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 110525 (Sub No. 384), filed January 19, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, except milk and petroleum products, but including *petroleum chemicals*, in bulk, in trailer vehicles, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Kentucky, Pennsylvania, Ohio, Delaware, West Virginia, Indiana, Michigan, North Carolina, Virginia, District of Columbia, Connecticut, Massachusetts, Rhode Island, Illinois, Minnesota, Missouri, Tennessee, and Georgia.

HEARING: April 20, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 110525 (Sub No. 385), filed January 19, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 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: *Dry commodities*, in bulk, between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Kentucky, Pennsylvania, Ohio, Delaware, West Virginia, Indiana, Michigan, North Carolina, Virginia, District of Columbia, Connecticut, Massachusetts, Rhode Island, Illinois, Minnesota, Missouri, Tennessee, and Georgia.

HEARING: April 20, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 110541 (Sub No. 4), filed February 12, 1959. Applicant: MARK E.

YODER, 41 Parkway, Schuylkill Haven, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, in bulk, in dump trailers, from Delaware City, Del., to points in New Jersey. Applicant is authorized to conduct operations in Delaware, New Jersey, and Pennsylvania.

HEARING: April 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 111383 (Sub No. 6), (REPUBLIC) filed February 6, 1959. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 201 North Reynolds, El Paso, Tex. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. 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, commodities in bulk and those requiring special equipment, between Phoenix, Ariz., and Lordsburg, N. Mex.: from Phoenix, over U.S. Highway 70 to Lordsburg, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Texas, California, Arizona, and New Mexico.

NOTE: Applicant states the proposed route will be used in conjunction with its authorized routes as an additional regular route serving no points not presently authorized, and proposing to serve Lordsburg as a point of joinder only. Applicant states no duplicate authority is sought.

NOTE: Previous publication omitted route description.

HEARING: Remains as assigned April 30, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 129, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 111439 (Sub No. 4), filed February 9, 1959. Applicant: TEL-RADIO TRANSPORT CORP., 1144 West 38th Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Uncrated pianos and uncrated musical instruments, including but not limited to, organs and juke boxes*, (1) between De Kalb, Ill., on the one hand, and, on the other, points in the United States, except Alaska; (2) between Corinth, Miss., on the one hand, and, on the other, points in the United States, except Alaska; (3) between North Tonawanda, N.Y., on the one hand, and, on the other, points in the United States, except Alaska. Applicant is authorized to conduct operations in Illinois, New York, Pennsylvania, Maryland, District of Columbia, Virginia, Michigan, Minnesota, Missouri, Ohio, Florida, Louisiana, Texas, California, New Jersey, and Indiana.

HEARING: April 30, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 111624 (Sub No. 4), filed February 3, 1959. Applicant: SCHWER-

MAN CO., OF PA., INC., 620 South 29th Street, Milwaukee 46, Pa. Applicant's attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (portland, hydraulic and mortar), from the plant site of Universal-Atlas Cement Division, United States Steel Corporation at Northampton, Northampton County, Pa., and the plant sites of Penn-Dixie Cement Corporation and Lone Star Cement Corporation, Northampton County, Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Rhode Island, New Hampshire, Pennsylvania, Vermont, West Virginia, and Virginia. Applicant is authorized to conduct operations in Pennsylvania, Maryland, Ohio, and West Virginia.

NOTE: Applicant states that the above operations will be conducted under continuing contracts with the above-named firms.

HEARING: April 13, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 111812 (Sub No. 65), filed February 13, 1959. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and packing house products* as defined in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from New York, N.Y., to Austin and Owatonna, Minn., Fort Dodge, Iowa, and Fremont, Nebr.

HEARING: May 11, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 112391 (Sub No. 17), filed February 12, 1959. Applicant: HADLEY AUTO TRANSPORT, a corporation, 21732 South Santa Fe, Long Beach, Calif. Applicant's attorney: Phil Jacobson, Five Ten West Sixth Street, Los Angeles 14, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, trucks, tractors, busses and chassis*, in secondary movement, by truckaway and driveaway methods, from Milpitas, Calif., to points in California, Montana, Wyoming, Colorado, Nevada, New Mexico, Utah, Oregon, and Washington.

NOTE: Applicant states it seeks no duplicating authority. A proceeding has been instituted under section 212(c) in No. MC 112391 Sub No. 16, to determine whether applicant's status is that of a contract or common carrier.

HEARING: April 14, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No.

75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 113908 (Sub No. 48), (Republication) filed January 14, 1959, published issue of February 26, 1959. Applicant: ERICKSON TRANSPORTATION CORPORATION, MPO Box 706, Springfield, Mo. Applicant's attorneys: Chinn and White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, wine concentrates, wine blends and wine products*, (1) from points in New York, Pennsylvania, and New Jersey, to points in Illinois, Wisconsin, Missouri, Indiana, Colorado, Nebraska, Minnesota, Virginia, Florida, Tennessee, Louisiana, Texas, Ohio, Michigan, Montana, North Dakota, Washington, and Alaska, including ports of entry on the International Boundary between the United States and Canada; and (2) from points in California, to points in New York, Virginia, Illinois, Kentucky, Ohio, Michigan, Montana, North Dakota, Washington, Minnesota, Wisconsin, Iowa, and Missouri, and Alaska, including ports of entry on the International Boundary line between the United States and Canada. Applicant is authorized to transport similar commodities in Florida, Illinois, Indiana, Michigan, and Ohio.

HEARING: Remains as assigned April 6, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner James H. Gaffney.

No. MC 114019 (Sub No. 25), filed February 19, 1959. 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 6, 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 packinghouses*, as defined by the Commission, between Watertown, S. Dak., Scottsbluff and Gering, Nebr., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New Jersey, Delaware, Maryland, Virginia, West Virginia, Louisville, Ky., and Washington, D.C.

NOTE: Applicant is authorized to conduct operations as a contract carrier in No. MC 9685 and Subs thereunder. A proceeding has been instituted under MC 9685 (Sub No. MC 58) to determine whether applicant's status is that of a common or contract carrier. Section 210 (dual authority) may be involved.

HEARING: April 27, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 114211 (Sub No. 14), filed January 30, 1959. Applicant: DONALDSON TRANSFER COMPANY, a corporation, 213 Witry Street, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements* (other than hand), *binder and baler twine, tractors* (not including tractors with vehicle beds, bed frames, or fifth wheels), and *stationary engines, and attachments and parts* for the agricultural machinery and implements, tractors, and stationary engines, as described above, when incidental to and moving in the same vehicle with the above-described commodities, from points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, to points in Montana and Wyoming.

NOTE: Applicant indicates it transports other authorized and exempt commodities on return. Applicant is authorized to conduct operations in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming and the District of Columbia.

HEARING: April 30, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 114541 (Sub No. 2) (REPUBLICATION), filed December 1, 1958. Applicant: FLORIDA FROZEN FOODS EXPRESS LIMITED, 4 Westside Drive, Toronto, Ontario, Canada. Applicant's attorney: Chester E. King, 1507 M Street NW., Washington 5, D.C. The subject application filed December 1, 1958, was originally published in the FEDERAL REGISTER issue of December 17, 1958, at page 9744, and gave notice of applicant's proposal to operate as a *common carrier*, over irregular routes, transporting: *Frozen citrus products, and citrus products not canned and not frozen*, from points in Florida, except Winter Garden, Plant City, Lake Wales, Dade City, and Auburndale, Fla., to the Port of Entry on the boundary between the United States and Canada at Niagara Falls, N.Y., and *fresh and frozen meat and meat by-products*, under bond from Canada, from the Port of Entry on the boundary between the United States and Canada at Niagara Falls, N.Y., to points in Florida.

NOTE: Applicant states the above-named except cities in Florida apply only to frozen citrus products. At the hearing held January 20, and January 21, 1959, before Laurence K. Walrath, Commissioner, the question was raised as to whether the description used in the application "fresh and frozen meat and meat by-products" is sufficiently broad enough to embrace all the commodities the packers are interested in shipping. No ruling was made at the hearing, however, the Commissioner concluded in his report and recommended order served March 18, 1959, that the commodity description "meats, meat products, and meat by-products" as defined by the Commission, would be appropriate. It was recommended that applicant be granted a certificate authorizing operation in foreign commerce as a common carrier by motor vehicle, over irregular routes, (1) of frozen

*citrus products*, (a) from points in Florida except Winter Garden, Plant City, Lake Wales, Dade City, and Auburndale, Fla., to the port of entry at Niagara Falls, N.Y., on the United States-Canada boundary line, restricted to traffic destined to points in the Province of Ontario, Canada, and (b) from Winter Garden, Plant City, Lake Wales, Dade City, and Auburndale, Fla., to the port of entry described in (a) restricted to traffic moving to Toronto, Ontario, and (2) of *meats, meat products, and meat by-products*, as described in Appendix I(A) to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the port of entry described in (a) to points in Florida, restricted to traffic originating at points in the Province of Ontario, Canada; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the rules and regulations of the Commission thereunder; that a certificate authorizing such operation should be granted 30 days after the date of republication of the application as herein considered if no petition for reconsideration or rehearing is filed; and that in all other respects the application should be denied.

No. MC 115523 (Sub No. 28) (Republication), filed November 13, 1958, published issue March 4, 1959, at page 1619. 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: *Fertilizers, including anhydrous ammonia, fertilizer compounds* used in the manufacture of commercial fertilizers, in liquid and dry form, in bulk and in containers, and *rejected and contaminated shipments* of the above-specified commodities, between points in Idaho and Utah.

NOTE: Previous publication included service to Oregon in error.

HEARING: Remains as assigned: April 9, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Michael B. Driscoll.

No. MC 115830 (Sub No. 9), filed August 6, 1958. Applicant: BABCOCK & LEE PETROLEUM TRANSPORTERS, INC., 1002 Third Avenue North, Billings, Mont. Applicant's attorney: James B. Patten, 226 Securities Building, P.O. Box 1493, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including jet fuels*, in bulk, in tank vehicles, from Billings, Mont., and points within 5 miles thereof to points in South Dakota, and *rejected and contaminated shipments* of the above commodities on return. Applicant is authorized to conduct operations in Montana, North Dakota, South Dakota, and Wyoming.

HEARING: May 15, 1959, at the Commercial Club, Billings, Mont., before Examiner Allan F. Borroughs.

No. MC 117507 (Sub No. 2), filed January 29, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and V. Baker Smith, Munsey Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, from

Stockertown, North Hampton County, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* used in transporting cement, on return.

NOTE: Applicant is authorized to conduct operations as a common carrier in Certificate No. MC 110525 and sub numbers thereunder; applicant states this application also seeks authority to engage in dual operations under section 210 of the Interstate Commerce Act.

HEARING: April 7, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 117507 (Sub No. 3), filed February 13, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and V. Baker Smith, Munsey Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in tank type, or hopper type vehicles, *cement*, in bags, packages or other containers, palletized and/or unpalletized, from the plant site of the Allentown Portland Cement Company at or near Evansville (Maiden Creek Township, Berks County), Pa., and the plant site of the Allentown Portland Cement Company at or near the Borough of West Conshohocken (Montgomery County), Pa., and Upper Merion Township (Montgomery County), Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) and *pallets* used in transporting the above commodities on return. Applicant is authorized to conduct operations as a common carrier in Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant states that it is seeking dual operations under section 210 of the Act.

HEARING: April 7, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 117507 (Sub No. 4), filed February 13, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and V. Baker Smith, Munsey Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in tank type, or hopper

type vehicles, *cement*, in bags, packages or other containers, from the plant site of the Nazareth Cement Company located at Nazareth (Northampton County), Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations as a common carrier in Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant states that it is seeking dual operations under section 210 of the Act.

HEARING: April 7, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 117637 (Sub No. 4), filed February 2, 1959. Applicant: E. BROOK MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 225 South 15th Street, Philadelphia, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in tank type, or hopper type vehicles, *cement*, in bags, packages, or other containers, from the plant site of the Whitehall Cement Manufacturing Company located at Cementon (Lehigh County), Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and Virginia, 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 as a common carrier in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Dual operations may be involved.

HEARING: April 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke.

No. MC 117637 (Sub No. 5), filed February 2, 1959. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in tank type



or hopper type vehicles, *cement*, in bags, packages, or other containers, from points in East Allen and Upper Nazareth Townships, Northampton County, Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, New Jersey, New York, and Virginia; 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 as a common carrier in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin.

NOTE: Dual operations may be involved.

HEARING: April 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 117637 (Sub No. 6), filed February 2, 1959. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 225 South 15th Street, Philadelphia 4, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in tank type or hopper type vehicles, *cement*, in bags, packages, or other containers, from the plant site of the Dragon Cement Company located at Northampton, Northampton County, Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations as a common carrier in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Dual operations may be involved.

HEARING: April 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 117637 (Sub No. 7), filed February 4, 1959. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in tank type, or hopper type vehicles, *cement*, in bags, packages, or other containers, from the plant site of the Giant Portland Cement Co., located at Egypt, Whitehall Town-

ship, Lehigh County, Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Virginia, 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, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Maine, Michigan, Missouri, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Dual operations may be involved.

HEARING: April 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 117637 (Sub No. 8), filed February 4, 1959. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in tank type or hopper type vehicles, *cement*, in bags, packages, or other containers, from the plant site of the National Portland Cement Company located at Brodhead, Northampton County, Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Virginia, 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, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Maine, Michigan, Missouri, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Dual operations may be involved.

HEARING: April 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 117637 (Sub No. 9), filed February 11, 1959. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in tank type or hopper type vehicles, *cement* in bags, packages, or other containers, from points in Whitehall Township and Coplay, Lehigh County, Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania,

Rhode Island, and Virginia; and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct common carrier operations in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Maine, Michigan, Missouri, Minnesota, 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 the above operations will be conducted under a continuing contract with the Coplay Cement Manufacturing Co. Dual operations may be involved.

HEARING: April 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118432, filed December 9, 1958. Applicant: EINAR HALVERSON AND CARL R. NELSON, doing business as H & N PRODUCE CO., 210 Ninth Avenue South, Minneapolis, 15, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coffee beans, cocoa beans, and tea*, from New York and Brooklyn, N.Y., and Jersey City and Newark, N.J., to points in Minnesota, including Minneapolis, St. Paul, and Duluth, Minn., and *exempt dairy products* on return movements.

HEARING: May 4, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 118556, filed January 15, 1959. Applicant: A. R. BOHLEEN, doing business as BOHLEEN TRUCKING CO., 416½ South Seventh Street, Livingston, Mont. Applicant's attorney: Raymond K. Peete, 204 Electric Building, Billings, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Assembled and unassembled metal buildings, and parts and accessories*, between Middlestown and Washington Court House, Ohio, and points within five (5) miles of each, on the one hand, and, on the other, points in Montana.

HEARING: May 14, 1959, at the Commercial Club, Billings, Mont., before Examiner Allan F. Borroughs.

No. MC 118569, filed January 21, 1959. Applicant: DALE KIRSCHER, doing business as KIRSCHER BULK TRANSPORT COMPANY, 818 Seventh Street South, Virginia, Minn. Applicant's attorney: Leonard E. Lindquist, Midland Bank Building, Minneapolis 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Superior, Wis., to points in that part of Minnesota bounded by a line beginning at Duluth, Minn., and extending southerly along the Minnesota-Wisconsin State line to Taylors Falls, Minn., thence westerly along Minnesota Highway 95 to St. Cloud, Minn., thence northwesterly along U.S. Highway 10 to

Wadena, Minn., thence northerly along U.S. Highway 71 to Blackduck, Minn., thence northerly along Minnesota Highway 72 to Baudette, Minn., thence easterly along the Minnesota-Canadian border to Lake Superior, thence southwesterly along U.S. Highway 61 to Duluth, Minn.

**HEARING:** May 7, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 118609, filed February 5, 1959. Applicant: MILTON OLSEN, doing business as MIDWEST TOWING COMPANY, 1347 University Avenue, St. Paul, 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: *Wrecked or disabled motor vehicles and tractors for replacement of wrecked or disabled tractors*, between points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

**HEARING:** May 7, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 118621 (Sub No. 2), filed March 5, 1959. Applicant: BLACK DIAMOND TRANSPORT COMPANY, a corporation, 112 Poinier Street, Newark, N.J. Applicant's attorney: Richard D. Lalanne, Law Dept., Lehigh Valley Railroad Company, 143 Liberty Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in tank type or hopper type vehicles, *cement*, in bags, packages or other containers, from Cementon, Saylor, Egypt and Ormrod, Lehigh County, Pa., and Stockertown, Northampton County, Pa., to points in Maryland, Virginia, West Virginia, Massachusetts, Delaware, New Hampshire, and Vermont, and *empty containers or other such incidental facilities*, used in transporting cement on return.

**HEARING:** April 17, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118630, filed February 12, 1959. Applicant: VIRGIL STANLEY, doing business as STANLEY BROTHERS PRODUCE, 217 Seventh Street, City Market, Huntington, W. Va. Applicant's attorney: Robert O. Ellis, Jr., 200 Twentieth Street Bank Building, Huntington, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic outlet boxes, electrical light sockets, and lighting fixtures with glass globes*, from Parkersburg, W. Va., to San Diego, Los Angeles, and San Francisco, Calif., and *bananas and certain exempt commodities*, in straight loads and in mixed shipments on return.

**HEARING:** April 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 118650, filed December 16, 1958. Applicant: STEVE ARHIP, doing business as ARHIP TRUCKING, 167 Virginia, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, and coffee beans*, from points in Wisconsin, California, South Dakota, and New York to points in California, South Dakota, Wisconsin, and Minnesota.

**NOTE:** The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

**HEARING:** May 5, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 118657, filed January 26, 1959. Applicant: RAYMOND D. GIBBS, doing business as DAN GIBBS & SON, 409 Beach Lane Drive NW., New Philadelphia, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Indiana, Ohio, and Pennsylvania.

**NOTE:** The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

**HEARING:** April 23, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 118659, filed December 12, 1958. Applicant: FARMERS EXPRESS, INC., West Main Street, Shelbyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, bananas and other exempt commodities*, between points in Illinois, Indiana, Missouri, Iowa, Wisconsin, Michigan, Kentucky, Tennessee, Alabama, Georgia, Mississippi, Florida, Texas, Oklahoma, Arkansas, Louisiana, Minnesota, New Mexico, Arizona, California, Kansas, Colorado, Nebraska, North Dakota, South Dakota, Wyoming, Montana, Nevada, Oregon, Washington, Ohio, Utah, and Idaho.

**NOTE:** The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

**HEARING:** April 22, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 118715, filed February 20, 1959. Applicant: CARROLL TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, and in bags and/or packages, from the plant site of the Lehigh Portland Cement Company in Union Bridge, Md., to points in Delaware, Maryland, and the District of Columbia, to points in Bedford, Blair, Huntingdon, Fulton, Mifflin, Juniata, Perry, Cumberland, Franklin, Adams, York, Dauphin, Snyder, Lebanon, Lancaster, Chester, and Delaware Counties, Pa., and to points in Accomack, Northampton, Gloucester, Mathews, Middlesex, Lancaster, Northumberland, Westmoreland, Richmond, Essex, King and Queen, King William, Caroline, King George, Spotsylvania, Stafford, Prince William, Fairfax, Arlington, Loudoun, Fauquier, Rappahannock, Culpeper, Orange, Greene, Madison, Page, Warren, Clarke, Frederick, Shenandoah, and Rockingham Counties, Va., and *rejected and returned shipments* of the commodities specified in this application on return. Applicant indicates the proposed service to be under a continuing contract with Lehigh Portland Cement Company of Allentown, Pa.

**NOTE:** Common control may be involved.

**HEARING:** April 14, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr. for the purpose of receiving applicant's evidence.

No. MC 118753, filed March 2, 1959. Applicant: TOP TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: E. E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, and in bags and/or packages, from the plant sites of the Lehigh Portland Cement Company in Fogelsville, Ormrod, and Sandts Eddy, Pa., to points in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, and Rhode Island; points in the following counties in Pennsylvania: Bedford, Blair, Clearfield, Cameron, Potter, Tioga, Lycoming, Clinton, Centre, Huntingdon, Fulton, Franklin, Adams, Cumberland, Perry, Juniata, Mifflin, Snyder, Union, Bradford, Sullivan, Columbia, Montour, Northumberland, Dauphin, York, Lancaster, Lebanon, Berks, Schuylkill, Luzerne, Wyoming, Susquehanna, Wayne, Pike, Lackawanna, Monroe, Carbon, Lehigh, Northampton, Bucks, Montgomery, Chester, Delaware, and Philadelphia; points in the following counties in New York: Allegany, Steuben, Schuyler, Chemung, Tompkins, Tioga, Cortland, Broome, Chenango, Madison, Otsego, Delaware,

Sullivan, Ulster, Greene, Schoharie, Montgomery, Fulton, Saratoga, Schenectady, Albany, Rensselaer, Columbia, Dutchess, Putnam, Orange, Rockland, Westchester, Bronx, New York, Richmond, Kings, Queens, Nassau, and Suffolk; and points in Arlington and Fairfax Counties, Va.; and *rejected or returned shipments of cement, on return.*

Note: Applicant states the proposed operations will be under a continuing contract with Lehigh Portland Cement Company of Allentown, Pa.

**HEARING:** April 14, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

**APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED**

**MOTOR CARRIERS OF PROPERTY**

No. MC 30319 (Sub No. 100), filed March 2, 1959. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 North San Jacinto Street, P.O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, Esperson Building, Houston 2, Tex. 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, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Austin, Tex., and San Antonio, Tex., over U.S. Highway 81, serving no intermediate or off-route points. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 35484 (Sub No. 39), filed March 2, 1959. Applicant: VIKING FREIGHT COMPANY, a corporation, 614 South Sixth Street, St. Louis 2, Mo., Applicant's attorney: Gregory M. Rebman, 1230 Bostmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, loose bulk commodities, and commodities requiring special equipment, (1) between Illinois Highways 3 and 150 at Chester, Ill., and junction Missouri Highway 51 and U.S. Highway 61 east of Perryville, Mo., as follows: From junction Illinois Highways 3 and 150 at Chester, Ill., over city streets to the Mississippi River Bridge, thence over the Mississippi River Bridge to junction Missouri Highway 51, thence over Missouri Highway 51 to junction U.S. Highway 61, and return over the same route, serving no intermediate points, but serving Chester, Ill., and junction Missouri Highway 51 and U.S. Highway 61 for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between St. Louis, Mo., and Memphis, Tenn., and (2) Between junction U.S. Highway 61 and Missouri Highway 25 near Jackson, Mo., and junction Missouri Highway 55 and U.S. Highway 61 near Morley, Mo., as follows: From junction

U.S. Highway 61 and Missouri Highway 25 near Jackson, Mo., over Missouri Highway 25 to junction Missouri Highway 55, thence over Missouri Highway 55 to junction U.S. Highway 61 near Morley, and return over the same route, serving no intermediate points, but serving junction U.S. Highway 61 and Missouri Highway 25 near Jackson, Mo., and junction Missouri Highway 55 and U.S. Highway 61 near Morley, Mo., for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between St. Louis, Mo., and Memphis, Tenn. Applicant is authorized to conduct operations in Illinois, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Texas.

No. MC 109637 (Sub No. 108), filed March 6, 1959. 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: *Synthetic latex*, in bulk, in tank vehicles, from Louisville, Ky., to Memphis, Tenn., and *empty containers or other such incidental facilities* used in transporting the above-described commodity, on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Texas, Virginia, West Virginia, and Wisconsin.

No. MC 112077 (Sub No. 4), filed March 2, 1959. Applicant: J. WESLEY OLIVER, INC., 585 Bowen Circle, Moab, Utah. Applicant's attorney: Maxwell Bentley, 351 South State, Suite 3, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uranium-vanadium ores*, in bulk, from points in Emery and San Juan Counties, Utah, to Grand Junction and Rifle, Colo. Applicant is authorized to transport similar commodities in Colorado and Utah.

No. MC 113573 (Sub No. 5), filed March 5, 1959. Applicant: ALBERT M. HERDA, 656 Pelham Boulevard, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including commodities in bulk and household goods*, as defined by the Commission, but excluding commodities of unusual value, Class A and B explosives and commodities requiring special equipment, (1) between Minneapolis, St. Paul, Duluth, and Fosston, Minn., Minot, N. Dak., and Seattle, Wash., on the one hand, and, on the other, points in Alaska; (2) between points in Alaska. Applicant is authorized to conduct operations in Minnesota, North Dakota, Washington, and Montana.

No. MC 114004 (Sub No. 29), filed February 27, 1959. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle over *irregular routes*, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by the haulaway method, from High Point, N.C., and points within fifteen (15) miles thereof,

and Searcy, Ark., and points within fifteen (15) miles thereof, to points in the United States, including points in Alaska and the District of Columbia, except Mount Clemens, Flint, and Detroit, Mich., and *damaged or refused trailers* on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 114004 (Sub No. 30), filed March 9, 1959. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, by the haulaway method, from Marysville, Kans., to points in the United States, except Flint, Detroit, and Mount Clemens, Mich., and *damaged or returned trailers* on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 114194 (Sub No. 20), filed February 27, 1959. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Precast concrete products and prestressed concrete products*, except commodities which because of size or weight require special equipment or special handling, from East St. Louis, Illinois to points in Missouri, Illinois, and Indiana. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

No. MC 114786 (Sub No. 3), filed February 27, 1959. Applicant: SAMUEL D. BROADHURST AND HOWARD J. BROADHURST, a partnership, doing business as BROADHURST BROS., R.R. Box 3, 605 First Street, Pierceton, Ind. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Meats, meat products, and meat by-products*, as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Omaha, Nebr., St. Cloud, Minn., and points in Iowa, on and West of U.S. Highway 69 to Akron, Ohio. Applicant is authorized to conduct operations in Iowa, Ohio, and Tennessee.

No. MC 118766, filed March 6, 1959. Applicant: NORBERT CREIGHTON, doing business as NORBERT CREIGHTON TRUCKING, 3215 Tonawanda Creek Road, R.R. 1, North Tonawanda, N.Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, building stone and flagstone*, between all points in Erie and Niagara Counties, N.Y.

Note: Applicant indicates the service to be restricted to the transportation of shipments unloaded from railroad freight cars at railroad sidings.

## MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 161), filed February 24, 1959. Applicant: THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 38, Ill. Applicant's attorney: Earl A. Bagby, Western Greyhound Lines (Division of the Greyhound Corporation), 371 Market Street, 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 in California and in both directions over the routes hereinafter set forth, serving all intermediate points. Proposed re-routing of Chico-Oroville Wye Segment of Route 46 in MC 1501 Sub No. 138: (1) Applicant seeks to have Route 46 read Between Red Bluff and Roseville, from Red Bluff over U.S. Highway 99E to Roseville. (2) Revoke Route 46 in Fifth Revised Certificate No. MC 1501 (Sub No. 138) on Third Revised Sheet No. 12 reading Between Red Bluff and Roseville, from Red Bluff over U.S. Highway 99E to Chico, thence over unnumbered highway via Savona, Durham and Richvale to junction U. S. Highway 99E (Oroville Wye), thence over U.S. Highway 99E to Roseville. The above proposals serve to designate the relocation of U.S. Highway 99E between Chico and Oroville Wye over U.S. Highway 99E in a segment of Route 46 and to eliminate the segment thereof between Chico and Oroville Wye via Durham and Richvale over unnumbered highway (formerly U.S. Highway 99E). (3) Proposed revision of Route 48 in MC 1501 (Sub No. 138): Seeks to have Route 48 read Between Oroville Junction and Oroville, from junction U.S. Highway 99E and unnumbered highway northwest of Oroville (Oroville Junction) over unnumbered highway to Oroville. (4) Cancel Route 48 on First Revised Sheet of First Revised Certificate No. MC 1501 (Sub No. 138) reading Between Savona and Oroville, from Savona over unnumbered highway via Durham Junction to Oroville. (5) Proposed revocation of authority to operate between Durham and Durham Junction over Route 49 shown on First Revised Sheet No. 13 by revoking Route 49 reading Between Durham and Durham Junction, from Durham over unnumbered highway to junction unnumbered highway east of Durham (Durham Junction). Alternate route to be used for operating convenience only, with no service at intermediate points. Revise this route description to read Route 49 Internationally left blank. The above proposals to reroute applicant's service over relocated U.S. Highway 99E would, on approval, eliminate both Durham and Durham Junction as regular-route service points, hence the alternate route between these points should be revoked. Applicant is authorized to conduct operations throughout the United States.

No. MC 66582 (Sub No. 23), filed March 2, 1959. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. Applicant's attorney: William E. Rubin, 419 Anderson Avenue, Fairview, 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, between Union City, N.J., and Weehawken, N.J., from the junction of Bergenline Avenue and 49th Street along 49th Street to the junction of Hudson Boulevard, thence along Hudson Boulevard to the junction of New Jersey Highway 3 Ramp, thence along New Jersey Highway 3 Ramp to the junction of New Jersey Highway 3, thence along New Jersey Highway 3 (depressed highway), to the junction of New Jersey Highway 3 and Pleasant Avenue Ramp in Weehawken, N.J., and return over the same route serving no intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 114757 (Sub No. 3), filed March 2, 1959. Applicant: EMPIRE BUS LINES, INC., 186 Smith Street, Poughkeepsie, N.Y. Applicant's attorney: Louis H. Shereff, 18 East 41st Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express, mail and newspapers*, in the same vehicle with passengers, between Poughkeepsie, N.Y., and Poughquay, N.Y., from Poughkeepsie over New York Highway 55 to Poughquay, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Connecticut and New York.

## PETITIONS

No. MC 2165 (PETITION FOR REOPENING, MODIFICATION AND/OR CLARIFICATION OF CERTIFICATE). Petitioner: LANGDON TRUCK LINES, INC., 91 Maple Avenue, Lyndonville, N.Y. Applicant's representative: Raymond A. Richards, P.O. Box 25, Webster, N.Y. The subject petition dated February 24, 1959, seeks the modification of that portion of the Certificate which presently reads: *Canned fruits and vegetables so as to read Canned and preserved foodstuffs.*

No. MC 65332 (PETITION TO REOPEN AND RECONSIDER). Petitioner: J. W. McCracken and E. E. McCracken, doing business as McCracken Brothers Motor Freight, 2320 West Seventh Place, Box 329, Eugene, Ore. Petitioner's attorney: William B. Adams, 331 Pacific Building, Portland 4, Ore. Certificate date November 16, 1940, in the above-numbered proceeding authorizes the transportation of: *General commodities*, except those of unusual value, and except high explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over a regular route, between Portland, Ore., and Springfield, Ore.: from Portland over U.S. Highway 99E to junction U.S. Highway 99, thence over U.S. Highway 99 to junction Oregon Highway 28, and thence over Oregon Highway 28 to Springfield, and return over the same route. Service is authorized to and from the intermediate and off-route points of

Junction City and Eugene, Ore., and those in Lane County, Ore. Petitioner, under date of January 14, 1959, seeks reopening of the proceeding and reconsideration, and that upon such reconsideration, submission of additional evidence covering movements of blasting caps for the period prior to, and on and since June 1, 1935, be permitted, and that the Certificate in No. MC 65332 be reissued so as to contain authorization for the transportation of said commodities between the points presently authorizing the transportation of general commodities.

## APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

## MOTOR CARRIERS OF PROPERTY

No. MC 52465 (Sub No. 22), filed March 5, 1959. Applicant: WESTERN EXPRESS, a corporation, 2300 Ninth Avenue North, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 527-529 Ford Building, Great Falls, Mont. 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 Great Falls, Mont., and the junction of U.S. Highway 89 and Montana Highway 20, from Great Falls over combined U.S. Highways 89 and 91 to the junction of said highways near Vaughn, thence over U.S. Highway 89 to the junction of Montana Highway 20, commonly known and referred to as "Lange's Corner", and return over the same route, serving no intermediate points, for the sole purpose of joinder with applicant's route north from the junction of U.S. Highways 89 and 91, near Vaughn, to Conrad, Shelby, and Sweetgrass, and with applicant's route north from the junction of U.S. Highway 89 and Montana Highway 20, over U.S. Highway 89 to Choteau and Browing. Applicant is authorized to conduct operations in Montana, Idaho, and Utah.

NOTE: This matter is directly related to MC-F 7013, which was published in the FEDERAL REGISTER October 8, 1958. Hearing in MC-F 7013 was held February 27-28, 1959, at Spokane, Wash., before Examiner Thomas J. Patrick.

## 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 carrier 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 7090 (PERKIOMEN VALLEY BUS CO.—PURCHASE (PORTION)—CLARENCE H. ZERN), published in the February 4, 1959, issue of the FEDERAL REGISTER on page 840. Supplement filed March 9, 1959, to show

joinder of STANLEY H. SNYDER and ADA K. SNYDER, both of Pennsburg, Pa., as the persons in control of vendee.

No. MC-F 7123. Authority sought for control and merger by DEALERS TRANSPORT, INC., 12601 South Torrence Avenue, Chicago 33, Ill., of the operating rights and property of C. J. SIMPSON TRUCKING COMPANY, INC., 4224 West Illinois Avenue, P.O. Box 4096, Dallas, Tex., and for acquisition by WALTER F. CAREY and BERT B. BEVERIDGE, both of 3401 North Dort Avenue, Flint, Mich., of control of such rights and property through the transaction. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Operating rights sought to be controlled and merged: *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, materials, equipment, 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, except in connection with main or trunk pipe lines, as a *common carrier* over irregular routes, from Memphis, Tenn., to West Memphis, Ark., from West Memphis, Ark., to points in Mississippi, and between points in Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, and Texas, with the restriction that carrier shall not combine the authority specified in the first two routes mentioned above with the other authority herein so as to provide through service from, to or between points other than those specified in the routes referred to; *contractors' equipment and supplies* used in the operation and maintenance of such equipment, except 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 in Texas, Oklahoma, Louisiana, and Arkansas; *iron or steel tanks, knocked down, and equipment, materials, and supplies* necessary for erection, cutting down, and maintenance of such tanks, and *contractors' equipment, and materials and supplies* used in the operation and maintenance of such equipment, except 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, materials, equipment 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, between points in Mississippi, Alabama, Georgia, and Florida, and between points in Mississippi, Alabama, Georgia, and Florida, on the one hand, and, on the other, points in Oklahoma, Texas, Arkansas, and Louisiana; *prefabricated houses, and parts thereof*, between points in Arkansas, Louisiana, New Mexico, Oklahoma and

Texas; *commodities* which, because of size or weight, require the use of special equipment, between points in Texas, on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, New Mexico, and Oklahoma; *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, except the stringing and picking up of pipe in connection with main pipe lines, between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana; *oilfield pipe*, from Memphis, Tenn., to points in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas. DEALERS TRANSPORT, INC., 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 7124. Authority sought for purchase by SQUARE DEAL CARTAGE COMPANY, 13401 Eldon, Detroit 34, Mich., of the operating rights of JACK COOPER, JR., AND THOM COOPER, doing business as J-T TRANSPORT COMPANY, 3501 Manchester, Kansas City, Mo., and for acquisition by T. M. RINEHART, also of Detroit, of control of such rights through the purchase. Applicants' attorneys: George S. Dixon, 2150 Guardian Building, Detroit 26, Mich., and James P. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Operating rights sought to be transferred: *Automobiles and trucks*, in initial movements, in truckaway and driveaway service, as a *common carrier*, over irregular routes, from Detroit, Mich., to Kansas City, Mo., and from Detroit, Mich., and points in Macomb County, Mich., to Wichita, Kans.; *automotive vehicles, finished and unfinished, and automotive chassis*, in initial movements, in driveaway service, from points in Warren Township, Macomb County, Mich., to Kansas City, Mo.; *automobiles*, in initial movements, in truckaway service, from Willow Run, Washtenaw County, Mich., to points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone as defined by the Commission; *automobiles and trucks*, in truckaway service, in secondary movements, from Kansas City, Mo.-Kans., and points within five miles thereof, to points in New Mexico; (RESTRICTIONS: Service under the authority herein relating (1) to initial movement operations shall be restricted so as to exclude the transportation of automobiles from the site of the Cadillac Motor Car Company plant in Detroit, Mich., and (2) to secondary movement operations shall be restricted to the transportation of traffic having an immediately prior initial movement from Detroit, Mich., Toledo, Ohio, South Bend, Ind., Kenosha, Wis., or St. Paul, Minn.). 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 7125. Authority sought for purchase by EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 120 West 17th Street, Kansas City 8, Mo., of the operating rights of JAMES DUNCAN (RAY S. SCHULZ, ADMINISTRATOR), 1221 Main Street, Great Bend, Kans., and for acquisition by E. E. JAMESON, JR., and ABBOTT J. SHER, both of Kansas City, of control of such rights through the purchase. Applicants' attorneys: Kretsinger & Kretsinger, 1014-18 Temple Building, Kansas City 6, Mo., and Ray S. Schulz, 1221 Main Street, Great Bend, Kans. Operating rights sought to be transferred: *Livestock*, as a *common carrier* over regular routes, from Ransom, Kans., to Kansas City, Mo., serving certain intermediate and off-route points; *feed, petroleum and petroleum products* in containers, *twine, automobile accessories and supplies, agricultural implements, electrical equipment, hardware, caskets, embalming fluid, plumbing supplies, furniture, iron and steel articles, building materials, paint, and culverts*, from Kansas City, Mo., to Ransom, Kans., serving certain intermediate and off-route points; *livestock*, over irregular routes, from Scott City, Leoti, Tribune, and Oakley, Kans., to Kansas City, Kans., and Kansas City, Mo.; *agricultural machinery*, between Kansas City, Mo., on the one hand, and, on the other, certain points in Kansas. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, and Nebraska. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-2294; Filed, Mar. 17, 1959; 8:49 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1202]

### UNIFIED FUNDS, INC.

#### Notice of Filing of Application for Order Exempting Transaction Between Affiliates

MARCH 11, 1959.

Notice is hereby given that Unified Funds, Inc. ("Applicant"), an Indiana corporation, registered under the Investment Company Act of 1940 ("Act") as a face-amount certificate company, has filed an application and amendment thereto pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the purchase by Unified Underwriters, Inc. ("Underwriters") from Applicant of shares of Unified Reserve Life Insurance Company ("Insurance Company") as hereinafter set forth.

Underwriters, an Indiana corporation, is the principal underwriter of the face-

amount certificates issued by Applicant and is the parent of both Applicant and Insurance Company, owning beneficially as of June 30, 1958 approximately 62 percent (199,100 shares) and 47 percent (19,461 shares), respectively, of the issued and outstanding shares of the common stock of such corporations.

Insurance Company, an Indiana corporation, is a legal reserve life insurance company. As of December 31, 1958 Insurance Company had life insurance in force in the amount of \$5,203,483. It has outstanding 41,000 shares of common stock which had a book value of \$15.07 per share as of December 31, 1958.

Underwriters proposes to purchase from Applicant at \$25 per share all of Applicant's holdings of 1,900 shares or approximately 4.06 percent of the common stock ("Subject Stock") of Insurance Company. This amount represents the Subject Stock that was subscribed for and purchased by Applicant in connection with the organization of Insurance Company in July 1955. The subscribers for and purchasers, at the price of \$16.50 per share, of the aggregate of 20,000 shares (the initial capital with which Insurance Company commenced business) of the common stock of Insurance Company were Underwriters, Applicant and directors of Insurance Company. In 1956 and 1957, Insurance Company offered, issued and sold exclusively to residents of Indiana an aggregate of 21,000 additional shares of common stock, of which 656 shares were purchased by Underwriters, at an offering price of \$25 per share with proceeds to Insurance Company of \$21.25 per share.

In support of its contention that the sale as proposed is fair and reasonable, Applicant states that at \$25 per share it will realize a gain on the sale in the amount of \$16,150 on an investment of \$31,350 for a period of some three and one-half years. Applicant further states that Insurance Company, being still in the early years of development and growth of its business, had a net loss of \$51,263 in 1958 and that it has not commenced the payment of dividends. Since the fees received by Applicant for the management of certificate funds are inadequate during the early years of such funds to meet operating expenses, Applicant maintains that it is desirable that its available assets be invested in securities having a more immediate income return than is presently possible from the Subject Stock. Applicant further states that its management deems it advisable to invest the assets supporting its obligations to its certificate holders in securities which are "qualified investments" as that term is defined in section 28 of the Act rather than in the Subject Stock which does not yet so qualify.

Applicant further states that the sale will also benefit Underwriters in that the Subject Stock represents sound long term growth potential, and that Underwriters is already the parent of Insurance Company and the effect of the sale will be merely to increase its holdings to a majority interest. Underwriters is currently offering \$25 per share to those shareholders of Insurance Company desiring to dispose of their shares and has

been making such offer since completion of the distribution by Insurance Company of its shares in December 1957. During the year 1958, Underwriters purchased 1,393 shares of Insurance Company at the price of \$25 per share from non-affiliated persons. Applicant states that it knows of no other quoted market on the shares of Insurance Company.

Applicant and Underwriters are affiliated persons as defined in the Act, hence the transaction between them is prohibited under section 17(a) unless the Commission grants an exemption pursuant to section 17(b). Section 17(a) of the Act, with certain exceptions, prohibits an affiliated person of a registered investment company from purchasing from or selling to such registered investment company or any company controlled by such registered company any security or other property. Under section 17(b) of the Act the Commission shall grant an exemption from section 17(a) if it finds 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 person 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 with the general purposes of the Act.

Notice is further given that any interested person may, not later than March 25, 1959, 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 amended application may be granted as provided in Rule 0-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-2285; Filed, Mar. 17, 1959;  
8:48 a.m.]

[File No. 1-2645]

#### F. L. JACOBS CO.

#### Order Summarily Suspending Trading

MARCH 12, 1959.

In the matter of trading on the New York Stock Exchange and the Detroit Stock Exchange in the \$1.00 par value common stock of F. L. Jacobs Co., File No. 1-2645.

I. The common stock, \$1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959, issued its order and notice of hearing under section 19(a) (2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959 whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On March 2, 1959, the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a) (4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending March 12, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a) (4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 13, 1959, to March 22, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-2286; Filed, Mar. 17, 1959;  
8:48 a.m.]

[File No. 24D-1343]

#### COLORADO REDUCTION CORP.

#### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 12, 1959.

I. Colorado Reduction Corporation (Issuer), an Ohio corporation, 85 North High Street, Columbus 15, Ohio filed with the Commission on July 16, 1954, a notification and a Rule 219(b) statement, and filed an amendment thereto,

relating to an offering of 1,800 shares of its \$25 par value Class B common stock at \$25 per share, for an aggregate offering of \$45,000, 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 the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2-A.

III. It is ordered, Pursuant to Rule 223(a) 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, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the

purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 59-2287; Filed, Mar. 17, 1959; 8:48 a.m.]

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