THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 24 NUMBER 79

Washington, Thursday, April 23, 1959

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 5—PROHIBITION AGAINST HOLDING STATE OR LOCAL OFFICE

### Exception of Residents of Certain Municipalities

Section 5.104(a) is amended by the addition of "Huachuca City, Ariz. (Apr. 9, 1959)" under the heading "Other Municipalities."

(R.S. 1753; 5 U.S.C. 631)

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

[F.R. Doc. 59-3439; Filed, Apr. 22, 1959; 8:50 a.m.]

## Title 7—AGRICULTURE

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

### PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

### Subpart—U.S. Standards for Grades of Canned Squash (Summer Type) [1]

MISCELLANEOUS AMENDMENTS

On February 25, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 1376) regarding a proposed amendment to the United States Standards for Grades of Canned Squash (Summer Type) (7 CFR §§ 52.3581-52.3592).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following amendment to the United States Standards for Grades of Canned Squash (Summer Type) is hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946, (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.).

Under § 52.3585(c)(3) delete all of "Table I—Recommended Minimum Drained Weights, in Ounces, of Canned Squash" and substitute therefor the following:

TABLE I—*Recommended minimum drained weights, in ounces, of canned squash*

| Container size or designation | Maximum headspace allowable (measured from top of double seam) | Styles of canned (summer type) squash | |
|---|---|---|---|
| | | Whole | Sliced or cut |
| | *16th of an inch* | | |
| 8-ounce tall | 7.6 | 4.5 | 5.5 |
| No. 303 | 9.4 | 10.8 | 11.0 |
| No. 2 | 9.7 | 13.0 | 13.1 |
| No. 10 | 13.6 | 70.0 | 70.0 |

Dated April 20, 1959, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator, Marketing Services.*

[F.R. Doc. 59-3426; Filed, Apr. 22, 1959; 8:48 a.m.]

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

[Grapefruit Reg. 308]

### PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

**§ 933.969 Grapefruit Regulation 308.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges,

(Continued on p. 3151)

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, 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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## CODIFICATION GUIDE

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

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

## CODIFICATION GUIDE—Con.



grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 21, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used in this section have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used in this section, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (7 CFR 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

(2) The provisions of Grapefruit Regulation 307 (§ 933.966; 24 F.R. 2801), are hereby terminated effective at 12:01 a.m., e.s.t., April 24, 1959.

(3) During the period beginning at 12:01 a.m., e.s.t., April 24, 1959, and ending at 12:01 a.m., e.s.t., May 11, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than $3^{15}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit (7 CFR 51.750 to 51.790 of this title);

(iii) Any seedless grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1 Russet: *Provided*, That such grapefruit which grade U.S. No. 2 Russet, U.S. No. 2, or U.S. No. 2 Bright, may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade;

(iv) Any white seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of white seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(v) Any pink seedless grapefruit, grown in the production area, which are smaller than $3^{7}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of pink seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

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

Dated: April 22, 1959.

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

[F.R. Doc. 59-3516; Filed, Apr. 22, 1959; 11:38 a.m.]

# Title 6—AGRICULTURAL CREDIT

## Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

### SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bull. 1, 1959 Supp. 1, Rice]

### PART 421—GRAINS AND RELATED COMMODITIES

### Subpart—1959-Crop Rice Loan and Purchase Agreement Program

*Correction*

In F.R. Document 59-3101 appearing in the issue for Tuesday, April 14, 1959, at page 2821 make the following change: In § 421.4337(f)(6), line 1, the word "supplies" should read "applies".

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 1, Amdt. 1, Wheat]

### PART 421—GRAINS AND RELATED COMMODITIES

### Subpart—1959-Crop Wheat Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 24 F.R. 1633, containing the specific requirements for the 1959-crop wheat price support program are amended as follows:

Section 421.4046(b)(1) is amended to clarify the settlement rates applicable to wheat acquired by CCC which is stored in designated terminals or in-transit to designated terminals so that the amended subparagraph reads as follows:

**§ 421.4046 Settlement.**

* * * * *

(b) *Applicable support rate for settlement of loans and purchase agreements.* (1) In the case of wheat stored in an

approved warehouse, settlement shall be made at the applicable support rate determined in accordance with § 421.4043, except as otherwise provided in subparagraphs (4) and (5) of this paragraph.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 17th day of April 1959.

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

[F.R. Doc. 59-3441; Filed, Apr. 22, 1959; 8:50 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

### SUBCHAPTER F—PERSONNEL

### PART 582—DISCHARGE OR SEPARATION FROM SERVICE

### Minority

In § 582.1, revise paragraphs (a) and (b)(1) to read as follows:

**§ 582.1 Discharge because of minority.**

(a) *Authority.* Section 3256, Title 10 U.S.C., provides in part that the Secretary of the Army may accept original enlistments in the Army of qualified, effective, and able-bodied persons who are not less than 17 years of age in the case of male persons and not less than 18 years of age in the case of female persons, except that no male person under 18 years of age or female person under 21 years of age may be originally enlisted without the written consent of his (or her) parent or guardian. The minimum age for induction is 18 years and 6 months (sec. 4(a), Universal Military Training and Service Act, as amended).

(b) *Application*—(1) *Enlisted men (i.e, all male personnel serving in enlisted grades).* (i) An enlisted man in the Regular Army, Army National Guard of the United States and Army Reserve who has attained the age of 18 or an enlisted man inducted pursuant to the Universal Military Training and Service Act who has attained 18 years and 6 months is not eligible for discharge due to minority regardless of his age at the time of enlistment or induction and regardless of whether the consent of the parents or guardian was obtained.

(ii) A minor under 17 years of age is incapable of entering into a valid enlistment and a minor under 18 years and 6 months is not subject to induction. Accordingly, the enlistment of an individual who was below 17 years of age or induction of an individual who was below 18 years and 6 months at the time of enlistment or induction is void.

(*a*) Subject to subdivision (i) of this subparagraph and (*b*) of this subdivision, upon determination that an enlistment or induction is void, the individual will be released from the custody and control of the Army without being furnished a certificate of discharge of any kind (paragraph (g)(2) of this section). Such individuals will be released at the station where DA Form 201 (Personnel Records Jacket, United States Army) is maintained unless the individual is serving outside continental limits of the United States or outside the territory or possession in which enlisted.

(*b*) Unless under charges or in confinement for a serious offense committed after attainment of 17, as set forth in paragraph (e) of this section, an enlisted man of the Regular Army who was under 17 years of age at the time of enlistment and who has attained the age of 17 but has not reached the age of 18 years will be discharged upon receipt of satisfactory evidence as to the date of his birth. However, upon recommendation of his immediate commanding officer, he may be retained in service at the option of the Secretary of the Army, unless application for his discharge is made by his parents or guardian, if any. Requests for retention in service, with appropriate documentation and recommendations, will be forwarded to The Adjutant General, Department of the Army, Washington 25, D.C., Attn: AGPO–XD, for final decision.

(*c*) Unless under charges or in confinement for a serious offense committed after attainment of 17, as set forth in paragraph (e) of this section, an enlisted man inducted into the Army under 17 years of age and who has attained 17 years of age but has not reached the age of 18 years and 6 months may be retained in service in accordance with the provisions of (*b*) of this subdivision.

(iii) Enlisted members of the Army National Guard of the United States and the Army Reserve who enlisted at the age of 17 without the consent of parents or guardian will be discharged because of minority unless parental consent was obtained prior to entry into the active military service. Those under age of 17 at the date of enlistment and who have not yet reached the age of 17 years will be released from the control and custody of the Army in accordance with subdivision (ii)(*a*) of this subparagraph. Those under the age of 17 years at the date of enlistment and who have attained the age of 17 years but have not yet reached the age of 18 years may be discharged or retained in service in accordance with subdivision (ii)(*b*) of this subparagraph.

(iv) Subject to the provisions of subdivision (i) of this subparagraph, an enlisted man 17 years of age at the time of enlistment who enlisted without the written consent of his parents or guardian, if any, will be discharged upon application of the parents or guardian and presentation of satisfactory evidence as to the date of birth. An enlisted man who enlisted when 17 years of age with the written consent of his parents or guardian will not be discharged under this section.

(v) An enlisted man inducted into the Army who is under 18 years and 6 months of age, will be discharged for minority upon application of his parents or guardian, provided he was not eligible for induction under selective service regulations in effect at the time.

[C 6, AR 615–362, April 8, 1959] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

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

[F.R. Doc. 59–3397; Filed, Apr. 22, 1959; 8:45 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

### PART III—POSTAL UNION MAIL

### International Mail Changes in Acceptance of Eight-Ounce Merchandise Packages

Notice of proposed amendment to § 111.2 *Specific categories* was published in the FEDERAL REGISTER of March 13, 1959, on page 1834, as Federal Register document 59–2164. The amendment proposed to discontinue the acceptance of 8-ounce merchandise to the following countries:

Argentina.
Bolivia.
Brazil.
Costa Rica.
Dominican Republic.
Ecuador.
Republic of Honduras.
Mexico.
Nicaragua.
El Salvador.
Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa).
Spanish Guinea.
Spanish West Africa.
Uruguay.
Venezuela.

The discontinuance affects only those countries which now accept both small packets and eight-ounce merchandise packages. Small packets will continue to be accepted to the above countries.

No comments have been received by the Department with respect to the proposed amendment.

Accordingly, effective May 1, 1959, the amendment is adopted without change. As adopted, the amendment to § 111.2 shall read as follows:

In § 111.2 *Specific categories* subparagraph (5) of paragraph (h) is hereby amended, effective May 1, 1959, to read as follows:

(5) *Countries for which accepted.* Eight-ounce merchandise packages are accepted only in the following countries:

Canada.
Chile.
Colombia.
Cuba.
Guatemala.
Haiti.
Panama.
Paraguay.
Peru.

NOTE: The corresponding Postal Manual section is 221.285.

(R.S. 161, as amended, 396, as amended, 3868, sec. 1, 24 Stat. 355, 24 Stat. 569, as amended; 5 U.S.C. 22, 369)

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

[F.R. Doc. 59–3430; Filed, Apr. 22, 1959; 8:48 a.m.]

# Title 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board—Federal Aviation Agency

SUBCHAPTER A—CIVIL AIR REGULATIONS

[Amdt. 4b-10]

## PART 4B—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

### Cargo Compartment Classification "E" For All-Cargo Operations

The presently effective §§ 4b.382 and 4b.383 of Part 4b of the Civil Air Regulations prescribe design conditions for the protection of cargo and baggage compartments against fire. These requirements classify compartments into "A," "B," "C," and "D."

Class "A" and "B" compartments are those which provide access to all parts of the compartment to permit the use of hand fire extinguishers. In addition, Class "B" compartments require that all contents therein can be moved by hand. Class "C" and "D" compartments do not have this accessibility. Instead, Class "C" compartments are required to have a fire-extinguishing system capable of effectively flooding the entire compartment. Class "D" compartments are those in which the volume of air and its flow are so limited as to cause suppression of fire as a result of oxygen depletion.

An air carrier engaged in the carriage of cargo exclusively recommended to the Civil Aeronautics Board an amendment of the existing regulations to provide an additional classification of cargo compartments more specifically applicable to bulk loading of the main cabin area of an airplane engaged in all-cargo operations. The carrier indicated that the weight and bulk of the cargo to be carried in the main cabin make its movement by the crew impractical. Furthermore, the loss of cargo space by providing accessibility to all parts of the compartment and its contents results in an unnecessary economic burden. For these reasons, it is not practical to classify the main cabin as either an "A" or "B" compartment. Classification as a "C" compartment, considering the relatively large volume of the cabin, makes it impractical to carry a sufficient quantity of fire-extinguishing agent to flood effectively the entire cabin. Due to the large volume of the cabin, compliance with the conditions set forth for Class "D" Compartments also becomes extremely difficult because so much oxygen exists that prompt suppression of the fire through oxygen depletion is not attainable.

The Civil Aeronautics Board included a proposed change to the cargo and baggage compartment fire protection requirements of Part 4b in a notice of proposed rule making issued in Draft Release No. 58-1C, dated December 22, 1958. That proposal, although it appeared to cover the intent, did not define in detail the specific conditions applicable to bulk-loaded cabins. After further study and considering the comments on the draft release, it is found that setting forth specific conditions is necessary. Therefore, the amendment contained herein establishes a new Class "E" cargo compartment and prescribes the detailed design conditions applicable thereto.

An evaluation of Daily Mechanical Reports and air carrier incident reports disclosed that between 1951 and 1956 during 18,971,602 hours of passenger-carrying flight time there had been four inflight fires in baggage compartments. It was reported that one of these fires was attributed to the cargo coming in contact with a cockpit heater, one was caused by matches in a passenger's bag, and two resulted from baggage being loaded against unprotected light bulbs. Additionally, three fires, detected while loading passengers' baggage before departure, were found to be caused by matches in passengers' bags. During this same period, there were no incidents of fire in 572,443 hours of flight in all-cargo operations. In the period 1957–1958, one additional fire was reported in the Daily Mechanical Reports. The cause of this fire was found to have been due to baggage being placed against an unprotected light bulb.

It has been determined that this amendment will make fire prevention requirements for all-cargo aircraft more realistic, without any material reduction in safety. Accordingly, § 4b.383 of Part 4b of the Civil Air Regulations is being amended to provide for all-cargo operations the new Class "E" cargo compartment located in the main cabin of an airplane. Such compartment is required to be equipped with a smoke or fire detector system to warn the crew of smoke or fire, to be completely lined with fire-resistant material, to provide for control of ventilation by the crew within the compartment, and to provide means for excluding hazardous quantities of smoke, flames, or noxious gases from entering the flight crew's compartment. Furthermore, it requires that crew-emergency exits remain accessible under all loading conditions.

In conjunction with the establishment of Class "E" cargo compartments, § 4b.380(c) is being amended to provide protective breathing equipment for the crew when the aircraft contains such a compartment. Since the operating record reveals that heat sources in proximity to cargo constitute a fire hazard, § 4b.382 is also being amended to provide fire protection from sources of heat such as light bulbs, heater ducts, electrical appliances, and combustion heaters in all classes of compartments.

In addition to the foregoing, § 4b.383 (b), applicable to "B" compartments, is being amended by deleting the requirement that while the aircraft is in flight a member of the crew must be able to move by hand all contents of the compartment. This deletion is considered to be consistent with the requirements for Class "A" and "E" compartments.

Interested persons have been afforded an opportunity to participate in the making of this amendment (24 F.R. 128), and due consideration has been given to all relevant matter presented. Since this amendment is relaxatory in nature and imposes no additional burden on any person, it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, the Administrator of the Federal Aviation Agency hereby adopts the following amendment to Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended) effective April 23, 1959:

1. By amending § 4b.380(c) by deleting the words "Class A or B" and inserting in lieu thereof "Class A, B, or E".

2. By amending § 4b.382 by adding a new paragraph (d) and a note thereunder, to read as follows:

(d) Sources of heat within the compartment shall be shielded and insulated to prevent igniting the cargo.

NOTE: Sources of heat likely to ignite cargo include light bulbs, combustion heaters, heater ducts, electrical appliances, etc.

3. By amending the introductory paragraph of § 4b.383(b) to read as follows:

Cargo and baggage compartments shall be classified as "B" if sufficient access is provided while in flight to enable a member of the crew to reach effectively all parts of the compartment and its contents with a hand fire extinguisher. Compliance shall be shown with the following:

4. By amending § 4b.383 by adding a new paragraph (e) to read as follows:

(e) *Class E.* On airplanes used for the carriage of cargo only it shall be acceptable to classify the cabin area as a Class "E" compartment. Compliance shall be shown with the following:

(1) The compartment shall be completely lined with fire-resistant material.

(2) The compartment shall be equipped with a separate system of an approved type smoke or fire detector to give warning at the pilot or flight engineer station.

(3) Means shall be provided to shut off the ventilating airflow to or within the compartment. Controls for such means shall be accessible to the flight crew in the crew compartment.

(4) Means shall be provided to exclude hazardous quantities of smoke, flames, or noxious gases from entering the flight crew compartment. (See § 4b.380(c) for protective breathing equipment.)

(5) Required crew emergency exits shall remain accessible under all cargo loading conditions.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply secs. 601, 603; 72 Stat. 775, 776; 49 U.S.C. 1421, 1423)

Issued in Washington, D.C., on April 17, 1959.

E. R. QUESADA,
*Administrator.*

[F.R. Doc. 59-3398; Filed, Apr. 22, 1959; 8:45 a.m.]

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[Amdt. 40-16]

## PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

### Absence of Flight Crew Members From Their Duty Stations

Section 40.354 of the Civil Air Regulations requires all flight crew members

to remain at their respective stations with seat belts fastened during take-off or landing, and while en route except when the absence of one such flight crew member is necessary in connection with his "regular duties." As used in this regulation the term "regular duties" was intended to mean those duties involving the operation of the airplane. It was not intended to encompass activities related to furthering public relations or other activities not related to operational safety of the airplane. The absence of a flight crew member from his duty station for the performance of such activities reduces unnecessarily the degree of vigilance, attention to duty, and availability for emergency action required for the operation of modern aircraft under conditions of high density traffic.

Accordingly, § 40.354 is being amended to clarify its intention and application. Similar amendments are being made simultaneously to Parts 41, 42, 46, and 60 of the Civil Air Regulations to provide identical rules for the types of operations covered by those parts.

Inasmuch as this amendment is a clarification of the present requirements and imposes no additional burden on any person, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and not required.

In consideration of the foregoing, § 40.354 of the Civil Air Regulations (14 CFR 40.354) is hereby amended as follows to become effective April 22, 1959:

**§ 40.354 Flight crew members at controls.**

All required flight crew members when on flight deck duty shall remain at their respective stations while the airplane is taking off or landing, and while en route except when the absence of one such flight crew member is necessary for the performance of his duties in connection with the operation of the airplane. All flight crew members shall keep their seat belts fastened when at their respective stations.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply secs. 601, 604, 72 Stat. 775, 778; 49 U.S.C. 1421, 1424)

Issued in Washington, D.C., on April 17, 1959.

E. R. QUESADA,
*Administrator.*

[F.R. Doc. 59-3402; Filed, Apr. 22, 1959; 8:45 a.m.]

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[Amdt. 41-23]

## PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

### Absence of Flight Crew Members From Their Duty Stations

Section 41.62 provides, in the case of aircraft requiring two or more pilots, that two pilots shall remain at the controls at all times during take-off, landing, and while en route, except when the absence of one is necessary in connection with his "regular duties." As used in this regulation the term "regular duties" was intended to mean those duties involving the operation of the airplane. It was not intended to encompass activities related to furthering public relations or other activities not related to operational safety of the airplane. The absence of a flight crew member from his duty station for the performance of such activities reduces unnecessarily the degree of vigilance, attention to duty, and availability for emergency action required for the operation of modern aircraft under conditions of high density traffic.

The provisions of § 41.62 are therefore being amended by a new § 41.134 to clarify their intention and application. Since the present section refers only to pilots, the new section will also be made applicable to other flight crew members. The present § 41.62 does not expressly require that flight crew members keep their seat belts fastened when at their respective stations, and this provision is being included in the new section. In addition, § 41.62 presently permits the absence of a pilot from his seat when he is replaced by a person "authorized" by § 41.121. It is to be noted that § 41.121 regulates only the admission of persons to the pilot compartment and does not, in fact, authorize any person to replace any flight crew member. The reference to this section is therefore being eliminated.

Accordingly, the provisions of § 41.62 are being amended as indicated above. Amendments to the same effect are simultaneously being made to Parts 40, 42, 46 and 60 of the Civil Air Regulations to provide identical rules for all operations covered by those parts.

The same changes in substantially the same language were previously proposed by the Civil Aeronautics Board, in connection with a revision of Part 41 presently under consideration, as §41.354 of the revision. Notice of the proposed revision was published in the FEDERAL REGISTER on January 7, 1959 (24 F.R. 145), and distributed as Draft Release 58-24. The changes being made to the proposal contained in the Draft Release constitute a clarification and are minor in nature. Although the time for the receipt of comments to Draft Release 58-24 was recently extended to June 1, 1959 (24 F.R. 2500), I find that the provisions of § 41.354 of the Draft Release being incorporated in this amendment are essential for uniform and safe operating procedures; that further delay in the adoption of these provisions would be contrary to the public interest; and that good cause exists to make the amendment effective on less than 30 days' notice in accordance with the provisions of section 4 of the Administrative Procedure Act.

In consideration of the foregoing, Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is hereby amended as follows, effective April 22, 1959:

**§ 41.62 [ Rescission ]**

1. Section 41.62 is rescinded.
2. A new § 41.134 is added to read:

**§ 41.134 Flight crew members at controls.**

All required flight crew members when on flight deck duty shall remain at their respective stations while the airplane is taking off or landing, and while en route except when the absence of one such flight crew member is necessary for the performance of his duties in connection with the operation of the airplane. All flight crew members shall keep their seat belts fastened when at their respective stations.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply secs. 601, 604, 72 Stat. 775, 778; 49 U.S.C. 1421, 1424)

Issued in Washington, D.C., on April 17, 1959.

E. R. QUESADA,
*Administrator.*

[F.R. Doc. 59-3403; Filed, Apr. 22, 1959; 8:45 a.m.]

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[Amdt. 42-18]

## PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

### Absence of Flight Crew Members From Their Duty Stations

Section 42.51(f) provides, in the case of aircraft requiring two or more pilots, that two pilots shall remain at the controls at all times during take-off, landing, and while en route except when the absence of one is necessary in connection with his "regular duties." As used in this regulation the term "regular duties" was intended to mean those duties involving the operation of the airplane. It was not intended to encompass activities related to furthering public relations or other activities not related to operational safety of the airplane. The absence of a flight crew member from his duty station for the performance of such activities reduces unnecessarily the degree of vigilance, attention to duty, and availability for emergency action required for the operation of modern aircraft under conditions of high density traffic.

The provisions of § 42.51(f) are therefore being amended by a new § 42.64 to clarify their intention and application. Since the present § 42.51(f) refers only to pilots, the new section will also be made applicable to all other flight crew members. The present § 42.51(f) does not expressly require that flight crew members keep their seat belts fastened at their respective stations and this provision is being included in the new section. In addition, § 42.51(f) presently permits the absence of a pilot from his seat when he is replaced by a person "authorized" by § 42.51(g). It is to be noted that § 42.51(g) regulates the admission of persons to the pilot compartment and does not in fact authorize any person to replace any flight crew member. The reference to this section is therefore being eliminated.

Accordingly, the provisions of § 42.51 (f) are being amended as indicated above. Amendments to the same effect are simultaneously being made to Parts 40, 41, 46, and 60 of the Civil Air Regu-

lations to provide identical rules for all operations covered by those parts.

The changes being made constitute primarily a clarification of present requirements. In connection with the requirement as to seat belts and the application of the section to all flight crew members, I find that the proposed amendment must be adopted in order to obtain uniform and optimum safe operating procedures for the prevention of collisions between aircraft. Accordingly, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act are impracticable and contrary to the public interest and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) is hereby amended as follows effective April 22, 1959:

§ 42.51 [ Deletion and redesignation ]

1. The present paragraph (f) of § 42.51 is deleted and the present paragraph (g) is redesignated as paragraph (f).

2. A new § 42.64 is added to read:

**§ 42.64 Flight crew members at controls.**

All required flight crew members when on flight deck duty shall remain at their respective stations while the aircraft is taking off or landing, and while en route except when the absence of one such flight crew member is necessary for the performance of his duties in connection with the operation of the aircraft. All flight crew members shall keep their seat belts fastened when at their respective stations.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply secs. 601, 604, 72 Stat. 775, 778; 49 U.S.C. 1421, 1424)

Issued in Washington, D.C., on April 17, 1959.

E. R. QUESADA,
*Administrator.*

[F.R. Doc. 59-3404; Filed, Apr. 22, 1959; 8:46 a.m.]

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[Amdt. 46-1]

## PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

### Absence of Flight Crew Members From Their Duty Stations

Section 46.354 of the Civil Air Regulations requires all flight crew members to remain at their respective stations with seat belts fastened during take-off or landing, and while en route except when the absence of one such flight crew member is necessary in connection with his "regular duties." As used in this regulation the term "regular duties" was intended to mean those duties involving the operation of the aircraft. It was not intended to encompass activities related to furthering public relations or other activities not related to operational safety of the aircraft. The absence of a flight crew member from his duty station for the performance of such activities unnecessarily reduces the degree of vigilance, attention to duty, and availability for emergency action required for the operation of modern aircraft under conditions of high density traffic.

Accordingly, § 46.354 is being amended to clarify its intention and application. Similar amendments are being made simultaneously to Parts 40, 41, 42, and 60 of the Civil Air Regulations to provide identical rules for all operations covered by those parts.

Inasmuch as this amendment is a clarification of the present requirements and imposes no additional burden on any person, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and not required.

In consideration of the foregoing, § 46.354 of the Civil Air Regulations (14 CFR 46.354), is hereby amended as follows effective April 22, 1959:

The present § 46.354 is deleted and a new section substituted to read:

**§ 46.354 Flight crew members at controls.**

All required flight crew members when on flight deck duty shall remain at their respective stations while the helicopter is taking off or landing, and while en route except when the absence of one such flight crew member is necessary for the performance of his duties in connection with the operation of the helicopter. All flight crew members shall keep their seat belts fastened when at their respective stations.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply Secs. 601, 604, 72 Stat. 775, 778; 49 U.S.C. 1421, 1424)

Issued in Washington, D.C., on April 17, 1959.

E. R. QUESADA,
*Administrator.*

[F.R. Doc. 59-3405; Filed, Apr. 22, 1959; 8:46 a.m.]

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[Amdt. 60-15]

## PART 60—AIR TRAFFIC RULES

### Absence of Flight Crew Members From Their Duty Stations and Right of Way

Parts 40, 41, 42, and 46 presently contain various provisions requiring flight crew members to remain at their respective duty stations with seat belts fastened during a flight. The basic purpose of these provisions is to provide constant vigilance, attention to duties, and availability for emergency action. This operating practice has become increasingly important with the increase in air traffic and the introduction of faster civil as well as military aircraft.

Recent near collision and other incidents indicate that the failure of flight crew members to pay constant attention to their respective duties has been a contributing factor in the development of hazardous situations and that unnecessary absences from their duty stations has prevented or delayed remedial action in emergencies. Accordingly, it is necessary in the interest of safety to incorporate in the provisions of Part 60 a mandatory requirement, similar to that contained in Parts 40, 41, 42 and 46 of the Civil Air Regulations, requiring flight crew members to remain at their duty stations with seat belts fastened during flight. This requirement will then become equally applicable to all types of operations—both civil and military.

I find that the proposed amendment must be made mandatory in order to obtain uniform and optimum safe operating procedures for the prevention of collisions between aircraft. Accordingly, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act are impracticable and contrary to the public interest and good cause exists for making this amendment effective on less than 30 days' notice. In consideration of the foregoing, Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) is hereby amended as follows effective April 22, 1959: By adding a new § 60.24 to read:

**§ 60.24 Flight crew members at controls.**

All required flight crew members when on flight deck duty shall remain at their respective stations while the aircraft is taking off or landing, and while en route except when the absence of one such flight crew member is necessary for the performance of his duties in connection with the operation of the aircraft. All flight crew members shall keep their seat belts fastened when at their respective stations.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply secs. 307, 601, 72 Stat. 749, 775; 49 U.S.C. 1348, 1421)

Issued in Washington, D.C., on April 17, 1959.

E. R. QUESADA,
*Administrator.*

[F.R. Doc. 59-3406; Filed, Apr. 22, 1959; 8:46 a.m.]

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## Chapter II—Federal Aviation Agency

[Amdt. 114]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

**1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:**

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn-26, 32# | 400–1 | 500–1½ | 500–1½ |
| | | | | C-d-8 | 800–2 | 800–2 | 800–2 |
| | | | | C-n-8 | NA | NA | NA |
| | | | | S-dn-14 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 1000–2 | 1000–2 | 1000–2 |

SHUTTLE TO: 2700′ on North crs, 321° Outbnd, 141° Inbnd, within 20 miles.
Procedure turn *East side of North crs, 321° Outbnd, 141° Inbnd, 1400′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 141°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles, turn left, climb to 2700′ on North crs 321° Cold Bay LFR within 20 miles.
CAUTION: 50 statute-mile control area and 5 statute-mile control zone effective from 1900Z to 0700Z daily. Pilots arriving or departing this airport during the hours when traffic control is not operating shall utilize the rebroadcast facilities at Cold Bay and thereafter assure appropriate separation from other known traffic.
#Circling to Runways 26 and 32 will be accomplished East of the airport. Mt. Simon 960′ MSL 2.4 miles West of airport.
*Nonstandard.

City, Cold Bay; State, Alaska; Airport Name, Cold Bay; Elev., 93′; Fac. Class, SRAZ; Ident., CDB; Procedure No. 1, Amdt. Orig.; Eff. Date, 16 May 59

PROCEDURE CANCELLED, EFFECTIVE 24 MARCH 1959.

City, Fargo; State, N. Dak.; Airport Name, Hector; Elev., 900′; Fac. Class, SBRAZ; Ident., FAR; Procedure No. 2, Amdt. 8; Eff. Date, 8 Mar. 58; Sup. Amdt. No. 7; Dated 10 Mar. 56

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| PIE VOR | TPA LFR | Direct | 1500 | T-dn | 300–1 | 300–1 | 200–½ |
| Radar Terminal Area Transition Altitude | Radar Site | Within 25 mi | *1500 | C-dn | 1000–2 | 1000–2 | 1000–2 |
| | | | | A-dn | 1000–2 | 1000–2 | 1000–2 |
| | | | | | BCOB | BCOP | BCOB |

Procedure turn **West side SE crs, 135° Outbnd, 315° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 275°—10.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.3 miles, climb to 1500 on 275 degree crs from Tampa LFR within 20 miles.
CAUTION: 500′ Towers on crs from TPA LFR to airport.
MAJOR CHANGES: Deletes reference to Ruskin FM and Radar Fix.
*Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3–5 miles of radio towers 861′ MSL 9 miles E and 1135′ MSL 12 mi SE of TPA LFR.
**Procedure turn nonstandard due to 1134′ radio tower on East side of SE course.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater, Int'l; Elev., 10′; Fac. Class, SBRAZ; Ident., TPA; Procedure No. 1, Amdt. 2; Eff. Date, 16 May 59; Sup. Amdt. No. 1; Dated, 23 Apr. 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Layton FM | SLC–LFR (Final) | Direct | 4900 | T-dn* | 300–1 | 300–1 | 200–½ |
| Salt Lake City VOR | SLC–LFR | Direct | 7500 | C-dn | 500–1 | 600–1 | 600–1½ |
| | | | | S-dn-16L/R | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar transitions and vectoring utilizing Salt Lake City radar are authorized in accordance with approved radar patterns.
*500–2 required for take-off Runway 7.
Procedure turn W side N crs, 329° Outbnd, 149° Inbnd, 7500′ within 10 miles.
Minimum altitude over facility on final approach crs, 4900′.
Crs and distance, facility to airport, 163—2.3 to Rny 16L; (180—2.0 to Rny 16R).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, make a right climbing turn, climb to 9000′ on W crs SLC–LFR within 20 mi. or, when directed by ATC, make a right climbing turn, climb to 10,000′ in a right hand 1 minute pattern on the N crs within 12 miles.
SHUTTLE: To 7500′ on N crs within 15 miles. All turns W of crs.
CAUTION: 5000′ terrain 3 mi E of LFR. High terrain 8 mi E of N and S courses, and W of S crs of LFR. 4541′ radio tower 1.3 mi SE of LFR.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City No. 1; Elev., 4222′; Fac. Class, SBRAZ; Ident., SLC; Procedure No. 1, Amdt. 8; Eff. Date, 16 May 59; Sup. Amdt. No. 7; Dated, 1 Nov. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| PIE-VOR | TPA–LFR | Direct | 1500 | T-dn | 300–1 | 300–1 | #200–½ |
| Radar Terminal Area Transition Altitude | Radar Site | Within 25 mi | ##1500 | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-32 | 500–1 | 500–1 | 500–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side SE crs, 135° Outbnd, 315° Inbnd, 1500′ within 10 mi. (nonstandard due to obstruction).
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 339—5.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 mi, climb to 1500′ on N crs within 20 mi or, when directed by ATC, turn right, climb to 1500′ on NE crs within 20 mi.
CAUTION: 210′ Radio Tower 1 mi WSW of airport.
AIR CARRIER NOTE: 200–½ absolute minimum for takeoff Runway 27.
MAJOR CHANGE: Deletes reference to Ruskin FM and Radar Fix.
#1 mi visibility required all operations Rwy 14–32.
##Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3–5 miles of radio antenna towers 861′ MSL 12 mi SE and 1135′ MSL 16 mi SE of airport.

City, Tampa; State, Fla.; Airport Name, Tampa Int'l; Elev., 26′; Fac. Class, SBRAZ; Ident., TPA; Procedure No. 1, Amdt. 13; Eff. Date, 16 May 59; Sup Amdt. No. 12; Dated, 25 Oct. 58

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | A-dn | 1000–2 | 1000–2 | 1000–2 |

Procedure turn N side of crs, 029° Outbnd, 209° Inbnd, 1200′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 209—1.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles, climb on crs of 209° to 1200′ within 10 miles. Contact ARTC for further clearance.

City, Kotzebue; State, Alaska; Airport Name, Ralph Wien Memorial; Elev., 9′; Fac. Class, BH; Ident., OTZ; Procedure No. 1, Amdt. 5; Eff. Date, 16 May 59; Sup. Amdt. No. 4; Dated, 4 Feb. 56

3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| TPA-LFR | PIE-VOR | Direct | 1500 | T-dn | 300–1 | 300–1 | 200–½ |
| Radar Terminal Area Transition Altitudes | Radar Site | Within 25 mi | #1500 | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-17 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 1300′ within 10 mi.
Minimum altitude over Harbor FM on final approach crs, 700′; over VOR, *400′.
Crs and distance, breakoff point to app end rny 17, 170—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi after passing PIE-VOR turn right, climb to 1500′ on R-270 within 20 mi or, when directed by ATC, turn right, climb to 1500′ on R-225 within 20 mi.
*If Harbor FM not received on final, descent below 700′ NA.
#Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3-5 miles of radio towers 861′ MSL 19.5 miles ESE and 1135′ MSL 23 miles ESE of airport.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater Int'l; Elev., 10′; Fac. Class, BVOR; Ident., PIE; Procedure No. TerVOR-17, Amdt. 3; Eff. Date, 16 May 59; Sup. Amdt. No. 2; Dated, 3 Jan. 59

4. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Radar terminal area maneuvering sectors and altitudes | | | | | | | | | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| From | To | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | | | | | | | | | 65 knots or less | More than 65 knots | |
| 000° | 360° | 25 | #1500 | | | | | | | | | Surveillance approach | | | |
| | | | | | | | | | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | | | | | | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | | | | | | | | | S-dn-9L, 9R, and 12 | 400–1 | 400–1 | 400–1 |
| | | | | | | | | | | | | S-dn-27L*, 27R* and 30.* | 400–1 | 400–1 | 400–1 |
| | | | | | | | | | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 1500′, then proceed direct to the MIA-VOR or MIA-"H" or as vectored by ATC.
#2000′ required within 3.0 mi of towers 999′ and 997′ 10.8 and 12.5 miles NNE of radar site.
*1400′ required until within 4.5 miles from end of runway and on runway extended centerline.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class, Miami; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff Date, 16 May 59

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply sec. 307, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 17, 1959.

E. R. QUESADA,
*Administrator.*

[F.R. Doc. 59-3401; Filed, Apr. 22, 1959; 8:45 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 7243]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### Market Forge Co.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2(a): § 13.700 *Arbitrary or improper functional discounts;* § 13.730 *Customer classification.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Market Forge Company, Everett, Mass., Docket 7243, March 27, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the largest manufacturer of auto luggage carriers in the United States, with main office in Everett, Mass., with discriminating in price in violation of section 2(a) of the Clayton Act by such practices as arbitrarily classifying customers as jobbers and distributors and thereby charging some competing retailers different prices; classifying some larger purchasers, but not all, as "Key Accounts" and quoting prices to them 5 percent lower than to distributors and making them other price reductions and freight allowances; and charging large chain store customers, classified as "National Chain Key Accounts", slightly less than they charged "Key Account" customers and making them more liberal freight allowances.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 27 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondent Market Forge Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in, or in connection with, the sale of auto luggage carriers, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality by selling said products to any purchaser at net prices higher than said products of like grade and quality are sold to any other competing purchaser.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondent Market Forge Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 27, 1959.

By the Commission.

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

[F.R. Doc. 59-3412; Filed, Apr. 22, 1959; 8:46 a.m.]

[Docket 7293]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### Louis Macktez, Inc., et al.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68-68(c)) [Cease and desist order, Louis Macktez, Inc., et al., Millville, Mass., Docket 7293, March 27, 1959]

*In the Matter of Louis Macktez, Inc., a Corporation, and Louis Macktez, Philip J. Macktez, and Lester A. Macktez, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Millville, Mass., with violating the Wool Products Labeling Act by labeling woolen stocks falsely as "100% wool" and by failing in other respects to comply with the labeling requirements of the Act.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 27 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondents Louis Macktez, Inc., a corporation, and its officers, and Louis Macktez, Philip J. Macktez and Lester A. Macktez, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of woolen stocks, or other "wool products" as such products are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from:

(1) Falsely or deceptively stamping, tagging, labeling, or otherwise falsely identifying such products as to the character or amount of the constituent fibers contained therein;

(2) Failing to securely affix to or place on each such product a stamp, tag, or label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

*It is further ordered,* That respondents Louis Macktez, Inc., a corporation, and its officers, and Louis Macktez, Philip J. Macktez and Lester A. Macktez, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the sale or distribution of woolen stocks or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly: Misrepresenting the constituent fibers of which their products are composed or the percentages or amounts therof, in sales invoices, shipping memoranda, or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 27, 1959.

By the Commission.

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

[F.R. Doc. 59-3413; Filed, Apr. 22, 1959; 8:47 a.m.]

[Docket 7328]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### Merit Enterprises, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.110 *Indorsements, approval, and testimonials;* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; § 13.235 *Source or origin:* Maker or seller, etc. Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330 *Claiming or using indorsements or testimonials falsely or misleading.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price;* § 13.1325 *Source or origin:* Maker or seller, etc. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious preticketing.* Subpart—*Using misleading name*—goods: § 13.2345 *Source or origin:* Maker.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Merit Enterprises, Inc., et al., Brooklyn, N.Y., Docket 7328, March 27, 1959]

*In the Matter of Merit Enterprises, Inc., a Corporation, and David Brill, Frank S. Brill, and Martin Brill, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Brooklyn, N.Y., distributors of electrical appliances including percolators, skillets, and cooker-fryers, with representing falsely in advertising material disseminated to purchasers for use in resale, in newspaper advertising and on attached tags and labels, that exaggerated and fictitious prices were the usual retail prices of their products; by use of the Good Housekeeping seal of approval, that certain of their products had been approved or guaranteed by the Good Housekeeping Magazine and advertised therein; and through conspicuous use of the name "Westinghouse", that certain of their products were manufactured by Westinghouse Electric Corporation.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 27 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondents Merit Enterprises, Inc., a corporation, and its officers and David Brill, Frank S. Brill and Martin Brill, individually and as officers of said corporation and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of electrical appliances including percolators, skillets or cooker-fryers, or other articles of merchandise, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or indirectly that any price is the retail selling price of their products which is in excess of the price at which their products are regularly and customarily sold at retail.

2. Using the Good Housekeeping seal of approval in connection with their merchandise; or representing in any manner that their merchandise has been awarded said seal of approval, or that their merchandise has been approved by any other group or organization, unless such is the fact, provided, however, that this prohibition shall not be construed as prohibiting a truthful statement that a part of an article of merchandise has been approved by a group or organization, when such part is clearly and conspicuously identified.

3. Using the name of any company in connection with merchandise which has not been manufactured in its entirety by said company, or representing, directly or indirectly, that merchandise not manufactured in its entirety by a specified company, was so manufactured: *Provided, however,* That this prohibition shall not be construed as prohibiting a truthful statement that a part of an article of merchandise has been manufactured by a specific company when such part is clearly and conspicuously identified.

4. Providing retailers or distributors of their products with pre-ticketed articles of merchandise or price lists or advertising or promotional material through or by which said retailers or distributors are enabled to mislead and deceive the purchasing public with respect to the matters set out in paragraph one herein.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 27, 1959.

By the Commission.

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

[F.R. Doc. 59-3414; Filed, Apr. 22, 1959; 8:47 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1835]

[Idaho 09455]

### IDAHO

### Withdrawing Public Lands for Use of the Bureau of Land Management for a Fire Lookout Station on Chinks Peak

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:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws but not the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved as the Chinks Peak Administrative Site for use of the Bureau of Land Management in connection with the establishment and maintenance of lookout and radio facilities:

BOISE MERIDIAN

T. 6 S., R. 35 E.,
Sec. 33, SE¼SE¼.
T. 7 S., R. 35 E.,
Sec. 4, NE¼NE¼ (lot 1).

The areas described aggregate 78.98 acres.

ROGER ERNST,
*Assistant Secretary of the Interior.*

APRIL 16, 1959.

[F.R. Doc. 59-3416; Filed, Apr. 22, 1959; 8:47 a.m.]

[Public Land Order 1836]

### COLORADO

### Withdrawing Public Lands Within National Forests for Use of the Forest Service as a Natural Area and a Roadside Zone

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 Arapaho and Rio Grande National Forests, 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 a roadside zone and a natural area, as indicated:

[Colorado 06813]

NEW MEXICO PRINCIPAL MERIDIAN

RIO GRANDE NATIONAL FOREST

*Colorado Highway No. 17 Roadside Zone*

A strip of land 200 feet wide on each side of the center line through the following legal subdivisions:

T. 32 N., R. 4 E.,
Sec. 13, S½SE¼;
Sec. 24, lots 1, 2, and 3, NW¼NE¼.
T. 32 N., R. 5 E.,
Sec. 3, W½NW¼SW¼ and SW¼SW¼;
Sec. 7, E½SE¼;
Sec. 8, SW¼ and S½SE¼;
Sec. 9, SE¼NE¼ and E½SE¼;
Sec. 10, W½NW¼;
Sec. 16, N½N½;
Sec. 17, NE¼NE¼;
Sec. 18, lot 3, E½NE¼, SW¼NE¼, SE¼NW¼.
T. 33 N., R. 5 E.,
Sec. 1, S½S½;

Sec. 12, W½;
Sec. 13, W½W½ and NE¼NW¼;
Sec. 14, E½SE¼;
Sec. 23, NE¼NE¼, S½NE¼, SE¼ and E½SW¼;
Sec. 26, NW¼;
Sec. 27, S½NE¼ and SE¼;
Sec. 33, SE¼SE¼;
Sec. 34, E½ and S½SW¼.
T. 33 N., R. 6 E.,
Sec. 5, lots 8, 9, 10, 11, 12, 16 and 17, NE¼SE¼;
Sec. 6, lots 12, 13, 14, 15, 16 and 21;
Sec. 8, lot 1;
Sec. 9, lots 2, 4 and 5;
Sec. 15, lots 1 and 2, SW¼NW¼ and SE¼SW¼;
Sec. 16, lot 2;
Sec. 22, lots 1, 2, 3, 4, 6 and 7, NW¼SE¼;
Sec. 23, lot 1;
Sec. 25, lots 2 and 3, N½NW¼ and NW¼NE¼;
Sec. 26, lots 1 and 2, N½NE¼.
T. 33 N., R. 7 E.,
Sec. 29, SW¼SE¼ and S½SW¼;
Sec. 30, lots 2 and 3, NE¼SW¼.

The areas described aggregate 936 acres.

[Colorado 021251]

SIXTH PRINCIPAL MERIDIAN

ARAPAHO NATIONAL FOREST

*Mount Goliath Natural Area*

T. 5 S., R. 73 W.,
Sec. 5, SW¼SW¼;
Sec. 6, SE¼SE¼;
Sec. 7, NE¼NE¼;
Sec. 8, NW¼NW¼.

The areas described aggregate 160 acres.

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.*

APRIL 16, 1959.

[F.R. Doc. 59-3417; Filed, Apr. 22, 1959; 8:47 a.m.]

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[Public Land Order 1837]

[Montana 031502]

## MONTANA

### Reserving Lands Within the Gallatin National Forest for Use of the Forest Service as a Reservoir Site

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 Gallatin National Forest in Montana 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 under jurisdiction of the Forest Service, Department of Agriculture, for the protection of the waters of Mystic Lake and of the water supply of the City of Bozeman:

MONTANA PRINCIPAL MERIDIAN

GALLATIN NATIONAL FOREST

*Mystic Lake Reservoir Site*

T. 3 S., R. 6 E.,
Sec. 24, SE¼SE¼SE¼;
Sec. 25, E½E½E½E½.
T. 3 S., R. 7 E.,
Sec. 19, lot 4;
Sec. 30, lots 1, 2, 3, and 4.

The areas described aggregate 233.79 acres.

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.*

APRIL 17, 1959.

[F.R. Doc. 59-3418; Filed, Apr. 22, 1959; 8:47 a.m.]

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# PROPOSED RULE MAKING

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[21 CFR Part 27]

### CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY, QUALITY, AND FILL OF CONTAINER

### Further Extension of Time for Filing Comments Regarding Proposal To Establish Identity Standards for Certain Orange Juice Products

By a notice published in the FEDERAL REGISTER of February 20, 1959 (24 F.R. 1315), the time for filing comments in the above-entitled matter was extended to April 17, 1959.

Interested persons have requested additional time in which to file written comments in this matter; and good reasons therefor appearing: *It is ordered*, That the time for filing be extended to June 16, 1959.

This action is taken pursuant to the provisions of the Federal Food, Durg, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 371), and authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (23 F.R. 9500).

Dated: April 17, 1959.

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

[F.R. Doc. 59-3431; Filed, Apr. 22, 1959; 8:48 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### ADAMS COUNTY AUCTION ET AL.

### Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Adams County Auction, Corning, Iowa.
Baxter Sale Co., Baxter, Iowa.
Bedford Sales Co., Bedford, Iowa.
Carroll East Sale Co., Carroll, Iowa.
Central City Sales Co., Central City, Iowa.
Coggan Livestock Sales Co., Coggan, Iowa.
Dyersville Sale Barn, Dyersville, Iowa.
Exira Auction Co., Exira, Iowa.
Farmers Sale Co., Carroll, Iowa.
Fonda Sales Barn, Fonda, Iowa.
Fort Dodge Auction Market, Fort Dodge, Iowa.
Henderson Auction, Henderson, Iowa.
Hopkinton Sales Pavilion, Inc., Hopkinton, Iowa.
Humeston Sale Barn, Humeston, Iowa.
Irwin Sales Pavillion, Irwin, Iowa.
Kimballton Auction Co., Kimballton, Iowa.
La Porte City Sale Barn, La Porte City, Iowa.
Laurens Livestock Sales Co., Laurens, Iowa.
Lawton Sale Barn, Lawton, Iowa.
Mapleton Sale Barn, Mapleton, Iowa.
Middletown Sale Co., Middletown, Iowa.
Montezuma Sales Pavilion Co., Montezuma, Iowa.
New Liberty Sale Barn, New Liberty, Iowa.
North English Sale, North English, Iowa.
Oelwein Livestock Exchange, Oelwein, Iowa.
Pella Sales Co., Pella, Iowa.
Pocahontas Sales Co., Pocahontas, Iowa.
Reliable Sale Barn, Winterset, Iowa.
Pryor Commission Co., Woodbine, Iowa.
Stanton Auction Co., Stanton, Iowa.
Tabor Sale Barn, Tabor, Iowa.
Umstead Livestock Auction, Eagle Grove, Iowa.
V. H. Wehrheim Commission Firm, Webster City, Iowa.
Warren County Sale Co., Indianola, Iowa.
Webb Sale Pavilion, Corydon, Iowa.
A. C. Sales Co., Arkansas City, Kans.
Allen County Livestock Auction, Gas, Kans.
Anderson County Sales Co., Garnett, Kans.
Anthony Livestock Co., Anthony, Kans.
Ashland Sales Co., Ashland, Kans.
Atchison County Auction Co., Atchison, Kans.
Belleville Sale Barn, Belleville, Kans.

Bronson Community Sale, Bronson, Kans.
Caldwell Community Sale, Caldwell, Kans.
Cedar Vale Sales Co., Cedar Vale, Kans.
Chanute Sales Pavilion, Chanute, Kans.
Coffey County Community Sale, Burlington, Kans.
Columbus Community Sale, Columbus, Kans.
Concordia Sales Co., Concordia, Kans.
Dickinson County Livestock Co., Abilene, Kans.
Douglass Sales Co., Douglass, Kans.
Dumler Bros. Livestock Commission Co., Russell, Kans.
Effingham Auction Co., Effingham, Kans.
El Dorado Livestock Commission Co., El Dorado, Kans.
Elk City Community Sale, Elk City, Kans.
Eureka Auction Sale, Eureka, Kans.
Flint Hills Livestock Sales, Inc., Flint Hills, Kans.
Fort Scott Sale Co., Fort Scott, Kans.
Frankfort Community Sale, Frankfort, Kans.
Franklin County Sale Co., Ottawa, Kans.
Fredonia Livestock Sale Co., Inc., Fredonia, Kans.
Harper Live Stock Sale, Harper, Kans.
Hiawatha Auction Co., Hiawatha, Kans.
Hoisington Sale Co., Hoisington, Kans.
Holton Community Sale, Holton, Kans.
Holton Livestock Exchange, Holton, Kans.
Hoxie Livestock Sale, Hoxie, Kans.
Iola Community Sale, Iola, Kans.
Kingman Sale Co., Kingman, Kans.
Kinsley Livestock Sales Co., Kinsley, Kans.
Koenig Sale Barn, Junction City, Kans.
Leavenworth Community Sale, Leavenworth, Kans.
Lenexa Community Sale, Lenexa, Kans.
Lincoln Sales Company, Inc., Lincoln, Kans.
Lindsborg Livestock Commission Co., Lindsborg, Kans.
Mankato Sale Co., Mankato, Kans.
Marion Livestock Sales & Commission Co., Marion, Kans.
McPherson Sales Co., McPherson, Kans.
Minneapolis Sale Co., Minneapolis, Kans.
Moline Sales, Moline, Kans.
Natoma Livestock Exchange, Inc., Natoma, Kans.
Onaga Community Sale, Onaga, Kans.
Ottawa Market Sale, Ottawa, Kans.
Overbrook Livestock Sale Co., Overbrook, Kans.
Paola Market Sale, Paola, Kans.
Rezac Livestock Commission Co., St. Marys, Kans.
Sabetha Sales Co., Sabetha, Kans.
St. Francis Livestock Sales Co., St. Francis, Kans.
Severy Sale Company, Inc., Severy, Kans.
Southeastern Kansas Sales Co., Inc., Fort Scott, Kans.
Topeka Livestock Commission Co., Topeka, Kans.
Turon Sales Co., Turon, Kans.
Valley Falls Livestock Auction, Valley Falls, Kans.
Washington Sale Co., Washington, Kans.
Waverly Sales Pavilion, Waverly, Kans.
Wellington Sales Co., Wellington, Kans.
Zima Livestock Sales Co., Emmett, Kans.
Olive Branch Sales Co., Olive Branch, Miss.
Columbia Livestock Auction, Columbia, Mo.
Halsey & Riley Sales Co., Inc., Marshall, Mo.
Neosho Livestock Commission Co., Neosho, Mo.
Princeton Sale Co., Princeton, Mo.
Seneca Community Sale, Inc., Seneca, Mo.
Trenton Livestock Market, Trenton, Mo.
Hettinger Livestock Sale Co., Hettinger, N. Dak.
Stockmen's Co-op. Marketing Association, Watford City, N. Dak.
Covington Sales Co., Covington, Tenn.
Cross Road Sales, Middleton, Tenn.
Tigrett Sales Co., Tigrett, Tenn.
Louisa Live Stock Market Co., Louisa, Va.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of April 1959.

[SEAL] DAVID M. PETTUS,
*Director,*
*Livestock Division,*
*Agricultural Marketing Service.*

[F.R. Doc. 59-3440; Filed, Apr. 22, 1959; 8:50 a.m.]

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

## ZIM ISRAEL NAVIGATION CO., LTD., AND FARRELL LINES INC.

### Notice of Agreement Filed for Approval

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

Agreement No. 8373, between Zim Israel Navigation Co., Ltd., and Farrell Lines Incorporated, covers a through billing arrangement in the trade between Harbel, Liberia, and Cape Palmas, Liberia, on the one hand, and U.S. Atlantic Coast ports, on the other hand, with transhipment at Monrovia, Liberia.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 20, 1959.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F.R. Doc. 59-3432; Filed, Apr. 22, 1959; 8:49 a.m.]

## Maritime Administration

[Docket No. S-88]

## OCEANIC STEAMSHIP CO.

### Notice of Application and of Hearing

Notice is hereby given of the application of The Oceanic Steamship Company, for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit its parent organization, Matson Navigation Company, to time charter for a period of thirty days, the applicant's owned C2 vessel "SS Alameda" for one round voyage in the domestic service from Pacific Coast ports to Hawaii commencing at United States North Pacific ports on or about May 3, 1959, with an option to extend the charter period for an additional thirty days for a similar voyage if required by the charterer. This application may be inspected by interested parties in the Office of Government Aid, Maritime Administration.

A hearing on the application has been set before the Maritime Administrator for April 29, 1959, at 10:00 a.m., e.s.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on April 28, 1959, notify the Secretary, Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after the close of business on April 28, 1959, will not be granted in this proceeding.

Dated: April 21, 1959.

[SEAL] JAMES L. PIMPER,
*Secretary.*

[F.R. Doc. 59-3474; Filed, Apr. 22, 1959; 8:51 a.m.]

## Office of the Secretary

## ARVID O. LUNDELL

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions:
Sapphire Petroleum, Studebaker Packard, United Park City Mines, Turnpike Revenue Bond.

B. Additions:
Abbott Laboratories, Arvida Corp., Fruehauf Trailer, Houston Corp., Massey Ferguson, Ltd., Pan-American World Airways, Sapphire Petroleum, Rheem Mfg.

This statement is made as of April 8, 1959.

ARVID O. LUNDELL.

APRIL 10, 1959.

[F.R. Doc. 59-3427; Filed, Apr. 22, 1959; 8:48 a.m.]

## JOHN H. SPRAGGON

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 11, 1959.

JOHN H. SPRAGGON.

APRIL 13, 1959.

[F.R. Doc. 59-3428; Filed, Apr. 22, 1959; 8:48 a.m.]

## EARL E. VANCE

### Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the defense production act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Mr. Earl E. Vance.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: April 13, 1959.
4. Title of position: Consultant (Castings).
5. Name of private employer: Blaw-Knox Co., Wheeling, W. Va.

JOHN F. LUKENS,
*Acting Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Blaw-Knox Company.
Bank Deposits.

EARLE E. VANCE.

APRIL 15, 1959.

[F.R. Doc. 59-3429; Filed, Apr. 22, 1959; 8:48 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

[Bureau Order 567, Amdt. 5]

### SPECIAL DEPUTY OFFICERS' COMMISSIONS

### Redelegation of Authority With Respect to Issuance

Bureau Order 567 (20 F.R. 314) as amended (21 F.R. 545; 22 F.R. 10674; 23 F.R. 5397; 24 F.R. 272), is further amended by adding a new heading and a new section under Part 2 to read as follows:

FUNCTIONS RELATING TO LAW AND ORDER

SEC. 2.151 *Special deputy officers' commissions.* The issuance of special deputy officers' commissions to Federal and State employees working under the supervision of the chief special officer for the suppression of traffic in liquor among Indians.

(62 Stat. 817; 18 U.S.C. 3055)

GLENN L. EMMONS,
*Commissioner.*

APRIL 16, 1959.

[F.R. Doc. 59-3415; Filed, Apr. 22, 1959; 8:47 a.m.]

## Bureau of Land Management

### COLORADO

### Notice of Proposed Withdrawal and Reservation of Lands

APRIL 15, 1959.

The United States Fish and Wildlife Service of the Department of the Interior has filed an application, Serial No. Colorado 014711, for withdrawal of the lands described below from all forms of appropriation, including location and entry under the general mining laws, but not the mineral leasing laws, subject to existing valid claims. Administration of the grazing resources will continue in the Bureau of Land Management.

The applicant desires the land for use in connection with the Cebolla Creek Game and Fish 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, Colorado State Office, 339 New Custom House, P. O. Box 1018, Denver 1, Colorado.

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

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 44 N., R. 1 W.,
Sec. 6, Lots 1, 2, 3, 7, S½NE¼, SE¼NW¼, SE¼SW¼ and SE¼;
T. 44 N., R. 2 W.,
Sec. 1, Lots 1, 2, 3, 4, SW¼NE¼, S½NW¼, SW¼ and W½SE¼;
Sec. 11, N½, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 12, W½NE¼, NW¼, NE¼SW¼ and S½SW¼.
T. 48 N., R. 3 W.,
Sec. 10, E½;
Sec. 11, All fractional;
Sec. 12 SW¼;
Sec. 13, NW¼, N½SW¼ and SE¼SW¼;
Sec. 14, Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9;
Sec. 24, SW¼SW¼ and W½SE¼;
Sec. 25, W½E½ and W½W½;
Sec. 36, Lot 4, W½NW¼.
T. 47 N., R. 2 W.,
Sec. 17, W½SW¼;
Sec. 18, NE¼ and E½SE¼;
Sec. 20, W½NE¼ and N½NW¼;
Sec. 29, SW¼SE¼.
T. 47 N., R. 3 W.,
Sec. 1, Lots 4, 12, 13, SW¼SW¼ and E½SW¼;
Sec. 12, Lots 4, 5, 8, 9, E½NW¼.
T. 45 N., R. 2 W.,
Sec. 1, Lots 3, 4, 5, 6, 11, 12, N½SW¼, E½SW¼SW¼ and SE¼SW¼;
Sec. 2, Lots 1, 8 and 9;
Sec. 12, NE¼NW¼ and SW¼SE¼;
Sec. 13, W½SW¼;
Sec. 25, Lots 4, 9, 10, and W½.

The area described aggregates 5966.52 acres.

J. ELLIOTT HALL,
*Lands and Minerals Officer.*

[F.R. Doc. 59-3419; Filed, Apr. 22, 1959; 8:47 a.m.]

### COLORADO

### Notice of Proposed Withdrawal and Reservation of Lands

APRIL 16, 1959.

The United States Forest Service of the Department of Agriculture has filed an application, serial No. Colorado 027843, for withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a natural area in San Juan National Forest.

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, Colorado State Office, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

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

The determination of the Secretary on the application will be published in

the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAN JUAN NATIONAL FOREST

*Narraguinnep Natural Area*

T. 40 N., R. 16 W.,
Sec. 19, SE¼NE¼NE¼, SE¼SW¼NE¼, SE¼NE¼, SE¼SE¼SW¼, E½SE¼, E½NW¼SE¼ and SW¼SE¼;
Sec. 20, All;
Sec. 21, S½NW¼NW¼, SW¼NW¼, NW¼SW¼ and W½SW¼SW¼;
Sec. 28, NW¼NW¼NW¼;
Sec. 29, N½, W½NE¼SW¼, NW¼SW¼, N½SW¼SW¼ and SW¼SW¼SW¼;
Sec. 30, lots 2, 3, and 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, and 4, N½NE¼, N½SW¼NE¼, SW¼SW¼NE¼, E½NW¼ and W½NE¼SW¼.
T. 40 N., R. 17 W.,
Sec. 25, lots 3 and 4, SW¼SE¼ and SE¼SE¼SW¼;
Sec. 35, lots 5, 7 and 8;
Sec. 36, lots 1, 2, 3, and 4, W½E½, E½NW¼, SE¼NW¼NW¼, E½SW¼NW¼ and SW¼.
T. 39 N., R. 17 W.,
Sec. 1, lots 5 to 12, inclusive, and lots 14, 15 and 16, N½SW¼ and SW¼SW¼;
Sec. 2, lots 5, 6 and 7, lots 12 to 17, inclusive, and lots 20 to 23, inclusive, E½SW¼ and W½SE¼;
Sec. 11, lots 1 and 2 and NW¼NE¼.

The above area aggregates 4078.88 acres.

J. ELLIOTT HALL,
*Lands and Minerals Officer.*

[F.R. Doc. 59-3420; Filed, Apr. 22, 1959; 8:47 a.m.]

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[Classification No. J-1]

## ALASKA

### Small Tract Opening

APRIL 16, 1959.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described lands totaling 136.5 acres in the Juneau Land District, Alaska, as suitable for lease and sale as Residence Sites under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

JUNEAU AREA

U.S. Survey 3264, Lots 2–13 inclusive.
U.S. Survey 3265, Lots 14A–24 inclusive.
U.S. Survey 3266, Lots 27, 30–36 inclusive.
U.S. Survey 3267, Lots 38–49 inclusive.
U.S. Survey 3268, Lots 59–70 inclusive.
U.S. Survey 3325, Tracts B, D, & E.
Comprising 59 lots, totaling 136.5 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws and to sale of materials under the Act of July 31, 1947.

3. U.S. Survey 3264 is located on the upper side of the Lena Point Road approximately 18 miles north of Juneau. U.S. Surveys 3265, 3266, 3267 and 3268 are located along the Glacier Highway approximately 16 to 19 miles north of Juneau. U.S. Survey 3325 is located approximately 26 miles north of Juneau at Eagle River Landing.

The topography of the lands in U.S.S. 3264, 3265, 3266, 3267 and 3268 varies within the survey. The lots in U.S. Survey 3264 have a northern exposure while the lots in U.S. Survey 3265, 3266, 3267 and 3268 have either a western or southwestern exposure.

The lots in U.S. Survey 3325 are all located on islands adjacent to Eagle River Landing. The soil mantle in most cases is shallow and overlies rock, sand or gravel. Only four of the lots contain water frontage, however, many of the lots offer an excellent view of inland waters. Vegetative cover consists of a mixed stand of non-commercial hemlock and Sitka Spruce with an undercover of blueberries, huckleberries, devils club and other shrubs and herbs. Most of the lots will require extensive clearing and some leveling and excavation to prepare suitable building sites.

All lots except those in U.S. Survey 3325 are accessible from the Glacier Highway and the Lena Point Road. The lots in U.S. Survey 3325 may be reached by boat, either from Juneau or from Eagle River Landing. Easements are provided where necessary to facilitate access. Electricity is available to all the lots except those in U.S. Survey 3325. Schools, stores, churches and other public facilities are available in Auke Bay or Juneau. School buses operate along the highway.

4. The individual tracts vary in size from 0.39 acre to 5.00 acres and vary in shape according to the topography. Detailed plats of each U.S. Survey containing lots herein offered may be obtained from $1.00 each from the Manager, Juneau Land Office, Box 2511, Juneau, Alaska, or in Room 305, Federal Building, Juneau, Alaska. The appraised values of the tract varys from $140 to $1,500 per tract as shown below. Rights-of-way for street and road purposes, and for public utilities, will be reserved as shown below. All minerals in the lands will be reserved to the United States.

| U.S. Survey | Lot No. | Acreage | Easements | Advance rental (2 years) | Appraised value |
|---|---|---|---|---|---|
| 3264 | 2 | 1.23 | None | $28 | $280 |
| | 3 | 1.19 | 3 | 28 | 280 |
| | 4 | 1.20 | None | 28 | 280 |
| | 5 | 0.88 | 3 | 26 | 260 |
| | 6 | 1.26 | None | 30 | 300 |
| | 7 | 1.34 | None | 30 | 300 |
| | 8 | 1.18 | None | 30 | 300 |
| | 9 | 1.24 | None | 30 | 300 |
| | 10 | 1.25 | None | 30 | 300 |
| | 11 | 1.49 | None | 30 | 300 |
| | 12 | 1.25 | None | 30 | 300 |
| | 13 | 1.25 | None | 30 | 300 |
| 3265 | 14A | 1.04 | 4/SW | 20 | 200 |
| | 14 | 2.14 | 3 | 32 | 320 |
| | 15 | 2.48 | 3 | 34 | 340 |
| | 16 | 2.50 | 3 | 34 | 340 |
| | 17 | 2.42 | 2,3 | 34 | 340 |
| | 18 | 2.17 | 2,3 | 34 | 340 |
| | 19 | 2.05 | 2 | 34 | 340 |
| | 20 | 2.64 | 2 | 28 | 280 |
| | 21 | 2.51 | 2 | 28 | 280 |
| | 22 | 2.50 | 2 | 28 | 280 |
| | 23 | 2.51 | 2 | 32 | 320 |
| | 24 | 2.77 | 2,3 | 34 | 340 |
| 3266 | 27 | 3.65 | 2 | 30 | 300 |
| | 30 | 2.58 | 1,2 | 20 | 140 |
| | 31 | 2.50 | 1,2 | 20 | 140 |
| | 32 | 2.50 | 1,2 | 20 | 140 |
| | 33 | 2.50 | 1,2 | 20 | 140 |
| | 34 | 2.65 | 1,2 | 20 | 160 |
| | 35 | 2.22 | 1,2 | 20 | 180 |
| | 36 | 2.37 | 1,2 | 20 | 180 |
| 3267 | 38 | 2.17 | 5 | 26 | 260 |
| | 39 | 2.20 | 5 | 26 | 260 |
| | 40 | 2.94 | 3 | 26 | 260 |
| | 41 | 4.31 | 2, 3, 4/NW | 28 | 280 |
| | 42 | 3.33 | 4/SW | 20 | 140 |
| | 43 | 4.00 | 4/SW | 20 | 160 |
| | 44 | 4.67 | 4/SW | 20 | 180 |
| | 45 | 5.00 | 4/SW | 20 | 180 |
| | 46 | 2.62 | 1, 2, 4/NE, SE | 28 | 280 |
| | 47 | 2.76 | 1, 2, 4/NE, NW | 28 | 280 |
| | 48 | 2.95 | 1, 2, 4/NE | 26 | 260 |
| | 49 | 2.66 | 1, 2, 4/SE, NE | 26 | 260 |
| 3268 | 59 | 5.00 | 4/SW | 20 | 200 |
| | 60 | 5.00 | 4/SW | 20 | 200 |
| | 61 | 5.00 | 4/SW | 20 | 200 |
| | 62 | 2.50 | None | 20 | 180 |
| | 63 | 1.75 | None | 20 | 200 |
| | 64 | 1.66 | None | 20 | 180 |
| | 66 | 2.01 | 1, 4/NW, SW | 20 | 200 |
| | 67 | 1.22 | 1, 2, 4/NE | 20 | 180 |
| | 68 | 1.33 | 1, 2, 4/NE | 20 | 200 |
| | 69 | 2.89 | 1, 2, 4/NE | 20 | 200 |
| | 70 | 2.80 | 1, 2, 4/NE | 20 | 220 |

| U.S. survey | Tract No. | Acreage | Easements | Advance rental (3 years) | Appraised value |
|---|---|---|---|---|---|
| 3325 | B | 0.39 | None | $50 | $500 |
| | D | 0.74 | None | 52 | 520 |
| | E | 4.79 | None | 150 | 1,500 |

Explanation of easement footnotes:

(1) Subject to right-of-way for Glacier Highway filed under 44–LD–513, Serial No. J–010177.

(2) Subject to existing right-of-way of Glacier Highway Electrical Association filed under Serial No. J–010088.

(3) Existing Pipeline Rights-of-way of Record by the authority of the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959).

(4) Subject to 50 foot right-of-way easement along lot boundary as noted, by the authority of the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended.

(5) Subject to preference rights under Recreation and Public Purposes Act application J–010072.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they either (a) construct the improvements specified in Paragraph 7 or (b) file a copy of an agreement in accordance with 43 CFR 257.13(d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract in this opening unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. Improvements referred to in paragraph 5 above must conform with health, santitation, and construction requirements of local ordinances and must, in addition, meet the following minimum standards. The house must be of sound construction, be built of attractive materials, contain at least one door, two rooms, and three windows, be firmly attached to a permanent foundation, with a minimum of 300 square feet of floor space, outside dimensions. Adequate sanitary facilities must be provided and consist of either indoor plumbing with septic tank, chemical toilet with adequate disposal facilities, or an outhouse with a refuse pit at least 4 feet deep. Provision must be made for the disposal of garbage. The property must be free of refuse and neat in appearance. The house must be finished in a manner suitable for year-around residence, including proper insulation.

8. The lands are now open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the Armed Forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Juneau Land Office, Room 305, Federal Building, or Box 2511, Juneau, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above-named official prior to 10:00 a.m. on July 23, 1959. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4–776), with instructions as to their execution and return, and as to payment of fees and rentals.

9. Inquiries concerning these lands shall be addressed to Manager, Juneau Land Office, P.O. Box 2511, Juneau, Alaska.

Dated: April 16, 1959.

WARNER T. MAY,
*Operations Supervisor.*

[F.R. Doc. 59–3421; Filed, Apr. 22, 1959; 8:47 a.m.]

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[Classification 26]

[C–021273]

## COLORADO

### Small Tract Classification: Revocation and Order Providing for Opening of Public Lands; Correction

Effective immediately, Federal Register Document 59–2484, appearing in the issue of March 25, 1959, Vol. 24 at Page 2313 is corrected as follows:

In paragraph 1, in lines five and six, "Colorado Small Tract Classification No. 21" is corrected to read "Colorado Small Tract Classification No. 26."

J. ELLIOTT HALL,
*Lands and Minerals Officer.*

APRIL 15, 1959.

[F.R. Doc. 59–3422; Filed, Apr. 22, 1959; 8:47 a.m.]

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[Montana 032699, 032849]

## MONTANA

### Order Providing for Opening of Public Lands

APRIL 14, 1959.

1. In exchanges of land made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976), the following described lands have been reconveyed to the United States.

PRINCIPAL MERIDIAN, MONTANA

T. 11 N., R. 15 W., Sec. 6, lots 2, 3, SE¼NW¼.
T. 12 N., R. 15 W., Sec. 15, E½E½.
T. 27 N., R. 38 E., Sec. 13, W½SW¼; Sec. 14, N½SE¼, SE¼SE¼.
T. 6 S., R. 62 E., Sec. 9, SE¼SE¼; Sec. 10, W½NW¼, NW¼SW¼.

2. The areas described above total 639.92 acres of land and the mineral rights were not conveyed to the Federal Government. None of the tracts of land are suited to production of crops because of unfavorable physical factors of poor soils or rough topography, or both. The tract in T. 11 N., R. 15 W., is located approximately 35 miles east of Missoula, Montana, and 1 mile north of U.S. Highway No. 10. The terrain is moderately rolling to rough and the tract supports a young stand of Ponderosa pine and Douglas fir, with small patches of native grass. It is best suited for a timber management program. The tract in T. 12 N., R. 15 W., is located approximately 8 miles east of Potomac, Montana, and adjacent to Montana Highway No. 20. It has gentle to moderate slopes and supports a stand of cut-over Douglas fir, Ponderosa pine and some grass and brush. It is best suited for the growing of timber and forest products. The tract in T. 27 N., R. 38 E., lies approximately fifty miles south of Glasgow, Montana, and is accessible by dirt and gravelled roads. The terrain is rolling to rough and the tract supports a native growth of grass, sagebrush and saltsage. It is best suited from grazing use. The tract in T. 6 s., R. 62 E., is located 12 miles northeast of Albion, Montana, adjacent to a county road. The terrain is fairly flat and the tract supports a stand of native grasses. It is best suited for the grazing of livestock.

3. No applications for these lands will be allowed under the homestead, desert land, small tract, or other non-mineral public land law, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing rights and the requirements of applicable laws, the lands described in paragraph 1 above, are hereby opened to filing of applications and selections in accordance with the following:

(a) Applications and selections under the non-mineral public land laws on the lands described in paragraph 1 above, may be presented to the Land Office Manager, 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 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 June 3, 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., September 2, 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 September 2, 1959 will be considered simultaneously filed at that hour.

5. Persons claiming veterans' preference rights under paragraph (2) must enclose with their applications proper evidence of military or naval service, preferably a complete photocopy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice, can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries regarding the lands shall be addressed to the State Supervisor, Bureau of Land Management, Billings, Montana.

R. D. NIELSON,
*State Supervisor.*

[F.R. Doc. 59–3423; Filed, Apr. 22, 1959; 8:47 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11314; FCC 59M–503]

## SPARTAN RADIOCASTING CO. (WSPA-TV)

### Order Scheduling Hearing

In re application of The Spartan Radiocasting Company (WSPA–TV), Spartanburg, South Carolina, Docket No. 11314, File No. BMPCT–2042; for modification of construction permit.

*It is ordered,* This 17th day of April 1959, that formal hearing in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D.C., commencing at 10:00 a.m., Monday, April 27, 1959.

Released: April 20, 1959.

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

[F.R. Doc. 59–3434; Filed, Apr. 22, 1959; 8:50 a.m.]

No. 79——3

[Docket No. 12809; FCC 59M–501]

## JOSEPH F. SHERIDAN

### Order Continuing Hearing

In re application of Joseph F. Sheridan, Ukiah, California, Docket No. 12809, File No. BP–11431; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It appearing that a motion to dismiss the above-entitled application was filed on April 14, 1959, by Tribune Building Company, and that a continuance of the hearing herein to permit time for proceedings on the motion would conduce to the orderly dispatch of business;

*It is ordered,* This 17th day of April 1959, on the Hearing Examiner's own motion, that the hearing herein, presently scheduled for May 1, 1959, is continued without date.

Released: April 20, 1959.

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

[F.R. Doc. 59–3435; Filed, Apr. 22, 1959; 8:50 a.m.]

[Docket Nos. 12825, 12826; FCC 59M–502]

## BINDER-CARTER-DURHAM, INC., AND HERBERT T. GRAHAM

### Notice of Prehearing Conference

In re applications of Binder-Carter-Durham, Inc., Lansing, Michigan, Docket No. 12825, File No. BP–11565; Herbert T. Graham, Lansing, Michigan, Docket No. 12826, File No. BP–12526; for construction permits for new standard broadcast stations.

A prehearing conference will be held Thursday, May 7, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: April 17, 1959.

Released: April 20, 1959.

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

[F.R. Doc. 59–3436; Filed, Apr. 22, 1959; 8:50 a.m.]

[Docket No. 12837 etc.; FCC 59–351]

## BIRNEY IMES, JR., ET AL.

### Order Designating Applications For Consolidated Hearing on Stated Issues

In re applications of Birney Imes, Jr., West Memphis, Arkansas, request 730 kc, 250 w, Day, Docket No. 12837, File No. BP–11465; Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company (KTRY), Bastrop, Louisiana, has 730 kc, 250 w, Day, requests 730 kc, 500 w, Day, Docket No. 12838, File No. BP–11924; Newport Broadcasting Company, West Memphis, Arkansas, requests 730 kc, 250 w, Day, Docket No. 12839, File No. BP–12113; Crittenden County Broadcasting Company, West Memphis, Arkansas, requests 730 kc, 250 w, Day, Docket No. 12840, File No. BP–12405; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of April 1959;

The Commission having under consideration the above-captioned and described applications; and

It appearing that except as indicated in the issues specified below, all of the applicants are legally, financially, technically and otherwise qualified to operate the proposed stations but that the proposals of Birney Imes, Jr., Newport Broadcasting Company and Crittenden County Broadcasting Company are mutually exclusive; that the three beforementioned West Memphis, Arkansas proposals involve mutual interference with both the proposed and existing operation of Station KTRY, Bastrop, Louisiana; and that the proposed operation of Station KTRY would involve mutual interference with Station WARB, Covington, Louisiana; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicants and Station WARB were advised by letters dated July 23 and October 8, 1958 and February 18, 1959, of the aforementioned interference and that the Commission was unable to conclude at this time that a grant of any of the applications would be in the public interest; and

It further appearing that each of the applicants and Station WARB filed timely replies to the Commission's letters; and

It further appearing that it has not been determined whether the proposed antenna systems of BP–11465 and BP–12405 will constitute a hazard to air navigation:

*It is ordered,* That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of Birney Imes, Jr., Newport Broadcasting Company and Crittenden County Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KTRY as proposed and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the operations proposed in the above-entitled applications would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected there-

by, and the availability of other primary service to such areas and populations.

4. To determine whether the proposed operation of Birney Imes, Jr., Newport Broadcasting Company and Crittenden County Broadcasting Company would cause objectionable interference to the existing operation of Station KTRY, Bastrop, Louisiana, or any other existing standard broadcast station, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

5. To determine whether the proposed operation of Station KTRY would cause objectionable interference to Station WARB, Covington, Louisiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

6. To determine whether the proposed antenna systems of Birney Imes, Jr. and Crittenden County Broadcasting Company would constitute a hazard to air navigation.

7. To determine in the light of section 307(b) of the Communications Act of 1934, as amended, whether the proposed operation of KTRY, Bastrop, Louisiana or one of the proposals for West Memphis, Arkansas would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the event that it is concluded pursuant to the foregoing issue that one of the proposals for West Memphis, Arkansas should be favored, which of the proposals of Birney Imes, Jr., Newport Broadcasting Company and Crittenden County Broadcasting Company, would best serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the three as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

b. The proposal of each with respect to the management and operation of the proposed station.

c. The programming services proposed in each of the said applications.

9. To determine which, if any, of the instant applications should be granted.

*It is further ordered,* That Morehouse Broadcasting Company and WARB, Inc., licensees of the existing operations of KTRY and WARB, respectively, are made parties to the proceeding; and

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

*It is further ordered,* That, the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition, properly filed by a party to the proceeding and upon sufficient allegation of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposal set forth in the application will be effectuated.

*It is further ordered,* That, in the event of a grant to either Birney Imes, Jr. or Newport Broadcasting Company the construction permit will be conditioned to require that the applicant submit field intensity measurement data with the application for license to establish that the inverse distance field intensity at one mile is essentially 87.5 mv/m for 250 watts.

Released: April 20, 1959.

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

[F.R. Doc. 59-3437; Filed, Apr. 22, 1959; 8:50 a.m.]

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[Docket No. 12844 etc.; FCC 59-354]

## RICHARD L. DEHART ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Richard L. DeHart, Mountlake Terrace, Washington, requests 800 kc, 250 w, Day, Docket No. 12844, File No. BP-11312; KVOS, Inc. (KVOS), Bellingham, Washington, has 790 kc, 1 kw, DA-N, U, requests 790 kc, 1 kw, 5 kw-LS, DA-N, U, Docket No. 12845, File No. BP-11360; Clair Conger Fetterly, tr/as Lake Washington Broadcasting Company, Bothell, Washington, requests 800 kc, 500 w, Day, Docket No. 12846, File No. BP-11390; John W. Davis (KPDQ), Portland, Oregon, has 800 kc, 1 kw, Day, requests 800 kc, 5 kw, Day, Docket No. 12847, File No. BP-11436; for construction permits for standard broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of April 1959;

The Commission having under consideration the above-captioned and described applications; and

It appearing that except as indicated by the issues specified below, all the applicants are legally, financially, technically, and otherwise qualified to construct and operate their proposals; but that the simultaneous operation of all proposals would result in mutually destructive interference; and

It further appearing, that the proposal of Richard L. DeHart (BP-11312) would involve mutual objectionable interference with the proposals of Lake Washington Broadcasting Company (BP-11390), KVOS, Inc. (BP-11360), and KPDQ (BP-11436); that the proposal of Richard L. DeHart would cause objectionable interference to the present operation of Station KVOS; that the proposal of Richard L. DeHart may cause objectionable interference to a newly notified station which proposes to operate on 810 kilocycles with a power of one kilowatt, daytime only, at Saanich, British Columbia, Canada, and, if so, a grant of the application would not be consistent with the North American Regional Broadcasting Agreement, Washington, 1950, and, pursuant to § 1.352 of the Commission rules, if this application is favored in the hearing ordered below, final action must be withheld pending ratification of said Agreement; that the proposal of Richard L. DeHart may receive objectionable interference from the present operation of Stations KVOS, KPDQ, and CKOK which would affect more than ten percent of the population within the proposed normally protected primary service area in contravention of § 3.28(c) of the Commission rules; that a question exists as to whether the programming proposals of Richard L. DeHart would be in the public interest in view of the small percentage of broadcast time to be devoted to local live programming and discussion programs; and

It further appearing that the proposal of KVOS would involve mutual objectionable interference with the proposals of Richard L. DeHart and Lake Washington Broadcasting Company; that the proposal of KVOS would cause objectionable interference to the proposal of KXA, Inc., for a construction permit to increase the power of Station KXA, Seattle, Washington from 1 kilowatt to 50 kilowatts and to change from daytime only to unlimited time operation (File No. BP-5735); that, in an amendment filed on October 7, 1958, KXA requested that its application not be consolidated in a hearing on the other applications herein, because KXA, after a decision in the hearing, will amend its proposal so that it would not involve objectionable interference to whichever proposal on 800 kilocycles herein is granted; and that, in an agreement filed on March 13, 1959, KXA and KVOS, each, accepted the interference from the present proposal of the other; and

It further appearing that the proposal of Lake Washington Broadcasting Company would involve mutual objectionable interference with the proposals of Richard L. DeHart, KVOS, and KPDQ; that the proposal of Lake Washington Broadcasting Company would cause objectionable interference to Stations KPDQ, Portland, Oregon, KVOS, Bellingham, Washington, and may cause objectionable interference to a newly notified station which proposes to operate on 810 kilocycles with a power of one kilowatt, daytime only, at Saanich, British Columbia, Canada, and, therefore, a grant of the application would not be consistent with the North American Regional Broadcasting Agreement, Washington, 1950, and thus, if said interference would obtain and if this proposal is favored in the hearing ordered below, final action must be withheld pending ratification of said Agreement, pursuant to § 1.352 of the Commission rules; that the 25 mv/m contour of the proposal of Lake Washington Broadcasting Company would overlap the existing 25 mv/m contour of Station KXA, Seattle, Washington, in contravention of § 3.37 of the Commisison rules; that the pro-

posal of Lake Washington Broadcasting Company may receive objectionable interference affecting over ten percent of the population within the normally protected primary service area from the existing operation of Stations KVOS, Bellingham, Washington, KPDQ, Portland, Oregon, and CKOK, Penticton, British Columbia, Canada, in contravention of § 3.28(c) of the Commission rules; and

It further appearing that the proposal of KPDQ would involve mutual objectionable interference with the proposals of Richard L. DeHart and Lake Washington Broadcasting Company; that the proposal of KPDQ would cause objectionable interference to Station KWIL, Albany, Oregon (790 kc, 1 kw, DA-2, U); that the application of KPDQ requests authority to operate with 5 kilowatts power on a Mexican clear channel and therefore, if this aplication is favored in the hearing ordered below, final action must be withheld pending ratification and entry into force of the proposed agreement between the United States and Mexico concerning radio broadcasting in the standard broadcast band, pursuant to § 1.352 of the Commisison rules; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicants were advised by letter dated October 7, 1958 of the aforementioned deficiencies; and

It further appearing that replies were filed by all the applicants; and

It further appearing that Clair Conger Fetterly, by letter dated February 16, 1959, requested an extension of 90 days to amend his application to specify a new frequency, on the ground that a "misunderstanding" arose and that the 15 days allowed by our letter of February 2, 1959 did not allow him sufficient time to amend his application to specify a new frequency as he desired, but that we are of the opinion that the request fails to set forth sufficient reasons to warrant our delaying action on the instant proposals and that the request, therefore, should be denied; and

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

*It is ordered*, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and population which would receive primary service from the proposed operations of Richard L. DeHart and Lake Washington Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Stations KVOS and KPDQ as proposed and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the operations proposed in the above-captioned applications would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the proposal of Richard L. DeHart would cause objectionable interference to Station KVOS, Bellingham, Washington, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

5. To determine whether the proposal of Lake Washington Broadcasting Company would cause objectionable interference to Stations KPDQ, Portland, Oregon, KVOS, Bellingham, Washington, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

6. To determine whether the proposed operation of Station KPDQ would cause objectionable interference to Station KWIL, Albany, Oregon, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

7. To determine whether, because of the interference received from Stations KVOS, KPDQ, and CKOK, the proposal of Richard L. DeHart would comply with the provisions of § 3.28(c) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

8. To determine whether, because of the interference received from Stations KVOS, KPDQ, and CKOK, the proposal of Lake Washington Broadcasting Company would comply with the provisions of § 3.28(c) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

9. To determine whether the proposals of Richard L. DeHart and Lake Washington Broadcasting Company would cause objectionable interference to a newly notified station which proposes to operate on 810 kilocycles with a power of one kilowatt, daytime only, at Saanich, British Columbia, Canada.

10. To determine whether the proposed programming of Richard L. DeHart would be in the public interest, in view of the small percentage of broadcast time to be devoted to local live programming and discussion programs.

11. To determine whether the 25 mv/m contour of the proposal of Lake Washington Broadcasting Company would overlap the existing 25 mv/m contour of Station KXA, Seattle, Washington in contravention of the provisions of § 3.37 of the Commission rules.

12. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

13. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

*It is further ordered*, That Albany Radio Corp. and KXA, Inc., licensees of Stations KWIL, Albany, Oregon, and KXA, Seattle, Washington, respectively, are made parties to the proceeding.

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

*It is further ordered*, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

*It is further ordered*, That, in the event the instant KPDQ proposal is favored in the hearing, final action will be withheld, pursuant to § 1.352 of the Commission rules, pending ratification and entry into force of the proposed agreement between the United States and Mexico concerning radio broadcasting in the standard broadcast band.

*It is further ordered*, That, in the event that the proposal of Richard L. DeHart or Lake Washington Broadcasting Company involves objectionable interference to the Canadian station indicated above and is favored in the hearing, final action shall be withheld, pursuant to § 1.352 of the Commission rules, pending ratification of the North American Regional Broadcasting Agreement, Washington, 1950.

*It is further ordered*, That the above-referenced request of Clair Conger Fetterly for an extension of time to May 16, 1959, to amend his application to specify a different frequency is denied.

Released: April 20, 1959.

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

[F.R. Doc. 59-3438; Filed, Apr. 22, 1959; 8:50 a.m.]

# FEDERAL AVIATION AGENCY

[Amdt. 26]

## MINNESOTA AND ALASKA

### Changes in Address of General Safety District Offices

In accordance with the public information requirements of the Administrative Procedure Act, section 22(b), of the Organization and Functions of the Federal Aviation Agency as published on December 24, 1957, 22 F.R. 10499, and amended on August 7, 1958, 23 F.R. 6004, October 10, 1958, 23 F.R. 7864, and March 3, 1959, 24 F.R. 1577, is further amended to revise addresses for certain district offices:

1. Region 3, relocation of the General Safety District Office from Administration Building, Wold-Chamberlain Field, Minneapolis, Minnesota, to 2721 East 42d Street, Minneapolis, Minnesota.

2. Region 5, relocation of the General Safety District Office from Wien Alaska Airlines Hangar, International Airport, Fairbanks, Alaska, to Arctic Airways Sales and Services, Inc., Building, International Airport, Fairbanks, Alaska.

Issued in Washington, D.C., on April 17, 1959.

E. R. QUESADA,
*Administrator.*

APRIL 17, 1959.

[F.R. Doc. 59-3399; Filed, Apr. 22, 1959; 8:45 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. G-17485 etc]

## NORTHERN NATURAL GAS CO. ET AL.

### Order Granting Petitions For Severance of Certain Dockets

APRIL 16, 1959.

In the matters of Northern Natural Gas Company, Docket Nos. G-17485, G-17486, G-17874 and G-18110; Permian Basin Pipeline Company, Docket No. G-17487; Iron Ranges Natural Gas Company, Docket No. G-17626; El Paso Natural Gas Company, Docket Nos. G-17849 and G-17854; Phillips Petroleum Company, Docket No. G-18113.

On April 7, 1959, El Paso Natural Gas Company (El Paso), filed in the above-entitled consolidated proceeding a petition for severance of El Paso's application in Docket No. G-17849 from the above-captioned consolidated dockets. In its application in Docket No. G-17849, El Paso proposes to purchase gas from producers in newly-developed areas located in Beaver County, Oklahoma, and to deliver such gas into Northern Natural Gas Company's (Northern) existing system, in quantities of up to 25,000 Mcf per day, at a new delivery point in Beaver County. In its application in Docket No. G-17854, also involved in this consolidated proceeding, El Paso seeks authorization, among other things, to transport and exchange an additional 50,000 Mcf of gas per day with Northern, thereby increasing the total authorized transportation-exchange volume to 475 Mcf per day.

It had appeared at the time the Commission issued on March 26, 1959, its notice and order consolidating these dockets, that El Paso was relying upon the gas to be acquired in Beaver County to make up the total volume of 475,000 Mcf per day of transportation-exchange gas upon which Northern is dependent for a portion of its gas supply for its expansion program proposed in the applications in Dockets Nos. G-17485 and G-17486. However, El Paso states on page 8 of its petition:

In the event the Commission grants El Paso the relief sought herein and certificates the remaining Applications in Docket No. G-17485, et al. prior to the time El Paso receives a Certificate for the Beaver County, Oklahoma facilities, then El Paso will accomplish the 475,000,000 cubic feet per day exchange and transportation with Northern in the manner shown on the attached flow diagram.

(B) All other provisions in the Commission's notice and order issued herein on March 26, 1959, shall remain unchanged, except that in the order of procedure set forth in paragraph (C) (i) thereof, El Paso and Northern shall omit presentation of evidence in Docket Nos. G-17849 and G-18110, respectively, and the word "entire" in the seventh line of paragraph (C) (i) is hereby stricken therefrom.

By the Commission.

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

[F.R. Doc. 59-3407; Filed, Apr. 22, 1959; 8:46 a.m.]

[Docket No. G-17930]

## PURE OIL CO.

### Notice of Postponement of Hearing

APRIL 17, 1959.

Upon consideration of the motion filed April 9, 1959, by Counsel for The Pure Oil Company for a continuance of the hearing now scheduled for April 22, 1959, in the above-designated matter;

The hearing now scheduled for April 22, 1959, is hereby postponed to May 28, 1959, at 10:00 a.m., e.d.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. 59-3408; Filed, Apr. 22, 1959; 8:46 a.m.]

[Docket No. G-5510]

## FOREST OIL CORP.

### Order Reopening Proceedings and Fixing Date of Hearing

APRIL 17, 1959.

On April 26, 1957, this Commission issued an order, in the above-entitled proceeding, disallowing a rate increase filed, on November 4, 1954, by Forest Oil Corporation (Forest Oil) under section 4 of the Natural Gas Act. By said rate change, Forest Oil proposed to increase its rates and charges for natural gas sold by it to Transcontinental Gas Pipe Line Corporation from the North Egan Field, Acadia Parish, Louisiana. The proposed increase in rates was suspended by an order, issued December 7, 1954, until February 1, 1955, when they were allowed to go into effect under an agreement and undertaking.

Upon order of the Commission, hearings were held in September, November and December of 1955, and in January, 1956. During, and at the close of said hearings, staff counsel and counsel for some of the interveners herein, moved the dismissal of Forest Oil's increased rate proposal on the ground that Forest Oil had failed to sustain the burden of proof imposed upon it under section 4(e) of the Natural Gas Act to show that its increased rate is just and reasonable.

On December 26, 1956, after the hearings in this matter had been concluded, Forest Oil filed a petition requesting the Commission to reopen the proceedings to permit it "to present affirmative, concrete and persuasive cost evidence * * *." (Pet. for Reopening, p. 7.) On February 26, 1957, this Commission, noting that "Forest Oil does not now represent that its 'cost of service' evidence constitutes new facts not available to it before the close of the record in this proceeding," denied said petition to reopen the proceeding.

On February 11, 1957, the examiner who presided at the hearings, abovementioned, granted the motions to dismiss, hereinabove mentioned, and on April 26, 1957, the Commission affirmed such dismissal, but for different reasons than those given by the examiner, 17 FPC 586, 617.

Subsequently, Forest Oil petitioned the United States Court of Appeals for the Fifth Circuit for review of the Commission's dismissal of its rate increase proposal, and applied "for leave to adduce additional evidence."

On review, said Court of Appeals affirmed the action of the Commission, saying: "We hold only that the proof adduced below was insufficient to enable the Commission to determine whether the proposed rate was just and reasonable * * *." However, the Court added: "We think that, especially in light of petitioner's motion for opportunity to offer additional evidence * * * justice requires that the case be remanded for the taking of additional testimony."[1] Consequently, the Court directed us to reopen these proceedings to afford Forest Oil "reasonable opportunity to adduce such evidence as it may be advised is relevant to the inquiry whether the proposed rate is just and reasonable."

Upon consideration of the foregoing, we deem it necessary to reopen the proceedings in the above-docketed proceeding for the specific purpose directed by the Court.

The Commission orders:

(A) The proceeding in Docket No. G-5510 is hereby reopened for the specific purpose hereinabove set forth.

(B) A hearing be held in this reopened proceeding commencing on June 9, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose hereinbefore stated.

(C) All parties who heretofore have been permitted to intervene in the above-docketed proceeding, shall be permitted to participate as interveners in the reopened proceeding in the same manner, and to the extent provided for in the Commission's orders initially permitting their intervention.

By the Commission.

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

[F.R. Doc. 59-3409; Filed, Apr. 22, 1959; 8:46 a.m.]

[1] Forest Oil Corp. v. FPC, 5th Cir., Feb. 20, 1959.

[Docket No. G-17871]

## EQUITABLE GAS CO.

### Notice of Application and Date of Hearing

APRIL 17, 1959.

Take notice that on February 17, 1959, as supplemented on March 10, 1959, Equitable Gas Company (Applicant) filed in Docket No. G-17871 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the purpose of enabling Applicant to better utilize the delivery capacity of its various storage pools, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

The proposed facilities consist of approximately 12.5 miles of 16-inch loop pipeline from Applicant's existing pipeline near Lumberport, Harrison County, West Virginia, northerly to a point of reconnection with Applicant's existing pipeline in Marion County, West Virginia, and an additional 880 horsepower compressor unit, with appurtenant facilities, to be located at Applicant's existing 3,520 horsepower Pratt Compressor Station in Green County, Pennsylvania.

The estimated cost of the proposed loop pipeline is $1,000,000, and of the proposed new compressor station is $250,000, to be met from Applicant's general funds.

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 May 19, 1959, at 9:30 a.m., e.d.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 May 8, 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. 59-3410; Filed, Apr. 22, 1959; 8:46 a.m.]

[Docket No. E-6879]

## UNION ELECTRIC CO.

### Order Providing For Hearing and Suspending Proposed Rate Schedule

APRIL 16, 1959.

Union Electric Company (Union Electric), incorporated under the laws of the State of Missouri, with its principal place of business at St. Louis, Missouri, on February 13, 1959, tendered a proposed rate schedule for filing pursuant to section 205 of the Federal Power Act, to become effective April 17, 1959. The proposed rate schedule has been tentatively identified and designated in the Commission's files as Union Electric's FPC Electric Tariff—Rate Schedule—W-2.

Union Electric's proposed Tariff consists of a single revised "FPC Electric Tariff of Union Electric Company" and would supersede two presently filed electric tariffs of Union Electric, one applicable to wholesale electric service rendered by Union Electric in the State of Iowa and the other applicable to similar service rendered by Union Electric in the State of Missouri, both of which are identified in the Commission's files as Union Electric's FPC Electric Tariff—Rate Schedules—W-1.

Substantively, the proffered "Electric Tariff" would effect (1) a revision in Union Electric's present schedule of rates and charges for wholesale electric service rendered in the States of Missouri and Iowa under its presently effective FPC Electric Tariff—Rate Schedules—W-1; and (2) a number of changes in the terms and conditions relating to that service.

Comments and protests were received from a number of customers of Union Electric, the service to which would be covered by the proposed FPC Electric Tariff—Rate Schedule—W-2, and from the Public Service Commission of Missouri. Upon examination of those comments and protests, it appears that certain of the proposed changes in Union Electric's FPC Electric Tariff—Rate Schedules—W-1 relating to the terms and conditions of service have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful within the meaning of the Federal Power Act. The changes here referred to are embodied in sections 1 (Sheet No. 4), 7.4 (Sheet No. 13) and 7.5 (Sheets Nos. 13 and 14) of the proffered FPC Electric Tariff—Rate Schedule—W-2 which provide as follows:

1. *Availability.* This rate schedule shall, subject to the provisions hereinafter in this electric tariff set forth, apply to the purchase within the states of Missouri and Iowa from Union Electric Company (hereinafter called Company) by any electric utility, municipality or rural electric cooperative (hereinafter called Purchaser) of all or substantially all of Purchaser's electric energy requirements for its own use and for distribution and resale to its customers, citizens, or members, within all or a segregated portion of its service area, for which Purchaser is presently being served, or may hereafter be served, by Company; provided that Company reserves the right to set limits on sales to presently served distributors, or to serve only such additional distributors acceptable to it, after consideration of Company's existing commitments, generating and transmission capacity, the requested point of delivery and other pertinent factors.

7.4 *Interconnections with other sources of supply.* Purchaser shall not, without Company's consent, electrically interconnect the service taken from Company with any other source of electrical energy available to Purchaser except for replacement in whole or in part, during emergencies, of the electric service normally supplied by Company. This electric tariff is not available to any Purchaser for, nor shall any of the power and energy sold hereunder be used as, standby, peaking or emergency service, or for interconnection with others for interchanging energy to permit pooling of reserves or to effect operating economies.

7.5 *Limitation of service.* As a public utility operating under the jurisdiction of state and municipal regulatory authorities, Company has the authority and accepts the obligation to supply electric service directly to customers located within its designated service areas who qualify under Company's schedule of rates, rules and regulations as filed from time to time with such regulatory authorities. In consideration of this authority and obligation, Company reserves and shall have the right to limit or deny the sale of electric service under the provisions of this electric tariff for resale or redistribution to any party or parties located within Company's designated service areas.

Unless suspended by order of the Commission, the above-quoted sections of Union Electric's FPC Electric Tariff—Rate Schedule—W-2 will become effective April 17, 1959; that date being the requested effective date for the proposed rate schedule.

The Commission finds: In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act that the Commission, pursuant to the authority of that Act, enter upon a hearing concerning the lawfulness of Union Electric's FPC Electric Tariff—Rate Schedules—W-1 as proposed to be changed by the above-quoted FPC Electric Tariff provisions, sections 1, 7.4 and 7.5, and that the operation of said provisions be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) A public hearing be held concerning the lawfulness of Union Electric's FPC Electric Tariff—Rate Schedule—W-1 as proposed to be changed by the above-quoted FPC Electric Tariff provisions, sections 1, 7.4 and 7.5; that hearing to be held at a time and place and in the manner all to be fixed by further order of the Commission.

(B) Pending such hearing and decision thereon, the operation of the above-quoted provisions of the proposed rate schedule identified in paragraph (A) above hereby is suspended and the use thereof deferred until September 17, 1959. Unless this proceeding be com-

pleted prior thereto, those provisions shall take effect on September 17, 1959, in the manner prescribed by the Federal Power Act subject to further order of the Commission.

(C) Except as otherwise provided in paragraph (B) above, Union Electric's FPC Electric Tariff—Rate Schedule—W-2 shall be deemed effective as of April 17, 1959.

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

By the Commission.

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

[F.R. Doc. 59-3411; Filed, Apr. 22, 1959; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1218]

## INTERNATIONAL RESOURCES FUND, INC.

### Notice of Application for Order Granting Partial Exemption

APRIL 17, 1959.

Notice is hereby given that International Resources Fund, Inc. (Applicant), a registered open-end diversified investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 for an order of the Commission exempting it from the provisions of section 17(f) of the Act to the extent necessary to permit it to maintain certain of its securities in the custody of a foreign bank.

The custodian of the securities of Applicant is the Chase Manhattan Bank (Chase Manhattan) which holds, in its London branch office the securities of African issuers owned by Applicant. Applicant proposes that securities which are transferred in Africa, as well as cash to be used for the purchase and received from the sale of these securities, shall be deposited with the Chase Manhattan Bank (South Africa) Limited ("Chase Limited"), Johannesburg, Union of South Africa, as agent of Chase Manhattan. Chase Limited is organized under the laws of the Union of South Africa and is a wholly owned subsidiary of Chase Manhattan.

Section 17(f) of the Act provides that a registered management company may elect to place and maintain its securities and similar investments in the custody of a bank. A bank is defined in section 2(a)(5) as "(A) a banking institution organized under the laws of the United States, (B) a member bank of the Federal Reserve System, (C) any other banking institution or trust company doing business under the laws of any State or of the United States which is supervised and examined by State or Federal authority having supervision over banks." Since Chase Limited is neither a banking institution organized or doing business under the laws of the United States or of any State nor a member of the Federal Reserve System, an exemption from the provisions of this section of the Act is necessary for Applicant to effect its proposal. Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of its application it is recited that the proposed arrangement which would permit it to deposit the above-mentioned securities and cash with Chase Limited in the Union of South Africa would avoid or greatly reduce delays in the delivery of securities sold in Africa, costs of processing, shipping and insurance of such securities, and problems in the collecting of dividends declared or paid during the period of their transfer. While the foregoing disadvantages might be avoided by purchasing securities in the London market, such purchases would be subject to a 2 percent ad valorem tax. Applicant also states that it believes that the best market for African securities is in Johannesburg and that this market is often more favorable for transactions in African securities than other markets.

The application further shows that there are no branch offices of a domestic bank in the Union of South Africa. It also states that Chase Limited is subject to supervision and examination by Federal banking authorities of the United States of America.

It is proposed that the existing Custodian Agreement between Applicant and Chase Manhattan will be supplemented to provide that Chase Limited will be acting solely as agent for Chase Manhattan and subject only to its instructions and not to those of Applicant, and to provide in effect that Chase Manhattan assumes liability for the selection of, and for all negligent and dishonest acts of Chase Limited as its agent.

Notice is further given that any interested person may, not later than May 1, 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 may 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 theron. Any such communication or request should be adressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O-5 of the rules and regulations promulgated under the Act.

By the Commission.

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

[F.R. Doc. 59-3425; Filed, Apr. 22, 1959; 8:48 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 14]

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

APRIL 17, 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 provides, 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 340 (Sub 12), filed December 8, 1958. Applicant: QUERNER TRUCK LINES, INC., 1131-1133 Austin Street, San Antonio, Tex. Applicant's attorney: T. S. Christopher, 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, cocoa beans, coffee beans, tea, bananas, hemp, wool imported from any foreign country, wool tops and noils* and *wool waste* (carded, spun, woven or knitted) in straight or in mixed loads with *certain exempt commodities*, between all points in the United States except Alaska.

No. MC 8957 (Sub No. 4), filed December 10, 1958. Applicant: GLENN H. BROWER, R.D. No. 1, Lewistown, Pa. 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*, between points in the New York City Commercial Zone, those in the Philadelphia, Pa., Commercial Zone, and those in the Baltimore, Md., Commercial Zone, and points in Pennsylvania west of the Susquehanna River.

No. MC 17481 (Sub No. 18), filed October 13, 1958. Applicant: MOORE MOTOR FREIGHT LINES, INC., 2091 Kasota Avenue, St. Paul, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn.

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 vegetables*, from Fairmont and Winnebago, Minn., and Sturgeon Bay, Wis., to Chicago, Ill. *Frozen fruits*, from Fairmont and Winnebago, Minn., and Sturgeon Bay, Wis., to points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Minnesota, and Wisconsin, and irregular route operations in Illinois, Indiana, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

No. MC 64369 (Sub No. 2), filed December 10, 1958. Applicant: HUGH MAJOR, doing business as HUGH MAJOR TRUCK SERVICE, 950 Harrison Avenue, Wood River, 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 fruits, frozen berries, frozen vegetables*, and *bananas*, between points in Florida, Georgia, Mississippi, Alabama, Tennessee, Arkansas, Louisiana, Texas, Kansas, Iowa, Minnesota, Wisconsin, Michigan, Indiana, Ohio, and Illinois.

NOTE: Applicant is authorized to conduct operations as a contract carrier in Permits Nos. MC 116434 Subs 1 and 3: therefore, dual operations under section 210 may be involved.

No. MC 105755 (Sub No. 9), filed December 8, 1958. Applicant: MICHAEL KOBYLASKI, doing business as M. K. TRUCKING, Pine Island, N.Y. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, 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*, in straight and in mixed loads with *certain exempt commodities*, from points in New York, New Jersey, Philadelphia, Pa., and Baltimore, Md., to points in New York, including ports of entry in New York on the International Boundary line between the United States and Canada.

No. MC 108216 (Sub-No. 6), filed November 21, 1958. Applicant: PRICKETT TRANSPORTATION COMPANY, INC., 99 Highway and Kiernan Road, P.O. Box 205, Salida, Calif. 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: *Coffee beans*, from San Francisco, Calif., to Ripon, Calif.

No. MC 113158 (Sub No. 2), (CLARIFICATION), filed December 9, 1958, published issue of February 26, 1959, at page 1451. Applicant: HARRY HARRINGTON TODD, doing business as TODD TRANSPORT CO., Secretary, Md. Applicant's attorney: William T. Croft, 1624 Eye Street NW., 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*, and *certain exempt commodities* in full loads and mixed shipments, between points in Maryland, Delaware, New Jersey, Virginia, Pennsylvania, New York, North Carolina, South Carolina, Georgia, Florida, Ohio, Kentucky, Illinois, Tennessee, Connecticut, Massachusetts, Rhode Island, Indiana, Iowa, and the District of Columbia.

No. MC 113651 (Sub No. 26), filed December 9, 1958. Applicant: Indiana Refrigerator Lines, Inc., 2404 North Broadway, Muncie, Ind. 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 South Carolina, Florida, Alabama, Louisiana, Maryland, New Jersey, New York, and Pennsylvania, to points in Indiana, Ohio, Kentucky, Illinois, and Wisconsin.

No. MC 114290 (Sub No. 2), filed December 8, 1958. Applicant: EXLEY EXPRESS, INC., 2204 Southeast Eighth Avenue, Portland 14, Oreg. Applicant's attorney: James T. Johnson, 1111 Northern Life Tower, Seattle 1, 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, frozen vegetables*, and *bananas*, in straight and mixed loads with *certain exempt commodities* from points in Washington, Oregon, California, and Idaho to points in Arizona, California, Idaho, Nevada, Oregon, and Washington, including ports of entry in Idaho and Washington on the International Boundary Line between the United States and Canada.

No. MC 116514 (Sub No. 3), filed November 7, 1958. Applicant: EDWARDS TRUCKING, INC., Main Street, Hemingway, 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: *Wool imported from any foreign country, wool tops and noils*, and *wool waste* (carded, spun, woven, or knitted), between points within 35 miles of Hemingway, S.C., and points in Charleston County, S.C., and Philadelphia, Pa., and Newnan, Ga., and points in Alabama, Georgia, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, and Virginia.

No. MC 117017 (Sub No. 1), filed November 24, 1958. Applicant: H. G. SNYDER, 15735 Pierrefonds Street, St. Genevieve, Quebec, Canada. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, 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 Port of New York and New York City, N.Y., Newark and Weehauken, N.J., Baltimore, Md., and Philadelphia, Pa., to ports of entry at the International Boundary line between the United States and Canada at Rouses Point, and Champlain, N.Y., and Derby Line, Vt.

NOTE: Applicant holds contract carrier authority in Permit No. MC 117153. Section 210, dual operations, may be involved.

No. MC 117087 (Sub No. 2), filed November 12, 1958. Applicant: RIVER TRANSPORT, INC., 100A Kent Street, Charlottetown, Prince Edward Island, Canada. Applicant's attorney: Kenneth B. Williams, 111 State 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: *Frozen berries* and *bananas*, from Boston Mass., to the port of entry on the International Boundary line between the United States and Canada at or near Calais, Maine, Boothbay, Maine, Somerville, Lawrence, and Worcester, Mass., and Albany and Amsterdam, N.Y. Applicant states that *fresh fruits, fresh vegetables* and *fresh berries* were transported in mixed shipments wtih bananas and seeks authority to continue the operations.

No. MC 117589 (Sub No. 1), filed December 8, 1958. Applicant: JAMES H. CLARK AND JAMES C. CLARK, doing business as JAMES H. CLARK AND SON, 1188 South Eighth East, P.O. Box 155, Orem, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, 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*, and *frozen vegetables*, in straight and in mixed loads with *certain exempt commodities*, from points in Oregon, Washington, Idaho, and Utah to points in Utah, Arizona, Idaho, and California.

NOTE: Applicants state they also propose to transport exempt commodities under section 203(b)(6), Part II of the Interstate Commerce Act, as amended by section 7(a) of the Transportation Act of 1958, when transported in the same vehicle with commodities named above.

No. MC 117791, filed November 3, 1958. Applicant: CHARLES W. WADE, 803 Fourth Avenue North, Nashville, Tenn. 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., Tampa and Miami, Fla., to Nashville, Tenn.

No. MC 117823, filed November 12, 1958. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING COMPANY, 240 California Avenue, Salt Lake City, Utah. Applicant's attorney: Lynn S. Richards, 716 Newhouse Building, Salt Lake City, 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*, and *frozen vegetables*, in straight and in mixed loads with *certain exempt commodities*, between points in California, Washington, Nevada, Arizona, Utah, Wyoming, Oregon, and those

in Idaho in and south of the south line of Idaho County.

No. MC 117834, filed November 13, 1958. Applicant: ED PINKERTON, Route No. 4, Box 186, 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: *Bananas*, from New Orleans, La., to Little Rock, Ark.

No. MC 117891, filed December 8, 1958. Applicant: T. A. KEATHLEY, JR., 314 Lynch Drive, North 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: *Bananas*, from New Orleans, La., and Galveston, Tex., to Little Rock, Ark.

No. MC 117966, filed December 1, 1958. Applicant: J. H. RANCH, doing business as TRUCK DENVER, 3061 Brighton Boulevard, Denver, Colo. 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: (1) *Exempt agricultural commodities including potatoes*, and *vegetables*, from points in Colorado, Nebraska, and Idaho to ports of entry on the Gulf of Mexico at or near Beaumont, Houston, Brownsville, and Galveston, Tex., New Orleans, La., and Mobile, Ala.; and (2) *Bananas*, from Beaumont, Houston, Brownsville, and Galveston, Tex., New Orleans, La., and Mobile, Ala., to Denver, Colorado Springs, and Pueblo, Colo.

NOTE: Applicant states that shipments of potatoes and other vegetables originate at Denver, Colo.

No. MC 117990, filed December 2, 1958. Applicant: BILL MATOBA, doing business as BILL MATOBA TRUCKING CO., 2980 Arkins Court, Denver, Colo. 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: (1) *Exempt agricultural commodities* and *vegetables*, including *potatoes*, from points in Colorado, Nebraska, and Idaho to ports of entry on the Gulf of Mexico at or near Beaumont, Houston, Brownsville, and Galveston, Tex., New Orleans, La., and Mobile, Ala.; and (2) *Bananas* and *certain exempt commodities* in mixed and straight shipments from Beaumont, Houston, Brownsville, and Galveston, Tex., New Orleans, La., and Mobile, Ala., to Denver, Colorado Springs, and Pueblo, Colo.

NOTE: Applicant states that shipments of potatoes and other vegetables originate at Denver, Colo.

No. MC 118062, filed December 8, 1958. Applicant: DUD COOKE, doing business as COOKE MOTOR EXPRESS, South Church Street, Lake City, 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*, *wool* imported from any foreign country, *wool tops and noils*, and *wool waste* (carded, spun, woven, or knitted), from Albany, N.Y., St. Stephen and Charleston, S.C., to points in New York and Pennsylvania, and St. Stephen, S.C.

No. MC 118088 (REPUBLICATION), filed December 9, 1958, published issue of April 2, 1959. Applicant: R. G. DUKE AND CHARLES E. VERNON, doing business as R. G. DUKE & SON, 2603 Benrus Boulevard, San Antonio 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*, in seasonal operations during the periods from January 1 to June 30, inclusive, and from October 1, to December 31, inclusive, of each year, in straight and in mixed loads with *certain exempt commodities*, from New Orleans, La., to San Antonio, Tex., and Denver, Colo.

No. MC 118107, filed December 8, 1958. Applicant: ROMEO GUERRA AND ELIQUE GUERRA, a Partnership, doing business as GUERRA BROTHERS, 1500 South Zarzamora, San Antonio, Tex. Applicant's attorney: Austin L. Hatchell, 1000 Perry-Brooks Building, Austin 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 and California.

No. MC 118109, filed December 7, 1958. Applicant: J. L. GOOLSBY, ALVIN O'NEILL AND JACK HOLT, doing business as INTERCOAST JOBBERS & BROKERS, Route C, 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: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, tea, bananas, hemp, wool imported from any foreign country, wool tops* and *noils, wool waste* (carded, spun, woven, or knitted), from points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Washington, and Wyoming to points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Washington, and Wyoming.

No. MC 118168, filed December 8, 1958. Applicant: M & H PRODUCE CO., INC., 740 N. Houston Street, Fort Worth, Tex. Applicant's attorney: T. S. Christopher, 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*, and *frozen vegetables*, in straight and in mixed loads with *certain exempt commodities*, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, and Washington.

NOTE: Applicant states that it proposes to transport the commodities specified above in mixed or straight loads with exempt commodities and requests such authority. Applicant further states that such exempt commodities are poultry parts, frozen; fish, including shell fish, frozen; and seafood, including fish or seafood pies, meals or dinners, frozen; and eggs and egg products, frozen.

No. MC 118211, filed December 9, 1958. Applicant: PERCY H. OWEN, doing business as OWEN PRODUCE, 645 South Seventh Street, Grand Junction, Colo. 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: *Frozen fruits* and *frozen berries*, from Delta, Colo., to points in California, Arizona, Kansas, Nebraska, Texas, New Mexico, Louisiana, Alabama, Oklahoma, North Dakota, Iowa, Mississippi, and Utah.

No. MC 118241, filed December 8, 1958. Applicant: NELSON E. WARREN, Route No. 1, Fennville, Mich. Applicant's attorney: Clifford W. Prince, 191 North Michigan Avenue, Shelby, Mich. 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 Michigan, Ohio, Indiana, Illinois, Wisconsin, Minnesota, and Missouri.

No. MC 118275, filed December 9, 1958. Applicant: AKES HAULING SERVICE, INC., Box 253, Route 3, Milton-Freewater, Oreg. 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: *Frozen fruits, frozen berries* and *frozen vegetables*, between points in Washington, Oregon, California, Idaho, Minnesota, Wisconsin, Iowa, Illinois, Ohio, North Dakota, South Dakota, Indiana, and Nebraska.

No. MC 118283, filed December 10, 1958. Applicant: DANIEL FIELDEN, Route 13, Crippen Road, Knoxville, Tenn. Applicant's attorney: Frank B. Creekmore, 9th Floor Bank of Knoxville Building, Knoxville 2, Tenn. 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 Fort Lauderdale, Fla., to Knoxville and points in Knox County, Tenn.

No. MC 118310, filed December 10, 1958. Applicant: LONE STAR SEAFOODS, INC., P.O. Box 1426, 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: *Frozen fruits*,

*frozen berries, frozen vegetables* and *bananas*, between points in Alabama, Arizona, Arkansas, California, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin. Applicant indicates it also transports numerous *exempt commodities*, as more fully set forth in its application, in mixed loads with the above-described commodities, and seeks authority to continue the operation.

No. MC 118312, filed December 10, 1958. Applicant: SAM LOWENSTEIN, 204 Franklin Street, New York 13, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. 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 New York and New Jersey, to points in New York, New Jersey and Connecticut.

NOTE: Applicant indicates he also seeks authority to continue to transport exempt commodities in mixed shipments with bananas.

No. MC 118314, filed December 10, 1958. Applicant: MAGIC CITY PRODUCE CO., INC., 2501 Third Place West, Birmingham, Ala. Applicant's representative: Tate and Brown, Traffic Building, 2031 Ninth Avenue South, Birmingham 5, 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 regular routes, transporting: *Bananas*, from New Orleans, La., to Birmingham, Ala., over U.S. Highway 11.

No. MC 118318, filed December 10, 1958. Applicant: IDA-CAL FREIGHT LINES, INC., 1798 Floral Avenue, P.O. Box 455, Twin Falls, Idaho. Applicant's attorney: Bartley G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, 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, berries and vegetables*, between points in California and Idaho. Applicant states *exempt commodities* are being transported in mixed shipments with the above commodities, and also seeks authority to continue the operation. (Applicant has contract authority in No. MC 114101 (Sub No. 2) (BOR 96). Section 210 (dual operations) may be involved.)

No. MC 118362, filed December 10, 1958. Applicant: E. F. BUSHMAN, doing business as SAWYER DRAY LINE, 341 North Third Street, Sturgeon Bay, Wis. Applicant's attorney: Robert R. Hendon, Investment 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 irregular routes, transporting: *Frozen fruits* and *frozen berries*, from Chicago, Ill., Sturgeon Bay and Green Bay, Wis., Benton Harbor, Muskegon, and Manistee, Mich., and Denver, Colo., to St. Louis, Mo., Minneapolis and St. Paul, Minn., Green Bay and Sturgeon Bay, Wis., Houston and San Antonio, Tex., Los Angeles, Calif., Lake City, Pa., Chicago, Ill., and Cedar Rapids, Des Moines, and Laurens, Iowa.

NOTE: Common control may be involved.

No. MC 118368, filed December 10, 1958. Applicant: SMITH GRAIN COMPANY, INC., Limestone, Tenn. 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 irregular routes, transporting: *Frozen fruits, frozen vegetables*, and *bananas*, from points in Florida, New Orleans, La., Charleston, S.C., Baltimore, Md., Buffalo, N.Y., to points in Tennessee, West Virginia, Kentucky, Iowa, Missouri, Indiana, Kansas, Georgia, New York, Maryland, North Carolina, New Jersey, Pennsylvania, Michigan, Cleveland, Ohio, Chicago, Ill., and Birmingham, Ala., and the ports of entry in New York, Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, and Minnesota.

NOTE: Applicant states Winchester, Va. and Newark, N.J., have been added as points of origin since May 1, 1958 and shows representative shipments therefor.

No. MC 118387, filed December 10, 1958. Applicant: CLIFTON L. TICE, Jersey Road, Auburndale, 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 Tampa and Miami, Fla., New Orleans, La., Mobile, Ala., and Charleston, S.C., to Atlanta, Ga.

By the Commission.

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

[F.R. Doc. 59-3376; Filed, Apr. 22, 1959; 8:45 a.m.]

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[Notice 82]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICE

APRIL 17, 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 109095 (Deviation No. 3), ANDERSON MOTOR SERVICE, INC., 1516 North 14th Street, St. Louis 6, Mo., filed March 30, 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 24 and Ohio Highway 49 and junction Ohio Highway 12 and U.S. Highway 20, as follows: from junction U.S. Highway 24 and Ohio Highway 49 over Ohio Highway 49 to junction Ohio Highway 113, thence over Ohio Highway 113 to junction Ohio Highway 15, thence over Ohio Highway 15 to junction Ohio Highway 12, and thence over Ohio Highway 12 to junction U.S. Highway 20, 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 from junction U.S. Highway 24 and Ohio Highway 49 over U.S. Highway 24 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Ohio Highway 12, and return over the same route.

By the Commission.

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

[F.R. Doc. 59-3377; Filed, Apr. 22, 1959; 8:45 a.m.]

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[Notice 112]

## MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 17, 1959.

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

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

No. MC-FC 61941. By order of April 14, 1959, the Transfer Board approved the transfer to Glen B. Smith, doing business as Smith Transfer, 511 Ontario Street, Missouri Valley, Iowa, of certificate in No. MC 522, issued July 1, 1957, to Maude M. Smith, doing business as Smith Transfer, 206 North Sixth Street, Missouri Valley, Iowa, authorizing the

transportation of: *General commodities,* except those of unusual value, Class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Missouri Valley, Iowa and Omaha, Nebr., and *Feed, agricultural implements,* and *building materials,* from Omaha, Nebr., to Logan, Iowa, and points within 20 miles of Logan.

No. MC–FC 61994. By order of April 13, 1959, the Transfer Board approved the transfer to Kar Trucking, Inc., Scranton, Pa., of Certificate in No. MC 117313, issued September 25, 1958, to Edward F. Karwoski, doing business as Kar Motor Freight Lines, Scranton, Pa., authorizing the transportation of: *Furnaces, air conditioners,* and *parts of each,* from Cincinnati, Ohio, to Philadelphia, Pa., and *Tin plate, sheet metal,* and *Tinners' and roofers' supplies,* between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia. Irving L. Epstein, Esq., 500 Lincoln Building, Scranton 3, Pa., for applicants.

No. MC–FC 62102. By order of April 9, 1959, the Transfer Board approved the transfer to H. W. Jones and Son, Inc., an Illinois corporation, Cisne, Illinois, of Certificate in No. MC 111079, issued January 17, 1950, to H. W. Jones and B. I. Jones, a partnership, doing business as H. W. Jones and Son, Cisne, Illinois, authorizing the transportation of: Equipment and supplies used in the exploration, development, maintenance and production of oil fields, over irregular routes, between points in Illinois on and south of a line beginning at East St. Louis, Ill., and extending along U.S. Highway 66 to Litchfield, Ill., thence along Illinois Highway 16 to Paris, Ill., thence along U.S. Highway 150 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Indiana on and south of a line beginning at the Illinois-Indiana State line, and extending in an easterly direction to Terre Haute, Ind., and thence along Indiana Highway 46 to Spencer, and on and west of a line beginning at Spencer and extending along Indiana Highway 67 to Junction Indiana Highway 57, thence along Indiana Highway 57 to Petersburg, Ind., thence along Indiana Highway 61 to Yankeetown, Ind., and thence in a southerly direction to the Indiana-Kentucky State line. Mack Stephenson, Attorney at Law, 208 East Adams Street, Springfield, Illinois.

No. MC–FC 62103. By order of April 13, 1959, the Transfer Board approved the transfer to Erwin Herbison, Maiden Rock, Pierce County, Wis., to Hastings, in Certificate No. MC 35856, issued July 22, 1958, to Glenn McMahon, and acquired by transferor herein pursuant to MC–FC 61680, authorizing the transportation, over irregular routes, of livestock, from points in the towns of Pepin and Stockholm, Pepin County, and Maiden Rock, Pierce County, Wis., to Hastings, Minneapolis, St. Paul, and South St. Paul, Minn., and general commodities, excluding commodities in bulk, household goods, and other specified commodities, from Hastings, Minneapolis, St. Paul, and South St. Paul, Minn., to points in the above-specified Wisconsin Towns. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn.

No. MC–FC 62111. By order of April 14, 1959, the Transfer Board approved the transfer to The Hathaway Transfer, Incorporated, Bellaire, Ohio, of a certificate in No. MC 40600 issued December 7, 1953, to J. James Hathaway, doing business as Hathaway Transfer Co., Bellaire, Ohio, authorizing the transportation of meats, and packing-house products and such commodities as are dealt in by packing-houses, when moving with shipments of meats and packing-house products, over regular routes, between Indianapolis, Ind., and Moundsville, W. Va.; from Weirton, W. Va., to Pittsburgh, Pa.; and from Wheeling, W. Va., to Pittsburgh, Pa., serving specified intermediate and off-route points on the referred-to regular routes; and household goods as defined by the Commission, over irregular routes, between points in Belmont County, Ohio, on the one hand, and, on the other, points in Indiana, Ohio, Pennsylvania, and West Virginia; and malt beverages, over irregular routes, from Bellaire and Martins Ferry, Ohio, to Pittsburgh, Pa., Fort Wayne and Moblesville, Ind., and points in West Virginia, and empty malt-beverages containers, on the return trip. James M. Blackford, Myers Building, Corner of Fouth and Walnut Streets, Martins Ferry, Ohio.

No. MC–FC 62116. By order of April 14, 1959, the Transfer Board approved the transfer to Frank Garrison, Inc., Tranquility, New Jersey, of certificate in No. MC 2656, issued February 14, 1942, to Frank Garrison, doing business as Garrison, Tranquility, New Jersey, authorizing the transportation of: Lime and limestone over irregular routes between Newton and Lime Crest, N.J., on the one hand, and, on the other, Philadelphia, Pa., New York, N.Y., points and places in New York within 65 miles of New York, N.Y., and points and places in that part of New Jersey north of New Jersey Highway 33. Bert Collins, Practitioner, 140 Cedar Street, New York, N.Y.

No. MC–FC 62120. By order of April 14, 1959, the Transfer Board approved the transfer to Ben Grajkowske and Roger Marquardt, a partnership, doing business as Grajkowske & Marquardt, Parkston, South Dakota, of a certificate in No. MC 89503, issued February 2, 1956, to Henry O. Keiper and Ben Grajkowske, a partnership, doing business as Grajkowske & Keiper, Parkston, South Dakota, authorizing the transportation, over irregular routes, of livestock, from Milltown, S. Dak., and farms in Hutchinson County, S. Dak., within 12 miles of Milltown, S. Dak., to Sioux City, Iowa, and hardware, from Sioux City, Iowa, to Milltown, S. Dak.

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

[F.R. Doc. 59–3378; Filed, Apr. 22, 1959; 8:45 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

## LEARNER EMPLOYMENT CERTIFICATES

### Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Brunswick Manufacturing Co., Brunswick, Ga.; effective 4–25–59 to 4–24–60 (children's and ladies' jackets).

Fortex Manufacturing Co., Inc., Fort Deposit, Ala.; effective 4–7–59 to 4–6–60 (pajamas).

Glendale Manufacturing Corp., Biltmore, N.C.; effective 4–7–59 to 4–6–60 (ladies' cotton gowns and pajamas).

Kar-Lyn Corp., 162 Coxe Avenue, Asheville, N.C.; effective 4–13–59 to 4–12–60 (juvenile shirts).

McEwen Manufacturing Co., McEwen, Tenn.; effective 4–16–59 to 4–15–60 (overalls, playsuits, dungarees).

Monticello Manufacturing Co., Monticello, Miss.; effective 4–24–59 to 4–23–60 (men's cotton work trousers).

Purling Mills, Inc., Ninth and Douglass Street, Reading, Pa.; effective 4–9–59 to 4–8–60 (men's and boys' knit shirts).

Spring Hope Manufacturing Co., Inc., Spring Hope, N.C.; effective 4–25–59 to 4–24–60 (children's sport shirts).

Stone Manufacturing Co., Poinsett Highway, Greenville, S.C.; effective 4–9–59 to 4–8–60 (children's playwear; children's and ladies' cotton and nylon slips).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Devil Dog Manufacturing Co., Inc., Zebulon, N.C.; effective 4–25–59 to 4–24–60; 10 learners (children's boxer shorts and longies).

Hamlet Products Co., 323 East Hamlet Avenue, Hamlet, N.C.; effective 4–13–59 to 9–16–59; 10 learners (replacement certificate) (ladies' lingerie).

Kaley Shirts, Inc., Biscoe, N.C.; effective 4-7-59 to 4-6-60; 10 learners (uniform shirts).

Mississippi Valley Textile Co., Inc., Hannibal, Mo.; effective 4-7-59 to 4-6-60; 10 learners (children's clothing).

Quad Manufacturing Co., 210 20th Street, Huntington, W. Va.; effective 4-8-59 to 4-7-60; 10 learners (men's and women's trousers and walking shorts).

Selro Manufacturing Co., 113 Gay Street, Washington Street., Extended, Cambridge, Md.; effective 4-20-59 to 4-19-60; 10 learners (women's sportswear).

Selro Manufacturing Co., Rear 115 Race Street, Cambridge, Md.; effective 4-25-59 to 4-24-60; 10 learners (women's sportswear).

Stanley Manufacturing Co., Manila, Ark.; effective 4-13-59 to 4-12-60; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (sport slacks, pedal-pushers, blouses).

Tamaqua Garment Co., 137 West Broad Street, Tamaqua, Pa.; effective 4-9-59 to 4-8-60; 10 learners (women's street dresses).

E. W. Pollock, dba, Tompkinsville Garment Co., Tompkinsville, Ky.; effective 4-13-59 to 4-12-60; 10 learners (dungarees).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Atwood, Inc., Sparta, N.C.; effective 4-10-59 to 8-26-59; 50 learners (pants).

Clinton Garment Co., 1058 South Fourth Street, Clinton, Ind.; effective 4-7-59 to 10-6-59; 15 learners (replacement certificate) (car coats).

Clinton Garment Co., 1058 South Fourth Street, Clinton, Ind.; effective 4-7-59 to 10-6-59; 15 learners (replacement certificate) (blouses).

Georgetown Manufacturing Co., Georgetown, S.C.; effective 4-7-59 to 10-6-59; 75 learners (children's dresses).

Mississippi Valley Textile Co., Inc., Hannibal, Mo.; effective 4-7-59 to 10-6-59; 10 learners (children's clothing).

Murcel Manufacturing Corp., Glennville, Ga.; effective 4-8-59 to 10-7-59; 30 learners (women's uniforms).

Purling Mills, Inc., Ninth and Douglass Street, Reading, Pa.; effective 4-9-59 to 10-8-59; 10 learners (men's and boys' knit shirts).

Ruleville Manufacturing Co., Ruleville, Miss.; effective 4-13-59 to 10-12-59; 7 learners (men's and boys' outerwear jackets).

Standard Romper Co., Inc., Verney Building, Brunswick, Maine; effective 4-7-59 to 10-6-59; 25 learners (children's pants, woven goods).

Standard Romper Co., Inc., 335 Forest Avenue, Portland, Maine; effective 4-7-59 to 10-6-59; 15 learners (children's shirts).

E. W. Pollock, dba, Thompkinsville Garment Co., Tompkinsville, Ky.; effective 4-13-59 to 10-12-59; 20 learners (dungarees).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

The following learner certificates were issued authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes.

Gainer Hosiery Mill, 411 Academy Street, Madison, N.C.; effective 4-8-59 to 4-7-60 (seamless, full-fashioned).

Gann Hosiery Mills, Inc., 309 South Alston Avenue, Durham, N.C.; effective 4-10-59 to 4-9-69 (seamless).

Lawler Hosiery Mills, Inc., 301 Bradley Street, Carrollton, Ga.; effective 4-9-59 to 4-8-60 (seamless).

Villa Rica Hosiery Mills, Villa Rica, Ga.; effective 4-18-59 to 4-17-60 (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Huntley Knitting Mills, Inc., Old York Road, Charlotte, N.C.; effective 4-13-59 to 4-12-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' sweaters).

William Caplin Plant, Seamprufe, Inc., Holdenville, Okla.; effective 4-13-59 to 4-12-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips and lingerie).

Standard Romper Co., Inc., Bldg. No. 7—200 Conant Street, Pawtucket, R.I.; effective 4-7-59 to 10-6-59; 25 learners for plant expansion purposes (children's outer garments, shirts; knit fabric).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Palm Beach Co., Roanoke, Ala.; effective 4-10-59 to 10-9-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and 95 cents an hour for the remaining 200 hours (men's Palm Beach suits).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

American Plastic Flowers, Inc., Sabalos Ward, Road No. 2, Mayaguez, P.R.; effective 3-30-59 to 9-29-59; 40 learners for plant expansion purposes in the occupation of flower assembling for a learning period of 160 hours at the rate of 43 cents an hour (artificial plastic flowers).

Barry Corp., Santurce, P.R.; effective 3-26-59 to 3-25-60; 10 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 55 cents an hour for the first 240 hours and 64 cents an hour for the remaining 240 hours (fabric gloves).

Metro Creations Inc., Rio Piedras, P.R.; effective 3-26-59 to 9-25-59; two learners for plant expansion purposes in the occupations of sewing machine operator and hand-folding and finishing, each for a learning period of 160 hours at the rate of 55 cents an hour (men's ties).

Williams Corporation of Puerto Rico, Luquillo, P.R.; effective 3-12-59 to 9-11-59; 54 learners for plant expansion purposes in the occupations of: (1) binders; outside shell sewers; and liner sewers each for a learning period of 480 hours at the rates of 55 cents an hour for the first 240 hours and 64 cents an hour for the remaining 240 hours; (2) outside shell sealers for a learning period of 160 hours at the rate of 55 cents an hour (machine-made gloves and mittens).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 16th day of April 1959.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 59-3424; Filed, Apr. 22, 1959; 8:48 a.m.]

# CUMULATIVE CODIFICATION GUIDE—APRIL

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