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Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 443.2]

PART 332—PROCESSING INITIAL LOANS

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[FHA Instruction 444.1]

PART 383—FARM HOUSING LOANS

Miscellaneous Amendments

The revisions indicated below are for the purpose of correcting references to Subpart A, Part 307, Title 6, Code of Federal Regulations, necessitated by the recent revision of that subpart (23 F.R. 9825).

1. Section 332.8, Title 6, Code of Federal Regulations (22 F.R. 20) is revised to read as follows:

§ 332.8 Cancellation of loan.

Loans may be canceled before loan closing upon request of the applicant or upon order of the County Supervisor through the use of Form FHA-903, "Request for Cancellation of Loan," and approval of such cancellation by the loan approval official. For an insured loan, any checks advanced will be returned promptly to the lender with an explanatory letter. Interested parties will be notified of the cancellation as provided in § 307.6 of this chapter.

(R.S. 161, sec. 41, 50 Stat. 528, as amended, sec. 4, 64 Stat. 100; 5 U.S.C. 22, 7 U.S.C. 1015, 40 U.S.C. 442)

2. Section 332.12(c), Title 6, Code of Federal Regulations, (22 F.R. 20) is revised to read as follows:

§ 332.12 Actions subsequent to receipt of preliminary title evidence and prior to loan closing.

* * * * *

(c) *Attorney in Charge.* When the services of the Attorney in Charge are to be used, title clearance and loan closing will be in accordance with § 307.3 of this chapter.

(R.S. 161, sec. 41, 50 Stat. 528, as amended, sec. 4, 64 Stat. 100; 5 U.S.C. 22, 7 U.S.C. 1015, 40 U.S.C 442)

3. Section 383.8(c), Title 6, Code of Federal Regulations (22 F.R. 3) is revised to read as follows:

§ 383.8 Technical services.

* * * * *

(c) *Title clearance and legal services in connection with Farm Housing loans.* Title clearance and legal services required for making and closing a Farm Housing loan will be in accordance with Subpart A, Part 307, of this chapter.

(Sec. 510, 63 Stat. 437; 42 U.S.C. 1480)

4. Section 383.11(b), Title 6. Code of Federal Regulations, (22 F.R. 5623) is revised to read as follows:

§ 383.11 Preparation of loan docket.

* * * * *

(b) *Agreements with prior lienholders.* Agreements with prior lienholders regarding enforcement of objectionable provisions of their liens or giving notice of foreclosure or assignment of their liens, or both, will be obtained when required by § 307.2(h)(5) of this chapter.

(Sec. 510, 63 Stat. 437; 42 U.S.C. 1480)

5. Section 383.13(c), Title 6, Code of Federal Regulations (22 F.R. 3) is revised to read as follows:

§ 383.13 Actions subsequent to loan approval.

* * * * *

(c) *Loan closing.* The Farm Housing loan will be closed in accordance with Subpart A, Part 307, of this chapter.

(Sec. 510, 63 Stat. 437; 42 U.S.C. 1480)

Dated: January 14, 1959.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 59-528; Filed, Jan. 20, 1959; 8:47 a.m.]

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FEDERAL REGISTER

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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.

Title 7—AGRICULTURE

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

PART 26—GRAIN STANDARDS

Subpart B—Standards

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR CORN [1]

On November 19, 1958, there was published in the FEDERAL REGISTER (23 F.R. 8986) notice of a proposal to revise the Official Grain Standards of the United States for Corn (7 CFR 26.151 et seq.), promulgated under the authority of section 2 of the United States Grain Standards Act (39 Stat. 482, as amended, 7 U.S.C. 74). Public hearings on the proposal were held as announced at Chicago, Illinois, and Minneapolis, Minnesota. Interested persons also were afforded an opportunity to submit written data, views, or arguments on the proposal.

Consideration has been given to information obtained at the hearings, to information received in writing, and to other information available in the United States Department of Agriculture regarding the proposed revision. Based upon this information, the Official Grain Standards of the United States for Corn (7 CFR 26.151 et seq.) are hereby revised to read as follows:

Sec.
26.151 Terms defined.
26.152 Principles governing the application of the standards.
26.153 Grades, grade requirements, and grade designations.

AUTHORITY: §§ 26.151 to 26.153 issued under sec. 8, 39 Stat. 485; 7 U.S.C. 84.

§ 26.151 Terms defined.

For the purposes of the Official Grain Standards of the United States for Corn (Maize):

(a) *Corn.* Corn shall be any grain which consists of 50 percent or more of whole kernels of shelled dent corn and/or shelled flint corn (Zea mays) and may contain not more than 10.0 percent of other grains for which standards have been established under the United States Grain Standards Act.

(b) *Classes.* Corn shall be divided into the following three classes: Yellow corn, white corn, and mixed corn.

(c) *Yellow corn.* The class yellow corn shall be yellow-kerneled corn and may contain not more than 5.0 percent of corn of other colors. Yellow kernels of corn with a slight tinge of red shall be considered as yellow corn.

(d) *White corn.* The class white corn shall be white-kerneled corn and may contain not more than 2.0 percent of corn of other colors. White kernels of corn with a slight tinge of light straw or pink color shall be considered as white corn.

(e) *Mixed corn.* The class mixed corn shall be corn which does not meet the color requirements for either of the classes yellow corn or white corn and shall include white-capped yellow corn.

(f) *Grades.* Grades shall be the numerical grades, sample grade, and special grades provided for in § 26.153.

(g) *Broken corn and foreign material.* Broken corn and foreign material shall be kernels and pieces of kernels of corn and all matter other than corn which will pass readily through a 12/64 sieve, and all matter other than corn which remains in the sieved sample.

(h) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels of corn which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, moldy, diseased, or otherwise materially damaged.

(i) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of corn which have been materially discolored and damaged by heat.

(j) *12/64 sieve.* A 12/64 sieve shall be an aluminum sieve 0.0319 inch thick perforated with round holes 0.1875 ($^{12}/_{64}$) inch in diameter which are ¼ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent row.

(k) *Stones.* Stones shall be concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

§ 26.152 Principles governing the application of the standards.

The following principles shall apply in the determination of the classes and grades of corn:

(a) *Basis of determination.* Each determination of class, damaged kernels, heat-damaged kernels, flint corn, and flint and dent corn shall be upon the basis of the grain after the removal of the broken corn and foreign material. All other determinations shall be upon the basis of the grain as a whole.

(b) *Percentages.* All percentages shall be determined upon the basis of weight.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for corn prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1959 Revision) of the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

(d) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel as determined by the method prescribed by the United States Department of Agriculture as described in Circular No. 921, issued June 1953, or as determined by any method which gives equivalent results.

§ 26.153 Grades, grade requirements and grade designations.

The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for the classes yellow corn, white corn, and mixed corn.* (See also paragraph (c) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—			
		Moisture	Broken corn and foreign material	Damaged kernels	
				Total	Heat-damaged kernels
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*
1	56	14.0	2.0	3.0	0.1
2	54	15.5	3.0	5.0	.2
3	52	17.5	4.0	7.0	.5
4	49	20.0	5.0	10.0	1.0
5	46	23.0	7.0	15.0	3.0

Sample grade: Sample grade shall be corn which does not meet the requirements for any of the grades from No. 1 to No. 5, inclusive; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which is otherwise of distinctly low quality.

(b) *Grade designations for all classes of corn.* The grade designation for corn shall include, in the order named, the number of the grade or the words "sample grade," as the case may be; the name of the applicable class; and the name of each applicable special grade.

(c) *Special grades, special grade requirements, and special grade designations for corn*—(1) *Flint corn*—(i) *Requirements.* Flint corn shall be corn of any class which consists of 95 percent or more of flint corn.

(ii) *Grade designation.* Flint corn shall be graded and designated according to the grade requirements of the standards applicable to such corn if it were not flint, and there shall be added to and made a part of the grade designation, immediately following the class name, the word "flint."

(2) *Flint and dent corn*—(i) *Requirements.* Flint and dent corn shall be corn of any class which consists of a mixture of flint and dent corn containing more than 5.0 percent but less than 95 percent of flint corn.

(ii) *Grade designation.* Flint and dent corn shall be graded and designated accordng to the grade requirements of the standards applicable to such corn if it were not flint and dent, and there shall be added to and made a part of the grade designation, immediately following the class name, the words "flint and dent" and the approximate percentage of flint corn.

(3) *Weevily corn*—(i) *Requirements.* Weevily corn shall be corn which is infested with live weevils or other insects injurious to stored grain.

(ii) *Grade designation.* Weevily corn shall be graded and designated according to the grade requirements of the standards applicable to such corn if it were not weevily, and there shall be added to and made a part of the grade designation the word "weevily."

The foregoing standards supersede the present Official United States Standards for corn, and shall become effective October 1, 1959.

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

Done at Washington, D. C., this 15th day of January 1959.

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

[F.R. Doc. 59-524; Filed, Jan. 20, 1959; 8:46 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

Subpart—1959–60 Marketing Year

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

Section 730.1009 is issued to announce the results of the rice marketing quota referendum for the marketing year August 1, 1959, through July 31, 1960, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for rice for the 1959–60 marketing year (23 F.R. 9327) and announced (23 F.R. 9328) that a referendum would be held on December 15, 1958, to determine whether rice producers were in favor of or opposed to marketing quotas for the marketing year August 1, 1959, through July 31, 1960. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 730.1009 Proclamation of the results of the rice marketing quota referendum for the marketing year 1959–60.

In a referendum of farmers engaged in the production of rice for the 1958 crop held on December 15, 1958, 7,570 farmers voted. Of those voting 6,577 or 86.9 percent favored quotas for the marketing year beginning August 1, 1959. Therefore, rice marketing quotas will be in effect for the 1959–60 marketing year.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375)

Issued this 15th day of January 1959.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-526; Filed, Jan. 20, 1959; 8:46 a.m.]

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

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 878.11]

PART 878—SUGARCANE; VIRGIN ISLANDS

Fair and Reasonable Prices for 1959 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 21, 1958, the following determination is hereby issued:

§ 878.11 Fair and reasonable prices for the 1959 crop of Virgin Islands sugarcane.

A producer of sugarcane in the Virgin Islands who is also a processor of sugarcane (referred to in this section as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1959 crop grown by other producers and processed by him at rates not less than those determined in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar as made converted to a 96° basis.

(2) "Settlement period" means the two-week period in which sugarcane is delivered by the producer to the processor. The first such period shall start on Monday of the week grinding commences and successive periods shall start at two-week intervals thereafter. Odd days at the end of the grinding season shall be included in the preceding period if less than 7 days and if 7 days or more shall constitute a separate settlement period.

(3) "Average price of raw sugar" means the simple average of the daily spot quotations of raw sugar of the New York Coffee and Sugar Exchange (domestic contract), adjusted to a duty-paid basis by adding to each daily quotation the United States duty prevailing on Cuban raw sugar on that day, for the settlement period, except that, if the Director of the Sugar Division determines that for such period such average price does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the average price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(4) "F.o.b. mill price" means the average price of raw sugar minus selling and delivery expenses (converted to a pound unit) actually incurred by the processor in marketing raw sugar of the 1959 crop.

(5) "Yield of raw sugar" means the yield of raw sugar, 96° basis, per 100 pounds of sugarcane determined for each settlement period in accordance with the following procedure:

(i) A representative sample shall be taken of each producer's daily deliveries of sugarcane during the settlement period and ground by a laboratory power mill. The juice extracted therefrom shall be analyzed for Brix and sucrose content by standard methods of analysis.

(ii) Application shall then be made of the formula, $R=(S-0.3B)\ F$, where:

R=Yield of raw sugar.
S=Sucrose content of the laboratory power mill juice obtained from the sugarcane of each producer.
B=Brix of the laboratory power mill juice obtained from the sugarcane of each producer.
F=Yield factor which is determined as follows:

(*a*) Determine the "tentative recovery of raw sugar" for each producer delivering sugarcane during the settlement period, from the product of the formula (S−0.3B), and the number of hundredweights of sugarcane; and

(*b*) Divide the pounds of raw sugar, 96° basis, produced and estimated from all sugarcane received and tested during the settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor F.

(iii) In the event any sugarcane was not processed during the settlement period in which it was received and tested, the quantity of sugar produced during such period shall be increased by attributing to such sugarcane an estimated quantity determined by multiplying the number of tons of such unprocessed sugarcane by the average percentage of sugar, 96° basis, that was recovered from all sugarcane processed during such settlement period. The quantity of sugar so estimated shall be deducted from the sugar produced during the following period.

(b) *Payment for sugarcane.* (1) The payment for sugarcane delivered by the producer to the processor during a settlement period shall be calculated on the basis of the f.o.b. mill price for that portion of the raw sugar determined by applying not less than the following applicable percentage to the yield of raw sugar from the producer's sugarcane:

Pounds of raw sugar per 100 pounds of sugarcane:	*Percentage*
6.0	53.0
7.0	54.0
8.0	55.0
9.0	56.0
10.0	57.0
11.0	58.0
12.0	59.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(2) The processor shall also pay to the producer for each 100 pounds of sugarcane delivered an amount for molasses computed by applying the following applicable percentage to the product of the larger of 10 cents per gallon, or the actual gross sales price per gallon, and the average production of blackstrap molasses per 100 pounds of sugarcane of the 1959 crop:

Pounds of raw sugar per 100 pounds of sugarcane:	*Percentage*
6.0	86.0
7.0	80.0
8.0	74.0
9.0	68.0
10.0	62.0
11.0	56.0
12.0	50.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(c) *Transportation allowances to producers.* The price for sugarcane specified in this section shall be applicable to sugarcane delivered to the mill: *Provided,* That (1) where the producer de-

livers sugarcane to the mill at his expense, the processor shall make an allowance to the producer equal to 50 percent of the commercial carrier rate for loading sugarcane at the farm and for its transportation to the mill; or (2) where the processor loads sugarcane of the producer and transports it to the mill at his own expense, the processor may charge such producer 50 percent of the applicable commercial carrier rate.

(d) *Reporting requirements.* The processor shall submit in duplicate to the Caribbean Area Agricultural Stabilization and Conservation Office, Santurce, Puerto Rico, for approval a certified statement of the actual deductions made in determining the f.o.b. mill price of raw sugar, and a certified statement of the actual gross sales price per gallon of blackstrap molasses.

(e) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1959 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay, under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1959 price determination.* This determination continues the provisions of the 1958 determination.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on October 21, 1958, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1959 crop. The representative of the Virgin Islands Corporation stated that the Corporation had recommended a reduction in the producer's share of raw sugar for the 1958 crop and that such recommendation had been adopted in the 1958 price determination; that producers had protested the reduction and appealed to the Board of Directors of the Corporation; that the Board authorized the Corporation to pay producers for their 1958 crop of sugarcane on the same basis as for the 1957 crop, and that any future reduction in the producer's share of sugar be on a gradual basis, over a period of several years, with adequate advance notice to producers. The witness stated that the Corporation would pay producers for their 1959 crop of sugarcane on the same basis as they were paid in 1958, but will reduce the producer's share of sugar 5 percent for the 1960 crop. The witness recommended that molasses payments to producers for the 1959 crop be based upon the higher of the actual price for which molasses is sold or the most recent five-year average price f.o.b. mill at which molasses was sold by processors in Puerto Rico. However, in the event the price for 1959-crop molasses is fixed by arbitration, the witness recommended that molasses payments be based upon such arbitrated price.

Representatives of producers recommended that the 1959 determination provide that the payment for sugarcane be computed on the basis specified in the 1957 determination. These representatives stated that if payments to producers for 1959 crop cane are based on the sharing relationship specified in the 1958 determination the majority of producers will be forced out of business. The witnesses also recommended that the processor be required to base the calculations of sugar recoveries from producers' sugarcane upon a mill efficiency factor of not less than 80 percent.

Consideration has been given to the recommendations made at the public hearing, to the returns, costs and profits of producing and processing sugarcane under price and production conditions likely to prevail for the 1959 crop, to the results of investigations, and to other pertinent factors.

The 1958 crop was seriously affected by drought conditions and the losses incurred by the Virgin Islands Corporation on its sugarcane growing and processing operations were the second largest in the Corporation's history. Significantly higher yields of sugarcane and sugar are anticipated for the 1959 crop because of near-normal rainfall and growing conditions. The returns and costs of producing and processing Corporation sugarcane under conditions expected to prevail for the 1959 crop have been developed. Analysis of these data indicates that the share of total returns applicable to sugarcane production (computed on the basis of the minimum sharing relationship provided in the 1958 determination) will exceed the share of total costs incurred in that operation, and conversely that for raw sugar processing operations the share of total costs will exceed the share of total returns. Accordingly, it is deemed equitable to continue the sharing relationship provided in the 1958 determination as the basis for determining minimum prices to be paid for 1959-crop sugarcane.

The recommendation for modification of the basis for determining the price of molasses upon which molasses payments for the 1959 crop are to be based has not been adopted. The molasses produced from the 1958 crop of sugarcane was sold by the Corporation at a price of 11.5 cents per gallon. While molasses supplies may be somewhat more plentiful in 1959 present indications are that the general market price situation will probably be in about the same range as in 1958. Accordingly, this determination continues the requirement of the 1958 determination that molasses payments to producers are to be based upon a price for molasses which is the higher of 10 cents per gallon or the price at which the molasses actually is sold.

The recommendation of a representative of producers that a minimum mill efficiency factor of 80 percent be incorporated as a requirement of the determination has not been adopted. Such a requirement would not conform with the minimum price objectives of this determination. During recent crops the Corporation has computed the recoveries of raw sugar from producers' sugarcane on the basis of a minimum mill efficiency factor of 80 percent and has agreed with producers to continue the use of this factor for the 1959 crop.

Accordingly, I hereby find and conclude that the foregoing price determination is fair and reasonable and will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929 as amended, 7 U.S.C. Sup. 1131)

Issued this 15th day of January 1959.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 59-527; Filed, Jan. 20, 1959; 8:47 a.m.]

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

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Miscellaneous Amendments

Notice was published in the FEDERAL REGISTER issue of December 30, 1958 (23 F.R. 10488), that the Department was giving consideration to proposed amendments to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 936.100 et seq.) currently in effect pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which was submitted by the Control Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

1. Delete §§ 936.117 and 936.118 and substitute therefor the following:

§ 936.117 Changes in representation of certain districts on Elberta Peach Commodity Committee.

The representation or membership on the Elberta Peach Commodity Committee is changed to provide for:

(a) Four (4) members to represent the area included in the Fresno District;

(b) One (1) member to represent the area included in the Tulare District and Kern District;

(c) One (1) member to represent the area included in the Stanislaus District; and

(d) One (1) member to represent all of the territory in California not included in the foregoing districts.

§ 936.118 Changes in the representation of certain districts on Plum Commodity Committee.

The representation or membership on the Plum Commodity Committee is changed to provide for:

(a) Two (2) members to represent the area included in the Fresno District;

(b) One (1) member to represent the area included in the Tulare District;

(c) One (1) member to represent the area included in the Kern District and Southern California District;

(d) Two (2) members to represent the area included in the Placer District and Colfax District; and

(e) One (1) member to represent all of the territory in California not included in the foregoing districts.

2. After § 936.119(c), add the following new paragraph (d) and a new § 936.120:

§ 936.119 [Amendment]

(d) No individual, whether representing a corporation or otherwise, may cast more than one vote for each nominee to be selected at the meeting where such individual is eligible to participate in the selection of nominees for members and alternate members of the commodity committees.

§ 936.120 Redefiniiton of certain districts.

The boundaries of the Fresno and Tulare Districts are redefined as follows:

(a) "Fresno District" includes and consists of Madera County, Fresno County, Mono County, Kings County, and that portion of Tulare County north of the 4th Standard Parallel south of the Mount Diablo Base Line of the General Land Office.

(b) "Tulare District" means and consists of that portion of Tulare County not included in Fresno District.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) in that (1) changes in the boundaries of districts and in the representation of districts on the commodity committee are required to be based, insofar as practicable, on shipments of fruit during the past 3 seasons; (2) accurate information concerning such shipments was not available to the Department until December 10, 1958; (3) notice that consideration was being given to the proposed amendment was issued on December 22, 1958, and published in the FEDERAL REGISTER on December 30, 1958; (4) nominations for membership on the commodity committees are required to be made not later than February 15, of each year; and (5) it is necessary that this amendment be made effective as soon as practicable in order that the required nomination meetings may be scheduled and nominations made prior to such date.

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

Dated: January 16, 1959, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 59-566; Filed, Jan. 20, 1959; 8:53 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 8[1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Miscellaneous Amendments

1. Section 371.52 *Supplement 2; Commodities destined to Poland (including Danzig) which are excepted from General License GRO* is amended in the following particulars:

a. The following commodities are deleted from the list:

Dept. of Commerce Schedule B No.	Commodity
61875	Steel storage tanks, lined, n.e.c., and specially fabricated parts and accessories, n.e.c.
61976	Magnesium metal powder.
66445	Magnesium metal and alloys in crude form and scrap.
66447	Magnesium alloy semifabricated forms, n.e.c.
70852	Capacitors (condensers).
70856	Resistors.
70888	Telegraph apparatus (wire), n.e.c., and specially fabricated parts and accessories, n.e.c.
73075	Magnetic and electrostatic separators.
73081	Specially fabricated parts and accessories, n.e.c., for magnetic and electrostatic separators.
74005	Hollow spindle (oil country type) lathes.
74070	Automatic knee and column type milling machines, with tables 20 inches wide and over and/or 48 inches long and over.
74079	Milling machines, n.e.c., with tables 20 inches wide and over and/or 48 inches long and over.
74234	Deep hole drilling machines.
74391	External cylindrical grinding machines, centerless (whether or not automatic sizing).
74439	Combined internal and external cylindrical grinding machines.
74455	Deep hole drills.
74456	Specially fabricated parts, n.e.c., for the above machine tools (Schedule B Nos. 74005 through 74439).
74457	Accessory equipment for use exclusively on the above types of machine tools (Schedule B Nos. 74005 through 74439).
76710	Cotton gins, and specially fabricated parts and accessories, n.e.c.
77086	Mechanical vacuum pumps fabricated or lined with any corrosion resistant material and capable of producing a vacuum less than atmospheric pressure but not as low as 0.1 millimeters mercury pressure absolute.
77125	Tubular heat exchangers, corrosion resistant, designed to operate at pressures over 200 psi, and specially fabricated parts and accessories, n.e.c.
77585	Multiple effect evaporators, and specially fabricated parts and accessories, n.e.c.
77588	Electromagnetic separators, and specially fabricated parts and accessories, n.e.c.
77588	Filters, industrial process type, and specially fabricated parts and accessories, n.e.c.
79620	Locomotives, new, straight electric, general service (line), of a gauge greater than 4 feet 8 inches (1.42m) or with an individual axle load greater than 12 metric tons.
79623	Locomotives, new, diesel electric, general service (line), of a gauge greater than 4 feet 8 inches (1.42m) or with an individual axle load greater than 12 metric tons.
79630	Locomotives, new, diesel, nonelectric, general service (line), of a gauge greater than 4 feet 8 inches (1.42m) or with an individual axle load greater than 12 metric tons.
79690	Parts, n.e.c., specially fabricated for the above locomotives (Schedule B Nos. 79620 through 79630).
79695	Automatic (block type) railway signal systems, and specially fabricated parts and accessories, n.e.c.
91980	Vacuum freeze drying equipment, and specially fabricated parts and accessories, n.e.c.

This part of the amendment shall become effective as of January 8, 1959.

b. The following commodities are added to the list:

Dept. of Commerce Schedule B No.	Commodity
20091	Butyl (copolymers of isobutylene and isoprene, or other diolefins).
20095	"N" type (copolymers of butadiene and acrylonitrile) containing 50 percent or more butadiene.
20098	Polyurethane.
20610	Truck and bus tires and tire casings, new, of 10 ply rating or over, in sizes 9:00 or over.
20632	Off-the-road tires and tire casings, new (except farm tractor and implement) of 10 ply rating or over, in sizes 9:00 or over.
20638	Industrial tires and tire casings, new, of 10 ply rating or over, in sizes 9:00 or over.
20098	Truck and bus, off-the-road (except farm tractor and implement), and industrial tires and tire casings, used, of 10 ply rating or over, in sizes 9:00 or over.
38454	Parachute cloth, rayon or acetate, in the gray.
38456	Parachute cloth, rayon or acetate, printed.
38458	Parachute cloth, rayon or acetate, except in the gray or printed.
38468	Parachute cloth, mixed or blended fibers, n.e.c., rayon or acetate chief weight.
38470	Parachute cloth, wholly or in chief weight nylon.
38472	Parachute cloth, wholly or in chief weight man-made fibers, n.e.c.
50120	Natural gasoline.
50150	Gasoline blending agents (hydrocarbon compounds only), n.e.c., except tri-isobutylene.
50163	Aviation gasoline, under 100, not under 90 octane number.
50165	Aviation gasoline, under 90 octane number.
50170	Gasoline, n.e.c.

[1] This amendment was published in Current Export Bulletin 810, dated January 8, 1959.

Dept. of Commerce Schedule B No.	Commodity
50270	Kerosene.
50400	Aviation engine lubricating oils, synthetic, ester type.
50410	Synthetic lubricating greases, ester type.
50590	Hydraulic fluids or oils, petroleum base.
54091	Diamond powder, natural.
59900	Diamonds suitable only for industrial use (including splints and borts, natural).
60172	Ingots, alloy steel (including stainless), special types only.[1]
60178	Billets, blooms, slabs, and sheet bars, alloy steel (including stainless), special types only.[1]
60181	Tube rounds, alloy steel (including stainless), special types only.[1]
60185	Skelp, alloy steel (including stainless), special types only.[1]
60187	Wire rods, alloy steel (including stainless), special types only.[1]
60220	Other alloy steel-bars, hot-rolled (except stainless), special types only.[1]
60230	Stainless steel bars, hot-rolled, special types only.[1]
60255	Alloy steel bars, cold-finished (except stainless), special types only.[1]
60260	Bars, stainless steel, cold-finished, special types only.[1]
60270	Tool steel bars, alloy steel, special types only.[1]
60310 through 60445	Iron and steel strip, sheet and plate and tin mill products.
60640	Mechanical tubing, alloy steel (except stainless), special types only.[1]
60650	Seamless pressure tubes and tubing, alloy steel (except stainless), special types only.[1]
60660	Welded pressure tubes and tubing, alloy steel (except stainless), special types only.[1]
60665	Pipe and tubing, stainless steel, special types only.[1]
60680	Other alloy steel pipe and tubing, special types only.[1]
60710	Carbon steel plates, not fabricated.
60715	Alloy steel plates (except stainless), not fabricated.
60720	Stainless steel plates (including stainless-clad plates), not fabricated.
60735	Alloy steel (including stainless) structural shapes, not fabricated, special types only.[1]
60813	Uncoated alloy steel wire (except stainless), special types only.[1]
60815	Uncoated stainless steel wire, special types only.[1]
60821	Coated wire, steel chief value (except galvanized or insulated), special types only.[1]
61050	Alloy steel castings (except stainless), special types only.[1]
61055	Stainless steel castings, special types only.[1]
61065	Forgings, alloy steel (including stainless), special types only.[1]
61788	Diamond dressers and diamond boring and turning tools.
61869	Steel sheets, fabricated, punched or shaped, n.e.c.
61956	Wire rope, strand and cord made of stainless steel, suitable for aircraft.
61964	Wire rope, strand and cord made of phosphor bronze, suitable for aircraft.
61995	Aluminum alloy plates and sheets, perforated, special types only.[2]
63005	Aluminum alloy scrap (new and old), special types only.[2] (See § 399.2, Interpretations 10 and 12).
63007	Aluminum alloys in crude form (including ingots, pigs, blooms, and slabs), special types only.[2]
63035	Aluminum alloy plates and sheets, flat and coiled, special types only (0.006 inch and over in thickness).[2]
63040	Aluminum alloy bars and rods, rolled or drawn, special types only (⅜ inch and over).[2]
63045	Aluminum alloy extruded and drawn shapes and tubes (except drawn bars, rods, and wire), special types only.[2]
63050	Aluminum alloy castings and forgings, rough and semi-finished, special types only.[2]
63061	Aluminum alloy wire (under ⅜ inch) and cable, bare, special types only.[2]
63065	Aluminum alloy semifabricated forms, n.e.c., special types only.[2] (Specify by name.)
66540	Germanium metal having a resistivity of up to 50 ohms per centimeter.
70010	Alternating current generators, n.e.c., ½ kilowatt and over. (Specify by rating.)
70015	Parts and accessories, n.e.c., specially fabricated for generators ½ kilowatt and over. (Specify by name.)
70087	Steam turbine generator sets, over 7,500 kilowatts. (Specify by rating.)
70374	Cathode ray oscilloscopes (oscillographs) possessing any of the following characteristics: (a) a bandwidth greater than 5 megacycles (defined as the band of frequencies over which the loss does not exceed 3 decibels); (b) a time base shorter than 0.05 microseconds per centimeter.
70374	Waveform analyzing and/or testing instruments operating at frequencies of 300 megacycles per second or less. (Specify by name and model number.)
70379	Radio testing equipment, n.e.c.
70379	Parts and accessories, n.e.c., specially fabricated for the above types of electrical and electronic quantity and characteristics measuring and testing instruments. (Schedule B Nos. 70374 and 70379.) (Specify by name.)
70430	Electric motors 12,500 horsepower and over.
70432	Parts and accessories, n.e.c., specially fabricated for electric motors 12,500 horsepower and over. (Specify by name and horsepower.)
70495	Special purpose controls for electric motors 12,500 horsepower and over. (Specify by name and horsepower.)
70498	Accessory equipment, n.e.c., specially fabricated for controls for motors 12,500 horsepower and over. (Specify by name and horsepower.)
70751	X-ray diffraction tubes and valves.
70753	Parts and accessories, n.e.c., specially fabricated for X-ray diffraction tubes and valves. (Specify by name.)
70755	X-ray diffraction units, and specially fabricated parts and accessories, n.e.c.
70755	X-ray goniometers, and specially fabricated parts and accessories, n.e.c.
70764	Radio broadcast transmitters and specially fabricated parts and accessories, n.e.c.
70768	Television broadcast transmitters, and specially fabricated parts and accessories, n.e.c.
70768	Microwave relay and transmitter link equipment, television, and specially fabricated parts and accessories, n.e.c.
70786	Shipborne transmitters and transceivers, and specially fabricated parts and accessories, n.e.c.
70789	Land-type radio communication transmitters and transceivers, and specially fabricated parts and accessories, n.e.c.
70824	Receiving-type tubes as follows: (a) specially designed for use at frequencies between 250 and 300 megacycles, (b) indirectly heated tubes, having a diameter from 0.283 through 0.5 inch, or (c) designed to withstand accelerations of 450 g up to and including 100 g.
70828	Non-ruggedized vidicon tubes.
70836	Cathode-ray tubes with screen afterglow longer than ½ second.
70840	Electron tubes, n.e.c., as follows: (a) specially designed for use at frequencies between 250 and 300 megacycles, (b) indirectly heated tubes having a diameter from 0.283 through 0.5 inch, or (c) designed to withstand accelerations of 450 g up to and including 1000 g.
70844	Parts and accessories, n.e.c., specially fabricated for electron tubes included above in Schedule B Nos. 70824 through 70840.
70848	Transistors, types listed in § 399.2, Interpretation 18. (Specify by type number and quantity of each type.)
70859	Chokes and coils made of magnetic materials.
70867	Ionosphere and/or tropospheric sounding apparatus capable of use as a device for determining and/or measuring variations in electromagnetic propagation phenomena and/or through the use of such measurements, for detecting or locating physical sources of such phenomena; and specially fabricated parts and accessories, n.e.c.
70867	Electronic detection and navigational apparatus, n.e.c., designed for use at frequencies of 600 megacycles and over, and specially fabricated parts and accessories, n.e.c.
70879	Oscilloscope amplifiers and pre-amplifiers having a band width greater than 5 megacycles up to and including 12 megacycles, and specially fabricated parts and accessories, n.e.c.
70886	Waveguides and components of a kind used at frequencies exceeding 600 megacycles per second and articles of equipment incorporating or designed to be connected to or to be incorporated in such waveguides.
70997	Electrical steel punchings.
71131	Steam turbines designed for turbo generators 60,000 kilowatts and over.
71190	Parts and accessories, n.e.c., specially fabricated for steam turbines 60,000 kilowatts and over.
72017	Dredging machines, new. (Specify by name.)
72018	Dredging machines, used and rebuilt. (Specify by name.)
72021	Parts, accessories and attachments, n.e.c., specially fabricated for dredging machines.
73112	Rock drill bits and reamers containing diamonds.
74052	Jig boring machines.
74077	Diesinking machines.
74439	Jig grinders.
74550	Diamond wire drawing dies.
76910	Ball bearings with inner bore diameter 10 mm and under or 200 mm and over; and specially fabricated parts.
76920	Roller bearings with inner bore diameter 10 mm and under or 200 mm and over; and specially fabricated parts.
76933	Balls for bearings with inner bore diameter 10 mm and under or 200 mm and over.
76935	Rollers for bearings with inner bore diameter 10 mm and under or 200 mm and over.
77046	Compressors, reciprocating, capable of delivering at pressures of 700 psi or over and requiring a drive rated 2,000 horsepower or over.
77054	Compressors, rotary, capable of delivering at pressures of 700 psi or over and requiring a drive rated 2,000 horsepower or over.
77063	Parts and accessories, n.e.c., specially fabricated for types of compressors listed above (Schedule B Nos. 77046 and 77054).
77073	Compressors and blowers, centrifugal, capable of delivering at pressures of 700 psi or over and requiring a drive rated 2,000 horsepower or over.
77076	Compressors and blowers, axial flow and mixed flow, capable of delivering at pressures of 700 psi or over and requiring a drive rated 2,000 horsepower or over.
77078	Parts and accessories, n.e.c., specially fabricated for the types of compressors and blowers listed above (Schedule B Nos. 77073 and 77076).
79011 through 79133	Automotive vehicles (including chassis), new or used, as follows: a. Commercial, with front and rear axle drive, b. Military, all types.
79148 through 79262	Parts and accessories, n.e.c., specially fabricated for the above commercial automotive vehicles. (Schedule B Nos. 79011 through 79130.)
79496	Aircraft training equipment, n.e.c., and ground handling and maintenance equipment as follows: test checkout and calibration equipment having one or more electronic components (incorporating one or more electronic tubes or transistors) (specify by name); and specially fabricated parts and accessories, n.e.c.
79550	Marine propeller shafts 2½ inches and over in diameter. (Specify metal.)
79550	Marine transmissions designed to operate at 1,000 horsepower and over.
80110	Toluene or toluol (all grades).
80279	Dinitrotoluene solids and oils.
80279	2:4 Dinitrophenol.
80279	Ethylbenzene.
80279	N-methylaniline (monomethylaniline).
82580	Polyethylene resin with average molecular weight above 10,000, in all unfinished and semifinished forms (including scrap in all forms). (Specify whether virgin or scrap.)
82595	Polyethylene film and sheeting with average molecular weight above 10,000.

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity
82598	Methyl methacrylate, clear, film and sheeting, ¼ inch or more in thickness.
82600	Methyl methacrylate, clear, laminates, ¼ inch or more in thickness.
82600	Laminates of polyethylene with average molecular weight above 10,000.
82604	Molded-laminated shapes of polyethylene with average molecular weight above 10,000.
82610	Decorative laminates of polyethylene with average molecular weight above 10,000.
82976	Antiknock compounds. (Specify by name.)
82996	Hydraulic fluids, synthetic.
82999	Molybdenum lubricants.
83159	Thiodiglycol.
83299	Isopropyl ether.
83590	Potassium perchlorate.
83799	Sodium perchlorate.
83850	Ammonium molybdate.
83990	Molybdenum salts and compounds, n.e.c.
83990	Nickel chloride.
83990	Nickel sulfate.
83990	Titanium carbide.
90028	High speed cameras capable of recording at rates in excess of 2,000 frames per second.
90028	X-ray powder cameras.
90060	Parts and accessories, specially fabricated for cameras specified above (Schedule B No. 90028).
90230	Lenses specially fabricated for types of cameras specified above (Schedule B No. 90028).
91920	Spectrum measuring instruments, optical, and specially fabricated parts and accessories, n.e.c.
91966	Microphotometers, and specially fabricated parts and accessories, n.e.c.
91980	Densitometers, and specially fabricated parts and accessories, n.e.c.
91980	Helium cryostat equipment and specially fabricated parts and accessories, n.e.c.

[1] The "special types" of alloy steel covered by this entry include steels with any of the following characteristics: (1) nickel-bearing steels having a nickel content of 6 percent or more and containing a combined nickel chromium content of 22 percent or more, (2) alloys containing 6 percent up to 10 percent molybdenum, (3) alloys containing 3 up to 5 percent molybdenum and 14 percent chromium, (4) alloys containing 0.25 up to 1.5 percent columbium and/or tantalum, (5) alloy steel mill products (including stainless), semi-finished and finished, made from steel of the vacuum melt process. (For other "special types" of alloy steel under this Schedule B number which require validated license for shipments to Poland (including Danzig), see Positive List, § 399.1.)

[2] For export control purposes, "special types" of aluminum alloys are defined as those which have (1) an average copper content of 1 percent or more irrespective of other elements; (2) an average copper content of less than 1 percent and (a) a zinc content of 4 percent or more, (b) a silicon content of 3.5 percent or more, or (c) a magnesium content of 9.5 percent or more.

This part of the amendment shall become effective as of January 15, 1959.

c. Entries under the following Schedule B numbers are revised to read as follows:

Dept. of Commerce Schedule B No.	Commodity
50407	Lubricating oils, n.e.c., except in containers of eight ounces or less (including raw or semirefined stocks, or distillates from which lubricants may be produced).[1]
70061	Steam turbine generator sets ½ kilowatt up to 500 kilowatts. (Specify by rating.)[2]
70085	Steam turbine generator sets 500 kilowatts up to and including 7,500 kilowatts. (Specify by rating.)[2]
70110	Diesel engine generator sets, ½ kilowatt and over.[2]
70114	Self-contained generating sets (generator and power unit), ½ kilowatt up to and including ¾ kilowatt.[2]
70115	Self-contained generating sets (generator and power unit), ¾ kilowatt and over.[2]
74075	Planer milling machines, and combination planer and planer milling machines, with capacity for work pieces 72 inches wide and over, or 20 feet long and over.[1]
77585	Nitrators, batch type, with capacity of 125 Imperial gallons or more; and specially fabricated parts and accessories, n.e.c.[1]
83285	Dibromodifluoromethane (e.g., Freon 12 B2); monobromotrifluoromethane (e.g., Freon 13 B1); dibromomonochlorotrifluoroethane (e.g., Freon 123 BR); dibromotetrafluoroethane (e.g., Freon 114–B2); monobromomonochlorodifluoromethane (e.g., Freon 12 B1); monochloropentafluoroethane (e.g., Freon 115); octafluorocyclobutane (e.g., Freon C–318); tetrachlorodifluoroethane (e.g., Freon 115); octafluorocyclobutane (e.g., Freon C–318); tetrachlorodifluoroethane (e.g., Freon 112); tetrafluoromethane (e.g., Freon 14).[2]

[1] Effective as of January 8, 1959.
[2] Effective as of January 15, 1959.

Shipments of any commodities added to Supplement No. 2 as a result of changes set forth in parts b and c above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., January 15, 1959, may be exported under General License GRO up to and including February 7, 1959. Any such shipment not laden aboard the exporting carrier on or before February 7, 1959, requires a validated license for export.

2. Section 373.40 *Iron and steel*, paragraph (b) *Iron and steel scrap, Schedule B Nos. 60030, 60040, 60050, 60060, 60065, 60075, and 60085* is revoked.

This part of the amendment shall become effective as of January 8, 1959.

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

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

[F.R. Doc. 59–481; Filed, Jan. 20, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7154]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

C. F. Buelow Co. and Carrol F. Buelow

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.817 *Cutting primary brokerage;* § 13.822 *Lowered price to buyers.*

(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, C. F. Buelow Company et al., Seattle, Wash., Docket 7154, November 19, 1958]

In the Matter of C. F. Buelow Company, a Corporation, and Carrol F. Buelow, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging brokers in Seattle, Wash., of sea food products, including canned salmon, with violating the brokerage section of the Clayton Act by making allowances or rebates in lieu of brokerage to certain buyers, a part or all of which was not charged back to the packer-principals but was taken from respondents' brokerage earnings.

On the basis of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondent C. F. Buelow Company, a corporation, and its officers, and Carrol F. Buelow, individually and as an officer of said corporate respondent, and Respondents' representatives, agents, or employees, directly or through any corporate or other device in connection with the sale of seafood products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Paying, granting, or passing on, either directly or indirectly, to any buyer or to anyone acting for or in behalf of or subject to the direct or indirect control of such buyer, brokerage earned or received by Respondents on sales made for their packer-principals, by allowing to the buyers lower prices which reflect all or any part of such brokerage, or by granting them allowances or rebates which are in lieu of such brokerage, or by any other method or means.

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

It is ordered, That respondents C. F. Buelow Company, a corporation, and Carrol F. Buelow, individually and as an officer of said corporation, 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: November 19, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–538; Filed, Jan. 20, 1959; 8:48 a.m.]

[Docket 6802]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Bantam Books, Inc.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Book titles.[1] Subpart—*Using misleading name*—Goods: § 13.2300 *Identity;* § 13.2320 *Old, second-hand, reconstructed or reused as new:* Book titles.[1]

(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, Bantam Books, Inc., New York, N.Y., Docket 6802, November 24, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a distributor of books in New York City with failing to give adequate notice that portions of the original text had been deleted from certain reprints, and with representing by use of new titles, that certain reprints were new books.

Following hearings in due course, the hearing examiner made his initial decision, including findings, conclusion, and order, from which respondent appealed. Having fully heard the matter, the Commission denied the appeal and on November 24 adopted the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Bantam Books, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling any abridged copy of a book unless one of the following words, "abridged", "abridgment", "condensed" or "condensation", or some other word or phrase stating with equal clarity that said book is abridged, appears in clear, conspicuous type upon the front cover and upon the title page of the book, either in immediate connection with the title or in another position adapted readily to attract the attention of a prospective purchaser;

2. Using or substituting a new title for, or in place of, the original title of a reprinted book unless a statement which reveals the original title of the book and that it has been previously published thereunder appears in clear and conspicuous type upon the front cover and upon the title page of the book, either in immediate connection with the title or in another position adapted readily to attract the attention of a prospective purchaser.

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

It is further ordered, That the respondent, Bantam Books, Inc., 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 contained in the aforesaid initial decision.

Issued: November 24, 1958.

By the Commission.

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

[F.R. Doc. 59-539; Filed, Jan. 20, 1959; 8:48 a.m.]

[1] New.

[Docket 7242]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Block's, Inc., and George S. Block

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; percentage savings. Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Block's, Inc., et al., Syracuse, N.Y., Docket 7242, November 25, 1958]

In the Matter of Block's, Inc., a Corporation, and George S. Block, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Syracuse, N.Y., with violating the Fur Products Labeling Act by using fictitiously high prices as regular prices in newspaper advertisements and on labels and representing sale prices as reduced therefrom, and representing falsely in advertising that furs were on sale at "½ price" and "Now up to 60% off".

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 25 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Block's, Inc., a corporation, and its officers, and George S. Block, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by: (a) Representing on labels affixed to the fur products, or in any other manner, that certain amounts are their regular and usual prices, when such amounts are in excess of the prices at which respondents have usually and customarily sold such products, in the recent and regular course of their business.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice, which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

(a) Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such product in the recent and regular course of their business.

(b) Represents, directly or by implication, through percentage savings claims, that the regular or usual retail prices charged by respondents for fur products in the recent and regular course of their business are reduced in direct proportion to the amount of savings stated, when contrary to fact.

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: November 25, 1958.

By the Commission.

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

[F.R. Doc. 59-540; Filed, Jan. 20, 1959; 8:48 a.m.]

[Docket 7182]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Pacific Northern Air College, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Individual or private business as educational, religious or research institution; nature; personnel or staff; qualifications and abilities; § 13.60 *Earnings and profits;* § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities.* Subpart—*Using misleading name*—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization;* § 13.2425 *Nature, in general;* § 13.2435 *Personnel or staff;* § 13.2455 *Qualifications.*

(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, Pacific Northern Air College, Inc., et al., Seattle, Wash., Docket 7182, November 27, 1958]

In the Matter of Pacific Northern Air College, Inc., a Corporation and Lee Thompson and Peggy Christian Thompson, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller of a correspondence and residence course in "Specialized Airlines Training" in Seattle, Wash., with advertising falsely in newspapers that it was offering jobs, and making a variety of other false claims concerning job opportunities and salaries for graduates, and the employment assistance and caliber of training it provided; and with misleadingly using the word "college" in its trade name and describing its salesmen as "registrars".

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

The order to cease and desist is as follows:

It is ordered, That respondents Pacific Northern Air College, Inc., a corporation, and its officers, and Lee Thompson and Peggy Christian Thompson, as individuals and as officers of said corporation, and respondents' representatives, agents and employees, directly, or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study or instruction, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That employment is being offered when, in fact, the purpose is to obtain purchasers of such courses of study or instruction;

(b) That positions are open or will be available to those who complete such courses, unless such is the fact;

(c) That persons who complete such courses are thereby qualified for employment by commercial airlines;

(d) That the great majority of graduates of respondents' courses have been employed by commercial airlines by virtue of completing such courses or otherwise misrepresenting the actual number of graduates who have been so employed;

(e) That respondents provide a placement service to the extent that any significant number of graduates of such courses are placed in positions with commercial airlines by respondents;

(f) That 17-year-old persons are ordinarily employed by commercial airlines, or otherwise misrepresenting the ages at which persons are ordinarily so employed;

(g) That there is a great demand for graduates of respondents' schools or courses, or otherwise misrepresenting the demand for such graduates;

(h) That such courses are sold only to selected persons;

(i) That part time employment assuring sufficient remuneration to defray living expenses is secured by respondents for students while attending their residence school;

(j) That respondents' school is adequately equipped to teach the subjects covered by such courses of instruction;

(k) That respondents' school is connected or affiliated with commercial airlines;

(l) That the starting salaries for the positions covered by such courses are from $260.00 to $300.00 a month, or otherwise misrepresenting the starting salary for any position so covered;

(m) That on-the-job training with airlines or at airports would constitute part of residence school training or is otherwise available to respondents' students;

2. Using the word "college", or any other word of similar meaning either alone or in conjunction with other words as a part of their corporate name or representing in any manner that the corporate respondent constitutes a college or school of higher learning;

3. Using the word "Registrars" in designating or referring to respondents' salesmen.

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

It is ordered, That respondents, as named in the caption hereof, 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: November 26, 1958.

By the Commission.

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

[F.R. Doc. 59-541; Filed, Jan. 20, 1959; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 721—NAVY MEDICAL SURVEY REVIEW BOARD

PART 722—NAVAL RETIRING REVIEW BOARD

PART 725—DISPOSITION OF CASES INVOLVING PHYSICAL DISABILITY

Miscellaneous Amendments

Scope and purpose. The following amendments to Subchapter C are intended to bring the subchapter into accord with recent directives of the Secretary of the Navy which redesignated the Physical Disability Appeal Board (32 CFR, 1957 Supp., 725.17–725.21) as the Naval Physical Disability Review Board and, in accordance with § 725.20, directed the Board to perform, in addition to its functions under existing regulations (Part 725), the functions heretofore assigned to and performed by the Navy Medical Survey Review Board and the Naval Retiring Review Board which latter boards have been disestablished and dissolved. Further, the method of authentication of records of the Naval Physical Disability Review Board has been modified (§ 725.21(d)).

1. Part 721 is canceled.

2. Part 722 is canceled.

3. Where the words or titles "Physical Disability Appeal Board" appear in Part 725 (1957 Supp.), there are substituted for them the words "Naval Physical Disability Review Board." Where, in that part, the words or titles "Appeal Board" appear, there are substituted for them the words "Review Board."

4. Paragraph (d) of § 725.21 is revised to read as follows:

(d) *Authentication and forwarding of records.* The record of proceedings of the Naval Physical Disability Review Board shall be prepared in such form as the President of the Review Board may direct and shall be signed by the President of the Review Board and by the Recorder. Arguments submitted in rebuttal to the actions of the Review Board shall be affixed to the record. The entire record shall be forwarded to the Secretary of the Navy. In cases where the recommendations of the Review Board differ in a significant respect from those of the Physical Review Council, the record will be resubmitted to the Council for comment.

(Secs. 1216, 6011, 70A Stat. 100, 375; sec. 13(v)(2), 72 Stat. 1267; 10 U.S.C. 1216, 1554, 6011)

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD, *Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.*

JANUARY 14, 1959.

[F.R. Doc. 59-553; Filed, Jan. 20, 1959; 8:50 a.m.]

Chapter XVIII—United States Court of Military Appeals

DELETION OF CHAPTER

Chapter XVIII of Title 32 is hereby deleted from the Code of Federal Regulations.

Dated: January 16, 1959.

For the Court.

ALFRED C. PROULX, *Clerk of the Court.*

[F.R. Doc. 59-552; Filed, Jan. 20, 1959; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

[Circular 2011]

PART 232—DESERT-LAND ENTRIES

Economic Unit Requirements

Correction

In F.R. Document 59-358, appearing in the issue for Thursday, January 15, 1959, on page 363, the bracket heading which was omitted should read as set forth above.

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1779]

[BLM 046240]

ARKANSAS

Withdrawing Public Lands in Ozark National Forest for Use of Forest Service as Recreation Area

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 Ozark National Forest in Arkansas 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, for a recreation area:

FIFTH PRINCIPAL MERIDIAN

OZARK NATIONAL FOREST

Devil's Den State Park Recreation Area

T. 13 N., R. 31 W.,
Sec. 25, NW¼NW¼;
Sec. 26, NE¼.

The areas described aggregate 200 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.

JANUARY 15, 1959.

[F.R. Doc. 59-520; Filed, Jan. 20, 1959; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12295; Rules Amdt. 16-37]

PART 16—LAND TRANSPORTATION RADIO SERVICES

Change of Effective Date of Certain Narrow-Band Technical Standards

The Commission having under consideration the Second Report and Order in the above-entitled matter (FCC 58-1217) released December 19, 1958; and

It appearing that under the terms of the subject Second Report and Order, Parts 10, 11 and 16 of the Commission's rules were amended as set forth therein, the formal codification of such changes to be accomplished by subsequent order of the Commission; and

It further appearing that the formal codification of the changes herein ordered to Part 16 of the Commission's rules conforms without any substantive change to the provisions already stated in the text of the Commission's Second Report and Order above-described, and is, therefore editorial in nature, requiring no further public notice of rule making thereon; and

It further appearing that the amendments to Part 16 ordered herein should be made effective on the date specified in the Second Report and Order; and

It further appearing that authority for the amendments herein ordered is contained in section 4(i) and 303 of the Communications Act of 1934 as amended, and section 0.341 of the Commission's Statement of Delegation of Authority;

It is ordered, This 15th day of January 1959, that effective February 1, 1959, Part 16 of the Commission's rules, Land Transportation Radio Services, is amended as set forth below.

Released: January 16, 1959.

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

1. Amend paragraph (c) of § 16.102, preceding the table of frequency tolerances, to read as follows:

(c) In lieu of meeting the requirements of paragraph (a) of this section for the frequency bands shown below, transmitters of stations authorized prior to November 1, 1963, for operation wholly within the limits of one or more of the territories or possessions of the United States or the State of Alaska, and transmitters operationally integrated with existing radiocommunication systems authorized prior to August 1, 1958, for operation in areas other than those indicated above, may conform to the following frequency tolerances until not later than October 31, 1963: *Provided*, That in areas other than the territories or possessions of the United States or the State of Alaska, either (1) the operation takes place on frequencies which were specifically assigned to stations of the respective systems prior to August 1, 1958 or (2) the operation takes place on frequencies which are directly substituted for specific frequencies in the same frequency range which were assigned to stations of the respective systems prior to August 1, 1958, and which are no longer available for assignment to the station or stations involved:

2. Amend subparagraphs (3) and (4) of § 16.104(b) to read as follows:

(3) In lieu of meeting the requirements of subparagraph (2) of this paragraph, transmitters authorized prior to November 1, 1963, to utilize type F3 emission for operation wholly within the limits of one or more of the territories or possessions of the United States or the State of Alaska on frequencies within the ranges 25–50 Mc and 152–162 Mc, and transmitters operationally integrated with existing radiocommunication systems authorized prior to August 1, 1958, to utilize type F3 emission for operation in areas other than those indicated above on frequencies within the range 25–42 Mc, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc until not later than October 31, 1963: *Provided*, That in areas other than the territories or possessions of the United States or the State of Alaska, the operation takes place on frequencies which were specifically assigned to stations of the respective systems prior to August 1, 1958. (Note special conditions contained in § 16.503(e).)

(4) In lieu of fully meeting the requirements of subparagraph (2) of this paragraph, transmitters of stations in areas other than the territories or possessions of the United States or the State of Alaska which are operationally integrated with existing radiocommunication systems authorized prior to August 1, 1958, to utilize type F3 emission and to operate on frequencies within the range 42–50 Mc or 152–162 Mc may be operated with any resultant bandwidth not exceeding 40 kc but limited to a maximum frequency deviation of 5 kc until not later than October 31, 1963, provided either (i) that the operation takes place on frequencies which were specifically assigned to stations of the respective systems prior to August 1, 1958, or (ii) that the operation takes place on frequencies which are directly substituted for specific frequencies in the same frequency range which were assigned to stations of the respective systems prior to August 1, 1958, and which are no longer available for assignment to the station or stations involved.

3. Amend paragraph (d) of § 16.105 to read as follows:

(d) Each transmitter which is operated on a frequency in the range 25 to 50 Mc, or in the range 152 to 162 Mc, and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low-pass filter in accordance with the provisions of paragraph (g) of this section: *Provided*, That this requirement shall not apply until November 1, 1963, to transmitters of stations operated wholly within the limits of one or more of the territories or possessions of the United States or the State of Alaska; and in addition this requirement shall not apply until November 1, 1963, to transmitters which are operationally integrated with existing radiocommunications systems which were authorized prior to August 1, 1958, in those cases where either (1) the operation takes place on frequencies which were specifically assigned to stations of the respective systems prior to August 1, 1958, or (2) the operation takes place on frequencies which are directly substituted for specific frequencies in the same frequency range which were assigned to stations of the respective systems prior to August 1, 1958, and which are no longer available for assignment to the station or stations involved.

4. Amend paragraph (e) of § 16.503 to read as follows:

(e) Persons authorized prior to April 1, 1958, to operate in the Automobile Emergency Radio Service on either the frequency 35.70 Mc or 35.98 Mc may continue to operate on such frequency until March 31, 1963: *Provided*, That the deviation of all frequency modulated transmitters of such stations shall be limited to ±5 kc. During this period

such persons may modify, renew, reinstate, or assign their licenses in those cases where such assignment accompanies a change of ownership of the licensee's business to the assignee; however, they will not be authorized to expand their facilities by the addition of new base or fixed stations.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154)

[F.R. Doc. 59-559; Filed, Jan. 20, 1959; 8:52 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 174]

PART 91—INSPECTION

Rules and Instructions for Inspection and Testing of Locomotives Other Than Steam

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 8th day of January A.D., 1959.

The matter of interpretation of certain rules and instructions prescribed by the order of March 4, 1958, in the above-entitled proceeding being under consideration, and

It appearing, that a notice of proposed rule making, setting forth certain proposed interpretations of §§ 91.201(c) and (d), 91.204(b), 91.205(f), 91.211(d), 91.220, 91.226(a), 91.229(f) and (g), 91.247(a), 91.225(b), and 91.323(b) of the said rules and instructions, was published in the FEDERAL REGISTER on September 20, 1958 (23 F.R. 7354), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said interpretations; that written views or arguments were submitted to the Commission by the Association of American Railroads, with respect to the interpretation of § 91.229(g); by the Seaboard Air Line Railroad Company with respect to the interpretation of § 91.229(f); and by the Lehigh Valley Railroad Company with respect to §§ 91.204(b), 91.205(f), and 91.255(b) requesting that compliance with the provisions of such sections insofar as they apply to the equipment of said carrier, be extended until December 31, 1959, January 1, 1960, and January 1, 1960, respectively;

And it appearing, that the order of November 26, 1958, entered in this proceeding having postponed the compliance date of §§ 91.204(b) and 91.255(b), there is left for consideration in the said request of the Lehigh Valley Railroad Company only the extension of the compliance date of § 91.205(f);

And it further appearing, that said views and arguments with respect to the proposed interpretations are such as to warrant revision at this time of § 91.229 (g), and that in all other respects the proposed interpretations set forth in the above-referred to notice of proposed rule making are deemed justified and necessary:

It is ordered, That the aforesaid interpretations set forth in the above-referred to notice of proposed rule making be, and they are hereby, amended and revised in the manner and to the extent set forth herein as follows:

Subpart C—Other Than Steam Locomotives and Appurtenances

§ 91.201 Locomotive Unit.

* * * * *

(c) *Control of units.* When locomotive units are coupled in multiple control all parts and components of each unit capable of providing power for propulsion or supplying the retarding effect which will enable the enginemen to control the speed or stop the locomotive or train, shall respond to control from the enginemen's compartment of the controlling unit.

Interpretation: On locomotive units coupled in multiple control, the parts and components capable of producing power to propel the locomotive or train, the air brakes capable of retarding or stopping the locomotive or train, and the sanders, shall respond to control from the operating compartment.

(d) *Slipping or sliding wheel alarms.* Means shall be provided whereby alarms and indications of either slipping or sliding driving wheels on any unit in a locomotive used in road service will be shown in the enginemen's compartment of the controlling unit.

Interpretation: This rule does not require both an audible alarm, and a visible indication, but does require that either the one, or the other, must be provided.

The requirements of the rule are satisfied by a device which shows when either slipping or sliding occurs, even though not distinguishing between the one and the other.

BRAKE EQUIPMENT; AIR BRAKES

§ 91.204 Brake pipe valve.

* * * * *

(b) Each road locomotive unit propelled by power other than steam built on or after January 1, 1957, shall be equipped with a brake pipe valve which is accessible to the fireman when stationed in his usual position in the enginemen's compartment. On car body type units a brake pipe valve shall be attached to the wall adjacent to each end exit door. The words "Emergency Brake Valve" shall be legibly stenciled near each brake pipe valve or shall be shown on a badge plate adjacent thereto. Each road locomotive unit propelled by power other than steam built before January 1, 1957, shall be so equipped the first time said unit receives heavy repairs after January 1, 1957, but not later than December 31, 1958.

Interpretation: The requirement for "a brake-pipe valve accessible to the fireman when stationed in his usual position" is complied with by installing at or adjacent to the fireman's position any type of valve which will bring about an emergency brake application.

The emergency valve at the hostler control station near the end of a unit meets the requirement of this rule if it can be operated from a position adjacent to the exit door at that end.

§ 91.205 Main reservoir system.

* * * * *

(f) *Prevention of oil passage.* Each air brake system shall by June 1, 1959, be provided with a device in the air compressor discharge line which will effectively restrict passage of oil throughout the system. Such device shall be kept clean and drained before each trip or day's work.

Interpretation: If the devices presently installed effectively restrict the passage of oil throughout the air brake system, additional devices will not be required.

§ 91.211 Leakage.

* * * * *

(d) *Control reservoir.* Leakage from control air reservoir, related piping, and pneumatically operated controls shall not exceed an average of 3 pounds per minute in a test of 3 minutes duration.

Interpretation: While no specific procedure is prescribed in order to determine compliance with this rule, the following is recommended: (1) The control-air system should be fully charged; (2) the pressure in the main reservoir should be reduced below the standard control-air pressure, unless a side-vented cock venting to the atmosphere the line between the cock and the check valve is used; (3) the throttle should be placed in number one position, the reverser in either forward or reverse position, and on units so equipped the transition lever placed in number one position, and these should be kept in such positions throughout the test; and (b) the leakage as read on the control air gauge should be checked for 3 minutes.

RUNNING GEAR

§ 91.220 Lateral motion.

The total uncontrolled lateral motion between the hubs of the wheels and boxes, between boxes and pedestals or both, on any pair of wheels shall not exceed the following limits: Truck wheels, 1 inch; driving wheels, more than one pair of wheels, ¾ inch. These limits may be increased if upon application to the director his investigation shows that conditions require additional lateral motion. The lateral motion shall in all cases be kept within such limits that the driving wheels, rods, crank pins, or armatures will not interfere with other parts of the locomotive.

Interpretation: The "total uncontrolled lateral motion" referred to in this rule means the lateral motion provided for in the design of the parts, plus any additional lateral motion due to wear.

WHEELS

§ 91.226 Wheels.

(a) *Tight on axle.* (1) Wheels shall be securely pressed on axles except wheels and axles of special design and construction where other proper and safe means are provided for holding the wheels on the axles. Prick punching, shimming wheel fit, or pins driven in ends of axles will not be permitted.

(2) Mill scale shall be removed from plate and entire wheel then inspected before application to axle. Wheels shall be kept free from accumulations of oil, grease, or other material that could conceal cracks or other defects.

Interpretation: The first sentence of the second paragraph of this rule requires that wheels mounted on axles on and after the effective date of the rule shall have mill scale removed before application.

The second sentence of the second paragraph is not intended to impose unreasonable requirements, but is construed to mean that wheels shall be kept reasonably clean, so as to permit detection of cracks and other defects in the course of normal inspection.

CABS, CAB APRONS, PILOTS

§ 91.229 Cab and aprons.

* * * * *

(f) *Heating.* (1) Enginemen's compartments shall be provided with heating arrangements that will maintain therein a temperature of not less than 50° F. Temperature shall be taken at substantially the center of compartment under normal winter weather conditions, under the running conditions of the locomotive, with doors and windows closed.

(2) Operating cabs or compartments shall be provided with proper ventilation.

Interpretation: The concluding sentence of this rule means that, regardless of adjustments of doors and windows, further ventilation shall be supplied to cabs by means of additional openings, located as required.

(g) *Passage between units.* Safe and suitable means shall be provided for passage between units with open-end platforms.

Interpretation: This rule applies to similar units coupled in multiple control and operated in road service. By the term "open end platform" is meant units with platforms not protected their full width by a continuous barrier and which permit an open passageway between the platforms of two similar units coupled together. No passageway will be required through the nose-end of car-body type units similar in design to present diesel-electric "A" type units.

ELECTRICAL EQUIPMENT

§ 91.247 Jumpers; cable connections.

(a) *General precautions.* Jumpers or cable connections between locomotives or units shall be so located and guarded to prevent unnecessary peril, and shall not be allowed to hang with one end free.

Interpretation: The requirements of this rule relating to the location and guarding of jumpers and cable connections are satisfied by installing a device which will support the cable at a sufficient height to provide reasonable clearance.

INTERNAL COMBUSTION EQUIPMENT

§ 91.255 Fuel tanks and piping; safety cut-out valve.

* * * * *

(b) A safety cut-out valve shall be provided in the fuel line adjacent to the supply tank, or in other safe location, which will automatically close when tripped. The cut-out valves shall be designed for hand operation from both outer sides of the unit and from inside of the enginemen's compartment. Operating handle locations shall be designated. Means shall be provided so that cut-out valves may be reset without hazard.

Interpretation: The requirements of the last sentence of this rule are satisfied if the cut-out valves may be reset without the necessity for employee getting under the locomotive.

BOILERS USED WITH LOCOMOTIVES OTHER THAN STEAM

§ 91.323 Fuel tanks and piping.

* * * * *

(b) *Safety cut-out valve.* A safety cut-out valve shall be provided in the fuel line adjacent to the supply tank, or in other safe location, which will automatically close when tripped. The cut-out valves shall be designed for hand operation from both outer sides of the unit and from inside of the enginemen's compartment. Operating handle locations shall be designated. Means shall be provided so that cut-out valves may be reset without hazard.

Interpretation: The requirements of the last sentence of this rule are satisfied if the cut-out valves may be reset without the necessity for employee getting under the locomotive.

It is further ordered, That the order entered in this proceeding on March 4, 1958, which prescribes new Rules and Instructions for Inspection and Testing of Locomotives Other than Steam effective January 1, 1959, as amended, insofar as the provisions of § 91.205(f) therein apply to the equipment of the Lehigh Valley Railroad Company be, and it is hereby modified by postponing the compliance date to January 1, 1960;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Federal Register Division.

(Sec. 5, 36 Stat. 914, as amended. 45 U.S.C. 28. Interpret or apply sec. 2, 36 Stat. 913, as amended; 45 U.S.C. 23)

By the Commission, Division 3.

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

[F.R. Doc. 59-532; Filed, Jan. 20, 1959; 8:47 a.m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Railroad Annual Report Form A

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 2d day of January A.D. 1959.

It appearing, that the matter of annual reports of line-haul and switching and terminal railroad companies of class I being under further consideration, and the changes to be effectuated by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That the order of December 27, 1957, in the matter of Railroad Annual Report Form A, be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1958, and subsequent years, to read as shown below.

It is further ordered, That § 120.11, be, and it is hereby, modified and amended to read as follows:

§ 120.11 Form prescribed for class I railroads.

Commencing with the year ended December 31, 1958, and for subsequent years thereafter, until further order, all line-haul and switching and terminal railroad companies of class I, as described in § 126.1 of this chapter, viz., all carriers with average annual operating revenues of $3,000,000 or more, subject to the provisions of section 20, part 1 of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form A, which is attached hereto and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

And it is further ordered, That copies of this order and of Annual Report Form A shall be served on all line-haul and switching and terminal railroad companies of Class I, subject to the provisions of section 20, part I, of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad company, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Federal Register Division.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933, 49 U.S.C. 12, 904. Interpret or apply section 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U.S.C. 20, 913)

By the Commission, Division 2.

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

[F.R. Doc. 59-530; Filed, Jan. 20, 1959; 8:47 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 205—REPORTS OF MOTOR CARRIERS

Motor Carrier Annual Report Form B; Class II Carriers of Property

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 8th day of January A.D. 1959.

It appearing, that the matter of annual reports from Class II motor carriers of property being under further consideration, and the changes to be effectuated by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.1a of the order of December 23, 1957, in the matter of Motor Carrier Annual Report Form B, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1958, and subsequent years, to read as shown below.

[1] Filed as part of the original document.

It is further ordered, That § 205.1a be modified and amended to read as follows:

§ 205.1a Annual reports of Class II carriers of property.

Commencing with the year ended December 31, 1958, and for subsequent years thereafter, until further order, all Class II motor carriers of property as described in the order of September 27, 1956, in the matter of Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, § 182.01–1 of this chapter, viz., carriers with average annual gross operating revenues (including interstate and intrastate) of $200,000 but less than $1,000,000 from property motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form B (Property), which is attached to and made a part of this section.[1] Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

And it is further ordered, That a copy of this order and of Motor Carrier Annual Report Form B (Property) shall be served on all Class II motor carriers of property subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D.C., and by filing a copy thereof with the Director, Federal Register Division.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply 49 Stat. 563, as amended; 49 U.S.C. 320)

By the Commission, Division 2.

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

[F.R. Doc. 59–531; Filed, Jan. 20, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 121]

ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, AND SALE OF CERTAIN INDIAN LANDS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 161 of the Revised Statutes (5 U.S.C. 22), it is proposed to amend certain sections of Part 121, Title 25 of the Code of Federal Regulations, to read as set forth below. In the main, these amendments consist of the realignment of material under the subheading "Sales" to present a more logical sequence; the deletion of material regarded as advisory rather than regulatory in nature; and the addition of certain material which more fully encompasses the authorities found in the statutes.

These proposed amendments relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

JANUARY 14, 1959.

1. Section 121.2(a) is amended to read as follows:

§ 121.2 Issuance of patents in fee.

(a) The Secretary of the Interior may, in his discretion, and pursuant to the Acts of February 8, 1887, as amended (24 Stat. 388, as amended; 25 U.S.C. 349); June 25, 1910, as amended (36 Stat. 855, as amended; 25 U.S.C. 372); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483), and pursuant to other authorizing Acts, issue patents in fee to Indians applying therefor in accordance with § 121.1. A patent in fee will not be issued pursuant to this paragraph unless it appears that the applicant is competent and capable of managing his or her own affairs. At the time of the issuance of a patent in fee, an inventory of the estate covered thereby shall be delivered to the patentee. If an application is denied, the applicant shall be so notified in writing.

2. The heading "Method of Sales" is deleted and §§ 121.9 to 121.31 are consolidated into 15 sections under the heading "Sales and Exchanges of Individually Owned Trust or Restricted Land, Exclusive of Five Civilized Tribes Land," to read as follows:

§ 121.9 Authority.

(a) Pursuant to the Acts of May 27, 1902 (32 Stat. 275; 25 U.S.C. 379); March 1, 1907 (34 Stat. 1018; 25 U.S.C. 405); May 29, 1908 (35 Stat. 444; 25 U.S.C. 404); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483), and pursuant to other authorizing acts, the following classes of land may be sold or exchanged by the Indian owner(s) with the approval of the Secretary of the Interior:

(1) Allotted land, and devised and inherited interests therein;

(2) Land acquired by purchase, exchange or gift, and devised and inherited interests therein, held under an instrument of conveyance which recites either that title is in the United States in trust for the Indian or that the land shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, the Secretary of the Interior, or other official of the Federal Government.

(b) Pursuant to the Act of June 25, 1910 (36 Stat. 855; 25 U.S.C. 372), as amended, in certain circumstances the Secretary of the Interior or his duly authorized representative may sell interests in trust allotments acquired by Indians through inheritance or devise.

§ 121.10 Statutory prohibitions.

The conveyance of Indian lands or of any interest therein, and inducing the execution of documents purporting to effect such conveyances without approval by a duly authorized officer of the Federal Government, is prohibited by statute. Such conveyances are null and void and criminal penalties may be incurred. See the Acts of February 8, 1887, sec. 5 (24 Stat. 389, as amended; 25 U.S.C. 348), and June 25, 1910, sec. 5 (36 Stat. 857; 25 U.S.C. 202), which are of general applicability.

§ 121.11 Petition for sale.

Petitions for the sale of trust or restricted land shall be filed on approved forms with the Superintendent or other officer in charge of the Indian Agency or other local facility having administrative jurisdiction over the land. Sales will be authorized only if, after careful examination of the circumstances in each case, a sale appears to be clearly justified in the light of the long range best interests of the owner(s). Written notice of the approval of petitions for sale of land shall be given to the tribe occupying the reservation where the land is located a sufficient time in advance of public advertising to reasonably enable the tribal authorities to consider the possibility of tribal interest in the land being sold.

§ 121.12 Appraisal.

Prior to making or approving a sale, exchange, or gift of trust or restricted land, an appraisal shall be made indicating the fair market value of such land. If the highest bid received at an advertised sale is less than the exact appraised value, the bid may be accepted with the consent of the owner(s) if the bid price is not inconsistent with the appraised value.

§ 121.13 Advertisement.

Upon approval of an application for an advertised sale, notice of the sale will be published not less than 30 days prior

[1] Filed as part of the original document.

to the date fixed for the sale, unless a shorter period is authorized. Notice of sale will state the terms, conditions, and method of sale; and will include the date, hour, and place of sale; description of the tract or tracts; a list of all reservations to which title will be subject; where and how bids shall be submitted; and a statement warning all bidders against violation of the provisions of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders. With the consent of the owner(s), the notice may afford to the tribe, to members of such tribe, or to any reasonably defined class of Indians, a right to meet the high bid.

§ 121.14 Bids.

Advertised sales may be made under sealed bid or under sealed bid followed by an oral auction. The notice of sale (§ 121.13) shall state the method of bidding. Sealed bids may be submitted either by mail or personally by the principal or an agent, and in either event, will be considered only if received by the officer in charge prior to the hour fixed for the sale. Sealed bids must be enclosed in a sealed envelope, and must be accompanied by a certified check, cashier's check, or money order, payable to the Bureau of Indian Affairs, for not less than 10 percent of the amount of the bid. The sealed envelope must be marked as prescribed in the notice of sale. The sealed envelopes will be publicly opened by the officer in charge only at the time fixed for the sale. The bids will be announced and will be appropriately recorded. The advertisement will provide for an oral auction to follow the opening of sealed bids in all cases in which a preference right to meet the high bid has not been granted to a tribe seeking such a right. The auction will be held provided one or more acceptable sealed bids are received. The auction shall be limited to bidders who, in their sealed bids, offer 75 percent or more of the appraised value of the land and who increase the total of their deposit to not less than 10 percent of the highest sealed bid. At the conclusion of the auction, the highest bidder shall be required to increase his deposit to not less than 10 percent of the amount of his bid.

§ 121.15 Action at close of bidding.

The officer in charge of the sale shall publicly announce the highest bid, and the deposit submitted by the unsuccessful bidders shall be returned immediately to them. The deposit submitted by the successful bidder shall be held in special deposits. The awarding of bid shall be made by the Area Director, who shall appropriately notify the successful bidder and require the deposit of the remainder of the purchase price within 30 days from the date of notification. Upon a showing of cause, the Area Director may, in his discretion, extend the time for payment of the balance due. The issuance of patent or approval of deed to the purchaser will not be authorized until the balance has been paid. If the remainder of the bid is not paid within the time allowed, the bid will be rejected and the bidder's deposit will be forfeited to the use of the owner(s) of the land.

§ 121.16 Rejection of bids; disapproval of sale.

The officer in charge of the sale shall have the right to reject any and all bids prior to award. The Secretary of the Interior reserves the right to reject any bid at any time prior to the issuance of patent or approval of deed, when he shall have determined such action to be in the best interests of the Indian owner(s).

§ 121.17 Bidding by employees.

Except as authorized by the provisions of § 251.5 of this chapter, no employee of the Bureau of Indian Affairs shall directly or indirectly bid, or make or prepare any bid, or assist any bidder in preparing his bid. Sales between Indians, either of whom is an employee of the United States Government, are governed by the provisions of § 251.5 of this chapter.

§ 121.18 Negotiated sales.

(a) The following types of conveyances may be negotiated: (1) A sale to another Indian, an Indian tribe, or a conveyance to a member of the Indian's immediate family pursuant to the provisions of paragraph (b) of this section; (2) the United States or an agency thereof, or a state or local government or agency thereof, or such other sale as may be for a public purpose; (3) a sale to a non-Indian when the Secretary determines that it is impractical to advertise; (4) an exchange; (5) temporary easements for rights of way not to exceed fifty years. Except as provided in paragraphs (b) and (c) of this section, the consideration for a negotiated sale shall be not less than the appraised value of the land. The consideration for an exchange shall be either land, or a combination of land and money or other thing of value, the fair market value of which is not less than the appraised value of the trust or restricted land.

(b) An Indian owner of trust or restricted land may, with the approval of the Secretary, convey land to a member of his or her immediate family for a consideration less than that prescribed in paragraph (a) of this section, or for no consideration. For purposes of this section, immediate family is defined as the Indian's spouse, brothers and sisters, lineal ancestors of Indian blood, and lineal descendants.

(c) Indian owners of trust or restricted land may, with the approval of the Secretary, convey land to any Indian who is a co-owner of the land for a consideration less than that prescribed in paragraph (a) of this section, or for no consideration. If more than one of the Indian co-owners wish to buy the land, and if the owners agree, all such co-owners interested will submit sealed bids. With the consent of the owners, the award will be made to the highest such bidder.

§ 121.19 Deferred payment sales.

When the Indian owner and purchaser desire, a sale may be made or approved on the deferred payment plan. If the purchaser, whether Indian or non-Indian, is to take title in a nontrust and unrestricted status, the purchaser shall pay not less than 25 percent of the purchase price in advance, and shall execute notes on Form 5–110g for the balance payable in three equal payments on or before 1, 2, and 3 years after date. If the purchaser is an individual Indian or Indian tribe, and if the purchaser is to take title in a trust or restricted status, the purchaser shall pay not less than 10 percent of the purchase price in advance; terms for the payment of the remaining installments are within the discretion of the Secretary of the Interior. If the purchaser on any deferred payment plan makes default in the first or subsequent payments, all payments, including interest, previously made will be forfeited to the Indian owner.

§ 121.20 Cost of conveyances; payment.

Purchasers shall pay all costs of conveyancing and, in addition, the following sums, to wit: If the purchase price is $1,000 or less, $1.50. If it be more than $1,000 and not more than $2,000, $2. If the purchase price is more than $2,000, $2.50. Such fees should not be included in checks covering payment for the land, but collected separately and deposited to the credit of the United States as general fund receipts.

(Sec. 1, 41 Stat. 415, as amended; 25 U.S.C. 413)

§ 121.21 Additional sale fee required.

In all cases involving the sale of restricted allotted Indian lands, either on a cash basis or on deferred payments, the purchasers will be required to deposit with the superintendent, in addition to the consideration for the land and fee provided for in § 121.20, the sum of $20, such amount to be paid when the purchaser is notified that he is the successful bidder. This fee is collected for the purpose of paying for the work incident to the sale as required by the Act of February 14, 1920, as amended by the Act of March 1, 1933 (47 Stat. 1417; 25 U.S.C. 413). The fee may be reduced to a lesser amount than $20 or to a nominal amount if the circumstances justify such reduction in the discretion of the Secretary of the Interior. The sales fee, if conditions warrant, may be deducted from the proceeds of sale.

(Sec. 1, 41 Stat. 415, as amended; 25 U.S.C. 413)

§ 121.22 Irrigation fees; payment.

In sales involving irrigable land, the purchaser will be required to pay the proportionate per acre construction cost of the particular project to be assessed against the land. Payments made by the Indian owner prior to July 1, 1932, shall be taken into consideration in fixing the appraisements of the land. All appraisements covering irrigable land will be submitted to the supervising or project engineer of the district in which such land is situated for his approval. Purchasers will be required to pay, in addition to the per acre construction cost, the annual operation and maintenance charges assessed against the land which will be based on the annual cost of

the operation of the system. All such charges, remaining unpaid as of the date of the acceptance of the bid, must be paid by the purchaser. In all cases purchasers will be required to enter into an agreement for the payment of all such charges. A lien clause covering the cost of all irrigation charges, past and future, will be inserted in the patent or other instrument issued to the purchaser.

CROSS REFERENCES: For regulations pertaining to construction costs, see Parts 211, 214, 215 of this chapter. For additional regulations pertaining to the payment of fees and charges in connection with the sale of irrigable lands, see Parts 128, 129, and § 211.4 of this chapter.

§ 121.23 Preference right to purchase lands in Oklahoma.

In the case of any sale of restricted Indian land at public auction or by sealed bids in Oklahoma, except in the case of the Osage Reservation, the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501–509), provides in part that whenever any restricted Indian land or interests in land other than sales or leases of oil, gas, or other minerals therein, are offered for sale, pursuant to the terms of this or any other Act of Congress, the Secretary of the Interior shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians of the same or any other tribe, at a fair valuation to be fixed by the appraisement satisfactory to the Indian owner(s), or if offered for sale at auction, said Secretary shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians by meeting the highest bid otherwise offered therefor. Such preference right to purchase is placed in the Secretary of the Interior under the Act and is recognized as remaining in full force and effect until released by said Secretary or his authorized representative through endorsement on deeds of conveyance or in an appropriate order, the form of which is Preference right of purchase resting in the Secretary of the Interior under section 2 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C., Sup. 502), is hereby waived as to the lands herein described.

(Sec. 9, 49 Stat. 1968; 25 U.S.C. 509)

3. A new § 121.33 is added under the heading "Removal of Restrictions and Sale of Lands, Five Civilized Tribes and Reinvestment of Funds in Nontaxable Lands," to read as follows:

§ 121.33 Applicability of other sections.

Sections 121.18(a)(5) and 121.23 are applicable to the Five Civilized Tribes.

[F.R. Doc. 59–519; Filed, Jan. 20, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 321, Arizona]

ARIZONA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

JANUARY 12, 1959.

1. Pursuant to authority delegated by BLM Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended, notice is hereby given that the plat of survey accepted October 7, 1958, of T. 10 N., R. 15 W., G&SRM, Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a.m., on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 10 N., R. 15 W.,
Sec. 12, Lots 1, 2, 3, 4, W½E½, W½.

The area described aggregates 626.60 acres.

2. The above land is open to application, location, selection, and petition as outlined below. No application for this land will be allowed under the Homestead, Desert Land, Small Tract or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until they have been classified.

3. Available data indicates the land is rough, and the soil is sandy and rocky.

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

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

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

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and 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 February 17, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m., on May 19, 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 May 19, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans' preference rights under Paragraph 6(a)(2), above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their 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.

THOS. F. BRITT,
Manager.

[F.R. Doc. 59–521; Filed, Jan. 20, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BEEBE COMMUNITY 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.

Beebe Community Auction, Beebe, Ark.
Bradley County Auction, Hermitage, Ark.
Brown & Lewis Auction Sale, Conway, Ark.
Camden Stockyards, Camden, Ark.
Corning Sales Co., Corning, Ark.
DeWitt Auction, DeWitt, Ark.
Drew County Auction Sale, Monticello, Ark.
Ed Darnell & Sons Commission Co., West Helena, Ark.
Farmers Auction Co., Marianna, Ark.
Farmers Auction Co., Stuttgart, Ark.
Flippin Sales Co., Inc., Flippin, Ark.
Fordyce Auction Sale, Fordyce, Ark.
Izard County Sales Co., Melbourne, Ark.
Kelly & Holmes Auction Sale, Heber Springs, Ark.
Marked Tree Auction Sale, Marked Tree, Ark.
McGehee Livestock Auction, McGehee, Ark.
Mountain Home Livestock Auction, Mountain Home, Ark.

Newport Livestock Auction, Newport, Ark.
Randolph County Sales Co., Pocahontas, Ark.
Roy R. Chaney's Auction Sale, Morrilton, Ark.
Searcy County Auction Co., Marshall, Ark.
Stone County Auction Co., Mountain View, Ark.
Van Buren County Auction, Clinton, Ark.
White County Commission Co., Inc., Searcy, Ark.
Yellville Sale Barn, Yellville, Ark.
Kentwood Stockyard, Kentwood, La.
Hamilton Livestock Auction, Hamilton, Mont.
Buck Turner's Livestock Sales, Henderson, Tex.
Clarksville Auction Co., Clarksville, Tex.
Groveton Livestock Commission Co., Groveton, Tex.
Kirbyville Auction Barn, Kirbyville, Tex.
Lufkin Livestock Exchange, Lufkin, Tex.
Marshall-Longview Livestock Auction Inc., Marshall, Tex.
Palestine Livestock Auction, Palestine, Tex.
Runnels County Auction Co., Ballinger, Tex.
San Augustine Live Stock Auction Co., San Augustine, Tex.
Woodville Livestock Commission Co., Woodville, Tex.

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 15th day of January 1959.

[SEAL] LEE D. SINCLAIR,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-525; Filed, Jan. 20, 1959; 8:46 a.m.]

[P. & S. Docket No. 1211]

ST. PAUL UNION STOCKYARDS CO.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on December 30, 1957 (16 A.D. 1240), authorizing the respondent, St. Paul Union Stockyards Company, South St. Paul, Minnesota, to assess the current schedule of rates and charges to and including December 31, 1959, unless modified or extended before that date.

On January 20, 1958, a petition was filed on behalf of the respondent requesting substantial modifications in the current schedule of rates and charges. Notice of the petition was published in the FEDERAL REGISTER on February 5, 1958 (23 F.R. 764). Certain objections to the petition were filed with the Hearing Clerk and an administrative hearing began on June 9, 1958, with respect to the petition. Such hearing is still in progress.

On January 9, 1959, an additional petition was filed on behalf of the respondent requesting authority to modify its current schedule of rates and charges as indicated below "at the earliest possible date" and requesting that the current schedule as so modified remain in effect to and including December 31, 1960, unless extended or modified by further order before that date. This petition states that: "The order of modification of rates and charges entered December 30, 1957 was responsive to respondent's petition of November 22, 1957 which sought interim rate relief sufficient only to offset increased operating expenses incurred as a result of a wage settlement effective November 1, 1957 * * *." The petition further states that: "Because respondent's earnings have been below a satisfactory level for some time, a petition was filed January 20, 1958 seeking substantial modification of the outstanding rate orders to enable respondent to earn a fair return upon the value of its stockyard property * * *." The petition filed on January 9, 1959, is based upon estimated changes in the volume of receipts of various species of livestock during the fiscal year ending October 31, 1959, and upon alleged increases in operating expenses for such fiscal year.

The modifications in the current schedule of rates and charges requested in the latest petition are as follows:

ITEM 1—YARDAGE

[Per head]

	Present charges	Proposed charges
Cattle (Except bulls 700 lbs. or over)	$1.05	$1.15
Bulls (700 lbs. or over)	1.60	1.70
Calves (See Note)	.61	.62
Hogs	.35	.38
Sheep	.20	.21
Horses and Mules	.96	1.15
Colts	.58	.62

ITEM 2—RESALES OR REWEIGHS

[Charges per head]

	Col. 1 [1]		Col. 2 [2]		Col. 3 [3]	
	Pres.	Prop.	Pres.	Prop.	Pres.	Prop.
Cattle (Except bulls 700 lbs. or over)	$0.96	$1.15				
Bulls (700 lbs. or over)	1.50	1.70				
Cattle (including bulls)			$0.30	$0.33	$0.13	$0.15
Calves (see note)	.58	.62	.18	.20	.08	.10
Hogs	.33	.38	.09	.10	.06	.07
Sheep	.19	.21	.05	.06	.03	.03

[1] Column 1: On resales in the commission division.
[2] Column 2: On reweighs and/or resales by dealers to buyers on the market (other than resales by a commission firm). When livestock is purchased by a stocker and feeder dealer from another stocker and feeder dealer for the purpose of filling out a shipment sold to be shipped off the market, the charges prescribed in Column 3 shall be applicable to both resales if the livestock is not reweighed.
[3] Column 3: On reweighs and/or resales for shipment from these yards (off the market—other than resales by commission firm).

ITEM 3—DIRECT DELIVERY

[Per head]

	Present charges	Proposed charges
Cattle (except bulls 700 lbs. or over)	$0.53	$0.58
Bulls (700 lbs. or over)	.80	.85
Calves (see note)	.31	.31
Hogs	.18	.19
Sheep	.10	.11

ITEM 4-B—TRANSIT

[Per head]

	Present charges	Proposed charges
Cattle (except bulls lbs. or over)	$0.32	$0.35
Bulls (700 lbs. or over)	.54	.58
Calves (see note)	.21	.22
Hogs	.11	.12
Sheep	.07	.08
Horses	.32	.35

ITEM 4-C—TRANSIT

[Per head]

	Present charges	Proposed charges
Cattle (except bulls 700 lbs. or over)	$0.48	$0.58
Bulls (700 lbs. or over)	.75	.85
Calves (see note)	.29	.32
Hogs	.17	.18
Sheep or goats	.10	.11

NOTE: Present charges apply on calves 300 lbs. or under; proposed charges will apply on calves under 400 lbs.

The modifications sought by the petition filed on January 9, 1959, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 15th day of January 1959.

[SEAL] LEE D. SINCLAIR,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-567; Filed, Jan. 20, 1959; 8:53 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 849]

GULF AND SOUTH ATLANTIC HAVANA STEAMSHIP CONFERENCE

Agreement and Practices Pertaining to Freighting Agreement; Notice of Investigation and of Hearing

On January 12, 1959, the Federal Maritime Board entered the following order:

Whereas, Compania Naviera Cubamar, S.A., Lykes Bros. Steamship Co., Inc., Ward-Garcia, S.A., Standard Fruit and Steamship Company, United Fruit Company, and West India Fruit and Steamship Co., Inc., are parties to a certain Agreement No. FMB 4188 approved by the Federal Maritime Board pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C.A. 814), and pursuant to that agreement act jointly as the Gulf and South Atlantic Havana Steamship Conference for the purpose of jointly establishing, regulating and maintaining among their membership uniform practices relating to rates and for other purposes, and

Whereas, said Gulf and South Atlantic Havana Steamship Conference adopted and submitted to shippers for acceptance a 1959 Freighting Agreement (No. G-13) providing for the first time for the application of the provisions of such agreement to "That portion of the carriage between Gulf and South Atlantic ports of the United States and the Cuban ports heretoabove described in respect of all cargo originating at or from any inland port or place and moving via or exported by way of any river or inland waterway terminating at, touching, or flowing through any Gulf or South Atlantic port of the United States", and

Whereas, the provision quoted above appears to constitute a new section 15 agreement requiring approval by the Board before being effectuated; and

Whereas, the above-quoted provision may be unjustly discriminatory, unfair, or operate to the detriment of the commerce of the United States within the meaning of section 15 of the Shipping Act, 1916, and may result in violation of sections 14, 16, and 17 of said Act,

Now therefore, pursuant to sections 14, 15, 16, 17 and 22 of the Shipping Act, 1916, as amended, and section 9 of the Administrative Procedure Act,

It is ordered, That the respondents, hereinafter designated, cease and desist from effectuating the above-quoted new provision of their 1959 Freighting Agreement, and

It is further ordered, That the Board, upon its own motion, enter upon an investigation and hearing to determine whether said new provision constitutes a new section 15 agreement and, if so, whether it would be unjustly discriminatory, unfair, or operate to the detriment of the commerce of the United States, within the meaning of the Shipping Act, 1916, or would be in violation of sections 14, 16, or 17 of said Act, and

It is further ordered, That Compania Naviera Cubamar, S.A., Lykes Bros. Steamship Co., Inc., Ward-Garcia, S.A., Standard Fruit and Steamship Company, United Fruit Company, and West India Fruit and Steamship Co., Inc., and the Gulf and South Atlantic Havana Steamship Conference, be, and they are hereby made respondents in this proceeding, and

It is further ordered, That a copy of this order be served upon each of the respondents, and that notice of such order and the hearing herein ordered be published in the FEDERAL REGISTER.

Pursuant to the above order, notice is hereby given that a public hearing in this proceeding will be held before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) of said rules.

Dated: January 16, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-554; Filed, Jan. 20, 1959; 8:50 a.m.]

WEST COAST AMERICAN-FLAG BERTH OPERATORS

Petition for Declaratory Order Regarding Payment of Service Charges on Cargo Moving from the Pacific on "FI" or "FIO" or "Tackle to Tackle" Terms

On December 29, 1958, the Federal Maritime Board entered the following order:

Whereas, eight carriers [1] associated as the West Coast American-Flag Berth Operators on January 24, 1958, filed with the Board a petition for a declaratory order for guidance insofar as the assessment and collection of terminal charges on government cargoes moving "F.I." or "F.I.O." are concerned, and

Whereas, notice of the petition was published in the FEDERAL REGISTER of February 8, 1958 (21 F.R. 857), inviting interested parties to reply within 30 days after publication, and

Whereas, a number of related documents, some supporting and others opposing the petition have been received and considered, and

Whereas, the Board in its report of August 13, 1957, in Docket No. 744, Terminal Rate Structure—Pacific Northwest Ports, has held that "in every case the terminal operator may bill and collect from the vessel," and the Board intended from that language that in all cases where handling and service charges have been earned the terminal operator may bill the vessel for such charges and upon billing, the carrier shall pay the terminal therefor, and

Whereas, the aforementioned report of the Board of August 13, 1957, is determinative of the question raised in the instant petition,

It is ordered, That said petition be, and it hereby is, denied.

Dated: January 16, 1959.

By order of the Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-556; Filed, Jan. 20, 1959; 8:51 a.m.]

[1] American Mail Line, American President Line, Isthmian Line, Pacific Far East Line, Pacific Transport Line, States Steamship Corporation, States Marine Line, Waterman Corporation.

[Docket No. 848]

RUBIN, RUBIN AND RUBIN CORP. ET AL.

Classification of Paper Products; Notice of Investigation and of Hearing

Classification of paper products by Rubin, Rubin and Rubin Corporation, N. N. Serper and Company, and Academy Forwarding Company.

On January 8, 1959, the Federal Maritime Board entered the following order:

Information before the Federal Maritime Board indicates that there is reason to institute an investigation to determine whether the aforementioned companies knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device, obtained or attempted to obtain transportation by water from the United States to Puerto Rico for paper products during 1955 and thereafter, at less than the rates or charges otherwise applicable, in violation of section 16 of the Shipping Act, 1916, as amended (46 U.S.C. 815);

It is ordered, That an investigation be and it is hereby instituted, upon the Board's own motion pursuant to section 22 of said Act, into the lawfulness of such shipments under section 16 of said Act, and that Rubin, Rubin and Rubin Corporation, N. N. Serper and Company, and Academy Forwarding Company be and they are hereby made respondents in this proceeding; and

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER, that copies of this order be served upon said respondents, and that this proceeding be assigned for hearing before an Examiner of the Board at a date and place to be fixed by the Chief Examiner.

Pursuant to the above order, notice is hereby given that a public hearing in this proceeding will be held before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) of said rules.

Dated: January 16, 1959.

By order of the Federal Maritime Board.

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

[F.R. Doc. 59-557; Filed, Jan. 20, 1959; 8:51 a.m.]

AMERICAN PRESIDENT LINES, LTD., ET AL.

Notice of Agreements Filed for Approval

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

(1) Agreement No. 8033-1, between American President Lines, Ltd., and American Mail Line, Ltd., modifies their approved Agreement No. 8033, covering the appointment of American Mail as the agent of American President for the husbanding of vessels and solicitation of commercial cargo, other than refrigerated cargo, in the states of Washington and Oregon. The purpose of the modification is to provide that American Mail will perform additional services of soliciting and booking passengers, automobiles and personal effects for American President in Washington and Oregon and that American President will compensate American Mail as provided therein.

(2) Agreement No. 8360, between the carriers comprising the Swedish Chicago Line and Fjell Line joint services, Ab Finska Nordamerika Linjen (Finlake Line) and Aktiebolaget Svenska Amerika Linien (Swedish American Line), provides for the creation of a conference to be known as the Scandinavia Baltic Great Lakes Westbound Freight Conference, in the trade westbound from ports in Finland, Sweden, Denmark, Norway, Esthonia, Latvia, Lithuania, Poland and Russian Baltic ports to ports of the Great Lakes of the United States and Canada, the St. Lawrence River, Nova Scotia, Newfoundland and New Brunswick.

Interested parties may inspect these agreements 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 either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 16, 1959.

By order of the Federal Maritime Board.

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

[F.R. Doc. 59-558; Filed, Jan. 20, 1959; 8:52 a.m.]

Maritime Administration

TRADE ROUTE NO. 10; U.S. NORTH ATLANTIC/MEDITERRANEAN

Notice of Tentative Conclusions and Determinations Regarding the Essentiality and United States Flag Freight Service Requirements

Notice is hereby given that on January 9, 1959, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag freight service requirements of United States foreign Trade Route No. 10 and in accordance with his action of July 27, 1956, ordered that the following tentative conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 10 as described below is reaffirmed as an essential foreign trade route of the United States:

Trade Route No. 10—U.S. North Atlantic/Mediterranean. Between U.S. North Atlantic ports (Maine-Virginia, inclusive) and ports in the Mediterranean Sea and Black Sea, Portugal, Spain south of Portugal and Morocco (Tangier to southern border of Morocco).

2. Requirements for United States flag freight ship operations on Trade Route No. 10 are 10 to 13 sailings per month of freight vessels serving the route exclusively or predominantly with some additional freight service by other regularly scheduled U.S. flag sailings serving the route in part only.

3. Existing C-3 type freighters are suitable for operation to the full range of Trade Route No. 10 ports pending replacement due to age. C-2 and Victory type ships are considered suitable for short-term service on this route but will require replacement at an early date. Vessels providing primary service on other essential routes and services and supplemental service on Trade Route No. 10 are suitable for operation thereon to the extent they are found suitable on the respective primary routes and services.

4. Replacement freighters for Trade Route No. 10 will need to be superior to present C-3 type ships in speed, provide greater cargo carrying capacity than the majority of C-3 ships now operated primarily on the route, and also provide adequate deep tank and refrigerated capacity for the needs of the trade.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views or request a hearing thereon, should submit same in writing to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D.C., by close of business on February 6, 1959. In the event a hearing is requested, a statement must be included giving the reasons therefor. Any hearing thereby afforded will be before an Examiner on an informal basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: January 16, 1959.

By order of the Maritime Administrator.

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

[F.R. Doc. 59-555; Filed, Jan. 20, 1959; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10098]

NATIONAL-PANAGRA ACCOUNTING INVESTIGATION

Notice of Prehearing Conference

In the matter of the proper reporting under the Uniform System of Accounts of certain flight equipment employed in the National-Panagra Interchange Agreement pertaining to service between New York and Latin America.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on February 3, 1959, at 10:00 a.m., e.s.t., in Room E–224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

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

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59–568; Filed, Jan. 20, 1959; 8:53 a.m.]

[Docket No. 3272 et al.]

CONSOLIDATED UMCA SUSPENSION AND PAN AMERICAN–UMCA ACQUISITION CASES

Notice of Prehearing Conference

At the instructions of the Board notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 4, 1959, at 10:00 a.m., e.s.t., in Room E–224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

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

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59–569; Filed, Jan. 20, 1959; 8:53 a.m.]

[Docket No. 9891]

CINCINNATI-DETROIT SUSPENSION INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on February 5, 1959, at 10:00 a.m., e.s.t., in Room E–224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D.C., before Examiner William J. Madden.

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

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59–570; Filed, Jan. 20, 1959; 8:53 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–1]

ARMOUR RESEARCH FOUNDATION OF ILLINOIS INSTITUTE OF TECHNOLOGY

Notice of Issuance of Amended License

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed action with the Federal Register Division on December 29, 1958, the Atomic Energy Commission has issued License No. R–3, as amended, authorizing Armour Research Foundation of Illinois Institute of Technology to increase the operating power level to 100 kilowatts from the previously authorized power level of 10 kilowatts and an increase in the maximum permissible excess reactivity. Notice of the proposed action was published in the FEDERAL REGISTER on December 30, 1958, 23 F.R. 10491.

Dated at Germantown, Md., this 14th day of January 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59–518; Filed, Jan. 20, 1959; 8:45 a.m.]

[Docket No. 50–39]

CURTISS-WRIGHT CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment (No. 2) set forth below to License R-36 authorizing Curtiss-Wright Corporation as requested in application for license amendment dated November 7, 1958, to operate the Company's research reactor at Quehanna, Pennsylvania at power levels up to one (1) megawatt (thermal) for short periods of time. The Commission has found that operation at this level under the terms and conditions of the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation at the level authorized by this amendment will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty (30) days after issuance of the license amendment. For further details, see (1) the application for license amendment submitted by Curtiss-Wright Corporation and (2) a hazards analysis of the proposed operation at 1 megawatt prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 14th day of January 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[License No. R–36, Amdt. 2]

In addition to the activities previously authorized by the Commission under License No. R–36, as amended, Curtiss-Wright Corporation is hereby authorized to operate the facility without secondary cooling at power levels up to one megawatt (thermal) for test runs as described in the application for license amendment dated November 7, 1958, subject to the terms and restrictions contained therein. In addition no test authorized by this Amendment No. 2 shall exceed 10 hours in duration.

This amendment is effective as of the date of issuance.

Date of issuance: January 14, 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F.R. Doc. 59–517; Filed, Jan. 20, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12414 etc.; FCC 59–25]

ALKIMA BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Austin E. Harkins, John P. Weis, Ned Goode, Lila W. Goode, Charles E. Lucas, Jr., and Marshall L. Jones, d/b as Alkima Broadcasting Company, West Chester, Pennsylvania, Docket No. 12414, File No. BP–10640; Herman Handloff, Newark, Delaware, Docket No. 12711, File No. BP–12190; Howard Wasserman, West Chester, Pennsylvania, Docket No. 12712, File No. BP–12208; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of January 1959;

The Commission having under consideration the above-captioned applications of Austin E. Harkins, John P. Weis, Ned Goode, Lila W. Goode, Charles E. Lucas, Jr., and Marshall L. Jones d/b as Alkima Broadcasting Company; Herman Handloff; and Howard Wasserman, each for a construction permit for a new standard broadcast station to operate on 1260

kilocycles with a power of 500 watts, directional antenna, daytime only, at West Chester, Pennsylvania; Newark, Delaware; and West Chester, Pennsylvania, respectively;

It appearing, that, by Order (FCC 58-1234) of December 23, 1958, the Commission designated for hearing in a consolidated proceeding the applications of W. Frank Short and Austin E. Harkins, d/b as The Alkima Broadcasting Company; Herman Handloff; and Howard Wasserman; and

It further appearing, that, on December 22, 1958, there was filed an amendment to the application of W. Frank Short and Austin E. Harkins, d/b as The Alkima Broadcasting Company, specifying as partners Austin E. Harkins, John P. Weis, Ned Goode, Lila W. Goode, Charles E. Lucas, Jr., and Marshall L. Jones, d/b as Alkima Broadcasting Company; and

It further appearing, that, while the said amendment was substantially complete and was accepted for filing, the Alkima Broadcasting Company failed to indicate the proposed power in Paragraph 1 of Section I of said amendment and indicated that information called for by Paragraphs 6 through 10 of Section II was "Not Applicable"; and that the applicant was requested, pursuant to the provisions of § 1.306 of the Commission rules, to amend its application to furnish the said information; that a further amendment furnishing said information was filed on January 5, 1959; that the application was amended as a matter of right prior to its above-referenced designation for hearing and was further amended at the request of the Commission; and that, therefore, a new order should be issued designating for hearing the presently specified partnership of the Alkima Broadcasting Company and the others herein; and

It further appearing, that examination of the said application as amended indicates that the instant partnership of Austin E. Harkins, John P. Weis, Ned Goode, Lila W. Goode, Charles E. Lucas, Jr., and Marshall L. Jones, d/b as Alkima Broadcasting Company, is legally, financially, technically and otherwise qualified to construct and operate its station as proposed; and that examination of the applications of Herman Handloff and Howard Wasserman indicates that they are legally, financially, technically and otherwise qualified to operate their proposed stations, but that the simultaneous operation of all three proposals would result in mutually destructive interference; and that the proposed operation of Herman Handloff would cause objectionable interference to Station WBUD, Trenton, New Jersey; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicants and Station WBUD were advised by letter dated September 30, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing, that the instant applicants filed timely responses to the Commission's letter; and

It further appearing, that, by letter of October 23, 1958, the licensee of Station WBUD expressed an intention of appearing at a hearing on the application of Herman Handloff; and

It further appearing, that an amendment to the application of Herman Handloff, filed October 23, 1958, includes measurement data on Station WBUD along three radials purporting to show that no interference would be caused to WBUD but that the measurements along one radial (bearing 170 degrees true) were taken from the WBUD proof of performance out to a distance of 21 miles and the applicant made only five additional measurements between 21 and 45 miles; that the applicant did not spot check the proof of performance measurements at the time the five additional measurements were made to determine whether the earlier field intensity strengths indicated by the proof still obtain; and that, therefore, the applicant's data are not sufficient to establish that no objectionable interference would be caused to Station WBUD; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that its action of December 23, 1958, in designating for hearing the applications of W. Frank Short and Austin E. Harkins d/b as The Alkima Broadcasting Company; Herman Handloff; and Howard Wasserman should be set aside on the Commission's own motion; and that the instant applications of Austin E. Harkins, John P. Weis, Ned Goode, Lila W. Goode, Charles E. Lucas, Jr., and Marshall L. Jones d/b as Alkima Broadcasting Company; Herman Handloff; and Howard Wasserman should be designated for hearing in a consolidated proceeding;

It is ordered, That the Commission's above-referenced Order (FCC 58-1234) of December 23, 1958, herein, is set aside; and 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 and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Herman Handloff would cause objectionable interference to Station WBUD, Trenton, New Jersey, 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.

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

4. To determine, on a comparative basis, in the event that, pursuant to the foregoing issue, West Chester, Pennsylvania, is considered to have the greater need for a new standard broadcast station, which of the proposals of Alkima Broadcasting Company and Howard Wasserman would better 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 two as to:

(a) The background and experience 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.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That WBUD, Inc., licensee of Station WBUD, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (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.

Released: January 16, 1959.

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

[F.R. Doc. 59-560; Filed, Jan. 20, 1959; 8:52 a.m.]

[Docket No. 12476; FCC 59M-64]

RADIO MID-POM, INC.

Order Scheduling Hearing

In re application of Radio Mid-Pom, Inc., Middleport-Pomeroy, Ohio, Docket No. 12476, File No. BP-11682; for construction permit.

It is ordered, This 15th day of January 1959, that the hearing in the above-entitled matter presently continued without date is hereby scheduled to reconvene at 9:00 a.m., February 27, 1959, in the Commission's offices in Washington, D.C.

Released: January 15, 1959.

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

[F.R. Doc. 59-561; Filed, Jan. 20, 1959; 8:52 a.m.]

[Docket Nos. 12556, 12557; FCC 59M-57]

BERKSHIRE BROADCASTING CO., INC. (WSBS) AND NAUGATUCK VALLEY SERVICE, INC.

Memorandum Opinion and Order Continuing Hearing

In re applications of Berkshire Broadcasting Co., Inc. (WSBS), Great Barrington, Massachusetts, Docket No. 12556, file No. BP-11546; Naugatuck Valley Service, Inc., Naugatuck, Connecticut, Docket No. 12557, File No. BP-11962; for construction permits.

1. The purpose of this order is to state formally certain rulings and orders that were made on the record at the third hearing conference in this proceeding which was held on January 9, 1959, as shown by Transcript Volume 3, pages 60-113, which is made a part of the record. Reference is also made to the transcript of prehearing conferences which were held on October 29, 1958, and December 10, 1958, as shown by Volumes 1 and 2, pages 1-38 and pages 39-59, and they are made a part of the hearing record. Procedural misunderstandings and irregularities have occurred, and some background statement is necessary to an understanding of the determinations and clarifications sought in the recent conference.

2. It was determined in the first two prehearing conferences that a prior notification of proposed written exhibits would be accomplished by an exchange of all direct affirmative case engineering exhibits on or before December 15, 1958, and by an exchange of all rebuttal engineering and direct affirmative case exhibits on non-engineering matters on or before January 5, 1959. For reasons which are not material to this discussion the notified engineering exhibit for Naugatuck was believed in need of some revision and supplementation.

3. On December 31, 1958, the Commission received from counsel for Naugatuck two associated documents, a "Motion for Leave to File a Supplemental Engineering Exhibit" and the engineering exhibit therein referred to. The motion included a Certificate of Service, but it was not otherwise properly filed in that the copies required by the Commission's rules were not submitted; hence, the motion is not a properly filed written pleading. Nevertheless, an opposition to the motion was timely filed on behalf of Berkshire. The matters sought to be presented in the foregoing documents were stated, considered, and ruled upon at the conference; accordingly, these documents properly should be dismissed as moot.

4. On January 2, 1959, there was received in the office of the Hearing Examiner a purported pleading, with a Certificate of Service, signed by counsel for Naugatuck, but not otherwise tendered for filing with the Commission. This document was entitled "Motion for Extension of Time For The Exchange of Rebuttal Engineering Exhibits and section 307(b) Exhibits; and For Adjournment of Hearing Date", and elicited from counsel for Berkshire a formal opposition which was properly filed on January 8, 1959. The array of papers described here and in the preceding paragraph prompted the Hearing Examiner to convene the hearing conference which was conducted on January 9, 1959, for the purpose of considering the status and proper disposition of these documents and the questions therein discussed. At the conference it was determined that the second Naugatuck motion was not properly filed and therefore that both the motion and the Berkshire opposition should be dismissed as moot. However, the subject matters sought to be raised by the inadequately tendered pleadings for Naugatuck were presented by oral motions made on the record at the hearing conference and were deemed appropriately presented for consideration and action. After hearing arguments of counsel upon the merits of those matters the determinations hereinafter set out were reached.

5. On or before January 22, 1959, Naugatuck may file a petition to amend its application, with the amendment, to show such revisions in its technical proposal as are required to depict the maximum expected operating values (MEOV), and related facts; the oppositions thereto may be filed within the time permitted by the Commission's Rules and the matters thus presented will be disposed of by written order and, unless otherwise requested, without oral argument.

6. The proposed exhibits heretofore notified by and on behalf of any and all parties may (not shall) be revised, modified, and supplemented by notification of substitute or additional exhibits on or before these dates: February 5, 1959, for the direct affirmative case exhibits; and February 19, 1959, for the rebuttal exhibits. In view of the procedures herein established, the substance of the Naugatuck pleadings above referred to, and of the Berkshire oppositions thereto, is rendered moot.

7. The hearing of evidence which was scheduled to be commenced on this date shall be commenced at 10:00 a.m., on Tuesday, March 3, 1959.

8. There was filed on January 8, 1959, a Notice of Appearance and Request for Substitution of Parties on behalf of WTEL, Inc. which requests that it be substituted for Foulkrod Radio Engineering Company as a party respondent in this proceeding for the reason that the moving party is the successor to Foulkrod as the licensee of Station WTEL as shown by prior Commission action, File BAL-3248. Counsel for all other participants consented to a grant of the relief thus requested, and, accordingly, the notice of appearance is accepted and the request for substitution of parties is granted as hereinafter ordered.

9. The substantial revisions in the previously established procedures and schedules as hereinafter ordered were opposed by counsel for Berkshire, and exceptions to the adverse rulings obtain. The opportunity for appeal should be preserved by providing for an effective date as hereinafter ordered.

It is ordered, This 13th day of January 1959, pursuant to sections 0.231, 1.111, and 1.144 of the Commission's rules, that (1) the two motions submitted December 31, 1958, and January 2, 1959, on behalf of Naugatuck Valley Service, Inc. are dismissed as improperly filed; (2) the two separate oppositions filed January 8, 1959, on behalf of Berkshire Broadcasting Co., Inc. are dismissed as moot; (3) Naugatuck Valley Service, Inc. may petition for leave to amend its application on or before January 22, 1959, and oppositions thereto may be filed as permitted under the Commission's rules; (4) to the extent that any party expects to rely upon exhibit evidence at the hearing such party shall by copy thereof notify all other parties, of direct affirmative case exhibits on or before February 5, 1959, and of rebuttal exhibits on or before February 19, 1959; (5) the hearing of evidence scheduled for commencement on this date shall be commenced at 10:00 a.m. on Tuesday, March 3, 1959; (6) the notice of appearance on behalf of WTEL, Inc. is accepted; (7) the request for substitution of WTEL, Inc. in lieu of Foulkrod Radio Engineering Company is granted; (8) to the extent not inconsistent herewith, the procedural steps and requirements heretofore established, as shown by the conference transcript record, shall govern the course of this proceeding; and (9) for appeal purposes the effective date of this order shall be the release date indicated below.

Released: January 14, 1959.

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

[F.R. Doc. 59-562; Filed, Jan. 20, 1959; 8:52 a.m.]

[Docket Nos. 12636, 12637; FCC 59M-65]

FRANK JAMES AND SAN MATEO BROADCASTING CO.

Order Continuing Hearing

In re applications of Frank James, Redwood City, California, Docket No. 12636, File No. BPH-2344; Grant R. Wrathall, tr/as San Mateo Broadcasting Company, San Mateo, California, Docket No. 12637, File No. BPH-2431; for construction permits.

It is ordered, This 15th day of January 1959, that the hearing now scheduled for January 30 is continued to February 10, 1959.

Released: January 15, 1959.

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

[F.R. Doc. 59-563; Filed, Jan. 20, 1959; 8:52 a.m.]

[Docket Nos. 12714, 12715; FCC 59M-61]

JOHN H. PHIPPS AND GEORGIA STATE BOARD OF EDUCATION

Order Scheduling Prehearing Conference

In re applications of John H. Phipps, Waycross, Georgia, Docket No. 12714,

File No. BPCT-2423; Georgia State Board of Education, Waycross, Georgia, Docket No. 12715, File No. BPCT-2501; for construction permits for new television broadcast stations.

It is ordered, This 14th day of January 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 o'clock a.m. on Monday, February 2, 1959, in the offices of the Commission, Washington, D.C.

Released: January 15, 1959.

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

[F.R. Doc. 59-564; Filed, Jan. 20, 1959; 8:52 a.m.]

[Docket Nos. 12730, 12731; FCC 59-26]

RADIO SOUTH, INC. (WXLI) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Radio South, Inc. (WXLI), Dublin, Georgia, Docket No. 12730, File No. BMP-7946; Ethel Woodard Williams, Jack Williams, Jr., Heyward Burnet and J. Mack Barnes as Executors of the last will and testament of Jack Williams, Deceased (WAYX), Waycross, Georgia, Docket No. 12731, File No. BP-12295; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of January 1959;

The Commission having under consideration the above-captioned application of Radio South, Inc., for change in frequency from 1440 kc., daytime only, to 1230 kc., unlimited, and for change in power from 1 kilowatt to 250 watts, for Station WXLI, Dublin, Georgia; and the application of Ethel Woodard Williams, Jack Williams, Jr., Heyward Burnet and J. Mack Barnes as Executors of the Last Will and Testament of Jack Williams, Deceased, for change in power from 250 watts, unlimited to 250 watts night, 1 kilowatt daytime, for Station WAYX (1230 kc.), Waycross, Georgia;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, financially, technically, and otherwise qualified to construct and operate its respective proposal, but that operation of both stations as proposed would result in mutual objectionable interference; that the proposal of WAYX would cause objectionable interference to Stations WFRP (1230 kc., 250 w., U), Savannah, Georgia; and WMAF (1230 kc., 250 w., U), Madison, Florida; and

It appearing, that in a Report And Order adopted on May 28, 1958, the Commission amended Part 3 of its rules to provide that stations on Class IV frequencies may operate with a maximum power of 1 kilowatt (daytime) and states that final action on such applications which propose a power in excess of 250 watts will be withheld pending completion of necessary coordination of the Rule with other North American countries; and that therefore, the WAYX proposal, if favored in the hearing provided for below, must be held without final action pursuant to said Report And Order; and

It appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated October 21, 1958 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that the applicants filed timely replies in which they stated that they would prosecute their applications, and that WFRP and WMAF filed timely replies requesting a hearing; and

It further appearing, that, in view of the foregoing, the Commission is of the opinion that a hearing on the instant applications is necessary;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the said 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 each of the instant proposals, and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of WAYX would involve objectionable interference with Stations WFRP, Savannah, Georgia, and WMAF, Madison, Florida, or any other existing station, and if so, the nature and extent thereof, the areas and populations affected thereby, 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, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

5. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That Georgia Broadcasting Co., licensee of Station WFRP, and Norman P. Protsman, licensee of Station WMAF, 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 WAYX proposal is favored in the hearing, final action shall be withheld, pursuant to the Commission's Report And Order of May 28, 1958 in amending Part 3 of its rules to provide for maximum power of 1 kilowatt by Class IV stations, until completion of necessary coordination of the Rule with other North American countries.

Released: January 16, 1959.

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

[F.R. Doc. 59-565; Filed, Jan. 20, 1959; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17512]

MICHIGAN WISCONSIN PIPE LINE CO.

Order for Hearing and Suspending Proposed Revised Tariff

JANUARY 14, 1959.

Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), on November 19, 1958, tendered for filing its FPC Gas Tariff, First Revised Volume No. 1, proposing, among other things, to substitute a two-part demand and commodity rate for the straight rate presently effective subject to refund in Docket No. G-12292. Michigan Wisconsin requested an effective date of January 15, 1959, for its revised tariff.

The revised tariff proposes to establish a Rate Schedule ACQ-1, available to all of Michigan Wisconsin's customers, containing a demand charge of $2.62 per Mcf of billing demand and a commodity charge of 24 cents per Mcf. The billing demand would vary for different months of the year, as follows: 100 percent of the contract demand (denominated "Maximum Daily Quantity") for the months of November through February; 70 percent of the contract demand for the months of March, April, May, and October; and 40 percent of the contract demand for the months of June through September. The minimum bill is equal to the demand charge. The maximum annual firm volume of gas which a customer may purchase is limited to 160 days use of the contract demand.

Although Michigan Wisconsin requested an effective date of January 15, 1959, the revised tariff by its own terms provides that the two-part rate would not become effective until April 1, 1959.

Until that date the present rate being collected subject to refund (37.5 cents per Mcf) would be preserved as an interim rate with a change in the pressure base from 14.735 psia to 14.73 psia. The tariff also provides that, although the two-part is proposed to become effective April 1, 1959, the maximum average rate through August 31, 1959, shall be the 37.5 cents per Mcf rate. In effect, Michigan Wisconsin has tendered its two-part rate for filing more than the sixty days prior to the proposed effective date thereof provided for by § 154.22 of the regulations under the Natural Gas Act.

In support of the proposed revisions, Michigan Wisconsin submitted a cost of service study for the 12 months ended August 31, 1958, as adjusted. The claimed costs contain several questionable items, including, but not limited to, rates subject to refund of one of Michigan Wisconsin's suppliers, working capital credit for income tax accruals, 6¼ percent rate of return in lieu of the 6 percent heretofore allowed, related income taxes, test year sales figures, and allocation of certain costs contrary to Commission accepted methods.

Several of Michigan Wisconsin's customers have submitted objections to the proposed changes and have stated that such changes result in increases in their rates.

The proposed changes provided in Michigan Wisconsin's FPC Gas Tariff, First Revised Volume No. 1, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Michigan Wisconsin's FPC Gas Tariff, as proposed to be amended by First Revised Volume No. 1, and that this proposed revised volume be suspended and the use thereof deferred as hereinafter provided.

(2) It is appropriate under the circumstances that the time limitation for filing provided in § 154.22 of the regulations under the Natural Gas Act be waived.

The Commission orders:

(A) The time limitation for filing provided in § 154.22 of our regulations under the Natural Gas Act hereby is waived.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Michigan Wisconsin's FPC Gas Tariff, as proposed to be amended by First Revised Volume No. 1.

(C) Pending hearing and decision thereon, paragraph 3.2 of Rate Schedule ACQ–1 contained in Michigan Wisconsin's FPC Gas Tariff, First Revised Volume No. 1, providing an interim rate, is hereby suspended for one day until January 16, 1959, and until such further time thereafter as it may be made effective in the manner prescribed by the Natural Gas Act.

(D) Pending hearing and decision thereon, paragraph 3.1 of Rate Schedule ACQ–1 contained in Michigan Wisconsin's FPC Gas Tariff, First Revised Volume No. 1, and proposed to be effective as of April 1, 1959, is suspended until September 1, 1959, and until such further time thereafter as it may be made effective in the manner prescribed by the Natural Gas Act.

(E) Interested State commissions may participate 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. 59–544; Filed, Jan. 20, 1959; 8:49 a.m.]

[Docket No. E–6816]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Order Continuing Hearing

JANUARY 15, 1959.

Public Service Company of Oklahoma (Public Service), and Grand River Dam Authority (Authority), by joint motion filed January 8, 1959, request that the scheduled reconvening of the hearing in this proceeding[1] be adjourned pending Commission consideration and disposition of their request for (1) an enlargement of the "issues" currently before the Commission in this proceeding and (2) the consolidation thereof with other matters currently pending before the Commission In the Matter of Grand River Authority, Project No. 2183. The requests by Public Service and Authority for such enlargement of issues and consolidation of proceedings is embodied in a joint motion of those parties filed January 12, 1959.

Commission staff counsel, by response filed January 9, 1959, concur in the above requested adjournment. Intervenor, KAMO Electric Cooperative and certain other cooperatives by response filed January 12, 1959, generally oppose the granting of the requested adjournment.

The Commission finds: The demands of orderly procedure will be best served by the continuance of all further hearings in this proceeding pending Commission disposition of the matters raised by the joint motion of Public Service and Authority filed January 12, 1959; all as hereinafter provided.

The Commission orders: The hearing in this proceeding is hereby continued to March 2, 1959.

By the Commission (Commissioner Kline dissenting).[2]

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

[F.R. Doc. 59–545; Filed, Jan. 20, 1959; 8:49 a.m.]

[Project No. 2085]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Application for Amendment of License

JANUARY 15, 1959.

Public notice is hereby given that application has been given under the Federal Power Act (16 U.S.C. 791a–825r) by Southern California Edison Company, licensee for Project No. 2085, for amendment of its license for the project so as to revise the clearing requirements for the Mommoth Pool Reservoir as follows: (a) Between elevations 3,280 and 3,330 feet, all trees, stumps, and brush would be cleared; (b) between elevations 3,120 and 3,280 feet, all trees, stumps, and brush more than 5 feet high and over 4 inches in diameter would be cleared; (c) below elevation 3,120 feet, all trees, stumps, and brush more than 5 feet high would be trimmed so that no portion thereof extends above elevation 3,120 feet.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 13, 1959. The application is on file with the Commission for public inspection.

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

[F.R. Doc. 59–546; Filed, Jan. 20, 1959; 8:49 a.m.]

[Docket No. G–6610]

SOUTHERN CALIFORNIA PETROLEUM CORP.

Notice of Application and Date of Hearing

JANUARY 15, 1959.

Take notice that Southern California Petroleum Corporation (Applicant), an independent producer with its principal place of business in Los Angeles, California, filed, on November 30, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant sells natural gas to El Paso Natural Gas Company (El Paso) for

[1] Now scheduled by the Presiding Examiner to be reconvened January 19, 1959.

[2] Dissenting opinion filed as part of original document.

transportation in interstate commerce for resale from production from certain specified leases, and to Phillips Petroleum Company from production from the Humphrey lease, all said leases being located in the Jalmat and Langlie-Mattix Fields, Lea County, New Mexico.

Applicant amended the application on October 28, 1958, by deleting therefrom the request for a certificate of public convenience and necessity authorizing the sales to El Paso from production from the Christmas and Cowden leases, since the operators of those leases have received certificates and filed rate schedules covering the sales from said properties.

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 February 17, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 10, 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 therefore is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-547; Filed, Jan. 20, 1959; 8:49 a.m.]

[Docket No. G-10922]

P. R. RUTHERFORD ET AL.

Notice of Application and Date of Hearing

JANUARY 15, 1959.

Take notice that P. R. Rutherford et al.[1] (Applicants), independent producers filed on August 6, 1956 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service to United Gas Pipe Line Company (United) from production in the Huff and Fagan Fields, Refugio County, Texas, subject to the jurisdiction of the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The above service is covered by a contract executed December 12, 1945, by K. D. Owen, D. C. Bintliff, P. R. Rutherford, and Gulfshore Oil Company as sellers, and January 17, 1946, by United as buyer, which is on file as P. R. Rutherford, et al., FPC Gas Rate Schedule No. 1. Applicants were authorized in Docket No. G-6603 to make the sale of gas covered by this contract to United.

Applicants propose to abandon their sales to United from the Huff and Fagan Fields in order to make an intrastate sale to Industrial Gas Supply Corporation (Industrial) and Ship Channel Industrial Gas Corporation (Ship Channel) under a contract dated April 4, 1951.

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 formal hearing will be held on February 27, 1959, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved and the issues presented by this application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 12, 1959.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-548; Filed, Jan. 20, 1959; 8:49 a.m.]

[Docket No. G-15330]

CITIES SERVICE PRODUCTION CO.

Notice of Date of Hearing

JANUARY 15, 1959.

The application herein was duly noticed by publication in the FEDERAL REGISTER on December 3, 1958 (23 F.R. 9357), in consolidation with Pan American Petroleum Corporation, et al., Docket No. G-15225, et al. Such notice provided that protests or petitions to intervene be filed on or before December 19, 1958.

In view of the notice of intervention filed on December 8, 1958, by The Public Service Commission of the State of New York, in Docket No. G-15330, the application of Cities Service Production in this proceeding was severed from the heretofore consolidated proceeding In the Matters of Pan American Petroleum Corporation, et al., Docket No. G-15225, et al., by Notice of Severance dated December 12, 1958, and continued to a date to be set by further notice.

Subsequently, petitions to intervene in the subject application were filed by Long Island Lighting Company, Public Service Electric and Gas Company, and Consolidated Edison Company of New York, Inc., on December 12, 17, and 19, 1958, respectively.

On December 19, 1958, Cities Service Production Company filed an answer to the petitions for leave to intervene and notice of intervention, stating that it will accept a certificate issued in Docket No. G-15330 upon the following conditions: The initial price hereunder agrees with the initial price in the sale authorized at Docket No. G-11046, and the former shall be changed to agree with any change in the latter, resulting from proceedings at Docket No. G-11046, or from judicial proceedings relating thereto, and Applicant shall tender such rate filings as may be required, if any, to effect such agreement.

The answer further stated that the proposed condition is satisfactory to Intervener Public Service Electric and Gas Company.

The Public Service Commission of the State of New York and Consolidated Edison Company of New York, Inc., on January 5, 1959, and Long Island Lighting Company, on January 7, 1959, filed separate letters with the Commission, stating that they would interpose no objection to the issuance of a certificate of public convenience and necessity in the subject matter, provided that such certificate contains the conditions set out in the Applicant's "Answer".

Take notice that pursuant to the authority 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 February 5, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application of Cities Service Production Company in the above-entitled proceeding: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding 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. 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. 59-549; Filed, Jan. 20, 1959; 8:49 a.m.]

[1] Applicants are P. R. Rutherford; Patricia Rutherford Richter; Patrick Richard Rutherford, Jr.; The National Bank of Commerce of Houston and Harold Decker, Trustees of the Michael Giles Rutherford Trust No. 2; and K. D. Owen.

[Docket No. G–16400]

BRITISH-AMERICAN OIL PRODUCING CO.

Notice of Application and Date of Hearing

JANUARY 15, 1959.

Take notice that on September 23, 1958, as supplemented on October 7, 1958, The British-American Oil Producing Company, Operator[1] (Applicant) filed in Docket No. G–16400 an application pursuant to section 7(b) of the Natural Gas Act for permission to abandon natural gas service to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), from certain leases located in the Cliff Field, Logan County, Colorado, covered by a casinghead gas contract dated June 10, 1953, as amended, on file as The British-American Oil Producing Company FPC Gas Rate Schedule No. 9, as supplemented, subject to the jurisdiction of the Commission, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

Applicant proposes to sell the casinghead gas from the aforementioned leases to Kimball Gas Products Company (Kimball) under a sales contract dated June 16, 1958, the term of which is for the life of the leases, with the right of either party to terminate at the expiration of 10 years from the contract date. Kimball will process said gas in its gasoline plant in Kimball County, Nebraska, and sell the residue gas therefrom to Kansas-Nebraska under a contract dated March 24, 1955, presently on file as Kimball Gas Products Company (Operator) FPC Gas Rate Schedule No. 2.

Applicant states that during the past winter hydrates forming in the lines caused operating difficulties necessitating the flaring of considerable quantities of gas, that a small plant constructed by an independent processor, Ginther, Warren and Ginther, for the purpose of extracting liquids prior to delivery of the gas to Kansas-Nebraska was moved to another field on July 17, 1958, and that the present application is filed to permit Applicant to sell the subject gas to Kimball instead of direct to Kansas-Nebraska, thus avoiding the operational difficulties otherwise to be expected from the effect of cold weather.

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 February 24, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested 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 February 13, 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. 59–550; Filed, Jan. 20, 1959; 8:49 a.m.]

[1] Co-owners in the leases involved herein and their percentage interests are: Paul F. Barnhart, 2.333 percent; Tennessee Gas Transmission Company, 11 percent; Frontier Refining Company, 5 percent; McDannald Oil Company, 11 percent; Sterling Drilling Company, 5 percent; J. Ray McDermott & Co., Inc., 4.6667 percent; Fremont Petroleum Company, 11 percent; and Applicant, 50 percent.

[Docket No. G–17034]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

Notice of Application and Date of Hearing

JANUARY 15, 1959.

Take notice that on November 21, 1958, Texas Illinois Natural Gas Pipeline Company (Applicant) filed an application in Docket No. G–17034, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers in the general area of Applicant's existing transmission system from time to time during the calendar year 1959, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with its system.

The estimated total cost of the facilities to be constructed is not to exceed $500,000 during the calendar year 1959, with no single project to exceed a cost of $125,000.

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 February 24, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., covering the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested 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 February 13, 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. 59–551; Filed, Jan. 20, 1959; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

FIRSTAMERICA CORPORATION

Order Approving Application for Prior Approval Under Bank Holding Company Act

In the matter of the application of Firstamerica Corporation for prior approval of acquisition of voting shares of California Bank, Los Angeles, California, (Docket No. BHC–46).

There having come before the Board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 USC 1843) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of Firstamerica Corporation, a Delaware corporation with its principal place of business at San Francisco, California, for the Board's prior approval of the acquisition of 80 percent or more of the outstanding voting shares of California Bank, Los Angeles, California; a hearing on said application having been held pursuant to section 7(a) of the Board's Regulation Y (12 CFR 222.7(a)); opportunity having been given all parties to file proposed findings and conclusions; the Hearing Examiner having filed a Report and Recommended Decision in which he recommended that said application be approved; and all such steps having been taken in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263);

It is hereby ordered, For the reasons set forth in the accompanying Statement[1] of the Board of this date, that the

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

said application be and hereby is granted, and the acquisition by Firstamerica Corporation of 80 percent or more of the outstanding voting shares of California Bank, Los Angeles, California, is hereby approved: *Provided* (1) That such acquisition is completed within three months from the date hereof, and (2) that no action be taken by Firstamerica Corporation, California Bank, or First Western Bank and Trust Company, San Francisco, California, that will result in the termination of the corporate existence of either California Bank or of First Western Bank and Trust Company, San Francisco, California, as a separate functioning banking institution until after 60 days following the date of this order.

Dated at Washington, D.C., this 14th day of January 1959.

By order of the Board of Governors.[1]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F. R. Doc. 59-529; Filed, Jan. 20, 1959; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 209]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of January, 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Sonoma (Gale Winds and High Waves occurring on or about January 5, 1959).

Office: Small Business Administration Regional Office, 40 Davis Street, San Francisco 11, California.

2. A special field office will be established at Bodega Bay, Sonoma County, California.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 31, 1959.

Dated: January 8, 1959.

WENDELL B. BARNES, *Administrator.*

[F.R. Doc. 59-522; Filed, Jan. 20, 1959; 8:46 a.m.]

[1] Voting for this action: Chairman Martin, Vice Chairman Balderston, and Governors Szymczak, Mills, and Shepardson. Voting against this action: Governor Robertson.

INTERSTATE COMMERCE COMMISSION

[Notice 252]

MOTOR CARRIER APPLICATIONS

JANUARY 16, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States Standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 29886 (Sub No. 139), filed December 29, 1958. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, and trailer and semi-trailer chassis* (other than those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service; *truck-tractors*, in secondary movements by driveaway service, only when drawing trailers in initial driveway service; and *containers, cargo containers, cargo container bodies, cargo container boxes*, and *truck and trailer bodies*, from Michigan City, Ind., to points in the United States. Applicant is authorized to transport similar commodities throughout the United States and the District of Columbia.

HEARING: February 3, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold W. Angle.

No. MC 30824 (Sub No. 14) (REPUBLICATION). Applicant: AALCO EXPRESS COMPANY, INC., EXTENSION-UNCRATED REFRIGERATION CASES, 3514 Page Boulevard, St. Louis 6, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. By application filed November 7, 1957, Aalco Express Company, Inc., of St. Louis, Mo., seeks a Certificate of Public Convenience and Necessity authorizing operations in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, of *uncrated commercial refrigeration cases*, which because of size, weight and shape, require the use of special equipment and special handling, and of *related parts and equipment* when moving in conjunction therewith, from St. Louis, Mo., to all points in the United States, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return. Notice of the filing of the application was originally published in the FEDERAL REGISTER on November 20, 1957, as set forth above. A Report of the Commission, division 1, decided December 31, 1958, found as follows: * * * "that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, of uncrated commercial refrigeration cases, and related parts and equipment thereof, when moving therewith, from St. Louis, Mo., to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas, over irregular routes; that applicant is fit, willing and able properly to perform such service, and to conform to the requirements of the Interstate Commerce Act, and our rules and regulations thereunder; that an appropriate certificate should be granted." The Report, however, further provides: "Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority actually sought herein, we shall republish a corrected notice of the authority actually granted and shall withhold issuance of a certificate herein for a period of 30 days from the date of this republication, during which period any interested proper party may file an appropriate protest or other pleading.

No. MC 75651 (Sub No. 46), filed December 8, 1958. Applicant: R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Jacksonville, Fla., on the one hand, and, on the other, the plant sites of General Motors Corp. and The National Cash Register Company, located on U.S. Highway 1 approximately six miles south of Jacksonville, Fla.

HEARING: February 25, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 78062 (Sub No. 38), filed December 5, 1958. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, P.O. Box 223, Washington, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass* and *glass products, racks*, and *containers or other such incidental facilities* used in the transportation of such

products, between the site of the Pittsburgh Plate Glass Company plant located near Crestline, Richland County, Ohio, on the one hand, and, on the other, Creighton, Ford City, and Greensburg, Pa., Cumberland, Md., and Clarksburg, W. Va. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 78062 (Sub No. 30) to determine whether applicant's status is that of a common or contract carrier.

HEARING: February 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles H. Riegner.

No. MC 83539 (Sub No. 42), filed December 21, 1958. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Airplanes, airplane engines, airplane parts,* and *related materials and supplies* when their transportation is incidental to the transportation by said carrier of airplanes, airplane engines and airplane parts, and (2) Mobile unit trailers equipped with scientific instruments or scientific equipment and the contents thereof, (but excluding house trailers and/or mobile homes), in truckaway service, between points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Oregon, Texas, Washington, Wisconsin, and Wyoming. Applicant is authorized to conduct operations in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Arkansas, Wisconsin, Kansas, North Dakota, South Dakota, Colorado, Montana, Pennsylvania, Ohio, New York, New Jersey, Minnesota, Utah, and Wyoming.

HEARING: February 12, 1959, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Isadore Freidson.

No. MC 103654 (Sub No. 46), filed January 12, 1959. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Boulevard, St. Paul, Minn. Applicant's attorney: Donald A. Morken, Eleven Hundred First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, between points in Minnesota, Wisconsin, Iowa, North Dakota, South Dakota, Nebraska, Illinois, Missouri, and those in the Upper Peninsula of Michigan. Applicant is authorized to conduct operations in Minnesota, Wisconsin, Illinois, and Michigan.

HEARING: February 11, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Harold W. Angle.

No. MC 107107 (Sub No. 93), (REPUBLICATION—REOPENED FOR FURTHER HEARING) filed September 3, 1957. Applicant: ALTERMAN TRANSPORTATION LINES, INC., 2424 Northwest 46th Street, Miami, Fla., MAIL: P.O. Box 65, Altapatlah Station, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. For authority to operate as a *common carrier*, over irregular routes transporting: *Food, food products, and food materials;* and *packing house products* as defined by the Commission in Ex Parte No. MC 45, (1) from Jacksonville, Fla., and points within twenty (20) miles thereof, to points in Florida; (2) from points in Dade and Palm Beach Counties, Fla., to points in Florida; and (3) from points within 100 miles of Lakeland, Fla., including Lakeland, to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

FURTHER HEARING: February 26, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 107107 (Sub No. 113), filed December 12, 1958. Applicant: ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum articles,* and *materials* used in the manufacture or assembly of aluminum articles, between points in Florida on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, South Carolina, North Carolina, Louisiana, Mississippi, Tennessee, Kentucky, Indiana, Illinois, Wisconsin, Michigan, Ohio, West Virginia, Virginia, Georgia, Alabama, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: March 2, 1959, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner Frank R. Saltzman.

No. MC 107698 (Sub No. 23), filed October 23, 1958. Applicant: BONANZA, INC., South East 28th Street and Sooner Road, P. O. Box 5526, Midwest City, Okla. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine*, from Enid, Okla., to points in New Mexico, Arizona, and California. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Missouri, Nevada, New Mexico, Oklahoma, Oregon, Texas, and Washington.

HEARING: March 2, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Donald R. Sutherland.

No. MC 107698 (Sub No. 24), filed October 27, 1958. Applicant: BONANZA, INC., South East 28th Street and Sooner Road, P.O. Box 5526, Midwest City, Okla. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ordinary livestock, fish (including shell fish)* and *agricultural commodities* (not including manufactured products thereof) *including horticultural commodities*, as defined under section 203(b)(6) of the Interstate Commerce Act, in the same vehicle with other shipments of regulated commodities which applicant is presently authorized to transport, between points in Arkansas, Arizona, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Missouri, Nevada, New Mexico, Oklahoma, Oregon, Texas, and Washington.

HEARING: March 3, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Donald R. Sutherland.

No. MC 107818 (Sub No. 20), filed October 13, 1958. Applicant: ELLA GREENSTEIN, doing business as GREENSTEIN TRUCKING COMPANY, Pompano Beach, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh fruits and vegetables*, from points in Florida, to points in Illinois, Ohio, Indiana, Tennessee, New York, Kentucky, Wisconsin, Michigan, Missouri, Massachusetts, Pennsylvania, New Jersey, Maryland, the District of Columbia, Rhode Island, Connecticut, Nebraska, and Minnesota. Applicant is authorized to conduct operations in Florida, Illinois, Missouri, Virginia, Maryland, Pennsylvania, New York, the District of Columbia, South Carolina, North Carolina, Wisconsin, Nebraska, and Minnesota.

NOTE: Applicant states that any duplicating authority is to be eliminated. (Applicant has filed an application for "Grandfather" authority under section 7 of the Transportation Act of 1958, assigned No. MC 107818 (Sub No. 22) to transport bananas in mixed shipments with the above-named commodities from West Palm Beach and

Miami, Fla., to specified points in the above-named states.)

HEARING: February 27, 1959, at the U.S. Post Office and Federal Building, Miami, Fla., before Examiner Frank R. Saltzman.

No. MC 109397 (Sub No. 29), filed October 20, 1958. Applicant: TRI-STATE WAREHOUSING & DISTRIBUTING CO., a corporation, P.O. Box 113, 315 East Seventh Street, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash*, in bulk, from mines near Carlsbad, N. Mex., to points in Jasper County, Mo. Applicant is authorized to conduct regular route operations in Illinois, Kansas, Missouri, and Oklahoma, and irregular route operations in Arkansas, Illinois, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

HEARING: March 2, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Donald R. Sutherland.

No. MC 109435 (Sub No. 7), filed September 25, 1958. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Ada and Dewey, Okla., and points within 2 miles of each to points within a 200 mile radius of Ada and Dewey, Okla. Applicant is authorized to conduct operations in Oklahoma, Kansas, and Arkansas.

HEARING: February 27, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Donald R. Sutherland.

No. MC 112520 (Sub No. 28), filed November 17, 1958. Applicant: SOUTH STATE OIL CO., a corporation, New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 713-17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Decatur County, Ga., to points in Florida. Applicant is authorized to conduct operations in Mississippi, Alabama, Florida, Georgia, Arkansas, Illinois, Missouri, Ohio, Tennessee, and Louisiana.

HEARING: February 25, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives it right to participate, before Examiner Frank R. Saltzman.

No. MC 112713 (Sub No. 80), filed October 20, 1958. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. Applicant's attorney: John M. Records, Yellow Transit Freight Lines, Inc. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, between Tulsa, Okla., and Muskogee, Okla., from Tulsa over U.S. Highway 64 to Muskogee, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Vinita, Okla., and Dallas, Tex., and between Kansas City, Mo., and Houston, Tex. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Ohio, Oklahoma, and Texas.

HEARING: March 9, 1959, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 117618, filed September 5, 1958. Applicant: BOB W. EVANS, doing business as B & B SERVICE CO., 1015 Southeast 26th Street, Oklahoma City, Okla. Applicant's attorney: Charles D. Dudley, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, limited to shipments of 4,000 pounds or less, between points in Woodward, Woods, Alfalfa, Grant, Kay, Osage, Major, Garfield, Noble, Pawnee, Dewey, Blaine, Kingfisher, Logan, Payne, Creek, Custer, Canadian, Oklahoma, Lincoln, Washita, Caddo, Grady, McClain, Cleveland, Pottawatomie, Seminole, Okfuskee, Okmulgee, McIntosh, Kiowa, Comanche, Stephens, Garvin, Pontotoc, Hughes, Pittsburg, Cotton, Jefferson, Carter, Murray, Johnston, and Coal Counties, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Nebraska, New Mexico, Texas, and Wyoming.

HEARING: February 26, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Donald R. Sutherland.

No. MC 117756, filed October 24, 1958. Applicant: GRIFFIN HOUSE TRAILER TOWING, INC., S.E. 29th and Douglas Boulevard, Midwest City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House and utility trailers*, between points in Oklahoma on the one hand, and, on the other, points in the United States.

HEARING: March 5, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Donald R. Sutherland.

No. MC 117765, filed October 27, 1958. Applicant: HAHN TRUCK LINE, INC., 312 Liberty, P.O. Box 852, Hutchinson, Kans. Applicant's attorney: Rufus H. Lawson, P.O. Box 7342, Oklahoma City 12, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials* (ammonia phosphate fertilizer compounds) dry, in bulk and paper bags, from Tulsa, Okla., and points within five miles thereof, to points in Kansas, Iowa, Nebraska, South Dakota, and Minnesota.

NOTE: The records of this Commission indicate that Leon Hahn, Hutchinson, Kans., holds common carrier authority in Certificates No. MC 52898 and Sub Nos. 1 and 3.

HEARING: March 9, 1959 at the Federal Building, Oklahoma City, Okla., before Examiner Donald R. Sutherland.

No. MC 117838, filed November 6, 1958. Applicant: HARRY AVERY, CARL AVERY, L. AVERY AND DON AVERY, doing business as AVERY & SONS GRAIN DEALERS, Box 74, Covington, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, from points in Texas to points in Oklahoma; (2) *Cottonseed cake, meal hulls*, and *screenings*, from points in Texas and Oklahoma to points in Kansas, and Nebraska; (3) *Binder twine*, from points in Texas to points in Oklahoma, Kansas, Nebraska, Missouri, and Arkansas; (4) *Bone meal, fish meal*, and *oyster shells*, from points in Texas to points in Oklahoma, Kansas, Nebraska, and Missouri.

HEARING: March 10, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Donald R. Sutherland.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 11315 (Sub No. 9), filed January 6, 1959. Applicant: WILLIAM A. GIVENS, (W. A. GIVENS, JR., EXECUTOR), 250 West Thornton Street, Akron, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Articles* manufactured from natural, artificial or synthetic rubber, except tires, *plastics*, and *articles* manufactured therefrom, (1) from points in Cuyahoga, Geauga, Medina, Portage, Stark, Summit and Wayne Counties, Ohio, and Bellevue, Ohio, to points in Illinois on and north of U.S. Highway 40, and points in Missouri, and (2) from points in the St. Louis, Mo., Commercial Zone, to points in Ohio on and north of U.S. Highway 40; *baked goods, cakes, cookies* and *confections*, and *fixtures, lighting, fluorescent, with equipment, electrical apparatus and parts*, from St. Louis, Mo., and points in the St. Louis, Mo. Commercial Zone, to points in Indiana on and north of U.S. Highway 40, points in Michigan on and south of Michigan Highway 21, and points in Ohio; and *boots* and/or *shoes*, (1) from points in the St. Louis, Mo. Commercial Zone and Nashville, Tenn., to Akron, Cleveland and Columbus, Ohio, and (2) from Akron, Cleveland and Columbus, Ohio, to points in Indiana, Michigan, and Ohio. Applicant is authorized to conduct operations in Ohio, Tennessee, Illinois, Missouri, and Kentucky.

NOTE: A proceeding has been instituted under section 212(c), No. MC 11314 Sub No. 8, to determine whether applicant's status is that of a contract or common carrier.

No. MC 56082 (Sub No. 28), filed December 10, 1958. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, P.O. Box 390, Fredonia, N.Y. Appli-

cant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *advertising material*, from Dunkirk, N.Y., to points in Erie, Warren, McKean, Potter, Tioga, Crawford, Venango, Mercer, Forest, Elk, Cameron, Clearfield, Jefferson, Clarion, Butler, and Lawrence Counties, Pa., and *empty containers or other such incidental facilities*, such as empty bottles, cases, and kegs, used in transporting the above-specified commodities on return. Applicant is authorized to conduct regular route operations in New York and Pennsylvania, and irregular route operations in Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

No. MC 102616 (Sub No. 667), filed January 6, 1959. Applicant: COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Morgantown, W. Va., to points in Allegany County, Md. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 102616 (Sub No. 667), filed January 6, 1959. Applicant: COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Morgantown, W. Va., to points in Allegany County, Md Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 107496 (Sub No. 123), filed January 5, 1959. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Peru, Ill., to points in Indiana, Iowa, and Wisconsin. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Kansas, Ohio, Michigan, Kentucky, Indiana, Colorado, Oklahoma, Arkansas, Louisiana, and Texas.

No. MC 110525 (Sub No. 381), filed December 31, 1958. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk, in tank vehicles, from Fernald, Ohio, to Ashland and Cynthiana, Ky. Applicant is authorized to conduct operations in New Jersey, New York, Maryland, Pennsylvania, Kentucky, West Virginia, Ohio, Delaware, Virginia, North Carolina, Tennessee, Kansas, Michigan, Illinois, Connecticut, Massachusetts, Indiana, Rhode Island, Minnesota, Missouri, Wisconsin, Georgia, and Alabama.

No. MC 111231 (Sub No. 36), filed December 24, 1958. Applicant: JONES TRUCK LINES, INC., 510 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, grain, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Rolla, Mo., and Little Rock, Ark.: from Rolla over U.S. Highway 63 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Arkansas Highway 11, thence over Arkansas Highway 11 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction U.S. Highway 67E, and thence over U.S. Highway 67E to Little Rock, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Missouri, Arkansas, Oklahoma, Kansas, Tennessee, Illinois, and Texas.

No. MC 117094 (Sub No. 3), filed December 29, 1958. Applicant: HOFER, INC., R.F.D. No. 2, Girard, Kans. Applicant's attorney: J. Wm. Townsend, 614 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial and manufactured fertilizer*, from Muskogee, Okla., to points in Kansas and Arkansas; and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified on return. Applicant is authorized to transport fertilizer in Arkansas, Kansas, Missouri, and Oklahoma.

No. MC 117094 (Sub No. 4), filed December 31, 1958. Applicant: HOFER, INC., Girard, Kans. Applicant's attorney: J. William Townsend, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mixed fertilizer and fertilizer compounds*, dry, and *manufactured commercial fertilizer*, dry, from Horn, Mo., to points in South Dakota, North Dakota, and Iowa, and *empty containers or other such incidental facilities* (not specified), on return. Applicant is authorized to conduct operations in Oklahoma, Kansas, and Missouri.

No. MC 118462 (Sub No. 1), filed December 29, 1958. Applicant: UNITED GARAGES, INC., 1035 Market Street, Parkersburg, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, between Parkersburg, W. Va., and points in Ohio on and south of U.S. Highway 40 from Wheeling, W. Va., to Zanesville, Ohio, those on and south of U.S. Highway 22 from Zanesville, Ohio, west to Circleville, Ohio, and those on and east of U.S. Highway 23 south to Portsmouth, Ohio, except those in Lawrence County, Ohio.

No. MC 118522, filed January 2, 1959. Applicant: BYRON CONSTRUCTION COMPANY, a corporation, P.O. Box 346, Clarksburg, W. Va. Applicant's attorney: Charles E. Anderson, United Carbon Building, Charleston 25, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal augers*, and *equipment* related directly to and shipped with these machines, from Clarksburg, W. Va., to points in Kentucky, Tennessee, Ohio, Pennsylvania, Maryland, and Virginia.

MOTOR CARRIERS OF PASSENGERS

No. MC 116654 (Sub No. 1), filed January 12, 1959. Applicant: MEREDITH E. BRAINARD, doing business as GATEWAY TOURS, 1345 South Avenue, Niagara Falls, N.Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than eight passengers in any one vehicle, but not including the driver thereof and not including children under ten years of age who do not occupy a seat or seats, in seasonal operations between May 1 and November 1, inclusive of each year, beginning and ending at Niagara Falls, N.Y., and extending to the port of entry on the international boundary line between the United States and Canada at or near Niagara Falls, N.Y. Applicant is authorized to conduct operations in New York.

No. MC 116656 (Sub No. 1), filed January 12, 1959. Applicant: ELMER E. DENNEY, doing business as FALLS WAY TOURS, R.F.D. No. 1, Youngstown, N.Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than eight passengers in any one vehicle, but not including the driver thereof and not including children under ten years of age who do not occupy a seat or seats, in seasonal operations between May 1 and November 1, inclusive of each year, beginning and ending at Niagara Falls, N.Y., and extending to the port of entry on the international boundary line between the United States and Canada at or near Niagara Falls, N.Y.

PETITION

No. MC 110388 (Sub No. 2), (PETITION FOR MODIFICATION OF KEY POINT RESTRICTION), filed December 11, 1958. Petitioner: UNION PACIFIC MOTOR FREIGHT COMPANY, a corporation, 1416 Dodge Street, Omaha, Nebr. Petitioner's attorney: William P. Higgins (same address as petitioner). Petitioner was issued a Certificate June 24, 1958, authorizing it to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with exceptions, over regular routes generally paralleling the lines of the Union Pacific Railroad Company, and extending from Kansas City and St. Joseph, Mo., and Omaha, Nebr., on the east, to Denver, Colo., and Cheyenne, Wyo., on the west. The service authorized by this certificate is limited to that which is auxiliary to, and supplemental of, the train service of the said Railroad Company and is limited to points which are stations on the rail lines of the Railroad Company. Said certificate also contains the following "key-point" restriction: "No shipment shall be transported by Union Pacific Motor Freight Company between any of the following points, or through, or to, or from more than one of said points: Kansas City, Mo.,-Kans., Marysville, Salina, Topeka, Manhattan-Junction City (considered as one) and Plainville-Hayes (considered as one), Kans., Denver and Julesburg, Colo., Cheyenne, Wyo., and North Platte, Grand Island, and Omaha, Nebr., except that this restriction, as applicable to service at Topeka and Manhattan-Junction City, Kansas, shall be limited to shipments moving from Kansas City, Mo.-Kans., or points beyond; and except that this restriction as applicable to service at Plainville-Hayes, Kans., and Julesburg, Colo., shall be limited to shipments moving from or to Denver, Colo., or beyond." Petitioner has submitted a clarification dated January 8, 1959 requesting that the above key-point restriction be amended by adding thereto the words: "and except that this restriction *as applicable at Cheyenne, Wyo.*, shall not apply to shipments moving from Cheyenne, Wyo., to Denver, Colo., or points beyond; or from Cheyenne, Wyo., to North Platte, Nebr., or points beyond.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 114547 (Sub No. 2), filed January 8, 1959. Applicant: SHORTWAY TRUCK LINE, INC., 9½ East Aspen, Flagstaff, Ariz. Applicant's attorneys: Donovan N. Hoover, P.O. Box 897, Santa Fe, N. Mex., and Beverly S. Simms, Barr Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Phoenix, Ariz., and Palo Verde, Ariz.: from Phoenix over U.S. Highway 80 to Palo Verde, and return over the same route, serving the intermediate and off-route points of Cashion, Tolleson, Avondale, Liberty, Buckeye, Perryville and Coldwater, Ariz. Applicant is authorized to transport general commodities, with exceptions, between Phoenix, Ariz., and Blanding, Utah.

NOTE: The proposed application is directly related to proceeding in No. MC-F 7074 in which applicant seeks a certificate to continue the second proviso operations of Lillian E. Bennett, doing business as Buckeye Truck Line.

APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier or property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6512 (MARION TRUCKING CO., INC.—PURCHASE (PORTION)—KILE'S MOTOR EXPRESS, INC.), published in the February 19, 1957, issue of the FEDERAL REGISTER on page 1017. Application filed January 13, 1959, for temporary authority under section 210a(b).

No. MC-F 7060 (TRI-STATE WAREHOUSING AND DISTRIBUTING CO.—PURCHASE (PORTION)—MID-CONTINENT FREIGHT LINES), published in the December 17, 1958, issue of the FEDERAL REGISTER on page 9749. Application filed January 12, 1959, for temporary authority under section 210a(b). Supplemental application filed January 12, 1959, to show WESTPORT PROPERTIES CORPORATION, 1205 Commerce Trust Building, Kansas City 6, Mo., in control of vendee.

No. MC-F 7081. Authority sought for purchase by MUSHROOM TRANSPORTATION COMPANY, 6921 Castor Avenue, Philadelphia 49, Pa., of the operating rights and certain property of KARL NEWELL AND ROY NEWELL, doing business as NEWELL TRUCKING COMPANY, 111 Eagle Street, Dunkirk, N.Y., and for acquisition by WILLIAM W. CUTAIAR, SR., Millers Hill, Kennett Square, Pa., WILLIAM W. CUTAIAR, JR., 1200 Blythe Avenue, Drexel Hill, Pa., ROBERT F. CUTAIAR, 8106 Albion Street, Philadelphia, Pa., and RICHARD W. CUTAIAR, 7405 Rowland Avenue, Cheltenham, Pa., of control of such rights and property through the purchase. Applicants' attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D.C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Buffalo, N.Y., and Erie, Pa., and between Dunkirk, N.Y., and Warren, Pa., serving all intermediate and certain off-route points; *oil and grease* in containers, from Bradford, Pa., to Dunkirk, N.Y., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Maryland, Pennsylvania, New York, New Jersey, Delaware, Illinois, Massachusetts, Connecticut, Rhode Island and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 59-536; Filed, Jan. 20, 1959; 8:48 a.m.]

[Section 5a Application 67]

TRANSCONTINENTAL REFRIGERATED CARRIERS, INC.

Notice of Approval for Agreement

JANUARY 16, 1959.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: January 12, 1959, by William A. Landau, Attorney-in-Fact for the carriers and General Manager for Transcontinental Refrigerated Carriers, Inc., P.O. Box 1634, Des Moines, Iowa.

Agreement involved: Agreement between and among common carriers by motor vehicle, members of Transcontinental Refrigerated Carriers, Inc., relating to joint consideration in establishing or changing rates, charges, allowances, rules, regulations, and practices governing the transportation of food products between points in the United States along the Pacific coast, on the one hand, and, on the other, points east of the Rocky Mountains.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

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

[F.R. Doc. 59-537; Filed, Jan. 20, 1959; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 16, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35189: *Paper and related articles from W.T.L. to Southwest.* Filed by Southwestern Freight Bureau, Agent (No. B–7459), for interested rail carriers. Rates on paper and paper articles; also empty returned wooden platforms or skids, carloads from points in Michigan, Minnesota and Wisconsin, and Fort Francis, Ont., to points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Grounds for relief: Short line distance formula and grouping.

Tariff: Supplement 106 to Southwestern Lines tariff I.C.C. 4198.

FSA No. 35190: *Coal from Kentucky mines to Paducah, Ky.* Filed by O. W. South, Jr., Agent (SFA No. A3764), for interested rail carriers. Rates on coal and coal briquettes, carloads from Louisville and Nashville Railroad Company western Kentucky mines to Paducah, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 67 to Southern Freight Association tariff I.C.C. 1414.

FSA No. 35191: *Aluminum from Texas points to Tampa, Fla.* Filed by Southwestern Freight Bureau, Agent (No. B–7465), for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs or slabs, carloads from Point Comfort, Sandow, and Gregory, Tex., to Tampa, Fla.

Grounds for relief: Short line distance formula and market competition.

Tariff: Supplement 12 to Southwestern Lines tariff I.C.C. 4287.

FSA No. 35192: *Substituted service, New York, New Haven and Hartford R.R. Co.* Filed by The New York, New Haven and Hartford Railroad Company (No. 213), for itself and on behalf of interested motor carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between Harlem River, N.Y., on the one hand, and Boston or Springfield, Mass., New Haven, Conn., or Providence, R.I., on the other.

Grounds for relief: Motor truck competition.

FSA No. 35193: *Grain from W.T.L. territory to Texas Gulf ports.* Filed by Western Trunk Line Committee, Agent (No. A–2035), for interested rail carriers. Rates on grain, grain products, and soybeans, carloads from points in western trunk line territory to Texas Gulf ports and Lake Charles, La., for export.

Grounds for relief: Carrier competition, grouping, and port equalization.

Tariffs: Supplement 54 to Atchison, Topeka and Santa Fe Railway Company tariff I.C.C. 14774 and other schedules listed in exhibit A of the application.

By the Commission.

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

[F.R. Doc. 59–533; Filed, Jan. 20, 1959; 8:48 a.m.]