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Title 3—THE PRESIDENT

Proclamation 3271

NATIONAL JUNIOR ACHIEVEMENT WEEK, 1959

By the President of the United States of America

A Proclamation

WHEREAS individual initiative is a traditional part of American character; and

WHEREAS many of our young people, under the auspices of a nationwide organization, are learning the lessons of American business initiative by organizing and operating their own small-scale enterprises assisted by the counsel and encouragement of American businessmen; and

WHEREAS the experience gained by these young people in practical affairs will assist them in later life and stimulate their spirit of achievement, independence, and community responsibility; and

WHEREAS the Congress, by Senate Concurrent Resolution 3, agreed to January 21, 1959, has requested the President to issue a proclamation designating the week beginning January 25, 1959, as National Junior Achievement Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning January 25, 1959, and ending January 31, 1959, as National Junior Achievement Week; and I urge all our citizens to observe the week by honoring Junior Achievers and their volunteer adult advisers through appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 23rd day of January in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F.R. Doc. 59-772; Filed, Jan. 26, 1959; 1:11 p.m.]

Title 7—AGRICULTURE

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

PART 26—GRAIN STANDARDS

Cancellation of Official Grain Standards of the United States for Feed Oats and Mixed Feed Oats

On November 19, 1958, there was published in the FEDERAL REGISTER (23 F.R. 8989) notice of a proposal to cancel the Official Grain Standards of the United States for Feed Oats (7 CFR 26.301 et seq.) and the Official Grain Standards of the United States for Mixed Feed Oats (7 CFR 26.351 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 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 proposal to cancel these standards. Based upon this information,

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the Official Grain Standards of the United States for Feed Oats (7 CFR 26.301 et seq.) and the Official Grain Standards of the United States for Mixed Feed Oats (7 CFR 26.351 et seq.) are canceled effective June 1, 1959.

(Sec. 8, 39 Stat. 485; 7 U.S.C. 84)

Done at Washington, D.C., this 23d day of January 1959.

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

[F.R. Doc. 59-748; Filed, Jan. 27, 1959; 8:52 a.m.]

PART 26—GRAIN STANDARDS

Revision of Official Grain Standards of the United States for Oats [1]

On November 19, 1958, there was published in the FEDERAL REGISTER (23 F.R. 8987) notice of a proposal to revise the Official Grain Standards of the United States for Oats (7 CFR 26.251 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 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 Oats (7 CFR 26.251 et seq.) are hereby revised to read as follows:

Sec.
26.251 Terms defined.
26.252 Principles governing application of the standards.
26.253 Grades, grade requirements, and grade designations.

AUTHORITY: §§ 26.251 to 26.253 issued under sec. 8, 39 Stat. 485; 7 U.S.C. 84.

§ 26.251 Terms defined.

For the purposes of the Official Grain Standards of the United States for Oats:

(a) *Oats.* Oats shall be any grain which consists of 50 percent or more of cultivated oats (Avena sativa and/or A byzantina) and may contain not more than 25 percent of wild oats and other grains for which standards have been established under the United States Grain Standards Act, singly or in combination.

(b) *Classes.* Oats shall be divided into the following five classes: White oats, Red oats, Gray oats, Black oats, and Mixed oats.

(c) *White oats.* The class White oats shall be common oats with the color and other physical characteristics of the white and/or yellow oats types and may contain not more than 10.0 percent of oats of other types.

(d) *Red oats.* The class Red oats shall be oats with the color and other physical characteristics of the red oats type and may contain not more than 10.0 percent of oats of other types.

(e) *Gray oats.* The class Gray oats shall be oats with the color and other physical characteristics of the gray oats type and may contain not more than 10.0 percent of oats of other types.

(f) *Black oats.* The class Black oats shall be oats with the color and other physical characteristics of the black oats type and may contain not more than 10.0 percent of oats of other types.

(g) *Mixed oats.* The class Mixed oats shall include all mixtures of oats not provided for in the classes White oats, Red oats, Gray oats, and Black oats.

(h) *Grades.* Grades shall be the numerical grades, sample grade and special grades provided for in § 26.253.

(i) *Foreign material.* Foreign material shall be all matter except cultivated oats, other grains, and wild oats, and shall include oat clippings and detached oat hulls.

(j) *Other grains.* Other grains shall be wheat, rye, corn, grain sorghums, barley, hull-less barley, flaxseed, emmer, spelt, einkorn, Polish wheat, poulard wheat, cultivated buckwheat, and soybeans.

(k) *Sound cultivated oats.* Sound cultivated oats shall be all cultivated oats which are not heat-damaged, sprouted, frosted, badly ground damaged, badly weather damaged, or otherwise materially damaged.

(l) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of cultivated oats, other grains, and wild oats which have been materially discolored and damaged by heat.

(m) *Fine seeds.* Fine seeds shall be all matter which will pass readily through a 5/64 triangular hole sieve.

(n) *Wild oats.* Wild oats shall be the seeds of Avena fatua and A sterilis.

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

(p) *5/64 triangular hole sieve.* A 5/64 triangular hole sieve shall be an aluminum sieve 0.0319 inch thick with equilateral triangular perforations the inscribed circles of which are 0.0781 (5/64) inch in diameter and which are ¼ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent row.

(q) *0.064 x 3/8 sieve.* A 0.064 x 3/8 sieve shall be an aluminum sieve 0.0319 inch thick perforated with oblong holes 0.064 inch by 0.375 (3/8) inch, which are 0.125 (⅛) inch from center to center and which have 0.0525 inch end bridges. The perforations of each row shall be end staggered in relation to the adjacent row.

§ 26.252 Principles governing application of standards.

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

(a) *Basis of determination.* All determinations shall be on 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 oats prescribed by the United States Department of Agriculture, as described in Service and Regulatory Announcements No. 147, issued by 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.

§ 26.253 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 White oats, Red oats, Gray oats, Black oats, and Mixed oats.* (See also paragraph (c) of this section.)

Grade	Minimum limits of—		Maximum limits of—		
	Test weight per bushel	Sound cultivated oats	Heat-damaged kernels	Foreign material	Wild oats
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*
1 [1]	34	97	0.1	2.0	2.0
2 [2]	32	94	.3	3.0	3.0
3 [3]	30	90	1.0	4.0	5.0
4 [4]	27	80	3.0	5.0	10.0

Sample grade: Sample grade shall be oats which do not meet the requirements for any of the grades No. 1 to No. 4, inclusive; or which contain more than 16.0 percent of moisture; or which contain stones; or which are musty, or sour, or heating; or which have any commercially objectionable foreign odor except of smut or garlic; or which are otherwise of distinctly low quality.

[1] The oats in grades No. 1 white oats may contain not more than 5.0 percent of red oats, gray oats, and black oats, singly or in combination, of which not more than 2.0 percent may be black oats.

[2] The oats in grade No. 2 white oats may contain not more than 3.0 percent of black oats.

[3] Oats that are slightly weathered shall be graded not higher than No. 3.

[4] Oats that are badly stained or materially weathered shall be graded not higher than No. 4.

(b) *Grade designations for all classes of oats.* The grade designation for oats shall include 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 oats*—(1) *Bright oats*—(i) *Requirements.* Bright oats shall be oats, except Bleached oats, that are of good, natural color.

(ii) *Grade designation.* Bright oats shall be graded and designated according to the grade requirements of the standards applicable to such oats if they were not bright, and there shall be added to

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

and made a part of the grade designation, preceding the name of the class, the word "Bright."

(2) *Heavy oats*—(i) *Requirements.* Heavy oats shall be oats which have a test weight per bushel of 36 pounds or more but less than 38 pounds.

(ii) *Grade designation.* Heavy oats shall be graded and designated according to the grade requirements of the standards applicable to such oats if they were not heavy, and there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Heavy."

(3) *Extra heavy oats*—(i) *Requirements.* Extra heavy oats shall be oats which have a test weight per bushel of 38 pounds or more.

(ii) *Grade designation.* Extra heavy oats shall be graded and designated according to the grade requirements of the standards applicable to such oats if they were not extra heavy, and there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Heavy."

(4) *Tough oats*—(i) *Requirements.* Tough oats shall be oats which contain more than 14.0 percent but not more than 16.0 percent of moisture.

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

(5) *Thin oats*—(i) *Requirements.* Thin oats shall be oats which contain more than 20.0 percent of oats and/or other matter, except "fine seeds," that will pass readily through a 0.064 x ⅜ sieve.

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

(6) *Weevily oats*—(i) *Requirements.* Weevily oats shall be oats which are infested with live weevils or other insects injurious to stored grain.

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

(7) *Smutty oats*—(i) *Requirements.* Smutty oats shall be oats which have the kernels covered with smut spores or which contain smut masses and/or smut balls in excess of 0.2 percent.

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

(8) *Ergoty oats*—(i) *Requirements.* Ergoty oats shall be oats which contain ergot in excess of 0.3 percent.

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

(9) *Garlicky oats*—(i) *Requirements.* Garlicky oats shall be oats which contain 4 or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 500 grams of oats.

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

(10) *Bleached oats*—(i) *Requirements.* Bleached oats shall be oats which in whole or in part, have been treated by the use of sulphurous acid or any other bleaching agent.

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

The revision incorporates certain changes in the standards which were made susbsequent to the notices published in the FEDERAL REGISTER on November 19, 1958. Changes were made in the definitions for the several classes in order to clarify the meaning. The changes in test weight per bushel in the numerical grades and the special grades Heavy oats and Extra heavy oats were made on the basis of recommendations received at the hearings and in writing from interested parties. The United States Grain Standards Act requires that public notice be given of the modification of standards adopted under its provisions not less than 90 days in advance of the effective date of such modification. In order for the revised standards to be of maximum benefit in the marketing of the 1959 oats crop, the standards should be made effective on June 1, 1959. Therefore, to the extent that changes incorporated in the revised standards were not contained in the notice published in the FEDERAL REGISTER on November 19, 1958, it is found upon good cause, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public procedure with respect thereto are impracticable, unnecessary, and contrary to the public interest.

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

Done at Washington, D.C., this 23d day of January 1959.

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

[F.R. Doc. 59-749; Filed, Jan. 27, 1959; 8:52 a.m.]

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

Subpart—United States Standards for Grades of Frozen Broccoli [1]

On June 25, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F.R. 4639) regarding a proposed revision of the United States Standards for Grades of Frozen Broccoli.

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

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.631 Product description.
52.632 Styles.
52.633 Grades.

FACTORS OF QUALITY

52.634 Ascertaining the grade.
52.635 Ascertaining the rating for the factors which are scored.
52.636 Color.
52.637 Uniformity of size.
52.638 Defects.
52.639 Character.

DEFINITIONS AND METHODS OF ANALYSIS

52.640 Percent, by weight, of head material, loose leaves and loose pieces of leaves in cut and chopped broccoli.

LOT INSPECTION AND CERTIFICATION

52.641 Ascertaining the grade of a lot.

SCORE SHEET

52.642 Score sheet for frozen broccoli.

AUTHORITY: §§ 52.631 to 52.642 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.631 Product description.

"Frozen broccoli" is the product prepared from the fresh, clean, sound stalks or shoots of the broccoli plant by trimming, washing, blanching, sorting and properly draining and is frozen in accordance with good commercial practice and maintained at temperatures necessary for preservation of the product.

§ 52.632 Styles of frozen broccoli.

(a) *General.* For the purpose of determining percent, by weight, of head material and leaf material in the styles of cut and chopped broccoli:

(1) "Head material" consists of buds or bud clusters whether or not attached to a portion of a spear and includes the fine stem material to which buds or bud

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act (or with applicable State laws and regulations).

clusters are attached to the main stem;

(2) "Leaf material" means a leaf or any portion thereof whether or not attached to a portion of a spear.

(b) *Style I.* "Spears" or "Stalks" means frozen broccoli consisting of the head and adjoining portions of the stem, with or without attached leaves; such spears or stalks may be cut longitudinally. The length of the unit is not less than 3 inches or not more than 6 inches.

(c) *Style II.* "Short spears" or "Florets" means frozen broccoli consisting of the head and adjoining portions of the stem, with or without attached leaves; such short spears or florets may be cut longitudinally. The length of the unit is less than 3 inches but not less than 1 inch.

(d) *Style III.* "Cuts" means frozen broccoli consisting of spears or stalks which have been cut into portions ¾ inch or more but not more than 2 inches in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(e) *Style IV.* "Chopped" means frozen broccoli consisting of spears or stalks which have been cut into portions less than ¾ inch in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(f) *Style V.* "Pieces" means frozen broccoli consisting of any cut or chopped portions of spears or stalks and does not meet the foregoing definition of "Cuts" or "Chopped." This style consists of pieces not in excess of 2 inches in length and may or may not contain head material or leaf material.

§ 52.633 Grades of frozen broccoli.

(a) "U.S. Grade A" or ("U.S. Fancy") is the quality of frozen broccoli of any style, except Style V—"Pieces", that possesses similar varietal characteristics; that possesses a good color; that is reasonably uniform in size; that is practically free from defects; that possesses a good character; that possesses a good flavor; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 85 points: *Provided*, That frozen broccoli of any style, except Style V—"Pieces", may be only fairly uniform in size if the total score is not less than 85 points.

(b) "U.S. Grade B" or ("U.S. Extra Standard") is the quality of frozen broccoli of any style that possesses similar varietal characteristics; that possesses a reasonably good color; that is reasonably uniform in size; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor; and that for those factors which are rated in this subpart, the total score is not less than 70 points: *Provided*, That frozen broccoli may fail to meet the requirements of fairly uniform in size if the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen broccoli of any style that fails to meet the requirements of "U.S. Grade B".

FACTORS OF QUALITY

§ 52.634 Ascertaining the grade.

(a) The grade of frozen broccoli may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
Color	20
Uniformity of size	15
Defects	30
Character	35
Total score	100

(c) The scores for the factors of color, uniformity of size, defects, and character are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The evaluation of the factors of character with respect to tenderness and flavor is determined after thawing and after the product is cooked.

(d) "Good flavor" means that the product has a good, normal, characteristic flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor" means that the product after cooking may be lacking in good, normal, flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.635 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.636 Color.

(a) (*A*) *classification.* Frozen broccoli of any style, except style V—"Pieces" that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the frozen broccoli possesses a bright, characteristic green color which may include lighter colored areas typical of young and tender broccoli that does not materially affect the appearance of the product.

(b) (*B*) *classification.* If the frozen broccoli of any style possesses a reasonably good color, a score of 14 to 16 points may be given. Frozen broccoli that falls into this classification shall not be graded above "U.S. Grade B" regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen broccoli possesses a characteristic green color which may be variable but is not off color.

(c) (*SStd.*) *classification.* Frozen broccoli of any style that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.637 Uniformity of size.

(a) *General.* "Diameter" of a spear or stalk, whether or not cut longitudinally, means the greatest crosswise dimension measured 1 inch above the lowest portion of a main stem of the spear or stalk at approximate right angles to the length.

(b) (*A*) *classification.* Frozen broccoli of any style, except Style V—"Pieces", that is reasonably uniform in size may be given a score of 13 to 15 points. "Reasonably uniform in size" has the following meanings with respect to:

(1) *Spears.* (i) The length of the longest unit does not exceed the length of the shortest unit by more than 2 inches;

(ii) In the 90 percent, by count, of the units with the most uniform lengths, the length of the longest unit does not exceed the length of the shortest unit by more than 1 inch;

(iii) The diameter of the unit with the greatest diameter does not exceed the diameter of the unit with the smallest diameter by more than 1 inch;

(iv) And in the 90 percent, by count, of the units which have the most uniform diameters, the diameter of the unit with the greatest diameter does not exceed the diameter of the unit with the smallest diameter by more than ¾ inch.

(2) *Short spears.* The weight of the largest unit is not more than 3 times the weight of the smallest unit.

(3) *Cuts.* Not more than 10 percent, by weight, of the units may be ½ inch or less in length and the appearance of the product is not materially affected by variation in size.

(4) *Chopped.* Not more than 5 percent, by weight, of the units are ¾ inch or more in length.

(c) (*B*) *classification.* If the frozen broccoli of any style is fairly uniform in size a score of 10 to 12 points may be given. "Fairly uniform in size" has the following meaning with respect to:

(1) *Spears.* (i) In the 90 percent, by count, of the units with the most uniform lengths, the length of the longest unit does not exceed the length of the shortest unit by more than 2 inches;

(ii) In the 90 percent, by count, of the units with the most uniform diameters, the diameter of the unit with the greatest diameter does not exceed the diameter of the unit with the smallest diameter by more than ¾ inch.

(2) *Short spears.* The weight of the largest unit is not more than 4 times the weight of the smallest unit.

(3) *Cuts.* Not more than 20 percent, by weight, of the units may be ½ inch or less in length and the appearance of the product is not seriously affected by variation in size.

(4) *Chopped.* Not more than 10 percent, by weight, of the units may be ¾ inch or more in length.

(5) *Pieces.* The variation in size of the individual units does not seriously affect the appearance of the product.

(d) *(SStd.) classification.* Frozen broccoli of any style that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 9 points. Frozen broccoli that falls into this classification shall not be graded above "U.S. Grade B" regardless of the total score for the product (this is a partial limiting rule).

§ 52.638 Defects.

(a) *General.* The factor of defects refers to the degree of trimming and to the degree of freedom from grit or silt, harmless extraneous vegetable material, detached fragments, and from units that are damaged or seriously damaged.

(1) "Grit or silt" means sand or any other particle of earthy material.

(2) "Harmless extraneous vegetable material" means vegetable substances other than broccoli, such as weeds and grass and any portions thereof, that are harmless.

(3) "Loose leaves" and "loose pieces of leaves" means leaves or pieces of leaves not attached to a unit.

(4) "Detached fragments" means any detached portions of spears or stalks including bud clusters, shattered material, portions of stems without bud clusters regardless of size or length, and portions of stems with bud clusters which portions are 2 inches or less in the greatest straight dimension with respect to spears and 1 inch or less in the greatest straight dimension with respect to short spears.

(5) "Well trimmed" means that the appearance of the spear or short spear is not materially affected by the presence of attached leaves or pieces of leaves and not more than slightly affected by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem of the spear.

(6) "Reasonably well trimmed" means that the appearance of the spear or short spear is not seriously affected by the presence of attached leaves or pieces of leaves and not materially affected by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem of the spear.

(7) "Poorly trimmed" means that the appearance of the spear or short spear is seriously affected by the presence of attached leaves or pieces of leaves, by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem of the spear.

(8) "Damaged" means damage by discoloration, mechanical injury, hollow stems, pithy stems, or by other means to the extent that the appearance or eating quality of the unit is materially affected.

(9) "Seriously damaged" means damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(b) *(A) classification.* Frozen broccoli of any style, except Style V—"Pieces", that is practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that there may be present no grit or silt that affects the appearance or eating quality of the product; not more than 1 piece of harmless extraneous vegetable material for each 30 ounces of net weight; and in addition to the foregoing has the following meanings with respect to:

(1) *Spears; short spears.* (i) The presence of loose leaves, loose pieces of leaves and detached fragments does not materially affect the appearance of the product;

(ii) Not more than 20 percent, by count, of the units may be reasonably well trimmed, including not more than 5 percent, by count, of all the units or one unit, whichever is greater, may be poorly trimmed;

(iii) Not more than 10 percent, by count, of the units may be damaged including not more than 5 percent, by count, of all the units that may be seriously damaged. One unit in a container is permitted to be damaged or seriously damaged; *Provided,* That the total number of such damaged or seriously damaged units in all of the containers comprising the sample is within the percentage permitted for such defects.

(iv) The presence of harmless extraneous vegetable material, loose leaves, loose pieces of leaves, detached fragments, reasonably well trimmed units, poorly trimmed units, and units that are damaged or seriously damaged, does not materially affect the appearance or eating quality of the product.

(2) *Cuts.* (i) Not more than 6 percent, by weight, of the units may be damaged, including not more than 3 percent, by weight, that may be seriously damaged.

(ii) The presence of harmless extraneous vegetable material, damaged units, or seriously damaged units does not materially affect the appearance or eating quality of the product.

(3) *Chopped.* (i) Not more than 4 percent, by weight, of the units may be damaged including not more than 2 percent, by weight, of the units that may be seriously damaged.

(ii) The presence of harmless extraneous vegetable material, damaged units, or seriously damaged units does not materially affect the appearance or eating quality of the product.

(c) *(B) classification.* Frozen broccoli of any style that is reasonably free from defects may be given a score of 21 to 24 points. Frozen broccoli that falls into this classification shall not be graded above "U.S. Grade B" regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that a trace of grit or silt may be present that does not materially affect the appearance or eating quality of the product; for each 30 ounces of net weight there may be present not more than 2 pieces of harmless extraneous vegetable material; and in addition to the foregoing has the following meanings with respect to:

(1) *Spears; short spears.* (i) The presence of detached fragments, loose leaves and loose pieces of leaves does not seriously affect the appearance of the product;

(ii) Not more than 20 percent, by count, may be poorly trimmed;

(iii) Not more than 20 percent, by count, may be damaged including not more than 10 percent, by count, that may be seriously damaged; One unit in a container is permitted to be damaged or seriously damaged: *Provided,* That the total number of such damaged or seriously damaged units in all of the containers comprising the sample is within the percentage permitted for such defects.

(iv) The presence of harmless extraneous vegetable material, detached fragments, loose leaves and loose pieces of leaves, poorly trimmed units, and units that are damaged or seriously damaged does not seriously affect the appearance or eating quality of the product;

(2) *Cuts.* (i) Not more than 12 percent, by weight, of the units may be damaged, including not more than 6 percent, by weight, of the units that may be seriously damaged;

(ii) The presence of harmless extraneous vegetable material, damaged units, or seriously damaged units does not seriously affect the appearance or eating quality of the product.

(3) *Chopped.* (i) Not more than 8 percent, by weight, of the units may be damaged, including not more than 4 percent, by weight, of the units that may be seriously damaged.

(ii) The presence of harmless extraneous vegetable material, damaged units, or seriously damaged units does not seriously affect the appearance or eating quality of the product.

(4) *Pieces.* (i) The presence of harmless extraneous vegetable material, damaged units, or seriously damaged units does not seriously affect the appearance or eating quality of the product.

(d) *(SStd.) classification.* Frozen broccoli of any style that fails to meet the requirments of paragraph (c) of this section may be given a score of 0 to 20 points. Frozen broccoli that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

§ 52.639 Character.

(a) *General.* The factor of character refers to the degree of development, to the degree of tenderness and freedom from fiber.

(1) "Well developed" means that the branching bud clusters of the unit form a practically compact head, that the individual buds in the bud clusters are all practically closed, and that the immediate stems supporting the individual buds in the bud clusters show no more than slight elongation.

(2) "Reasonably well developed" means that the branching bud clusters of the unit may be spread or spreading; that the individual buds in the bud clusters may have reached a moderate stage of enlargement but practically none of the buds are in the flowered or open stage; and that the immediate stems supporting the individual buds in the bud clusters may be moderately elongated.

(b) *(A) classification.* Frozen broccoli of any style, except Style V—"Pieces", that possesses a good character may be given a score of 30 to 35 points. "Good character" has the following meanings with respect to:

(1) *Spears; short spears.* The units are tender and free from tough fiber; and not less than 80 percent, by count, of the units are well developed and the remainder may be reasonably well developed;

(2) *Cuts.* The units are tender and free from tough fiber; and the buds and bud clusters are at least reasonably well developed;

(3) *Chopped.* The broccoli is tender and free from tough fiber; and the buds and bud clusters are at least reasonably well developed.

(c) *(B) classification.* Frozen broccoli of any style that possesses a reasonably good character may be given a score of 25 to 29 points. Frozen broccoli that falls into this classification shall not be graded above "U.S. Grade B" regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to:

(1) *Spears; short spears.* The units are reasonably tender and not more than 10 percent, by count, of the units may possess tough fiber; and not more than 10 percent, by count, may fail to meet the requirements for reasonably well developed;

(2) *Cuts.* The units are reasonably tender, not more than 10 percent, by weight, may possess tough fiber; and not more than 5 percent, by weight, of the units may show buds or bud clusters which fail to meet the requirements for reasonably well developed;

(3) *Chopped; pieces.* The broccoli is reasonably tender and practically free from tough fiber; and the presence of flowered buds or bud clusters does not materially affect the appearance or eating quality of the product.

(d) *(SStd.) classification.* Frozen broccoli of any style that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 24 points. Frozen broccoli that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

DEFINITIONS AND METHODS OF ANALYSIS

§ 52.640 Percent, by weight, of head material, loose leaves and loose pieces of leaves in cut and chopped broccoli.

(a) Frozen cut and chopped broccoli shall be tested by the following method to determine the percent, by weight, of head material, loose leaves and loose pieces of leaves.

(1) Equipment needed:

(i) 250 ml beaker.

(ii) Gram scale, or other suitable scale graduated to 0.1 ounce.

(iii) Laboratory tweezers, scalpel or any other instrument suitable for separating the stem material, leaf material, and head material.

(iv) Flat grading tray.

(2) Method:

(i) Thoroughly mix sample to be tested.

(ii) Weigh approximately 100 grams or 3 ounces of sample in a previously tared 250 ml beaker.

(iii) Spread contents of beaker out on a flat grading tray.

(iv) Separate the stem material from the head and leaf material; weigh the stem material, and record.

(v) Separate the leaf material from the head material; weigh each separately and record.

(vi) The weight of the head material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of head material.

(vii) The weight of the leaf material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of leaf material.

(viii) Compliance with the requirements for the percent, by weight, of leaf material and head material is determined by averaging the weight of the head material and leaf material separately from all the containers comprising the samples; provided, no single container contains less than 15 percent, by weight of head material, or more than 35 percent, by weight, of leaf material.

LOT INSPECTION AND CERTIFICATION

§ 52.641 Ascertaining the grade of a lot.

The grade of a lot of frozen broccoli covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87; 22 F.R. 3535).

SCORE SHEET

§ 52.642 Score sheet for frozen broccoli.

Size and kind of container	----
Container mark or identification	----
Label	----
Net weight (ounces)	----
Style	----
Count (of spears and short spears)	----
Head material (Percent, by weight)	----
Leaf material (Percent, by weight)	----

Factors		Score points
Color	20	(A) 17–20 (B) [1] 14–16 (SStd.) [1] 0–13
Uniformity of size	15	(A) 13–15 (B) 10–12 (SStd.) [2] 0–9
Defects	30	(A) 25–30 (B) [1] 21–24 (SStd.) [1] 0–20
Character	35	(A) 30–35 (B) [1] 25–29 (SStd.) [1] 0–24
Total score	100	

Flavor and Odor	----
Grade	----

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

The United States Standards for Grades of Frozen Broccoli (which is the third issue) contained in this subpart shall become effective March 1, 1959, and thereupon will supersede the United States Standards for Grades of Frozen Broccoli (7 CFR Part 52) which have been in effect since August 1, 1950.

Dated: January 23, 1959.

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

[F.R. Doc. 59-747; Filed, Jan. 27, 1959; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7114]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Kochton Plywood and Veneer Company, Inc., and Emil J. Kochton

Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1900 *Source or origin:* Foreign product as domestic.

(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, Kochton Plywood and Veneer Company, Inc., et al., Chicago, Ill., Docket 7114, December 17, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Chicago sellers of plywood paneling imported from Japan and grained or finished in the United States which was not made from either walnut or oak, with misrepresenting the paneling by distributing to retailers samples identified as "Blond Walnut", "Silver Oak", "Natural Walnut", etc.; and with distributing said samples, stamped with their name and address, without clearly disclosing that the paneling was made in Japan.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Kochton Plywood and Veneer Company, Inc., a corporation, and its officers, and Emil J. Kochton, individually and as an officer of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Beauty-Glo" plywood paneling, plywood paneling or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale any product the whole or any substantial part of which originates in any foreign country without clearly disclosing such foreign origin on the product itself and on samples thereof.

2. Representing, directly or by implication, contrary to the fact, that any product is composed in whole or in part of wood or woods of any particular species.

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: December 17, 1958.

By the Commission.

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

[F.R. Doc. 59-714; Filed, Jan. 27, 1959; 8:47 a.m.]

[Docket 7206]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

B. Altman & Co.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; exaggerated as regular and customary. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act.

(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, B. Altman & Co., New York, N.Y., Docket 7206, December 17, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City department store with violating the Fur Products Labeling Act by newspaper advertising which failed to disclose the names of animals producing certain furs, offered furs as reduced from "regular" prices which were in fact fictitious, and contained comparative prices which failed to give a bona fide time of the compared price; and by failing to comply with the invoicing requirements.

Based on an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That B. Altman & Co., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is 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. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

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. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

B. Bases comparative prices on former or original prices that are not the prevailing prices at the time of the advertisement without stating the dates or times of the compared prices.

C. 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 respondent has usually and customarily sold such products in the recent regular course of business.

It is further ordered, That the allegation as to "bleached and dyed" fur products as alleged in Paragraph Six (b) of the complaint be, and hereby is, dismissed.

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

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

Issued: December 17, 1958.

By the Commission.

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

[F.R. Doc. 59-715; Filed, Jan. 27, 1959; 8:47 a.m.]

[Docket 7246]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Canadian Fur Company et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; forced or sacrifice sales; percentage savings. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(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, Canadian Fur Company et al., Springfield, Mass., Docket 7246, December 17, 1958]

In the Matter of Canadian Fur Company, a Corporation, and Carl Riner and Harold Riner, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Springfield, Mass., with violating the Fur Products Labeling Act by advertising in newspapers which failed to disclose the names of animals producing certain furs, or that certain products contained artificially colored fur, or to set forth the description "dyed mouton-processed lamb" as required; which represented prices as reduced from regular prices which were in fact fictitious, or as affording percentage savings not in accord with the facts, and falsely represented certain fur products as from stock being liquidated in a "Removal Sale"; and by failing to comply with the invoicing requirements.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Canadian Fur Company, a corporation, and its officers, and Carl Riner and Harold Riner, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising, offering for sale in commerce or the transportation or distribution in commerce of fur products, 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:

A. Misbranding fur products by:

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

(2) Failing to affix labels to fur products showing:

(a) The item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

(1) Failing to furnish purchasers of fur products invoices showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains, or is composed of used fur, when such is the fact;

(c) That the fur product contains, or is composed of bleached, dyed, or otherwise articially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in the fur product.

(2) Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form.

(3) Failing to set forth the description "dyed mouton processed lamb" in the manner required by law.

C. 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:

(1) Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

(2) Fails to set forth the description "dyed mouton processed lamb" in the manner required by law.

(3) Sets forth information required under section 5(a)(1) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form.

(4) 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 the respondents have usually and customarily sold such product in the recent and regular course of their business.

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

(6) Represents, directly or by implication, that certain fur products are part of the regular stock of the business, and not secured or purchased for purpose of a "Removal Sale" or other such special sale, when such is the fact.

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

It is ordered, That 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: December 17, 1958.

By the Commission.

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

[F.R. Doc. 59-716; Filed, Jan. 27, 1959; 8:47 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6359]

PART 296—TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES

Subpart A—Application of Section 6423, Internal Revenue Code of 1954, as Amended, to Refund or Credit of Tax on Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes

On September 26, 1958, a notice of proposed rulemaking with respect to Subpart A of regulations designated as Part 296 of Title 26 Code of Federal Regulations was published in the FEDERAL REGISTER (23 F.R. 7485). The proposed regulations in Subpart A would implement the provisions of section 6423 of the Internal Revenue Code of 1954, as amended, which impose certain limitations on the refund or credit of tax paid or collected on articles taxed under chapter 52 of the Internal Revenue Code of 1954, as amended, or by any corresponding provision of prior internal revenue laws.

In accordance with the notice, interested parties were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No written comments were received within the period of 30 days prescribed in the notice and the regulations as so published are hereby adopted.

Because the provisions of Public Law 85-323 apply to certain claims for refund or credit of tax filed by taxpayers after April 30, 1958, it is found that it is impractical and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, this Treasury decision is made effective as of May 1, 1958.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM, *Commissioner of Internal Revenue.*

Approved: January 22, 1959.

FRED C. SCRIBNER, Jr., *Acting Secretary of the Treasury.*

1. Section 6423 of the Internal Revenue Code of 1954, as amended, reads as follows:

SEC. 6423. *Conditions to allowance in the case of alcohol and tobacco taxes*—(a) *Conditions.* No credit or refund shall be allowed or made, in pursuance of a court decision or otherwise, of any amount paid or collected as an alcohol or tobacco tax unless the claimant establishes (under regulations prescribed by the Secretary or his delegate)—

(1) That he bore the ultimate burden of the amount claimed; or

(2) That he has unconditionally repaid the amount claimed to the person who bore the ultimate burden of such amount; or

(3) That (A) the owner of the commodity furnished him the amount claimed for payment of the tax, (B) he has filed with the Secretary or his delegate the written consent of such owner to the allowance to the claimant of the credit or refund, and (C) such owner satisfies the requirements of paragraph (1) or (2).

(b) *Filing of claims.* No credit or refund of any amount to which subsection (a) applies shall be allowed or made unless a claim therefor has been filed by the person who paid the amount claimed, and, except as hereinafter provided in this subsection, unless such claim is filed after April 30, 1958, and within the time prescribed by law, and in accordance with regulations prescribed by the Secretary or his delegate. All evidence relied upon in support of such claim shall be clearly set forth and submitted with the claim. Any claimant who has on or before April 30, 1958, filed a claim for any amount to which subsection (a) applies may, if such claim was not barred from allowance on April 30, 1958, file a superseding claim after April 30, 1958, and on or before April 30, 1959, conforming to the requirements of this section and covering the amount (or any part thereof) claimed in such prior claim. No claim filed before May 1, 1958, for the credit or refund of any amount to which subsection (a) applies shall be held to constitute a claim for refund or credit within the meaning of, or for purposes of, section 7422 (a); except that any claimant who instituted a suit before June 15, 1957, for recovery of any amount to which subsection (a) applies shall not be barred by this subsection from the maintenance of such suit as to any amount claimed in such suit on such date if in such suit he establishes the conditions to allowance required under subsection (a) with respect to such amount.

(c) *Period not extended.* Any suit or proceeding, with respect to any amount to which subsection (a) applies, which is barred on April 30, 1958, shall remain barred. No claim for credit or refund of any such amount which is barred from allowance on April 30, 1958, shall be allowed after such date in any amount.

(d) *Application of section.* This section shall apply only if the credit or refund is claimed on the grounds that an amount of alcohol or tobacco tax was assessed or collected erroneously, illegally, without authority, or in any manner wrongfully, or on the grounds that such amount was excessive. This section shall not apply to—

(1) Any claim for drawback,

(2) Any claim made in accordance with any law expressly providing for credit or refund where a commodity is withdrawn from the market, returned to bond, or lost or destroyed, and

(3) Any amount claimed with respect to a commodity which has been lost, where a suit or proceeding was instituted before June 15, 1957.

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

(1) *Alcohol or tobacco tax.* The term "alcohol or tobacco tax" means—

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

(B) In the case of any commodity of a kind subject to a tax described in subparagraph (A), any tax equal to any such tax, any additional tax, or any floor stocks tax.

(2) *Tax.* The term "tax" includes a tax and an exaction denominated a "tax", and any penalty, addition to tax, additional amount, or interest applicable to any such tax.

(3) *Ultimate burden.* The claimant shall be treated as having borne the ultimate burden of an amount of an alcohol or tobacco tax for purposes of subsection (a)(1) and the owner referred to in subsection (a)(3) shall be treated as having borne such burden for purposes of such subsection, only if—

(A) He has not, directly or indirectly, been relieved of such burden or shifted such burden to any other person,

(B) No understanding or agreement exists for any such relief or shifting, and

(C) If he has neither sold nor contracted to sell the commodities involved in such claim, he agrees that there will be no such relief or shifting, and furnishes such bond as the Secretary or his delegate may require to insure faithful compliance with his agreement.

GENERAL

Sec.
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GENERAL

§ 296.1 Scope of regulations in this subpart.

The regulations in this subpart relate to the limitations imposed by section 6423, I.R.C., on the refund or credit of tax paid or collected in respect to any article of a kind subject to a tax imposed by chapter 52, I.R.C., or by any corresponding provision of prior internal revenue laws.

§ 296.2 Meaning of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section.

Article. The commodity in respect to which the amount claimed was paid or collected as a tax.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Claimant. Any person who files a claim for a refund or credit of tax under this subpart.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington 25, D.C.

I.R.C. Internal Revenue Code of 1954, as amended.

Owner. A person who, by reason of a proprietary interest in the article, furnished the amount claimed to the claimant for the purpose of paying the tax.

Person. An individual, a trust, estate, partnership, association, company, or corporation.

Regional Commissioner. The regional commissioner in a region.

Tax. Any tax imposed by chapter 52, I.R.C., or by any corresponding provision of prior internal revenue laws, and in the case of any commodity of a kind subject to a tax under such chapter, any tax equal to any such tax, any additional tax, or any floor stocks tax. The term includes an exaction denominated a "tax", and any penalty, addition to tax, additional amount, or interest applicable to any such tax.

§ 296.3 Applicability to certain credits or refunds.

The provisions of this subpart apply only where the credit or refund is claimed on the grounds that an amount of tax was assessed or collected erroneously, illegally, without authority, or in any manner wrongfully, or on the grounds that such amount was excessive. This subpart does not apply to:

(a) Any claim for drawback,

(b) Any claim made in accordance with any law expressly providing for credit or refund where an article is withdrawn from the market, returned to bond, lost, or destroyed,

(c) Any amount claimed with respect to an article which has been lost, where a suit or proceeding was instituted before June 15, 1957, and

(d) Any claim based solely on errors in computation of the quantity of an article subject to tax or on mathematical errors in computation of the amount of the tax due, or to any claim in respect of tax collected or paid on an article seized and forfeited, or destroyed, as contraband.

Any suit or proceeding, with respect to any amount to which the provisions of this subpart would apply, which was barred on April 30, 1958, shall remain barred, and no claim for credit or refund of any such amount which was barred from allowance on April 30, 1958, shall be allowed after such date in any amount.

§ 296.4 Ultimate burden.

For the purposes of this subpart, the claimant, or owner, shall be treated as having borne the ultimate burden of an amount of tax only if:

(a) He has not, directly or indirectly, been relieved of such burden or shifted such burden to any other person,

(b) No understanding or agreement exists for any such relief or shifting, and

(c) If he has neither sold nor contracted to sell the articles involved in such claim, he agrees that there will be no such relief or shifting, and furnishes bond as provided in § 296.10.

§ 296.5 Conditions to allowance of credit or refund.

No credit or refund to which this subpart is applicable shall be allowed or made, pursuant to a court decision or otherwise, of any amount paid or collected as a tax unless a claim therefor has been filed, as provided in this subpart, by the person who paid the tax and the claimant, in addition to establishing that he is otherwise legally entitled to credit or refund of the amount claimed, establishes:

(a) That he bore the ultimate burden of the amount claimed, or

(b) That he has unconditionally repaid the amount claimed to the person who bore the ultimate burden of such amount, or

(c) That (1) the owner of the article furnished him the amount claimed for payment of the tax, (2) he has filed with the assistant regional commissioner the written consent of such owner to the allowance to the claimant of the credit or refund, and (3) such owner satisfies the requirements of paragraph (a) or (b) of this section.

§ 296.6 Requirements for persons intending to file claim.

Any person who, having paid the tax with respect to an article, desires to claim refund or credit of any amount of such tax to which the provisions of this subpart are applicable must:

(a) File a claim, as provided in § 296.7,

(b) Comply with any other provisions of law or regulations which may apply to the claim, and

(c) If, at the time of filing the claim, neither he nor the owner has sold or contracted to sell the articles involved in the claim, file a bond on Form 2490, as provided by § 296.10.

CLAIM PROCEDURE

§ 296.7 Execution and filing of claim.

Claims to which this subpart is applicable shall be executed on Form 843 (original only) in accordance with instructions on the form and shall be filed with the district director of internal revenue for the district where the tax was paid, who will refer such claims to the assistant regional commissioner (alcohol and tobacco tax) for the region. The claim must set forth each ground upon which the claim is made in sufficient detail to apprise the assistant regional commissioner of the exact basis therefor. Allegations pertaining to the bearing of the ultimate burden relate to additional conditions which must be established for a claim to be allowed and are not in

themselves legal grounds for allowance of a claim. There shall also be attached to the form and made a part of the claim the supporting data required by § 296.8. All evidence relied upon in support of such claim shall be clearly set forth and submitted with the claim.

§ 296.8 Data to be shown in claim.

Claims to which this subpart is applicable, in addition to the requirements of § 296.7, must set forth or contain the following:

(a) A statement that the claimant paid the amount claimed as a "tax" as defined in this subpart.

(b) If the claim is a superseding claim covering an amount (or any part thereof) claimed in a claim filed on or before April 30, 1958, a statement setting forth the place of filing of such claim, the date of filing thereof, the amount claimed, and information showing that such prior claim was not barred from allowance on April 30, 1958.

(c) Full identification (by specific reference to the form number, the date of filing, the place of filing, and the amount paid on the basis of the particular form or return) of the tax forms or returns covering the payments for which refund or credit is claimed.

(d) The written consent of the owner to the allowance of the refund or credit to the claimant (where the owner of the article in respect of which the tax was paid furnished the claimant the amount claimed for the purpose of paying the tax).

(e) If the claimant or the owner, as the case may be, has neither sold nor contracted to sell the articles involved in the claim, a statement that the claimant or the owner, as the case may be, agrees not to shift, directly or indirectly in any manner whatsoever, the burden of the tax to any other person.

(f) If the claim is for refund of a floor stocks tax, or of an amount resulting from an increase in rate of tax applicable to an article, a statement as to whether the price of the article was increased on or following the effective date of such floor stocks tax or rate increase, and, if so, the date of the increase, together with full information as to the amount of such price increase.

(g) Specific evidence (such as relevant records, invoices, or other documents, or affidavits of individuals having personal knowledge of pertinent facts) which will satisfactorily establish the conditions to allowance set forth in § 296.5.

The assistant regional commissioner may require the claimant to furnish as a part of the claim such additional information as he may deem necessary.

§ 296.9 Time for filing claim.

(a) *General.* Except as provided in paragraph (c) of this section credit or refund of any amount of tax to which the provisions of this subpart apply shall not be made unless the claimant files a claim therefore after April 30, 1958, and within the time prescribed by law and in accordance with the provisions of this subpart, and no claim filed before May 1, 1958, for the credit or refund of any amount of tax to which this subpart is applicable shall be held to constitute a claim for refund or credit within the meaning of, or for the purposes of, section 7422(a), I.R.C.

(b) *Superseding claims.* Any claimant who on or before April 30, 1958, filed a claim for any amount to which this subpart applies may, if such claim was not barred from allowance on April 30, 1958, file a superseding claim after April 30, 1958, and on or before April 30, 1959, conforming to the requirements of this subpart and covering the amount (or any part thereof) claimed in the prior claim.

(c) *Suits instituted before June 15, 1957.* Any claimant who instituted a suit before June 15, 1957, for recovery of any amount to which this subpart applies, shall not be barred by this section from the maintenance of such suit as to any such amount claimed in such suit on such date if in such suit he establishes the conditions to allowance in this subpart with respect to such amount.

BOND

§ 296.10 Bond, Form 2490.

Each claim for a refund or credit of tax on articles which the claimant or the owner, as the case may be, has neither sold nor contracted to sell at the time of filing of the claim must be accompanied by a bond on Form 2490. The bond shall be executed by the claimant or the owner of the articles, as the case may be, in accordance with the provisions of this subpart and the instructions printed on the form. Such bond shall be conditioned that there will be no relief or shifting of the ultimate burden of the tax to any other person. The penal sum shall not be less than the amount of tax claimed on all articles which have not been sold or contracted for sale at the time of filing of the claim. Bonds required by this subpart shall be given with corporate surety or with collateral security. A separate bond must be filed for each claim.

§ 296.11 Corporate surety.

Surety bonds required by this subpart may be given only with corporate sureties holding certificates of authority from and subject to the limitations prescribed by the Secretary of the Treasury as set forth in Treasury Department Form 356—Revised. Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed on by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department.

§ 296.12 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety, the principal may pledge and deposit securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

§ 296.13 Authority to approve bonds.

Assistant regional commissioners are authorized to approve all bonds required by this subpart.

§ 296.14 Termination of liability.

Bonds on Form 2490 will be terminated by the assistant regional commissioner on receipt of satisfactory evidence that the person giving the bond has disposed of the articles covered by the bond and that he bore the ultimate burden of the amount claimed and that no understanding or agreement exists whereby he will be relieved of such burden or shift such burden to another person.

§ 296.15 Release of pledged securities.

Securities of the United States, pledged and deposited as provided by § 296.12, shall be released only in accordance with the provisions of 31 CFR Part 225. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the assistant regional commissioner may, for proper cause, extend the date of release for such additional length of time as he deems necessary.

PENALTIES

§ 296.16 Penalties.

It is an offense punishable by fine and imprisonment for anyone to make or cause to be made any false or fraudulent claim upon the United States, or to make any false or fraudulent statements, or representations, in support of any claim, or to falsely or fraudulently execute any documents required by the provisions of the internal revenue laws, or any regulations made in pursuance thereof.

[F.R. Doc. 59-735; Filed, Jan. 27, 1959; 8:50 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Civil and Defense Mobilization

[OCDM Reg. 4, Amdt. 1]

OCDM REG. 4—REGULATIONS UNDER SECTION 8 OF THE TRADE AGREEMENTS EXTENSION ACT OF 1958

OCDM Regulation 4 of January 6, 1959, is hereby amended as follows:

Sec. 7. [Amendment]

1. Section 7(b) is amended by striking the words "paragraph (f) of this section" at the end thereof and substituting the words "paragraph (g) of this section."

2. Section 7(c), (d), (e), and (f) are redesignated 7(d), (e), (f), and (g) and a new paragraph (c) is added reading as follows:

(c) Upon undertaking an investigation pursuant to the request of the head of any department or agency or on his own motion, the Director shall, unless it would be contrary to the interests of national defense, issue a public notice which shall be published in the FEDERAL REGISTER. Any interested party may submit to the Director twenty-five copies

of any comment, opinion, or data relative to the investigation within fifteen days after such notice. Rebuttal to material so submitted shall be filed with the Director within twenty-five days after such notice and all data and comment from interested parties shall be a matter of record by thirty days after the giving of such public notice or five days after the close of any hearing conducted under paragraph (g) of this section.

3. Section 7(d) is amended to read as follows:

(d) All applications filed and all comments, opinions, and data submitted pursuant to paragraphs (b) and (c) of this section, except information submitted in confidence as provided in section 6, will be available for inspection at the Office of Civil and Defense Mobilization in Washington, D.C. where they may be read and copied by interested parties.

4. Section 8 is amended to read as follows:

Sec. 8. Emergency action.

In emergency situations or when in his judgment national security interests require it, the Director may vary or dispense with procedures as set forth above and may formulate his views without following such procedures.

5. This amendment shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 8, Pub. Law 85-686)

Dated: January 27, 1959.

LEO A. HOEGH,
Director, Office of Civil and Defense Mobilization.

[F.R. Doc. 59-796; Filed, Jan. 27, 1959; 11:52 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 59-44]

PART 1—PRACTICE AND PROCEDURE

Revision of FCC Form 323

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of January 1959;

The Commission having before it for consideration its revised FCC Form 323 (Ownership Report), adopted January 13, 1954; and

It appearing that changes in the instructions in the "Certificate" at the upper right-hand corner of Page 1 and in paragraphs 1, 7 and 8 of the form, and in certain of the "Instructions" on the reverse side of Page 3 thereof are of a clarifying nature; and

It further appearing that the text of §§ 1.342 and 1.343, as presently in force after the recodification of February 1958, is appended to the form in lieu of the former text of §§ 1.342 to 1.344; and

It further appearing that additional columns of Page 2, paragraph 7 are needed to better depict corporate capitalization, which columns provide for the listing of unissued shares and include blocks for disclosing whether there are more or less than 50 holders of voting stock and more or less than 50 holders of non-voting stock; and

It further appearing that separate columns are needed on Page 2, paragraph 7 to show separately the offices and directorships and the respective dates of election of all corporate officers and directors; and

It further appearing that certain other changes in the punctuation in the instructions given in various paragraphs of the form are needed to make the instructions clearer;

It is ordered, That, effective March 1, 1959, pursuant to authority under sections 4(i) and 303(r) of the Communications Act of 1934, as amended, FCC Form 323, Ownership Report is revised to conform with the above changes. Copies of the revised form will be available upon request to the Commission in the near future.

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

Released: January 23, 1959.

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

[F.R. Doc. 59-736; Filed, Jan. 27, 1959; 8:50 a.m.]

[Rules Amdt. 2-33]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Part 2 of its rules made necessary by the admission of Alaska to statehood and by the assumption by the Federal Aviation Agency (FAA) of certain administrative functions formerly under the cognizance of the Civil Aeronautics Administration (CAA); and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

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

It is ordered, This 22d day of January 1959, that effective January 30, 1959, Part 2 is amended as set forth below.

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

Released: January 23, 1959.

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

Amend Part 2 of the rules in the following particulars:

1. In § 2.1, amend the definitions of Domestic Fixed Service and Domestic Fixed Public Service to read as follows:

Domestic fixed service. A fixed service intended for the transmission of information between points, all of which lie within the continental United States (excluding Alaska), except for the domestic haul of international traffic.

Domestic fixed public service. A fixed service, the stations of which are open to public correspondence, for radiocommunication between points all of which lie within: (a) The State of Alaska, or (b) the remaining 48 states and the District of Columbia, or (c) a single territory or possession of the United States. In cases where service is afforded on frequencies above 30 Mc, facilities within the United States for communications with facilities in Canada, or Mexico and facilities for communication between United States territories and possessions in the Caribbean area are also deemed to be in the domestic fixed public service.

2. Amend § 2.104(a)(1)(ii) to read as follows:

(ii) Fixed (in Territories and Alaska);

3. In § 2.104(a)(5) amend footnotes NG51, US22, US32, US33, US34, US98, and US100 respectively, to read as follows:

NG51 Frequencies in this band are not available for use between two points both of which are in the continental United States (excluding Alaska).

US22 The use of the frequencies 166.250 and 170.150 Mc may be authorized to non-Government remote pickup broadcast base and land mobile stations and to non-Government base, fixed, and land mobile stations in the public safety radio services (the sum of the bandwidth of emission and tolerance not to exceed 60 kc) in the continental United States (excluding Alaska) only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30' N., and on the east and south by that arc of the circle with center at Springfield, Ill., and radius equal to the airline distance between Springfield, Ill., and Montgomery, Ala., subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to Government stations present or future in the Government band 162-174 Mc. The use of these frequencies by remote pickup broadcast stations will not be authorized for locations within 150 miles of New York City; and the use of these frequencies by the public safety radio services will not be authorized except for locations within 150 miles of New York City.

US32 In the State of Alaska, Government stations in the fixed service may be authorized to use frequencies in the band 72-76 Mc, on the condition that harmful interference will not be caused to the reception of TV channel 4.

US33 In the State of Alaska, the frequency bands 76-88 Mc and 88-100 Mc are

allocated to Government radio services and the non-Government fixed service.

US34 Government fixed stations in the Midway Islands use frequencies in the band 54.0–54.4 Mc; U.S. stations in the broadcasting service will not be authorized to use frequencies in the band 54–60 Mc at any island in the Pacific Ocean west of the Island of Oahu, T.H., non-Government experimental stations, other than contract developmental stations, will not be authorized to use frequencies in the band 54.0–54.4 Mc at any island in the Pacific Ocean west of the Island of Oahu, T.H. This note does not apply to the State of Alaska.

US98 The band 121.975–123.075 Mc is available to FAA aircraft for communications pursuant to flight inspection functions in accordance with the Federal Aviation Act of 1958.

US100 The band 123.075–123.55 Mc is for (a) non-Government operations in accordance with the Commission's rules and (b) for FAA communications incident to flight test activities pertinent to aircraft certification.

[F.R. Doc. 59-737; Filed, Jan. 27, 1959; 8:51 a.m.]

[Rules Amdt. 16-38]

[Docket No. 12647; FCC 59-47]

PART 16—LAND TRANSPORTATION RADIO SERVICES

Frequency Coordination in Certain Bands

In the matter of amendment of § 16.9 to require frequency coordination only in the bands 30–50, 150.8–162.0, or 450–470 Mc; Docket No. 12647; Rules Amdt. 16-38.

1. On October 29, 1958, the Commission adopted a Notice of Proposed Rule Making in the above entitled matter which was published in the FEDERAL REGISTER on November 5, 1958 (23 F.R. 8630) in accordance with the provisions of section 4(a) of the Administrative Procedure Act.[1] The purpose of the amendment is to relieve applicants proposing to use frequencies in the 27.23–27.25 Mc or 72–76 Mc bands, or in the bands above 470 Mc, from the frequency coordinating requirements of § 16.9(a) since is appears that no useful purpose is served thereby.

2. The period in which interested persons were afforded an opportunity to submit comments has expired. No objections or adverse comments have been received and the Commission believes the rule change as proposed, to be desirable.

3. The amendment will relieve an existing restriction and may therefore be made effective immediately under the provisions of section 4(c) of the Administrative Procedure Act.

4. In view of the foregoing considerations, and pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That effective January 26, 1959, Part 16 of the Commission's rules is amended as set forth below.

[1] Subsequent to the issuance of the Notice of this matter, the Commission by Report and Order in Docket 11745 has redesignated § 16.9 as paragraph (a) of § 16.9. The amendment as adopted reflects this change.

(Sec. 4, 48 Stat. 1068, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: January 21, 1959.

Released: January 23, 1959.

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

Amend that portion of § 16.9(a) preceding subparagraph (1) to read as follows:

§ 16.9 Frequency coordination.

(a) Each application requesting assignment of a frequency in the bands 30–50, 150.8–162, or 450–470 Mc, not currently authorized for use by that station, shall be accompanied by a statement as evidence that applicant is aware of and has complied with the requirements that he cooperate with other licensees in the selection of a frequency. This statement may be submitted in any one of the following forms, but any recommendations submitted in connection therewith are purely advisory in character and cannot be considered as binding upon the Commission.

[F.R. Doc. 59-738; Filed, Jan. 27, 1959; 8:51 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Hospital, Domiciliary Care and Medical Treatment

A new § 17.951 is added as follows:

§ 17.951 Instructions relating to hospital, domiciliary care, and medical treatment as affected by Title 38, United States Code, "An act to consolidate into one act all of the laws administered by the Veterans Administration and for other purposes."

(a) *Purpose.* These instructions are issued to implement the provisions of Title 38, United States Code. The law that enacted Title 38, United States Code repeals Public Law 85-56 (except Title XXII) and amends or repeals other provisions of laws effective January 1, 1959.

(b) *Instructions.* (1) Sections 610(a) (3) and 612(a), Title 38, United States Code provide that hospital care and medical services, as appropriate, may be furnished to persons who but for the receipt of retirement pay would be entitled to disability compensation. Previously, persons with peacetime service only, who were retired for reasons other than disability and who filed claims for disability compensation with the Veterans Administration but did not elect to receive such compensation, were not eligible for hospital care or medical services. They are now eligible even though they do not elect to receive disability compensation from the Veterans Administration.

(2) Section 1506, Title 38, United States Code provides that veterans receiving vocational rehabilitation may be furnished such medical care, treatment, hospitalization, and prosthesis as may be necessary to accomplish the purposes of the training whether or not such medical care, treatment, hospitalization, and prosthesis is otherwise authorized under Chapter 17 (Hospital, Domiciliary and Medical Care) of Title 38, United States Code. Persons pursuing a course of vocational rehabilitation who are in need of medical care, treatment, hospitalization and prosthesis for any disability (service-connected or nonservice-connected) to avoid interruption of such training may be furnished such medical care, treatment, hospitalization and prosthesis even though they are residing outside the continental limits of the United States.

(3) Section 101(21)(D), Title 38, United States Code provides that service as a cadet in the United States Military, Air Force, or Coast Guard Academy or as a midshipman at the United States Naval Academy will be considered as active military, naval or air service. Under the new provision any service as a cadet at the United States Military, Air Force, or Coast Guard Academy or a midshipman at the United States Naval Academy will be considered as active military, naval, or air service. Accordingly, cadets and midshipmen attending the academies during a period of war (including the Korean conflict), if otherwise eligible, are entitled to hospital and domiciliary care and medical services.

(c) *Effective date.* Section 2 of Public Law 85-857 provides that the code shall take effect on January 1, 1959. These instructions, therefore, will apply to applications received on and after January 1, 1959, and those active applications pending as of that date.

(d) *Reimbursement for unauthorized medical services.* Reimbursement claims, whether filed prior to or subsequent to January 1, 1959, arising from medical services rendered prior to January 1, 1959, will be adjudicated in accordance with the Veterans Administration regulations and instructions in effect at the time such services were rendered. (Instruction 1, Title 38, United States Code, Chapter 17, Public Law 85-857)

(72 Stat. 1114; 38 U.S.C. 210)

[SEAL] ROBERT J. LAMPHERE,
Assistant Deputy Administrator.

[F.R. Doc. 59-730; Filed, Jan. 27, 1959; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Railroad Annual Report Form C

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 9th 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 II 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 10, 1957, in the matter of Railroad Annual Report Form C, 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 § 120.12, be, and it is hereby, modified and amended to read as follows:

§ 120.12 Form prescribed for class II 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 II, as described in § 126.1 of this chapter, viz, all carriers with average annual operating revenues of less than $3,000,000, subject to the provisions of section 20, part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form C, 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 C shall be served on all line-haul and switching and terminal railroad companies of Class II, 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 sec. 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. 59-726; Filed, Jan. 27, 1959; 8:49 a.m.]

[1] Filed as part of the original document.

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 205—REPORTS OF MOTOR CARRIERS

Motor Carrier Annual Report Form A; Class I Carriers of Property

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 16th day of January A.D. 1959.

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

It is ordered, That § 205.1 of the order of December 19, 1957, in the matter of Motor Carrier Annual Report Form A, be, and it is hereby, modified and amended to read as shown below.

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

§ 205.1 Annual reports of Class I carriers of property.

Commencing with the year ended December 31, 1958, and for subsequent years thereafter, until further order, all Class I 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, viz, carriers with average annual gross operating revenues (including interstate and intrastate) of $1,000,000 or more from property motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form A (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.

It is further ordered, That a copy of this order and of Motor Carrier Annual Report Form A (Property) shall be served on all Class I 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. 59-724; Filed, Jan. 27, 1959; 8:48 a.m.]

SUBCHAPTER C—CARRIERS BY WATER

PART 301—REPORTS

Inland and Coastal Waterways Annual Report Form K-A; Class A and Class B Carriers

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 15th day of January A.D. 1959.

It appearing, that the matter of annual reports of Class A and B water carriers operating on inland and coastal waterways 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 § 301.10 of the order of November 27, 1957, in the matter of Inland and Coastal Waterways Annual Report Form K-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 § 301.10 be, and it is hereby, modified and amended to read as follows:

§ 301.10 Annual reports of Class A and B water carriers on inland and coastal waterways.

Commencing with the year ended December 31, 1958, and for subsequent years thereafter, until further order, all water carriers on inland and coastal waterways, subject to the provisions of section 313, Part III of the Interstate Commerce Act, and of Classes A and B, as described in § 126.2 of this chapter, viz, carriers with average annual operating revenues exceeding $100,000, are required to file annual reports in accordance with Inland and Coastal Waterways Annual Report Form K-A (Class A and Class B Water Carriers), which is attached to 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 a copy of this order and of Annual Report Form K-A shall be served on all Class A and Class B water carriers by inland and intercoastal waterways subject to its provisions, and upon every trustee, receiver, executor, administrator or assignee of any such water 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.

(54 Stat. 933; 49 U.S.C. 904. Interpret or apply 54 Stat. 944; 49 U.S.C. 913)

By the Commission, Division 2.

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

[F.R. Doc. 59-725; Filed, Jan. 27, 1959; 8:49 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 14, 16]

[643.3]

PROCEDURES UNDER ANTIDUMPING ACT, 1921, AS AMENDED

Notice of Extension of Time for Filing Comments

Notice of proposed rule making setting forth certain proposed amendments to regulations under the Antidumping Act, 1921, as amended (19 U.S.C. 160–173) was published in the FEDERAL REGISTER for Wednesday, October 22, 1958 (23 F.R. 8127). Comments were invited to be submitted within 30 days after publication.

Interested parties have requested additional time within which to submit comments. Accordingly, consideration will be given to any data, views, or arguments pertaining to the proposed amendments to the regulations which are submitted in writing, in duplicate, to the Commissioner of Customs, Washington 25, D.C., not later than February 24, 1959.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: January 21, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59–733; Filed, Jan. 27, 1959; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 29]

MEAT INSPECTION REGULATIONS; INSPECTION AND HANDLING OF HORSE MEAT AND PRODUCTS THEREOF

Eligibility of Foreign Countries for Importation into United States

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that pursuant to the authority conferred by paragraphs 306 (b) and (c) of the Tariff Act of 1930 (19 U.S.C. 1306 (b) and (c)), the Horse Meat Act (21 U.S.C. 96), and the Meat Inspection Act (21 U.S.C. 71 et seq.), it is proposed to amend § 29.10(b) of the Meat Inspection Regulations (9 CFR 29.10(b)) to read as follows:

(b) It has been determined that horse meat and horse meat food products from the following foreign countries, covered by foreign horse meat inspection certificates of the country of origin as required by § 29.11, are eligible for importation into the United States after inspection and marking as required by the applicable provisions of Parts 1 through 29 of this subchapter and upon compliance with any requirements of the Animal Inspection and Quarantine Division of the Agricultural Research Service: Argentina, Canada, Mexico.

The foregoing proposed amendment will relieve restrictions by permitting the importation of horse meat and horse meat food products from Canada which has now been found to have an adequate horse meat inspection system.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of January 1959.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 59–750; Filed, Jan. 27, 1959; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 12722; FCC 59–49]

PRACTICE AND PROCEDURE

Safety and Special Radio Services Applications Involving Bell Telephone Equipment Contracts

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of January 1959;

The Commission having before it for consideration its Notice of Proposed Rule Making in the instant proceeding, released January 5, 1959 (FCC 58–1260), and a request filed by the American Telephone and Telegraph Company on January 15, 1959, for an extension of time from January 30, 1959, to March 16, 1959, for filing comments in this proceeding; and

It appearing, that the reason stated for the request is that the proposed rule making raises "complicated questions" in which "all of the Bell operating companies are directly interested" and that the Bell Companies "will not be able, within the time now allowed, adequately to review and consider the effects of the proposed rule, and to decide what comments should be filed in response to the Notice of Proposed Rule Making herein"; and

It further appearing, that considered comments of the A.T. & T. and the Bell Companies would be helpful to the Commission in determining the final action but that no detailed reason has been indicated why the comment date should be extended to March 16, 1959, approximately ten weeks from the date of release of the Notice herein, rather than to some date less remote; and

It further appearing, that Commission policies on the subject matters of the instant proceeding should be clarified and crystallized as soon as possible so that appropriate guidance may be furnished to Commission licensees and applicants, as well as to other affected members of the public;

It is ordered, That the above-described request of the American Telephone and Telegraph Company for an extension of time in which to file comments in this proceeding is granted to the extent indicated hereinafter, and is otherwise denied; and

It is further ordered, That the date for filing comments in the instant proceeding is extended from January 30, 1959, to February 20, 1959, and the time for filing comments in reply to original comments is extended to March 2, 1959.

Released: January 23, 1959.

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

[F.R. Doc. 59–739; Filed, Jan. 27, 1959; 8:51 a.m.]

[Docket No. 12738; FCC 59–48]

[47 CFR Part 16]

LAND TRANSPORTATION RADIO SERVICES

Limitation to Use of Single-Frequency Method of Operation in Certain Range

In the matter of amendment to § 16.252 of Part 16, Land Transportation Radio Services, to limit use of the frequencies in the 30–50 Mc range to the single-frequency method of operation.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The present provisions of Part 16 of the Commission's rules which govern the Motor Carrier Radio Service permit the assignment of more than one frequency in the range 43.85–44.45 Mc to the stations of an applicant or licensee who is a common or contract carrier of property operating between urban areas. As a result, a large number of such licensees have been assigned two frequencies for use in the same area and are utilizing those frequencies in a method of operation sometimes referred to as "duplex", although actually constituting a two-frequency "simplex" operation. In this method of operation the base station transmits to the mobile units on one frequency and receives from them on another frequency; however, it will be noted that the greatest frequency separation which is possible between any two frequencies available in this band is not, in general, adequate to permit the satisfactory operation of a true "duplex" nature in which both the base station

and mobile units are able to transmit and hear each other simultaneously. Inasmuch as there is no specified pairing of frequencies at this time, there has been no consistency with respect to the frequencies requested and assigned for such operations.

3. In the "split-channel" proceeding with respect to frequencies in the 42–50 Mc band (Docket No. 12169) the American Trucking Associations, Inc., requested that certain frequencies in that band be paired so as to provide a uniform basis for two-frequency operation. The First Report and Order in that Docket deferred action on that request, with the statement that the Commission was not convinced of the advantage of such two-frequency operation when using frequencies in the band 43.85–44.45 Mc. It was further stated at that time that the question of the two-frequency method of operation was a part of the whole matter of interference between stations which was being further considered, and subject to additional comments, in that Docket. It now appears appropriate to separately consider the problem of two-frequency method of operation and to request additional comments in connection therewith. In particular, the Commission would like to receive operational data regarding the comparative efficiency of communication by the single-frequency method of operation, as compared to the two-frequency method of operation in the 43.85–44.45 Mc band where true "duplex" operation is not feasible.

4. In connection with its study of interference problems in the Motor Carrier Radio Service, the Commission has found that a large percentage of the reported interference cases, on frequencies in the 43.85–44.45 Mc range, resulted from one or both of the parties involved using the two-frequency method of operation. In such cases the interference was frequently caused by the transmission by a base station on a frequency already in use by another base station or by mobile units of another licensee, which in turn was the result of the inability of the operator of the base station to know when other transmissions were already under way on the frequency he intended to use. In the reverse situation, mobile units operating on the same frequency attempting to communicate with base stations operating on different frequencies, were found to generate the same type of interference.

5. It is recognized by the Commission that the designation of specified frequency pairs, to be used in any two-frequency operation, might eliminate a portion of the interference problems otherwise generated by that method of operation, in that in many cases the operators of all stations on a given frequency would recognize whenever that frequency was in use by observing the transmissions of the associated stations on the paired frequency. The Commission, however, also recognizes that not all licensees will desire to utilize the two-frequency method of operation, and hence that other interference problems would be generated by mixed single-frequency and two-frequency operation. The Commission, further, is not convinced that the two-frequency method of operation, under the circumstances outlined above, provides any advantage to the licensees which is not overshadowed by its disadvantages. As indicated above, the frequency band 43.85–44.45 Mc appears too small to permit true "duplex" operation and also appears too small to afford the designation of any substantial number of the frequencies as "base only" and "mobile only" in a frequency pairing plan. It is self-evident that when two frequencies are assigned and used in the operation of a single communication system, the number of such systems which can be operated on an interference-free basis in a given area with a given number of frequencies is reduced to one-half the number which could be accommodated if all systems in the area used the single-frequency method of operation. It appears, therefore, that the use of the frequencies in the band 43.85–44.45 Mc should be limited to the single-frequency method of operation and that those stations now operating by the two-frequency method should be required to change to the single-frequency method within a reasonable time, so as to eliminate that source of interference to other stations. The same reasoning also appears to hold with respect to the bands 30.14–31.16, 43.69–43.85 and 44.45–44.61 Mc, which are available to other classes of carriers in the Motor Carrier Radio Service.

6. It will be noted that stations operating on the frequencies recently made available to the Motor Carrier Radio Service in the 150–162 Mc band, by Commission action in Docket No. 11992, are already limited to the single-frequency method of operation by the terms of the Second Report and Order in that Docket. It appears, also, that the single-frequency method of operation is being utilized by all base and mobile stations in the Motor Carrier Radio Service except those operating on frequencies in the 43.69–44.45 or 450–470 Mc bands. It will also be noted that the frequencies in the 450–470 Mc band available to the Motor Carrier Radio Service are already paired to facilitate true duplex operation and that either the two-frequency or the single-frequency method of operation is feasible and permitted in that band.

7. Accordingly, the Commission now proposes to amend § 16.252 of its rules to provide that the use of any frequency in the band 30–50 Mc, in addition to the band 150–162 Mc, shall be limited to the single-frequency simplex method of operation, and further that only one frequency in the bands 30–50 and 150–162 Mc or one pair of frequencies in the band 450–470 Mc may be assigned to the base and mobile stations of any applicant in the Motor Carrier Radio Service, except on a showing, satisfactory to the Commission, that the assignment of an additional frequency or frequencies is essential to the operation of the transportation system involved. The proposed amendment would also provide that licensees presently authorized to use the two-frequency method of operation may continue such use until not later than one year after the effective date of the proposed amendment and may, if found necessary in order to avoid destructive interference, transfer to another frequency in the 30–50 Mc band (other than a "secondary" frequency) without the necessity of immediately complying with the narrow-band technical standards, other than reduction of modulation deviation to ±5 kc when otherwise required by the rules.

8. Authority for the proposed amendment, which is set forth in detail below, is contained in sections 4(i) and 303 of of the Communications Act of 1934, as amended.

9. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, and any person desiring to support this proposal, may file with the Commission on or before March 2, 1959, a written statement or brief setting forth his comments. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final actions in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

10. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: January 21, 1959.

Released: January 23, 1959.

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

It is proposed to amend § 16.252 to read as follows:

§ 16.252 Frequencies available for base and mobile stations.

(a) Only one frequency in the bands 30–50 and 150–162 Mc, or one pair of frequencies in the band 450–470 Mc, may be assigned to the base and mobile stations of any applicant in the Motor Carrier Radio Service except upon a showing, satisfactory to the Commission, that the assignment of an additional frequency or frequencies is essential to the operation of the transportation system involved. The use of any frequency in the bands 30–50 and 150–162 Mc shall be limited to the single-frequency simplex method of operation: *Provided,* That any station authorized prior to (the effective date of this amendment) to employ the two-frequency method of operation on frequencies in the 30–50 Mc band may continue to use such method of operation until not later than (one year after the effective date of this amendment). The Commission may, in connection with the required change from the two-frequency to the single-frequency simplex method of operation, and upon specific request

therefor, authorize a station to use previously authorized equipment until October 31, 1963, and to operate on a frequency (other than a secondary frequency) in the 30–50 Mc band not previously authorized to that station, even though such equipment does not fully comply with the technical standards which become generally effective on November 1, 1963.

(b) The following frequencies are available to the Motor Carrier Radio Service for assignment to base stations and mobile stations of common or contract carriers of passengers operating between urban areas, on a shared basis with other stations in the same service:

Mc	Mc	Mc	Mc
43.70	43.74	43.78	43.82
43.72 [1]	43.76 [1]	43.80 [1]	43.84 [1]

[1] Secondary frequency, see § 16.8(f).

(c) The following frequencies are available to the Motor Carrier Radio Service for assignment to base stations and mobile stations of common or contract carriers of passengers within a single urban area, on a shared basis with other stations in the same service:

Mc	Mc	Mc	Mc
44.46	44.50	44.54	44.58
44.48 [1]	44.52 [1]	44.56 [1]	44.60 [1]

[1] Secondary frequency, see § 16.8(f).

(d) The following frequencies are available to the Motor Carrier Radio Service for assignment to base stations and mobile stations of common or contract carriers of passengers within a single urban area, on a shared basis with stations in the same service and other services:

Mc	Mc	Mc	Mc
30.66	30.82	30.98	31.14
30.70	30.86	31.02	
30.74	30.90	31.06	
30.78	30.94	31.10	

(e) The following frequencies are available to the Motor Carrier Radio Service for assignment to base stations and mobile stations of common or contract carriers of property operating between urban areas, on a shared basis with other stations in the same service: *Provided*, That each application for assignment of any of the following frequencies shall be accompanied by a signed verification by the applicant of his understanding (1) that the frequencies are shared with other licensees and may be subject to interference, both local and long range, and (2) that no more than the minimum power or antenna height required for the satisfactory technical operation of the system shall be employed, commensurate with the area to be served and the local conditions affecting radio transmission and reception:

Mc	Mc	Mc	Mc
43.86	44.02	44.18	44.34
43.88 [1]	44.04 [1]	44.20 [1]	44.36 [1]
43.90	44.06	44.22	44.38
43.92 [1]	44.08 [1]	44.24 [1]	44.40 [1]
43.94	44.10	44.26	44.42
43.96 [1]	44.12 [1]	44.28 [1]	44.44 [1]
43.98	44.14	44.30	
44.00 [1]	44.16 [1]	44.32 [1]	

[1] Secondary frequency, see § 16.8(f).

(f) The following frequencies are available to the Motor Carrier Radio Service for assignment to base stations and mobile stations of any common or contract motor carrier of property, on a shared basis with other stations in the same service:

Mc	Mc	Mc	Mc
159.495 [2]	159.675 [2]	159.855 [2]	160.035 [2]
159.510	159.690	159.870	160.050
159.525 [2]	159.705 [2]	159.885 [2]	160.065 [2]
159.540 [1]	159.720 [1]	159.900 [1]	160.080 [1]
159.555 [2]	159.735 [2]	159.915 [2]	160.095 [2]
159.570	159.750	159.930	160.110
159.585 [2]	159.765 [2]	159.945 [2]	160.125 [2]
159.600 [1]	159.780 [1]	159.960 [1]	160.140 [1]
159.615 [2]	159.795 [2]	159.975 [2]	160.155 [2]
159.630	159.810	159.990	160.170
159.645 [2]	159.825 [2]	160.005 [2]	160.185 [2]
159.660 [1]	159.840 [1]	160.020 [1]	160.200 [1]

[1] Secondary frequency, see § 16.8(f).
[2] Tertiary frequency, see § 16.8(f).

(g) The following frequency pairs are available to the Motor Carrier Radio Service for assignment to base stations and mobile stations, on a shared basis with other stations in the same service: *Provided*, That a mobile station may be assigned the frequency of an associated base station, in lieu of the mobile frequency paired therewith in accordance with the following table, when the mobile service system is designed for the single-frequency method of operation:

FREQUENCY PAIRS

Base only (*Mc*)	*Mobile only* (*Mc*)
452.65	457.65
452.70	457.70
452.75	457.75
452.80	457.80
452.85	457.85

(h) Frequencies in the following bands are available for assignment to base stations and mobile stations in the Motor Carrier Radio Service on a shared basis with stations in the same service and other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the station authorization:

Frequency Bands

Mc	*Mc*
2450–2500 [1]	13200–13225
6425–6575	16000–18000 [1]
10550–10700	26000–3000
11700–12200	

[1] Use of frequencies in the bands 2450–2500 and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 2450 and 18000 Mc.

(i) A common or contract carrier of passengers operating between urban areas, authorized in the Motor Carrier Radio Service prior to April 1, 1958, to use any one of the frequencies 43.86, 43.90, 43.94, 43.98, 44.02, or 44.06 Mc, may be authorized to operate on such frequency until March 31, 1963. During this period such licensees 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.

[F.R. Doc. 59-740; Filed, Jan. 27, 1959; 8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 128]

GRANTS FOR SMALL BUSINESS RESEARCH

Notice of Proposed Rule Making

Notice is hereby given that the Administrator of the Small Business Administration proposes to adopt the following regulations governing the issuance of grants for small business research.

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

Sec.
128.7 Statutory provision.
128.7–1 Scope.
128.7–2 Definitions.
128.7–3 Organization.
128.7–4 Who makes a grant.
128.7–5 Who is eligible for a grant.
128.7–6 Purpose of a grant.
128.7–7 Amount of a grant.
128.7–8 Application for a grant.
128.7–9 Suggestion for preparing a proposal.
128.7–10 Method of evaluating and selecting a proposal.
128.7–11 Administration of a grant.
128.7–12 Revocation of a grant.
128.7–13 Typical conditions of a Grant Agreement.

AUTHORITY: §§ 128.7 to 128.7–13 issued under Pub. Law 85–536, sec. 5, 72 Stat. 385.

§ 128.7 Statutory provisions.

SEC. 7(d). The Administration also is empowered to make grants to any State Government, or any agency thereof, State chartered development credit or finance corporations, land-grant colleges and universities, and colleges and schools of business, engineering, commerce, or agriculture for studies, research and counseling concerning the managing, financing, and operation of small-business enterprises and technical and statistical information necessary thereto in order to carry out the purposes of section 8(b)(1) by coordinating such information with existing information facilities within the State and by making such information available to State and local agencies. Only one such grant shall be made within any one State in any one year, and no such grant shall exceed an aggregate amount of $40,000. Such grants shall be made from the fund established in the Treasury by section 602(b) of the Small Business Investment Act of 1958.

§ 128.7–1 Scope.

(a) The regulations in this part govern the issuance of grants by the Small Business Administration for studies, research and counseling concerning the managing, financing and operation of small business enterprises authorized by section 7(d) of the Small Business Act, as amended.

(b) Under section 7(d) of the Act, the Small Business Administration is authorized to make grants to finance the development and gathering of information relating to managing, financing and operation of small business enterprises.

This information will be used to provide managerial aids to small business in accordance with the provisions of section 8(b)(1) of the Small Business Act, as amended. (See § 124.8 of this chapter.) This information will be coordinated with informational facilities within the States and made available to State and local agencies.

§ 128.7–2 Definitions.

As used in this part:

(a) "Act" means the Small Business Act, as amended (Pub. Law 85–536; Pub. Law 85–699).

(b) "Administrator" means the Administrator of SBA.

(c) "Application" means a written request for a grant.

(d) "Counseling" means consulting and advising with SBA for the purpose of developing information concerning the managing, financing and operation of small business enterprises, such information to be channeled through SBA for the use of national, State, and local agencies and institutions listed in section 8(b)(1) of the Small Business Act.

(e) "Director" means the Director of the Office of Management and Research Assistance.

(f) "Grant" means a grant authorized under section 7(d) of the Act.

(g) "Grant Agreement" means the instrument which describes the project and sets out the conditions of the grant.

(h) "Grantee" means an institution to which a grant has been made.

(i) "Institution" means any State government or any agency thereof, any State chartered development credit or financial corporation, any college, any university, and any school of business, engineering, commerce or agriculture, either public or private.

(j) "Project" means a proposal and any amendments thereto, approved by SBA.

(k) "Project Director" means the person assigned by an institution to supervise and be responsible for a research program under a grant.

(l) "Proposal" means a research program, which may include "studies," submitted by an institution for the application for a grant under section 7(d) of the Act.

(m) "Research" means research, studies, and counseling which will result in information to be distributed by SBA, acting as a clearinghouse, to national, state, and local agencies and institutions listed in section 8(b)(1) of the Small Business Act. Research includes basic and secondary investigations.

(n) "SBA" means the Small Business Administration.

(o) "Small business concern" or "Small business enterprise" means a business concern which would qualify as a small business, as defined by SBA in Part 121 of this chapter.

(p) "State" means the several States, the Territories and possessions of the United States, the Commonwealth of Puerto Rico and the District of Columbia.

(q) "State government or agency thereof" means departments, divisions or other designated organizations controlled and operated by the State including State government corporations.

(r) "Studies" means brief investigations of the economic background or problems of an industry or specific small business in its geographic locality but shall not include management or financial counseling or credit analysis.

(s) "Year" means the fiscal year beginning July 1 and ending June 30.

§ 128.7–3 Organization.

(a) The grant program authorized by section 7(d) of the Act is administered through the Office of Management and Research Assistance, Small Business Administration, Washington 25, D.C. The Director of this office is responsible for planning and coordinating small business management and research assistance programs and coordinating the activities of the Management Research Advisory Council.

(b) The Management Research Advisory Council is an advisory group established to examine and make recommendations with respect to the merits of an application for a grant and to furnish advice on the grant program. The function of said Council is purely advisory. The members of the Council are selected and appointed by the Administrator and serve at his pleasure and without compensation.

(c) All recommendations of the Management Research Advisory Council are submitted to the Administrator who, in his discretion, shall determine which proposals shall be approved and which suggestions shall be put into practice.

(d) An application for a grant shall be submitted to SBA in accordance with the regulations contained in this part.

§ 128.7–4 Who makes a grant.

SBA is empowered to make grants from a special fund in the Treasury established by section 602 of the Small Business Investment Act of 1958 (Pub. Law 85–699).

§ 128.7–5 Who is eligible for a grant.

Any State government or any agency thereof, any State chartered development credit or finance corporation, any university, any college and any school of business, engineering, commerce or agriculture, either public or private, is eligible to receive a grant.

§ 128.7–6 Purpose of a grant.

(a) A grant will be made by SBA only to finance research concerning the managing, financing and operation of small business enterprises to develop information or techniques which can be used by public or private organizations to aid small business enterprises, or to develop information which improves knowledge of the economy through research on the small business sector.

(b) No proposal nor portion of a proposal will be approved if its primary purpose is to provide information to be used to urge industry and trade located in one state to move to another.

§ 128.7–7 Amount of a grant.

No grant may exceed an aggregate amount of $40,000. Only one such grant may be made within any one State in any one year. SBA is not authorized to commit itself in any year to make a grant during subsequent years.

§ 128.7–8 Application for a grant.

(a) An application for a grant shall be submitted in the form of a proposal to perform research under a grant. Such a proposal may be initiated by any institution described in § 128.7–5. Prior to submission, a proposal may be discussed informally with SBA staff members. When appropriate, SBA staff members may suggest a new proposal or modification of a proposal submitted. If two or more institutions within a State desire to cooperate in carrying out related proposals, such a combined proposal may be considered. However, only one grant may be authorized. Therefore, the proposal must designate which of the cooperating institutions is to be the grantee. This institution will be responsible to SBA for carrying out the proposal in its entirety and SBA will not be obligated in any way to any institution other than the grantee.

(b) Applications must be received by SBA on or before the 31st day of October of the fiscal year for which the grant is requested; provided, however, that for the fiscal year ending June 30, 1959, all applications must be received prior to the 31st day of March 1959.

(c) Ten copies of the application shall be submitted on letter size paper to the Director, Office of Management and Research Assistance, Small Business Administration, Washington 25, D.C.

§ 128.7–9 Suggestions for preparing a proposal.

SBA does not require any specific form for a proposal. However, the following information insofar as it may be applicable must be included:

(a) *Name and address of the Institution.*

(b) *Name of the Project Director.*

(c) *Title of proposal.* The title of the proposal should be brief but properly descriptive.

(d) *Description of proposal.* A description of the work to be undertaken, its objectives and contribution to small business concerns, the need therefor and its relation, if any, to comparable work already completed or in progress elsewhere and a description of the techniques to be employed in performance of the research.

(e) *Procedure.* This should consist of an outline of the general plan of work and the procedure to be followed.

(f) *Personnel.* A short biographical sketch and a bibliography of the professional writings of the Project Director and other professional personnel assigned to the program should be included.

(g) *Budget.* The budget should comprise an estimate of the total cost of the proposal and the time required to complete the work. Funds requested from SBA should be indicated for each of the categories listed below. If there are contributions from other sources, itemize in similar categories.

(1) *Salaries.* Itemize position, giving names of professional personnel, if selected.

(2) *Supplies.* Indicate the estimated dollar value of the supplies that will be required.

(3) *Travel.* Indicate briefly the type and frequency of travel required in connection with the proposal.

(4) *Publication.* Indicate the cost of printing 500 copies of the final report or suggest unit cost if some other means of presentation of research project appears to be more appropriate.

(5) *Other direct costs.* Itemize other direct costs not included in subparagraphs (1) through (4) of this paragraph.

(6) *Indirect costs.* List indirect costs attributable to the proposal. In general, indirect costs should not exceed 15 percent of the total of funds for direct costs requested of SBA.

(h) *Signature.* The original and one copy of the proposal should be signed by the Project Director, if available, and by the official authorized to sign for the institution.

§ 128.7–10 Method of evaluating and selecting a proposal.

(a) A proposal will be reviewed by the Office of Management and Research Assistance for eligibility and other requirements set forth in this part. A proposal which, on its face, appears eligible and meritorious shall be submitted to the Management Research Advisory Council for a further examination of the merits of the proposal. The Council will recommend to the Administrator a proposal which merits a grant. The Administrator may, within his discretion, approve or reject this recommendation.

(b) A proposal shall be evaluated on the basis of the current need and priority of importance of the anticipated results; the qualifications and experience of the Project Director and staff; the practicability and utility of the proposal; the amount of total direct expenses as compared with overhead expenses; and the amount of added funds to be contributed or arranged for by the institution itself.

(c) Other conditions being approximately equal, the competing proposal in any state which is approved will be the one with the greatest amount of matching funds. These matching funds can be measured either in terms of dollar value of services performed (not included as such in the grant) or supplementary contributions of cash to be used in the conduct of the research project.

§ 128.7–11 Administration of a grant.

(a) *Conditions of a grant.* The typical grant agreement will contain express conditions, which when accepted will bind the grantee. These conditions relate to the nature and scope of the research, revocation of the grant, return of unused funds, and other conditions according to the purposes for which the grant is made. The conditions of a typical grant agreement are set forth in § 128.7–13. Conditions contained in the grant agreement agreed to by SBA and the grantee may be amended by mutual agreement of the parties but the amount of the original grant may not be increased as a result of any such amendments to an amount in excess of $40,000.

(b) *Establishing the amount of a grant.* In considering the budget for a grant, SBA will recognize that substantial contributions may be made by the grantee in such form as space, equipment, library facilities, and, in many cases, as payment of the salaries or parts of the salaries of the Project Director and staff. SBA normally will include in the grant, funds for such items as the salaries of personnel, materials, necessary travel, publication and other direct costs.

(c) *Grant period.* The Act limits SBA to making one grant within any one State in any one year; however, the project may be for a period of longer duration as provided in the grant agreement. When progress of research under the grant is delayed and circumstances make it necessary to request an extension of the grant period without additional funds, SBA may, upon written request of the grantee, permit extensions in time. Such an extension, however, may require a spread out of the remaining payments under the grant.

(d) *Payment of a grant.* In general, payment will be made in advance on a periodic basis, the amount of each payment depending upon the need at the particular time, the relative size of the total grant, and the estimated length of the project. A final payment will be made upon completion of the project and approval and acceptance by SBA of the final report.

(e) *Accounting procedures and audit.* While no particular classification of accounts is required, a grantee shall keep such accounts for each project (in accordance with generally accepted accounting practices) as are necessary to permit it to prepare the required financial reports as required in paragraph (f) of this section, and to make possible a determination by SBA that the grant has been used for the purposes for which the grant was made. All accounting records relating to expenditures under the grant are subject to inspection and audit by representatives of SBA and the United States General Accounting Office during the life of the grant and for three years thereafter.

(f) *Reports.* (1) Progress and financial reports must be made to SBA on work financed by the grant. Specific conditions regarding frequency of submission and nature of reports will be set forth in each grant agreement.

(2) The final report on the project must be submitted to SBA within the time allowed. From time to time, SBA representatives may visit the project sites and, at such time, verbal reports will be expected.

(g) *Completion of the project.* Upon completion of the project, all unexpended funds shall be returned to SBA by check made payable to the "Small Business Administration."

§ 128.7–12 Revocation of a grant.

Each grant will be made subject to a condition that it may be revoked in whole or in part by SBA after consultation with the Project Director and the grantee. A revocation shall not affect any commitment of funds made by the grantee which was made in accordance with the project prior to the effective date of revocation. Any substantial deviation from the project will be deemed to be a breach of the grant agreement and grounds for termination of the grant in its entirety. In this event SBA assumes no responsibility for any commitment of funds made by the grantee.

§ 128.7–13 Typical conditions of a grant agreement.

Except where the circumstances require other conditions, a typical SBA grant agreement will contain the following conditions:

(a) *Payment.* Unless otherwise notified, the funds authorized by this grant will be paid by SBA as follows: $(amount) on or about (date); $(amount) on or about (date); $(amount) on or about (date); and a final payment of $(amount) will be made upon completion of the project and approval and acceptance by SBA of the financial and project reports referred to herein.

(b) *Unexpended funds.* Upon completion of the project, all unexpended funds shall be returned to SBA by check made payable to the "Small Business Administration."

(c) *Project Director.* (1) The project shall be directed and supervised by (name and address of Project Director) (hereinafter called "Project Director").

(2) SBA shall be notified if the Project Director resigns, is removed from office or leaves for any other reason. Appointment of a successor Project Director is subject to approval by SBA.

(d) *Accounts and reports.* (1) The grantee shall keep such accounts (in accordance with accepted accounting practices) as are necessary to permit it to prepare the required financial reports set forth herein and to make possible a determination by SBA that the grant has been used for the purposes for which the grant was made.

(2) The grantee shall permit inspection and audit by representatives of SBA and the United States General Accounting Office of expenditures under the grant during the life of the grant and for three years thereafter.

(3) The grantee shall submit, in addition to the final project report, (quarterly, semi-annual or other) progress reports and (quarterly, semi-annual or other) financial reports and, in addition thereto, the grantee shall make verbal reports to SBA representatives whenever such representatives visit the project site.

(4) The project shall be completed by (date) and the final reports shall be submitted to SBA by (date) unless an extension of time for completion has been approved by SBA in writing.

(5) All reports must be submitted in triplicate on white bond paper, letter size, accurately typewritten and double spaced.

(e) *Revocation.* This grant may be revoked in whole or in part by SBA after consultation with the Project Director and the grantee. If it is determined that there shall be a revocation, such action shall not affect commitments of

funds made by the grantee which were made in accordance with the project prior to the effective date of revocation. If the revocation is due to substantial deviation from the project and this agreement by the grantee, then the entire sum of the grant then paid to the grantee may be recovered by SBA, and SBA shall not be responsible for commitments of funds made by the grantee.

Dated: January 23, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-729; Filed, Jan. 27, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

SHOVELS FROM JAPAN

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

JANUARY 22, 1959.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of shovels imported from Japan is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of shovels from Japan pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 59-734; Filed, Jan. 27, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-83]

GULF & SOUTH AMERICAN STEAMSHIP CO., INC.

Notice of Hearing

Notice is hereby given that a public hearing will be held under section 605(c) of the Merchant Marine Act, 1936, as amended, with respect to the proposed operation by Gulf & South American Steamship Co., Inc., of its five subsidized C-2 cargo vessels, on a privilege basis, between United States Gulf Ports and the Panama Canal Zone, in connection with its subsidized service on Trade Route No. 31.

The purpose of the hearing under section 605(c) of the Act is to receive evidence relevant to the following: (1) Whether the proposed operation hereinabove described is one with respect to a vessel or vessels to be operated on a service, route, or line, served by citizens of the United States which would be in addition to the existing service or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the Act, additional vessels should be operated thereon; (2) whether the proposed operation is one with respect to a vessel operated or to be operated in a service, route, or line served by two or more citizens of the United States with vessels of United States registry, and if so, whether the effect of such an agreement would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines; and (3) whether it is necessary to enter into an agreement covering these operations in order to provide adequate service by vessels of United States registry.

The hearing will be before an Examiner, at a time and place to be announced, in accordance with the Federal Maritime Board's rules of practice and procedure and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding, must file notification thereof with the Secretary, Federal Maritime Board, Washington 25, D.C., in writing in triplicate, by the close of business on February 5, 1959.

Dated: January 27, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-731; Filed, Jan. 27, 1959; 9:49 a.m.]

Office of the Secretary

ROBERT W. NISSEN

Statement of Changes in Financial Interests

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

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

This statement is made as of January 6, 1959.

ROBERT W. NISSEN.

JANUARY 6, 1958.

[F.R. Doc. 59-727; Filed, Jan. 27, 1959; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-70]

GENERAL ELECTRIC CO.

Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 set forth below to License No. TR-1 authorizing a modification of the operating conditions pertaining to the General Electric Company test reactor located in Alameda County, California. The Commission has found that operation of the reactor with fuel in the experimental facilities at power levels under 100 watts under the terms and conditions of the license 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 conduct of the proposed additional experiments 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 General Electric Company and (2) a hazards analysis 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 21st day of January 1959.

For the Atomic Energy Commission.

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

[License No. TR-1, Amdt. 1]

In addition to the activities previously authorized by the Commission in License No. TR-1, the General Electric Company is authorized to irradiate fuel in experimental facilities at any power level not in excess of 100 watts (thermal) in accordance with

the terms and conditions of the application for license amendment dated January 12, 1959.

Date of issuance: January 21, 1959.

For the Atomic Energy Commission.

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

[F.R. Doc. 59-697; Filed, Jan. 27, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12414 etc.; FCC 59M-76]

ALKIMA BROADCASTING CO. ET AL.

Order Scheduling Hearing

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.

It is ordered, This 16th day of January 1959, that the order of the Chief Hearing Examiner released December 31, 1958 (FCC 58M-1520; Mimeo No. 67844), appointing Charles J. Frederick to preside in the proceeding herein which was ordered by the Commission December 23, 1958 (FCC 58-1234; Mimeo No. 66817), and specifying March 12, 1959 for commencement of the hearing, is hereby set aside; *And, it is further ordered,* With regard to the new proceeding herein ordered by the Commission on January 14, 1959 (order released January 16, 1959; FCC 59-25; Mimeo No. 67615), that Charles J. Frederick will preside and that the hearing in such proceeding is hereby scheduled to commence on March 23, 1959, in Washington, D.C.

Released: January 19, 1959.

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

[F.R. Doc. 59-741; Filed, Jan. 27, 1959; 8:51 a.m.]

[Docket No. 12414 etc.; FCC 59M-96]

ALKIMA BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

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.

It is ordered, This 21st day of January 1959, that a prehearing conference in the above-entitled proceeding will be held on February 24, 1959, at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: January 22, 1959.

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

[F.R. Doc. 59-742; Filed, Jan. 27, 1959; 8:51 a.m.]

[Docket No. 12477 etc.; FCC 59M-98]

MONOCACY BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of The Monocacy Broadcasting Company, Gettysburg, Pennsylvania, Docket No. 12477, File No. BP-11325; Times and News Publishing Company (WGET), Gettysburg, Pennsylvania, Docket No. 12478, File No. BP-11683; The Price Broadcasters, Inc., Frederick, Maryland, Docket No. 12479, File No. BP-11759; for construction permits.

Due to the illness of counsel for one of the above applicants, the evidentiary hearing in the above-entitled proceeding presently scheduled to be held on January 22, 1959, is, upon the Examiner's own motion and with the concurrence of all counsel, continued to January 30, 1959, beginning at 10:00 a.m., in the offices of the Commission, Washington, D.C.

It is so ordered, This the 22d day of January 1959.

Released: January 22, 1959.

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

[F.R. Doc. 59-743; Filed, Jan. 27, 1959; 8:52 a.m.]

[Docket No. 12530; FCC 59M-106]

MUSICAL HEIGHTS, INC.

Order Continuing Hearing

In re application of Musical Heights, Inc., Braddock Heights, Maryland, Docket No. 12530, File No. BP-10918; for construction permit.

The Hearing Examiner having under consideration a motion filed January 21, 1959, by Musical Heights, Inc., requesting that the further hearing in the above-entitled proceeding presently scheduled for January 28, 1959, be continued until February 16, 1959;

It appearing that counsel for the other parties to this proceeding have informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant motion, and good cause has been shown for the proposed continuance;

It is ordered, This 22d day of January 1959, that the motion be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to February 16, 1959, at 10 a.m., in Washington, D.C.

Released: January 23, 1959.

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

[F.R. Doc. 59-744; Filed, Jan. 27, 1959; 8:52 a.m.]

[Docket No. 12686; FCC 59M-99]

FAYETTEVILLE BROADCASTING CO., INC. (KHOG)

Order Continuing Hearing

In re application of Fayetteville Broadcasting Company, Inc. (KHOG), Fayetteville, Arkansas, Docket No. 12686, File No. BP-11324; for construction permit.

On the Examiner's own motion: *It is ordered,* This 22d day of January 1959, that the hearing in the above-entitled proceeding presently scheduled for February 3, 1959, is hereby continued to a date to be set by a subsequent order.

Released: January 22, 1959.

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

[F.R. Doc. 59-745; Filed, Jan. 27, 1959; 8:52 a.m.]

[Docket Nos. 12694, 12695; FCC 59M-95]

TRI-COUNTY BROADCASTING CO. AND RADIO MISSOURI CORP. (WAMV)

Order Continuing Hearing

In re applications of Sidney E. Simpson & Wilbur J. Meyer, d/b as Tri-County Broadcasting Company, Jerseyville, Illinois, Docket No. 12694, File No. BP-11423; Radio Missouri Corporation (WAMV), East St. Louis, Illinois, Docket No. 12695, File No. BP-12193; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding and agreements reached by the parties at the prehearing conference held herein on January 21, 1959;

It is ordered, This 21st day of January 1959, that the hearing session presently scheduled for February 18, 1959 is continued until March 23, 1959, at 10:00 a.m.

Released: January 22, 1959.

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

[F.R. Doc. 59-746; Filed, Jan. 27, 1959; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9385 etc.]

AMERADA PETROLEUM CORP. ET AL.

Notice of Postponement of Hearing

JANUARY 21, 1959.

In the matters of Amerada Petroleum Corporation, Docket Nos. G-9385, G-10999, G-11882, G-11883, G-12882, G-13401, G-13897, G-13899, G-13900, G-13916, G-14421, and G-14618; Amerada Petroleum Corporation (Operator), et al., Docket No. G-13901.

Upon consideration of the motion filed January 9, 1959 by Counsel for Amerada Petroleum Corporation for postponement of the hearing now scheduled for February 10, 1959 in the above-designated matters;

The hearing now scheduled for February 10, 1959 is hereby postponed to May 12, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

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

[F.R. Doc. 59-700; Filed, Jan. 27, 1959; 8:45 a.m.]

[Docket No. G-16108 etc.]

CALIFORNIA CO. ET AL.

Notice of Applications and Date of Hearing

JANUARY 21, 1959.

In the matters of The California Company, Docket No. G-16108; The Superior Oil Company, Docket No. G-16388; United Gas Pipe Line Company, Docket No. G-16556.

Take notice that United Gas Pipe Line Company (United), The California Company (California) and The Superior Oil Company (Superior) filed applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of natural gas facilities to receive natural gas and for the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission.

United in its application filed October 14, 1958, in Docket No. G-16556 seeks authority to construct and operate approximately 10.0 miles of 16-inch lateral supply pipeline to extend from a point of connection with its existing pipeline system in Terrebonne Parish, Louisiana, to a proposed meter station to be installed by United in the Four Isle Dome Field area, Terrebonne Parish, together with appurtenances, including a separator installation, in order to purchase and receive natural gas produced in the Four Isle Dome Field by The Superior Oil Company. The estimated initial cost of United's facilities is $1,120,312, which cost will be financed from current working funds. United seeks authorization also to construct and operate other facilities required from time to time to take additional deliveries from the subject area.

California in its application filed August 22, 1958, in Docket No. G-16108 proposes to sell to United natural gas produced by California from its leases in the Bayou Penchant Field, Terrebonne Parish, Louisiana, for resale in interstate commerce pursuant to a contract dated July 21, 1958, as supplemented by recording supplement of the same date and amended by letter agreement of the same date.

Superior, in its application filed September 23, 1958, in Docket No. G-16388 proposes to sell natural gas produced by Superior in the Four Isle Dome, Bayou Penchant and Palmetto Bayou Fields, Terrebonne Parish, Louisiana, to United for resale in interstate commerce pursuant to a contract dated September 8, 1958.

Concurrently with their respective certificate applications California and Superior filed their respective gas sales contracts as initial rate schedules to cover the proposed sales. The contracts provide for an initial rate of 23.8 cents per Mcf at 14.65 psia, including tax reimbursement of 2.3 cents.

The foregoing applications are on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record.

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 March 17, 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 the applications.

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 March 6, 1959.

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

[F.R. Doc. 59-701; Filed, Jan. 27, 1959; 8:45 a.m.]

[Docket No. G-17526]

MAGNOLIA PETROLEUM CO.

Order for Hearing and Suspending Proposed Change in Rate

JANUARY 21, 1959.

Magnolia Petroleum Company (Magnolia), on December 22, 1958, tendered for filing a proposed change in one of its presently effective rate schedules[1] for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Transcontinental Gas Pipe Line Corp.

Rate schedule designation: Supplement No. 22 to Magnolia's FPC Gas Rate Schedule No. 16.

Effective date: January 22, 1959 (effective date is the first day after the required 30 days' notice).

In support of the proposed favored-nation increased rate, Magnolia states that the contract was negotiated in good faith at arm's length, it would not have executed the long-term contract without some assurance of pragmatic adjustments as a part of the initial price. Magnolia also states that the proposed rate does not exceed the market value of gas in the area, is just and reasonable and necessary to offset increasing costs.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: 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 said proposed change and that Supplement No. 22 to Magnolia's FPC Gas Rate Schedule No. 16 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) 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 be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 22 to Magnolia's FPC Gas Rate Schedule No. 16.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 22, 1959, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) 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. 59-702; Filed, Jan. 27, 1959; 8:45 a.m.]

[1] The presently effective rate is subject to refund in Docket No. G-15723.

[Docket No. G-17527]

J. R. GOFF, TRUSTEE

Order for Hearing and Suspending Proposed Change in Rate

JANUARY 21, 1959.

J. R. Goff, Trustee (Goff) on December 22, 1958, tendered for filing a proposed change in his presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated December 19, 1958.

Purchaser: Trunkline Gas Company.

Rate schedule designation: Supplement No. 5 to Goff's FPC Gas Rate Schedule No. 1.

Effective date: January 22, 1959 (effective date is the first day after expiration of the required 30 days' notice).

In support of the proposed increase, Goff states that the contract was negotiated at arm's length and that the schedule of periodic price escalations is common in long-term gas sales contracts and is beneficial to both buyer and seller.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: 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 said proposed change, and that Supplement No. 5 to Goff's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) 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 be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Goff's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) 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. 59-703; Filed, Jan 27, 1959; 8:45 a.m.]

[1] Present rates are in effect subject to refund in Docket No. G-15660.

[Docket No. G-17528]

SKINNER CORP. ET AL.

Order for Hearing and Suspending Proposed Change in Rate

JANUARY 21, 1959.

Skinner Corporation (Operator) et al. (Skinner) on December 22, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change undated. Supplemental Agreement, dated April 7, 1958.

Purchaser: Tennessee Gas Transmission Company.

Rate schedule designation: Supplement Nos. 3 and 4 to Skinner's FPC Gas Rate Schedule No. 3.

Effective date: January 22, 1959 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined increased rate, Skinner states the contract terms were a result of arm's-length bargaining and that the contract should be observed by the acceptance of the increased rate.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: 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 said proposed change, and that Supplement Nos. 3 and 4 to Skinner's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) 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 be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 3 and 4 to Skinner's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, Supplement Nos. 3 and 4 to Skinner's FPC Gas Rate Schedule No. 3 be and they are hereby suspended and the use thereof deferred until June 22, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) 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. 59-704; Filed, Jan. 27, 1959; 8:46 a.m.]

[Docket No. G-17529]

N. C. GINTHER ET AL.

Order for Hearing and Suspending Proposed Change in Rate

JANUARY 21, 1959.

N. C. Ginther et al. (Ginther) on December 24, 1958, tendered for filing a proposed change in one of his presently effective rate schedules for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge is contained in the following designated filing:

Description: Notice of Change, dated December 11, 1958.

Purchaser: Tennessee Gas Transmission Company.

Rate schedule designation: Supplement No. 5 to Ginther's FPC Gas Rate Schedule No. 3.

Effective date: January 24, 1959 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed increase Ginther states that the contract was negotiated at arm's-length and the proposed price is just and reasonable. In addition applicant submitted limited cost data in purported support of the proposed rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: 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 proposed change and that Supplement No. 5 to Ginther's FPC Gas Rate Schedule No. 3, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) 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 be held upon a date to be fixed by notice from the Secretary concerning the lawfulness

of the proposed increased rate and charge contained in Supplement No. 5 to Ginther's FPC Gas Rate Schedule No. 3.

(B) Pending the hearing and decision thereon, the said supplement is hereby suspended and the use thereof deferred until June 24, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) 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. 59-705; Filed, Jan. 27, 1959; 8:46 a.m.]

[Docket No. G-17530]

J. BROWN CUTBIRTH ET AL.

Order for Hearing and Suspending Proposed Change in Rate

JANUARY 21, 1959.

J. Brown Cutbirth et al. (Cutbirth) on December 22, 1958, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated November 1, 1958.

Purchaser: Tennessee Gas Transmission Company.

Rate schedule designation: Supplement No. 4 to Cutbirth's FPC Gas Rate Schedule No. 1.

Effective date: January 22, 1959 (effective date is the first day after the required 30 days' notice).

In support of the proposed redetermined rate increase, Cutbirth stated that the price redetermination clause of the contract is a partial hedge against inflation and that the contract was negotiated at arm's length.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: 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 said proposed change, and that Supplement No. 4 to Cutbirth's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) 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 be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Cutbirth's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 22, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) 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. 59-706; Filed, Jan. 27, 1959; 8:46 a.m.]

[Docket No. G-17532]

J. R. GOFF, TRUSTEE

Order for Hearing, Suspending Proposed Change in Rate and Allowing Changed Rates To Become Effective

JANUARY 21, 1959.

J. R. Goff, Trustee (Goff) on December 22, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for the sale of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated December 17, 1958.

Purchaser: Trunkline Gas Company.

Rate schedule designation: Supplement No. 4 to Goff's FPC Gas Rate Schedule No. 1.

Effective date: January 22, 1959 (effective date is the first day after expiration of the required thirty days' notice).

Goff has interpreted the tax provisions of the rate schedule to the effect that the tax reimbursement for the increase in the Louisiana severance tax will be at the same reimbursement level that Respondent received for the Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

The increased rate and charge has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, 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 said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rate be made effective as hereinafter provided and that Goff be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) 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 be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charge contained in Supplement No. 4 to Goff's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 23, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge and classification set forth in the above-designated supplement shall be effective on January 23, 1959: *Provided, however,* That within 20 days from the date of this order, Goff shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Goff shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Goff until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the changed rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid, and shall report (original and one copy), in writing and under oath, to the Commission monthly, or quarterly if Goff so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the changed rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

[1] Present rates are in effect subject to refund in Docket Nos. G-14053 and G-15660.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Goff shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, as follows:

Agreement and Undertaking of J. R. Goff, Trustee To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. G-
(Date)
17532, J. R. Goff, Trustee hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order this _____ day of _____.

_____

Witness:

_____

As a further condition of this order, Goff shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Goff is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Goff shall, in conformity with the terms and conditions of paragraph (D) of this order make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) 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. 59-707; Filed, Jan. 27, 1959; 8:46 a.m.]

[Docket No. G-17534 etc.]

JAMES M. CUNNINGHAM ET AL.

Order for Hearings, Suspending Proposed Changes in Rates, and Allowing Changed Rates To Become Effective

JANUARY 21, 1959.

In the matters of James M. Cunningham (Operator) et al., Docket No. G-17534; Amerada Petroleum Corporation, Docket No. G-17538; Amerada Petroleum Corporation (Operator) et al., Docket No. G-17539; The F O Corporation, Docket No. G-17540.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing, the purchaser is Texas Eastern Transmission Corporation and the Respondents have proposed December 1, 1958, as the effective date of the changes.[1]

Respondent	Rate schedule No.	Supplement No.	Notice of change dated—	Date tendered	Rates in effect subject to refund in Docket No.—
James M. Cunningham (operator), et al.	1	2	Dec. 19, 1958	Dec. 22, 1958	
Amerada Petroleum Corp.	10	8	Dec. 15, 1958	do	G-15562.
Do.	12	5	Dec. 17, 1958	do	G-11883 and G-15651.
Do.	9	6	Dec. 9, 1958	do	G-11882 and G-15651.
Amerada Petroleum Corp. (operator), et al.	13	7	Dec. 11, 1958	do	G-11883 and G-15652.
Do.	11	7	Dec. 10, 1958	do	G-11883 and G-15652.
The F O Corp.	1	6	Dec. 18, 1958	do	G-16039.

In support of the proposed rates and charges, Respondents have interpreted the tax provisions of the aforementioned rate schedules to the effect that the tax reimbursement for the increase in the Louisiana severance tax will be at the same reimbursement level that each Respondent received for the Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

The changed rates and charges so proposed 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 hearings concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rates be made effective as hereinafter provided and that each Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) 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 be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charge contained in the above-designated supplements.

(B) Pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof, deferred until January 23, 1959, and thereafter until such further time as they are made effective in the manner hereinafter prescribed.

(C) The rates, charges and classifications set forth in the above-designated supplements shall be effective on January 23, 1959: *Provided, however,* That within 20 days from the date of this order, each Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Each Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates found by the Commission in these proceedings not justified, together with interest thereof at the rate of six percent per annum from the date of payment to Respondent until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one (1) copy), in writing and under oath, to the Commission monthly, or quarterly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, each Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by Respondent, or if Respondent is a corporation, signed by a responsible officer thereof and evidenced by proper authority from the board of directors, as follows:

Agreement and Undertaking of _____

_____

(*Name of Respondent*)

To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____ in Docket No. _____,
(Date)
_____ hereby agrees and
(Name of Respondent)
undertakes to comply with the terms and conditions of paragraph (D) of said order, [and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto[1]] this _____ day of _____.

By _____

Attest:

_____

[1] If a corporation.

---

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

As a further condition of this order, Respondent shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondent is advised to the contrary with 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) 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. 59-708; Filed, Jan. 27, 1959; 8:46 a.m.]

[Docket No. G-17531]

CROW DRILLING & PRODUCING CO. ET AL.

Order for Hearing, Suspending Proposed Change in Rate, and Allowing Changed Rate To Become Effective

JANUARY 21, 1959.

Crow Drilling & Producing Company et al. (Crow) on December 29, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for the sale of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: Notices of Change, dated December 23, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designations: Supplement No. 2 to Crow's FPC Gas Rate Schedule No. 1. Supplement No. 3 to Crow's FPC Gas Rate Schedule No. 1.

Effective date: January 29, 1959 (effective date is the first day after expiration of the required thirty days' notice).

The proposed rate includes an increase in Louisiana severance tax reimbursement and a periodic rate increase provided in Crow's contract. The purchaser challenges the tax component, claiming that the tax reimbursement provisions in the contract were improperly applied. The tax provisions are the subject of controversy, and their proper interpretation should be determined after hearing.

[1] The present rate is in effect subject to the refund in Docket No. G-15644.

The changed rate and charge so proposed has 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 proposed change, and that Supplement Nos. 2 and 3 to Crow's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rate be made effective as hereinafter provided and that Crow be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) 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 proposed rate and charge contained in Supplement Nos. 2 and 3 to Crow's FPC Gas Rate Schedule No. 1.

(B) Pending the hearing and decision thereon, the supplements are hereby suspended and the use thereof deferred until January 30, 1959 and thereafter until such further time as they are made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in these supplements shall be effective on January 30, 1959: *Provided, however,* That within 20 days from the date of this order, Crow shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Crow shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rate found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Crow until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the changed rate and charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy) in writing and under oath to the Commission monthly (or quarterly if Crow so elects) for each billing period and for each purchaser the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed both under the rate in effect immediately prior to the date upon which the changed rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As provided in paragraph (C), within 20 days from the date of issuance of this order, Crow shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, as follows:

Agreement and Undertaking of Crow Drilling & Producing Company et al. To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. (Date)
G-17531, Crow Drilling & Producing Company et al. hereby agree and undertake to comply with the terms and conditions of paragraph (D) of said order, and have caused this agreement and undertaking to be executed and sealed in their name by the officers of Crow Drilling & Producing Company, thereupon duly authorized in accordance with the terms of the resolution of Crow's board of directors, a certified copy of which is appended hereto this _____ day of _____.

By _____

Attest:

_____

This agreement and undertaking of Crow Drilling & Producing Company, et al. shall be signed by a responsible officer of Crow and evidenced by proper authority from Crow's board of directors. Crow shall file with the agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Crow is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Crow shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) 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. 59-710; Filed, Jan. 27, 1959; 8:46 a.m.]

[Docket No. G-17589]

UNION PRODUCING CO.

Order for Hearing and Suspending Proposed Changes in Rates

JANUARY 22, 1959.

Union Producing Company (Union) on December 24, 1958, tendered for filing

proposed changes in its presently effective rate schedules for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: (1) Contract, dated December 12, 1958. (2) Letter, dated December 12, 1958. (3) Notice of Change, dated December 19, 1958. (4) Contract, dated December 12, 1958. (5) Letter, dated December 12, 1958. (6) Notice of Change, dated December 19, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: (1) Union's FPC Gas Rate Schedule No. 228. (2) Supplement No. 1 to Union's FPC Gas Rate Schedule No. 228. (3) Supplement No. 2 to Union's FPC Gas Rate Schedule No. 228. (4) Union's FPC Gas Rate Schedule No. 229. (5) Supplement No. 1 to Union's FPC Gas Rate Schedule No. 229. (6) Supplement No. 2 to Union's FPC Gas Rate Schedule No. 229.

Effective date: January 24, 1959 (effective date is the first day after the required 30 days' notice).

In support of the renegotiated rate increases, Union states that the proposed prices are necessary to offset increased costs and provide the incentive for further exploration and development.

The increased rates and charges so proposed have not been shown to be just, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: 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 said proposed changes and that Union's FPC Gas Rate Schedule No. 228 and Supplement Nos. 1 and 2 thereto and Union's FPC Gas Rate Schedule No. 229 and Supplement Nos. 1 and 2 thereto each be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) 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 be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Union's FPC Gas Rate Schedule No. 228 and Supplement Nos. 1 and 2 thereto and Union's FPC Gas Rate Schedule No. 229 and Supplement Nos. 1 and 2 thereto.

(B) Pending such hearing and decision thereon, said rate schedules and supplements be and they are each suspended and the use thereof deferred until June 24, 1959, and thereafter until such further time as each is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedules nor supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) 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. 59-711; Filed, Jan. 27, 1959; 8:46 a.m.]

[Docket No. E-6858]

MINNESOTA POWER & LIGHT CO.

Notice of Application

JANUARY 22, 1959.

Take notice that on January 15, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Minnesota Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Minnesota, doing business in the State of Minnesota, with its principal business office at Duluth, Minnesota, seeking an order authorizing the issuance of $8,100,000, principal amount of promissory notes. Applicant proposes to issue said notes from time to time, on various dates prior to April 1, 1961 and in various amounts. The notes will be delivered to Mellon National Bank and Trust Company, Pittsburgh, Pennsylvania. Such notes will bear interest at the prime commercial bank rate in effect at the time of issue, will be dated as and when funds are required by Applicant, may be prepaid at any time on ten days' notice without penalty, and will mature not later than one year from date of issue. Applicant proposes to use the proceeds from the sale of said notes to provide funds to refund $4,100,000, principal amount of notes presently outstanding, and to meet expenditures in its construction program for the years 1959 and 1960.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 6th day of February 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

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

[F.R. Doc. 59-712; Filed, Jan. 27, 1959; 8:47 a.m.]

[Docket No. G-17535, etc.]

PHILLIPS PETROLEUM CO. ET AL.

Order for Hearings, Suspending Proposed Changes in Rates, and Allowing Changed Rates To Become Effective

JANUARY 21, 1959.

In the matters of Phillips Petroleum Company, Docket No. G-17535; Phillips Petroleum Company (Operator), et al., Docket No. G-17536; Placid Oil Company (Operator) et al., Docket No. G-17537.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing, the purchaser is Arkansas Louisiana Gas Company and the Respondents have proposed December 1, 1958, as the effective date of the changes.[1]

Respondent	Rate schedule No.	Supplement No.	Notice of change dated—	Date tendered	Rates in effect subject to refund in docket No.—
Phillips Petroleum Co.	62	7	Undated	Dec. 22, 1958	G-15596, G-15752.
Phillips Petroleum Co. (operator), et al.	56	5	do	do	
Placid Oil Co. (operator), et al.	17	2	Dec. 18, 1958	do	

In support of the proposed rates and charges, Respondents have interpreted the tax provisions of the aforementioned rate schedules to the effect that the tax reimbursement for the increase in the Louisiana severance tax will be at the same reimbursement level that each Respondent received for the Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

The changed rates and charges so proposed 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 hearings concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rates be made effective as hereinafter provided and that each Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) 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 be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rates and charges contained in the above-designated supplements.

(B) Pending such hearing and decision thereon, said supplement be and

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

they are hereby suspended and the use thereof deferred until January 23, 1959, and thereafter until such further time as they are made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the above-designated supplements shall be effective on January 23, 1959: *Provided, however,* That within 20 days from the date of this order, each Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Each Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates found by the Commission in these proceedings not justified, together with interest thereof at the rate of six percent per annum from the date of payment to Respondent until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one (1) copy), in writing and under oath, to the Commission monthly, or quarterly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, each Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by Respondent, or if Respondent is a corporation, signed by a responsible officer thereof and evidenced by proper authority from the board of directors, as follows:

Agreement and Undertaking of _____

_____

(Name of Respondent)

To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____ in Docket No. _____,
(Date)

_____ hereby agrees and un-
(Name of Respondent)

dertakes to comply with the terms and conditions of paragraph (D) of said order, [and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto [1]] this _____ day of _____.

By _____

Attest:

_____

[1] If a corporation.

As a further condition of this order, Respondent shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) 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. 59-709; Filed, Jan. 27, 1959; 8:46 a.m.]

[Docket Nos. G-9281, G-14013, G-14737]

WESTERN NATURAL GAS CO.

Notice of Severance and Postponement of Hearing

JANUARY 14, 1959.

Upon consideration of the motion filed January 5, 1959, by Counsel for Western Natural Gas Company for (1) severance of the proceedings in Docket No. G-9281 from matters in Docket Nos. G-14013 and G-14737 consolidated therewith by the Commission's order issued December 16, 1958 and (2) continuance of the hearing date set for January 26, 1959 by said order in the above-designated matter;

Notice is hereby given that (1) Docket No. G-9281 is hereby severed from the proceedings in Docket Nos. G-14013 and G-14737 and (2) the hearing date set for January 26, 1959 is hereby postponed to February 24, 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. Paragraphs (A) and (B) of said order are amended accordingly.

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

[F.R. Doc. 59-713; Filed, Jan. 27, 1959; 8:47 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

SAM EWING

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last report.

This amends statement previously published in the FEDERAL REGISTER August 7, 1958 (23 F.R. 6022).

Dated: January 9, 1959.

SAM EWING.

[F.R. Doc. 59-699; Filed, Jan. 27, 1959; 8:45 a.m.]

ASSISTANT DIRECTOR FOR PLANS AND OPERATIONS ET AL.

Delegation of Authority With Respect to Determinations Concerning Federal Surplus Property

Pursuant to the authority vested in me by section 203(j), Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)), as amended; and the Federal Civil Defense Act of 1950 (50 U.S.C., App. 2251 et seq.) as amended, the following described officers of the Office of Civil and Defense Mobilization are hereby delegated the following described authority, respectively:

1. Assistant Director for Plans and Operations:

a. The authority to reduce, increase or otherwise amend Annex C of FCDA (now OCDM) Advisory Bulletin No. 202, as amended by Supplement No. 2.

b. The authority to determine property which is not included in section II C of OCDM Advisory Bulletin No. 202, Supplement No. 2, to be usable and necessary for civil defense purposes.

c. The authority to give written authorization to donees, on an individual case basis, for the disposal of surplus property, donated for civil defense purposes and having a single item acquisition cost of Two Thousand Five Hundred Dollars ($2,500) or more, in advance of the time limitations set forth in § 1702.7 (e) of FCDA (now OCDM) Regulations, Part 1702, and to prescribe the terms and conditions of each such disposal.

2. Regional Directors: The authority to determine property, having a single item acquisition cost of less than Two Thousand Five Hundred Dollars ($2,500) which is not included in section II C of OCDM Advisory Bulletin No. 202, Supplement No. 2, to be usable and necessary for civil defense purposes.

The authority delegated to the Assistant Director for Plans and Operations in subparagraphs 1.b. and c. hereof, with respect to property having a single item acquisition cost of Fifty Thousand Dollars ($50,000) or more, cannot be redelegated. The authority delegated to the Assistant Director for Plans and Operations in subparagraphs 1.b. and c. hereof, with respect to property having a single item acquisition cost of less than Fifty Thousand Dollars ($50,000), can be redelegated.

The authority delegated to the Assistant Director for Plans and Operations in subparagraph 1.a. hereof and the authority delegated to the Regional Directors in subparagraph 2. hereof cannot be redelegated.

The foregoing delegated authority shall be exercised in accordance with OCDM regulations and other OCDM administrative issuances regarding the Surplus Property Program.

The "Delegation of Authority with Respect to Determinations Concerning Federal Surplus Property" published in the FEDERAL REGISTER March 6, 1957 (22 F.R. 1424), as amended by F.R. Doc. 58-103 on January 7, 1958 (23 F.R. 121) and the "Delegation of Authority with Respect to Authorizing Disposal of Surplus Property" published in the FEDERAL REGISTER June 11, 1958 (23 F.R. 4106), are hereby rescinded.

This delegation of authority is effective upon publication in the FEDERAL REGISTER.

LEO A. HOEGH,
Director, Office of Civil and Defense Mobilization.

[F.R. Doc. 59-698; Filed, Jan. 27, 1959; 8:45 a.m.]

INVESTIGATION UNDER SECTION 8 OF THE TRADE AGREEMENTS EXTENSION ACT OF 1958

The Secretaries of State and Defense having requested under date of January 22, 1959, an investigation with respect to imports of crude oil and crude oil derivatives and products, notice is hereby given that such an investigation has been undertaken in accordance with the provisions of section 8 of the Trade Agreements Extension Act of 1958 and OCDM Regulation 4, as amended.

Dated: January 28, 1959.

LEO A. HOEGH,
Director.

[F.R. Doc. 59-797; Filed, Jan. 27, 1959; 11:52 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 2]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

JANUARY 23, 1959.

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

No. MC 67118 (Sub No. 7), filed December 9, 1958. Applicant: STRONG MOTOR LINES, INCORPORATED, 2311 West Main Street, P.O. Box 8821, Richmond 25, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and *wool tops and noils*, from New York, N.Y., Baltimore, Md., Philadelphia, Pa., Charleston, S.C., and Richmond and Norfolk, Va., to Richmond, Norfolk and Newport News, Va., and Jamestown, S.C.

No. MC 74052 (Sub No. 2), filed December 5, 1958. Applicant: ROBERT W. LARSON, JR. AND DUANE B. DAVIS, doing business as CANBY-AURORA TRUCK SERVICE, P.O. Box 881, Canby, Oreg. Applicant's attorney: John M. Hickson, 1225 Failing Building, Portland, Oreg. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from Portland, Oreg., to Aberdeen and Centralis, Wash.

NOTE: Applicants state they also seek authority to transport exempt commodities named in Administrative Ruling 107 and Second Supplement to Information Bulletin No. 1 and Administrative Ruling 110, such as fresh fruits and vegetables between points in Oregon and Washington in mixed shipments.

No. MC 75651 (Sub No. 45), filed December 5, 1958. Applicant: R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville, Fla. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables*, and *tea*, from Lexington, N.C., Savannah, Fort McPherson, Atlanta, Ga., Hoboken, N.J., Baltimore, Md., Richmond, Va., Jacksonville, Fla., and Charleston, S.C., to points in Georgia, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, and Jacksonville, Fla.

No. MC 78062 (Sub No. 39), filed December 5, 1958. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coffee beans*, from New York, N.Y., to Pittsburgh, Pa.

No. MC 105782 (Sub No. 4), filed December 8, 1958. Applicant: W. W. HUGHES, doing business as W. W. HUGHES REFRIGERATED SERVICE, 2208 Byberry Road, Cornwell Heights, Pa. Applicant's attorney: Paul F. Barnes, 811-19 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool* imported from any foreign country, *wool tops and noils, and wool waste* (carded, spun, woven or knitted), between points in the United States.

NOTE: Applicant indicates it also transports such commodities, whether exempt or non-exempt, as are shown in Order of the Interstate Commerce Commission dated August 14, 1958 (Administrative Ruling 107), those shown in Administrative Ruling 110, and such commodities not otherwise indexed or included in the above Order and Administrative Ruling as are included in the term "property", consisting of ordinary livestock, fish (including shell fish) or agricultural (including horticultural) commodities, as more fully set forth in its application.

No. MC 115942 (Sub-No. 2), filed December 4, 1958. Applicant: DIGBY LAFFERTY, doing business as LAFFERTY REFRIGERATED EXPRESS, P.O. Box 328, Hollidaysburg, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, Harrisburg, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in the New York, N.Y., Commercial Zone, and Baltimore, Md., to Pittsburgh, Pa., and *frozen fruits* and *frozen berries*, from points in Erie, Monroe, Niagara, and Orleans Counties, N.Y., to Altoona, Pa.

No. MC 117673, filed October 2, 1958. Applicant: GUY H. DONALD and J. H. DONALD, a partnership, doing business as DONALD FRUIT & PRODUCE COMPANY, 3400 Bright Avenue, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa, Miami, Port Everglades, and Jacksonville, Fla., and Charleston, S.C., to points in all States east of the Mississippi River (except Maine, Vermont, Rhode Island, Massachusetts, New Hampshire and Connecticut), namely, New York, New Jersey, Delaware, Maryland, Washington, D.C., Virginia, North Carolina, South Carolina, Florida, Georgia, West Virginia, Pennsylvania, Alabama, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Mississippi, Wisconsin, and Louisiana.

No. MC 117673, filed October 2, 1958. Applicant: GUY H. DONALD and J. H. DONALD, a partnership, doing business as DONALD FRUIT & PRODUCE COMPANY, 3400 Bright Avenue, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa, Miami, Port Everglades, and Jacksonville, Fla., and Charleston, S.C., to points in all States east of the Mississippi River (except

Maine, Vermont, Rhode Island, Massachusetts, New Hampshire and Connecticut), namely New York, New Jersey, Delaware, Maryland, Washington, D.C., Virginia, North Carolina, South Carolina, Florida, Georgia, West Virginia, Pennsylvania, Alabama, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Mississippi, Wisconsin, and Louisiana.

No. MC 117793, filed November 3, 1958. Applicant: J. C. JACKSON, JR., 105 North Lincoln Street, East Prairie, Mo. Applicant's attorney: A. M. Spradling, 1838 Broadway, Cape Girardeau, Mo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to Peoria, Ill.

NOTE: Applicant is also a partner in the firm of Farm Products Company, which has filed appropriate applications for common and contract carrier authority; therefore, common control may be involved.

No. MC 117820, filed November 13, 1958. Applicant: JACK McLANE, doing business as MICHIGAN FISH TRANSPORT, 4421 North River Road, Port Huron, Mich. Applicant's attorney: George S. Dixon, Guardian Building, Detroit 26, Mich. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., Brooklyn, N.Y., Philadelphia, Pa., and points in New Jersey to points in Michigan.

No. MC 117875, filed November 24, 1958. Applicant: STROWDY W. BULLINS, Box 352, State Farmers Market, Columbia, S.C. Applicant's attorneys: E. B. Ussery and Charles D. Davis, Security Federal Building, Columbia 1, S.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from North Atlantic, South Atlantic, Gulf Ports, and Columbia, S.C., to Columbia, S.C., Raleigh and Winston-Salem, N.C., Richmond and Norfolk, Va., Bristol, Tenn., and Tampa, Fla.

No. MC 117877, filed November 19, 1958. Applicant: EDENS RENTALS, INC., 1311 Rosewood Drive, Columbia, S.C. Applicant's attorneys: E. B. Ussery and Charles D. Davis, Security Federal Building, Columbia 1, S.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, tansporting: *Bananas*, from North Atlantic, South Atlantic, and Gulf Ports to points in Florida, Georgia, South Carolina, North Carolina, and Virginia.

No. MC 118053, filed December 8, 1958. Applicant: MERCHANTS REFRIGERATED TRANSFER, INC., 540 East Bay Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*. (1) from Montezuma, Ga., to points in Florida, and (2) from Jacksonville, Fla., to points in Georgia.

No. MC 118065, filed December 8, 1958. Applicant: ALBERT CAPOZZOLI, E.D. 3, P.O. Box 39, Burgettstown, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., Baltimore, Md., and Weehawken, N.J., to McKees Rocks, Pa.

By the Commission.

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

[F.R. Doc. 59-720; Filed, Jan. 27, 1959; 8:47 a.m.]

[Notice No. 253]

MOTOR CARRIER APPLICATIONS

JANUARY 23, 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 13087 (Sub No. 19), filed November 10, 1958. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Mason City, Iowa to points in Illinois, Nebraska, North Dakota, South Dakota, Wisconsin, and Minnesota (except points in Minnesota within 100 miles of Mason City). Applicant is authorized to conduct regular route operations in Illinois, Indiana, Iowa and Minnesota, and irregular route operations in Illinois, Indiana, Kansas, Michigan, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: March 2, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 13806 (Sub No. 20) (REPUBLICATION), filed November 19, 1958, published FEDERAL REGISTER issue of December 17, 1958. Applicant: VIRGINIA HAULING COMPANY, a corporation, P.O. Box 9434, Lakeside Station, Richmond, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, Washington 4, D.C. The subject proceeding as originally published sought authority as a *common carrier*, by motor vehicle, over irregular routes, transporting *wooden pallets* and *skids*, from certain named towns in Virginia, including Woodford, Va., to points in various states. At the hearing held January 16, 1959, before Examiner William J. Cave it was developed that the transportation to be performed indicated in the previous notice of filing as originating at Woodford, Va., would in fact originate from the plant site of the Thornburg Manufacturing Company, Inc., which plant site is located not at Woodford, Va., nor within the Commercial Zone thereof. For that reason, the authority actually sought as to that portion of the application should read: *"from the plant site of Thornburg Manufacturing Company, Inc., near Woodford, Va."* The issuance of the Examiner's report will be withheld for a period of 30 days during which time any proper party may file a protest or other pleading.

No. MC 22195 (Sub No. 68), filed January 12, 1959. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, in tank vehicles, from Ports of Entry on the boundary between the United States and Canada at or near Fortuna, Ambrose, Kermit, Noonan, Portal and Northgate, N. Dak., to points in Montana, North Dakota, South Dakota, and Minnesota. Applicant is authorized to conduct operations in Iowa, South Dakota, Minnesota, North Dakota, Montana and Nebraska.

HEARING: February 12, 1959, in Room 926, Metropolitan Building, Second Avenue, South, and Third Streets, Minneapolis, Minn., before Examiner Harold W. Angle.

No. MC 27817 (Sub No. 35), filed December 24, 1958. Applicant: H. C. GABLER, INC., R.D. No. 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank and hopper-type vehicles, from points in Lehigh, Northampton, Butler, Lawrence, Franklin, Allegheny, and York Counties, Pa., points in Carroll, Washington, and Frederick Counties, Md., and those in Berkeley County, W. Va., to points in Maryland, Virginia, West Virginia, and Pennsylvania. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: March 4, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 31600 (Sub No. 461), filed December 29, 1958. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorinated hydro-*

carbons, in bulk, in tank vehicles, from Danville, Ill., to Bridgeport, Conn. Applicant is authorized to transport the commodities specified in Maryland, New Jersey, New York, Ohio, and Pennsylvania.

HEARING: March 5, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Herbert L. Hanback.

No. MC 50132 (Sub No. 52), filed December 29, 1958. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products*, and *articles distributed by meat packing houses*, in mechanically refrigerated trailers or trucks, in peddler delivery service, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Arkansas and Louisiana, and *articles used by meat packing houses in the conduct of their business when destined to meat packers*, on return movements.

NOTE: Applicant states that it has authority in Permit No. MC 50132 which authorizes authority to transport the above-specified commodities to specified points in Arkansas and Louisiana, and that it does not seek duplication authority. Applicant further states that it has made timely application with this Commission for the determination of its status under the Transportation Act of 1957; that hearing was held and a proposed order was issued which found applicant's operations to be those of a common carrier. Applicant is authorized to conduct regular route operations in Arkansas, Illinois, Louisiana, Missouri, and Tennessee, and irregular route operations in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: March 9, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Alton R. Smith.

No. MC 52751 (Sub No. 16), filed December 22, 1958. Applicant: ACE LINES, INC., 2420 Minnehaha Avenue, Minneapolis, Minn. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared roofing, roofing cement, insulating materials, wallboard*, and *asbestos building materials*, from Chicago (excluding points in the Chicago, Ill., Commercial Zone, as defined by the Commission), Chicago Heights, Joliet, and Waukegan, Ill., to points in Nebraska. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE: Applicant states it is authorized and now performs the proposed operations by joinder of present rights through the gateway of Wilmington, Ill. Applicant further states that elimination of the gateway restrictions is proposed insofar as the stated traffic is concerned.

HEARING: March 11, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 52978 (Sub No. 16), filed December 10, 1958. Applicant: MICHIGAN TRANSPORTATION COMPANY, 1650 Waterman, Detroit, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products* and *building materials*, in flat bed equipment only, from Port Clinton, Ohio to points in Warren, McKean, Potter, Cameron, Elk, Forest, Venango, Lawrence, Butler, Clarion, Armstrong, Jefferson, Clearfield, Center, Beaver, Allegheny, Washington, Indiana, Cambria, Blair, Huntingdon, Bedford, Somerset, Fayette, Greene, and Westmoreland Counties, Pa., and *damaged* or *rejected shipments* of the above commodities on return. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana, Wisconsin, Ohio, Pennsylvania, Kentucky, Missouri, Alabama, Mississippi, and Tennessee.

HEARING: March 3, 1959, at the Federal Building, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 59266 (Sub No. 7), filed December 23, 1958. Applicant: JOHN H. YOURGA, doing business as JOHN H. YOURGA TRUCKING, 104 Church Street, Wheatland (Mercer County), Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Groups I, II and III of Appendix V to the report in Ex Parte No. MC 45, *Descriptions in Motor Carrier Certificates*, 61 MCC 209, 766 from points in Mercer County, Pa., to points in New York and New Jersey and *damaged shipments* of the above-described commodities, on return. Applicant is authorized to transport iron and steel articles as above described from Greenville, Pa., to points in Delaware and damaged shipments thereof on return.

HEARING: March 3, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 62835 (Sub No. 11), filed November 6, 1958. Applicant: C. E. S. TRUCK LINES, INC., Highway 61-67, Crystal City, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass* and *empty containers or other such incidental facilities* (not specified) used in transporting glass, between the Plant Site of the Pittsburgh Plate Glass Company near Decatur, Ill., and Crystal City, Mo. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana and Missouri.

HEARING: March 10, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 67646 (Sub No. 50), filed January 5, 1959. Applicant: HALL'S MOTOR TRANSIT COMPANY, a Penna. corporation, Fifth & Vine Streets, Box 738, Sunbury, Pa. Applicant's attorney: John E. Fullerton, 131 State Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, Household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Franklin, Pa., and Erie, Pa., from Franklin over U.S. Highway 322 to Meadville, thence over U.S. Highway 6 to Cambridge Springs, thence over U.S. Highway 19 to Erie, and return over the same route; (2) between Oil City, Pa., and Erie, Pa., from Oil City over Pennsylvania Highway 8 to Erie, and return over the same route; (3) between Oil City, Pa., and Shippenville, Pa., from Oil City over U.S. Highway 62 to junction Pennsylvania Highway 157, to the junction of Pennsylvania Highway 66, near Frysburg, thence over Pennsylvania Highway 66 to Shippenville, and return over the same route, serving no intermediate points on the above routes, and all of the above routes for operating convenience only. Applicant is authorized to conduct operations in Pennsylvania, New York, New Jersey, Maryland, Connecticut, Delaware, and the District of Columbia.

HEARING: March 4, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles H. Riegner.

No. MC 88300 (Sub No. 20), filed November 17, 1958. Applicant: DIXIE TRANSPORT COMPANY, 430 West State Street, Jacksonville, Fla. Applicant's attorney: George C. Young, Suite 1109 Barnett National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks*, and *chassis*, in secondary movements, in truckaway service, from the site of the Chrysler Corporation Assembly Plant in St. Louis County, Mo., to points in Florida and Georgia, and *damaged* and *rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Michigan, Indiana, Florida, Georgia, North Carolina, South Carolina, Tennessee, Ohio, and Kentucky.

HEARING: March 5, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Alton R. Smith.

No. MC 92983 (Sub No. 331), filed November 24, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* and *spirits*, in bulk, in tank vehicles, from points in Indiana and Kentucky to points in Iowa, Minnesota, and Missouri. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey,

New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: March 4, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Alton R. Smith.

No. MC 92983 (Sub No. 333), filed November 24, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint* and *paint materials*, in bulk, in tank vehicles, from points in Iowa to points in Illinois, Indiana, Minnesota, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: March 4, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Alton R. Smith.

No. MC 95540 (Sub No. 300), filed December 17, 1958. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *articles distributed by meat packing houses*, as defined by the Commission, from Dennison, Iowa to points in Alabama, Florida, Georgia, and South Carolina. Applicant is authorized to conduct operations in Georgia, Missouri, Delaware, Indiana, Illinois, Kentucky, Maryland, Michigan, Minnesota, Florida, Alabama, Connecticut, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, Wisconsin, District of Columbia, Ohio, Tennessee, Iowa, Rhode Island, and Missouri.

HEARING: March 5, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 100127 (Sub No. 3), filed December 1, 1958. Applicant: ELMIRA DELIVERIES, INC., 1002 Lackawanna Avenue, Elmira, N.Y. Applicant's attorney: William A. Farrell, Onandaga County Savings Bank Building, Syracuse 2, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper boxes* and *other corrugated paper products*, from Elmira Heights, N.Y., to points in New York, except those in Bronx, New York, Richmond, Queens, Kings, Nassau, and Suffolk Counties, and to points in Pennsylvania north of the Pennsylvania Turnpike, and *return and rejected shipments* of the commodities specified in this application, on return. Applicant is authorized to conduct operations in New York and Pennsylvania.

NOTE: Any duplication with present authority to be eliminated.

HEARING: March 3, 1959, at the Public Service Commission, 55 Elk Street, Albany, N.Y., before Examiner Leo A. Riegel.

No. MC 105813 (Sub No. 35), filed December 30, 1958. Applicant: BELFORD TRUCKING CO., INC., 1299 North West 23d Street, Miami 42, 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: *Fish (including shell fish), agricultural (including horticultural) commodities*, (not including manufactured products thereof), as defined in Section 203(b)(6) as amended, of the Interstate Commerce Act (Part II), when transported in the same vehicle with commodities not exempt under section 203(b)(6) as amended, of the Interstate Commerce Act (Part II), between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations in Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, Wisconsin, and the District of Columbia.

HEARING: March 6, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lucian A. Jackson.

No. MC 105902 (Sub No. 10), (Republication) filed September 30, 1958. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cereal food preparations*, dry, and *teething biscuits*, from Phelps, Shortsville, Gorham, Reeds Corners, Junius, Waterport, and Rochester, N.Y., to Baltimore, Md., New York, N.Y., and points within thirty (30) miles of New York, N.Y., and points in Pennsylvania on and east of U.S. Highway 15, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *damaged or rejected shipments thereof*, on return. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia.

HEARING: March 6, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Leo A. Riegel.

No. MC 106400 (Sub. No. 17), filed January 6, 1959. Applicant: KAW TRANSPORT COMPANY, 701 North Sterling, Sugar Creek, Mo. Applicant's attorney: Henry M. Shughart, 914 Commerce Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, between Kansas City, Mo., Kansas City, Kans., points in the Kansas City, Kans., Kansas City, Mo., Commercial Zone, as defined by the Commission, Horn, Mo., and Wichita, Kans., and points within 15 miles of each, on the one hand, and, on the other, points in Missouri, Kansas, Iowa, Nebraska, Oklahoma, and Arkansas. Applicant is authorized to conduct operations in Kansas, Mssouri, Iowa, Nebraska, Oklahoma, and Illinois.

HEARING: March 17, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 106965 (Sub No. 124), filed January 2, 1959. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) from points in Berkeley County, W. Va., to points in Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia; (2) from points in Carroll, Frederick and Washington Counties, Md., to points in Delaware, Virginia, West Virginia, Pennsylvania, and the District of Columbia; (3) from points in York County, Pa., to points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia; and (4) from points in Montgomery County, Md., to Washington, D.C. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, Rhode Island, Tennessee, the District of Columbia, Alabama, Arkansas, Connecticut, Florida, Georgia, Iowa, Kentucky, Louisiana, Massachusetts, Maine, Mississippi, New Hampshire, South Carolina, and Vermont.

HEARING: March 10, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Mack Myers.

No. MC 107460 (Sub No. 14), filed December 21, 1958. Applicant: WILLIAM Z. GETZ, R.D. No. 3, Lancaster, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements, agricultural machinery and implement parts, components and accessories, supplies used in the manufacture of agricultural machinery, implements and component parts thereof, pallets* and *containers*, between the plant sites of New Holland Machine Company Division of Sperry-Rand Corporation at New Holland, Lancaster, Mountville, Belleville and Intercourse, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Indiana, Ohio, Illinois, Michigan, Massachusetts, Vermont, Connecticut, Florida, Georgia, Iowa, Maine, New Hampshire, Tennessee, and Wisconsin. Applicant is authorized to conduct operations in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North

Carolina, South Carolina, Kentucky, Indiana, Ohio, Illinois, Michigan, Massachusetts, Vermont, Connecticut, Tennessee, Georgia, Wisconsin, Missouri, Arkansas, and Louisiana.

HEARING: March 2, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 107496 (Sub No. 118), filed October 9, 1958. 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: *Chemicals*, in bulk, in tank vehicles or other specialized vehicles (including hopper trucks), from the plant site of the Amoco Chemicals Corporation, approximately six (6) miles southwest of Joliet, Ill., to points in the United States, including all ports of entry on the International Boundary Line between the United States and Canada, and *damaged and rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin.

HEARING: March 2, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 107496 (Sub No. 121), filed December 16, 1958. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from Cretem Nebr., to points in that part of the United States bounded by the Continental Divide on the west, the Mississippi River on the east, and to points in Illinois and Wisconsin. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin.

HEARING: March 6, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 109761 (Sub No. 19), (Republication), filed October 24, 1958. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Applicant's attorney: Jerome A. Selman, Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice*, in bulk, in tank vehicles, equipped with mechanical refrigeration, from Fullerton and Anaheim, Calif., to Lyons and Downer's Grove, Ill. Applicant is authorized to conduct operations in Ohio, Florida, Michigan, Wisconsin, Indiana, Georgia, Maine, New Hampshire, and Vermont.

HEARING: March 6, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 110505 (Sub No. 51), filed January 6, 1959. Applicant: RINGLE TRUCK LINES, INC., 601 South Grant Street, Fowler, Ind. Applicant's attorneys: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind., and Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements* (other than hand), and *parts therefor* when incidental to and moving in the same vehicles with the above-described commodities, from Ottumwa, Iowa, and Horicon, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; *damaged, returned and rejected shipments* of *agricultural machinery and implements* (other than hand), *tractors* (not including tractors with vehicle beds, bed frames or fifth wheels), and *stationary engines*, and *attachments and parts therefor* when incidental to and moving in the same vehicles with the above-described commodities, from points in the above-described destination states and the District of Columbia, to Des Moines, Iowa, and points within six (6) miles thereof, Dubuque, Iowa, and points in Peru Township, Dubuque County, Iowa, Ottumwa and Waterloo, Iowa, and Horicon, Wis. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the portion of the proposed authority to transport damaged, returned and rejected shipments, as described above, from the indicated states and the District of Columbia, to Des Moines, Iowa, and points within 6 miles thereof, Dubuque, Iowa, and points in Peru Township, Dubuque County, Iowa, and Waterloo, Iowa, is for the purpose of supplementing the authorities now held by it in Certificates Nos. MC 110505 and MC 110505 Sub Nos. 19, 17 and 28.

HEARING: March 3, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo W. Cunningham.

No. MC 112148 (Sub No. 12), filed November 17, 1958. Applicant: JAMES H. POWERS, Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *canned goods*, from Westfield, N.Y., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to conduct operations in Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, and South Dakota.

HEARING: March 4, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 112148 (Sub No. 13), filed November 20, 1958. Applicant: JAMES H. POWERS, Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *canned goods*, from Benton Harbor, Decatur, Lawton, and Mattawan, Mich., to Ashland, Eau Claire, La Crosse, and Superior, Wis., and points in Dakota, Hennepin and Ramsey Counties, Minn. Applicant is authorized to conduct operations in Iowa, New York, Ohio, Michigan, North Dakota, South Dakota, Kansas, Missouri, Pennsylvania, Nebraska, and Minnesota.

NOTE: Applicant has filed an application for "grandfather" authority under section 7 of the Transportation Act of 1958 in No. MC 112148 Sub No. 11, to transport frozen fruits, frozen berries and frozen vegetables.

HEARING: March 9, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 112563 (Sub No. 1), filed January 2, 1959. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place, NW., Washington, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) from points in Berkeley County, W. Va., to points in Maryland, Delaware, Pennsylvania, Virginia, and the District of Columbia; (2) from points in Carroll, Frederick and Washington Counties, Md., to points in Virginia, Delaware, West Virginia, Pennsylvania, and the District of Columbia; (3) from points in York County, Pa., to points in Maryland, Delaware, Virginia, West Virginia, and the District of Columbia; and (4) from points in Montgomery County, Md., to Washington, D.C. Applicant is authorized to conduct operations as a common carrier in No. MC 106965 and subnumbers thereunder; dual operations under section 210 may be involved.

HEARING: March 10, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Mack Myers.

No. MC 112627 (Sub No. 3), filed November 24, 1958. Applicant: CHARLES L. OWENS, R.F.D. No. 2, Dansville, N.Y. Applicant's representative: Raymond A. Richards, 13 Lapham Pk.—P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh Monk's bread*, from Piffard, N.Y., to New York, N.Y., and empty containers or other such incidental facilities used in transporting fresh monk's bread, on return. Applicant is authorized to conduct operations in New York, Michigan, Ohio, Pennsylvania, New Jersey, Delaware, Maryland, Massachusetts, Connecticut, Rhode Island, the District of Columbia, Virginia, and Illinois.

HEARING: March 5, 1959, at the Hotel Buffalo, Washington and Swan

Streets, Buffalo, N.Y., before Examiner Leo A. Riegel.

No. MC 113336 (Sub No. 15), filed December 31, 1958. Applicant: PETROLEUM TRANSIT COMPANY, INC., East Second Street, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum porducts*, in bulk, in tank vehicles, from Wilmington, N.C., to points in Tennessee and Virginia; and (2) from Savannah, Ga., and points within ten (10) miles thereof, to Chattanooga, Tenn., and points within ten (10) miles thereof.

HEARING: March 10, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 113362 (Sub No. 8), filed November 10, 1958. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Appendix I (B) to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273, from Faribault, Minn., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island, and Vermont. Applicant is authorized to conduct operations in Illinois, Iowa, New York, Pennsylvania, Massachusetts, Minnesota, and New Jersey.

NOTE: Applicant states it does not seek any authority which duplicates that it now holds.

HEARING: March 3, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 113362 (Sub No. 10), filed December 29, 1958. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale, retail, and chain grocery stores*, from Chicago, Ill., to Lakota, Iowa. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Maryland, Massachusetts, Minnesota, New Jersey, New York, and Pennsylvania.

NOTE: Applicant states it is authorized and now performs the proposed operation by joinder of present rights through the gateway of Webster City, Iowa; and that elimination of the gateway restriction is proposed insofar as the stated traffic is concerned.

HEARING: March 13, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 53, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 113584 (Sub No. 11), filed December 29, 1958. Applicant: SHIPPERS SERVICE, INC., P.O. Box 1016, Mason City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Appendix 1(B) to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from Dubuque, Iowa, to points in Florida. Applicant is authorized to conduct operations in Iowa, Louisiana, Michigan, Georgia, Florida, Texas, New York, Ohio, Illinois, West Virginia, Missouri, and Delaware.

NOTE: Applicant states that the proposed operations will be limited to a transportation service to be performed under continuing contract with State Brand Creameries of Mason City, Iowa.

HEARING: March 10, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 114400 (Sub No. 2), filed December 16, 1958. Applicant: BE-RITE DELIVERY SERVICE, INC., 1024 South Vandeventer Avenue, St. Louis, Mo. Applicant's attorney: Beverly S. Simms, 612 Barr Building, Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail mail order houses or department stores, under special and individual contracts or agreements with Sears Roebuck and Company, (1) between St. Louis, Mo., on the one hand, and, on the other, points, in Monroe, Washington, St. Clair, Randolph, Perry, Jackson, Union, Pulaski, Massac, Pope, Johnson, Hardin, Saline, Williamson, Hamilton, White, Franklin, Jefferson, Edwards, Richland, Clay, Marion, Clinton, Madison, Effingham, Jasper, Cumberland, Montgomery, Macoupin, Greene, Pike, Adams, Morgan, Schuyler, Cass, Menard, Macon, Sangamon, Christian, Logan, Moultrie, Douglas, Alexander, Bond Brown, Calhoun, Wayne, Coles, Clark, Crawford, Dewitt, Piatt, Fayette, Edgar, Gallatin, Jersey, Lawrence, McLean, Mason, Scott, Shelby, Tazewell, and Wabash Counties, Ill.; and points in St. Charles, Jefferson, and St. Louis Counties, Mo., and those within forty-five (45) miles of St. Louis, Mo., located in Lincoln, Warren, Franklin, Washington, St. Francois, and Ste. Genevieve Counties, Mo.

NOTE: Applicant is authorized to transport similar commodities from St. Louis, Mo., to points in Illinois within fifty (50) miles of St. Louis. Applicant states it does not seek any duplicate authority. Applicant further states that the 45-mile limitation is being made so as to limit the requested authority in the above-specified counties to correspond with the applicant's existing intrastate authority in those counties.

HEARING: March 10, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 114965 (Sub No. 5), filed December 8, 1958. Applicant: L. R. CYRUS, doing business as CYRUS PETROLEUM TRUCK LINE, R.R. No. 1 (P.O. Box 327), Iola, Kans. Applicant's attorneys: Howard M. Immel and Charles H. Apt, Allen County State Bank Building, Iowa, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals (including grain fumigants* and *insecticides)*, in bulk, in tank vehicles, from Kansas City, Kans., to points in Kansas, Missouri, Oklahoma, Nebraska, Colorado, Iowa, and South Dakota. Applicant holds contract carrier authority in Permit No. MC 66344 and sub No. 13. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 66344 (Sub No. 14).

HEARING: March 16, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 115575 (Sub No. 2), filed December 22, 1958. Applicant: RONALD GIESLER, doing business as GIESLER TRUCK LINE, 511 11th Street North, Humboldt, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Humboldt, Iowa, to points in Minnesota north of U.S. Highway 14, and points in Fillmore, Houston, Olmsted, and Winona Counties, Minn. Applicant is authorized to transport fertilizer from Humboldt to points in Minnesota on and south of U.S. Highway 14 except points in Fillmore, Houston, Olmsted, and Winona Counties, Minn.

HEARING: March 12, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 146, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 116702 (Sub No. 3), filed November 26, 1958. Applicant: THADDEUS A. GORSKI, Harrow, Ontario, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Superphosphate* in bulk, *di-calcium phosphate*, in bags, *nitrogen solutions* and *anhydrous ammonia*, in bulk, *urea*, in bulk and bags, and *glycerine*, crude and refined in bulk, from Baltimore, Md., Buffalo, N.Y., Detroit and Trenton, Mich., South Point, Lima, Ivorydale, and Cincinnati, Ohio, and Chicago, Ill., to the ports of entry on the international boundary line between the United States and Canada at or near Detroit and Port Huron, Mich., and Buffalo, N.Y.

HEARING: March 2, 1959, at the Federal Building, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 117119 (Sub No. 3), filed December 5, 1958. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: A. Alvis Layne, Jr., Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in Alabama, Arizona, Arkansas, California,

Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. Applicant is authorized to conduct operations in Arkansas, California, Colorado, Arizona, Nevada, New Mexico, Oregon, Washington, and Idaho.

HEARING: March 12, 1959, at the New Hotel Pickwick, Kansas City, Kans., before Examiner Alton R. Smith.

No. MC 117374 (Sub No. 4), filed December 5, 1958. Applicant: P & A REFRIGERATED EXPRESS, INC., 1011 Southeast Salmon Street, Portland, Oreg. Applicant's attorney: Stephen Parker, 705 Yeon Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lambs, meats, meat and packinghouse products*, and *meat by-products*, between points in Oregon, Washington, Idaho, Wyoming, Utah, and Montana, on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, Maryland, the District of Columbia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Colorado, and Maine.

NOTE: Applicant states that Coast Transport, Inc., an Oregon corporation, operating under Docket No. MC 114655, and applicant, are commonly owned.

HEARING: February 24, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Thomas F. Kilroy.

No. MC 117374 (Sub No. 5), filed December 8, 1958. Applicant: P & A REFRIGERATED EXPRESS, INC., 1011 Southeast Salmon Street, Portland, Oreg. Applicant's attorney: Stephen Parker, 605 Yeon Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, frozen, prepared foodstuffs, fruits* and *vegetables*, and *dairy products*, between points in Oregon, Washington, Idaho and Montana, on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, Maryland, District of Columbia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Wyoming, Utah, Colorado, and Maine.

HEARING: February 24, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Thomas F. Kilroy.

No. MC 117465 (Sub No. 2), filed October 20, 1958. Applicant: CLYDE REEVES, doing business as BEAVER EXPRESS, 1618 Texas Street, Woodward, 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: *General commodities*, except Class A and B explosives, moving in express service, between junction U.S. Highways 83 and 270 near Turpin, Okla., and Hooker, Okla., from junction U.S. Highways 83 and 270 near Turpin over U.S. Highway 83 to Liberal, Kans., thence over U.S. Highway 54 to Hooker, and return over the same route, serving all intermediate points, and for the right to tack at Hooker and junction U.S. Highways 83 and 270 for purposes of joinder. Applicant is authorized to conduct operations in Oklahoma.

HEARING: March 23, 1959, at the Warren Hotel, Liberal, Kans., before Joint Board No. 39, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117574 (Sub No. 39), filed December 19, 1958. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid*, from Clifton, N.J., to points in Illinois, Indiana, Michigan, and Ohio. Applicant is authorized to conduct operations throughout the United States.

HEARING: March 3, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 117665 (Sub No. 1), filed December 22, 1958. Applicant: CARL BUCHANAN, R.R. No. 2, Puxico, Mo. Applicant's attorney: Koss W. Blomeyer, Bloomfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *feed*, in bags, from East St. Louis, National Stock Yards, and National City, Ill., to Bloomfield, Mo., and *livestock* on return movements.

NOTE: Applicant states he proposes to transport exempt livestock on return movements.

HEARING: March 10, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117828, filed November 14, 1958. Applicant: CONTRACT TRUCKING CORPORATION, 115 North Geddes Street, Syracuse, N.Y. Applicant's attorney: William A. Farrell, Onondaga County Savings Bank Building, Syracuse 2, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, bottles, cans* or *cups*, fibreboard, paper or pulpboard, *with tops or bottoms made of the same or other materials*, set up or knocked down, nested, not nested, flat or folded flat; *covers or bottoms*, fibreboard, paper or pulpboard, *including discs; can ends*, steel; *the necessary equipment of metal rims for tops or bottoms;* and *milk bottle caps*, pulpboard or plastic, from Fulton, N.Y., to points in New York, Connecticut, Rhode Island, Massachusetts, New Jersey, Pennsylvania, Ohio, Michigan, Maine, Vermont, New Hampshire, Maryland, and Delaware, and *returned and rejected shipments* of the commodities specified in this application and *raw materials* used in the manufacture of paper and paper articles on return.

NOTE: Common control may be involved.

HEARING: March 3, 1959, at the Public Service Commission, 55 Elk Street, Albany, N.Y., before Examiner Leo A. Riegel.

No. MC 117909, filed December 1, 1958. Applicant: ASSOCIATED PRODUCE, INC., P.O. Box 121, Springdale, Ark. Applicant's attorney: Stanley P. Clay, 514 First National Building, P.O. Box 578, Joplin, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal* and *pellets*, and *cottonseed meal, screenings, pellets*, and *cakes*, in sacks and in bulk, (1) From points in that part of Tennessee south of a line beginning at Memphis, Tenn., and extending along U.S. Highway 70 to Nashville, Tenn., thence along U.S. Highway 431 to the Tennessee-Alabama State line, and from points in Mississippi and Louisiana on and north of U.S. Highway 80, and from points in that part of Arkansas on and east of a line bounded by U.S. Highway 67 on the west and as extended south from Little Rock, Ark., and thence along U.S. Highway 167 to the Arkansas-Louisiana State line, to (a) points in Arkansas on and north of U.S. Highway 64, on and west of U.S. Highway 71 as extended by U.S. Highway 62 to the Missouri-Arkansas State line; (b) to points in Iowa, Nebraska, Minnesota, and to points in North Dakota and South Dakota on and east of U.S. Highway 281; (c) to points in Texas on and east of U.S. Highway 81; (d) to points in Oklahoma on and east of U.S. Highway 69 and north of U.S. Highway 64; and (e) to points in Florida; (2) from Lubbock, Lamesa, and Pecos, Tex., and points in Texas on and east of U.S. Highway 81, to (a) points in Arkansas on and north of U.S. Highway 64, and on and west of U.S. Highway 71 as extended by U.S. Highway 62 to the Missouri-Arkansas State line, and to points in Iowa, Minnesota, Nebraska, and to points in South Dakota and North Dakota on and east of U.S. Highway 281, and to those in Oklahoma on and east of U.S. Highway 69 and on and north of U.S. Highway 64; (3) From Belmond, Des Moines, Redfield, Fort Dodge, Washington, and Cedar Rapids, Iowa, to points in Nebraska on and west of U.S. Highway 83, and to points in Colorado on and north of U.S. Highway 50, and on and east of U.S. Highway 87; (4) From Belmond, Des Moines, Redfield, Fort Dodge, Washington, and Cedar Rapids, Iowa, and from Champaign and Decatur, Ill., to points in Arkansas on and north of U.S. Highway 64 and on and west of U.S. Highway 71 as extended by U. S. Highway 62 to the Missouri-Arkansas State line, and to points in Oklahoma on and east of U.S. Highway 69 and on and north of U.S. Highway 64, and to those in Texas on and east of U.S. Highway 81; *Oyster shells*, in sacks, From Houston, Tex., and Mobile, Ala., to points in Iowa, Nebraska, and Minnesota, and points in North Dakota and South Dakota on and east of U.S. Highway 281; *Dicalcium phosphate*, in sacks or in bulk, From Texas

City, Tex., Wales, Tenn., and Tupelo, Miss., to points in Iowa, Nebraska, and Minnesota, and points in North Dakota and South Dakota on and east of U.S. Highway 281; *Sweet green sugar*, in sacks or in bulk, From New Orleans, La., to points in Iowa, Nebraska; and Minnesota, and points in North Dakota and South Dakota on and east of U.S. Highway 281; and *Wheat bran and shorts*, in sacks, From points in Sedgwick, Reno, McPherson, and Harvey Counties, Kans., to (a) points in Florida; and (b) points in Arkansas on and north of U.S. Highway 64 and on and west of U.S. Highway 71 as extended by U.S. Highway 62 to the Missouri-Arkansas State line, including points on the indicated portions of the highways specified.

HEARING: March 11, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 117910, filed November 28, 1958. Applicant: W. H. FROH, INC., 57760 Main Boulevard, New Haven, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Castings*, and *containers therefor*, from New Haven, Mich., to points in Ohio, Indiana, Illinois, and Wisconsin, and *empty containers* and *damaged or rejected castings*, on return.

NOTE: Applicant is presently operating under the Second Proviso of section 206(a)(1), assigned Docket No. MC 98414; applicant states that upon grant of the authority herein sought, it will relinquish the second proviso filing.

HEARING: March 2, 1959, at the Federal Building, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 118372 (Sub No. 2), filed December 10, 1958. Applicant: GENE SQUIRES, doing business as GENE SQUIRES TRUCKING CO., 5614 East 10th Street, Kansas City, 26, Mo. Applicant's attorney: Carll V. Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *frozen foods*, between points in California, Oregon, Washington, Idaho, and Colorado, on the one hand, and, on the other, points in Kansas and Missouri.

HEARING: March 13, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 118436, filed December 10, 1958. Applicant: ORVAL PAUL MADDOX AND ROSCOE JEWEL MADDOX, doing business as MADDOX BROTHERS TRANSPORT, 2721 Schaefer, Melvindale, Mich. Applicant's attorney: Robert Alan Parr, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rags, old shoes, used bags and bagging, plastic scrap, rubber scrap, refuse, scrap and waste materials other than metal and paper*, in bales, bundles, bags and packages, between Detroit, Mich., and New York, N.Y.

HEARING: March 3, 1959, at the Federal Building, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 118466, filed December 19, 1958. Applicant: FLOYD R. SHELDON, JR., R.D. No. 2, Pawlet, Rutland County, Vt. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides* (not in bulk or in tank vehicles), from Middleport, N.Y., to points in Vermont, and from Pawlet, Vt., to points in Warren, Washington, Clinton, Essex, and Franklin Counties, N.Y.

NOTE: Applicant states the proposed service shall be limited to transportation to be performed under a continuing contract or contracts with Food Machinery and Chemical Corporation, Niagara Chemical Division, Middleport, N.Y.

HEARING: March 4, 1959, at the Federal Building, Albany, N.Y., before Examiner Leo A. Riegel.

No. MC 118468, filed December 22, 1958. Applicant: JOE UMTHUN AND VIRGIL UMTHUN, doing business as UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and feed ingredients*, from Eagle Grove, Iowa, to points in Illinois, Missouri, Nebraska, South Dakota, and Wisconsin.

NOTE: Applicants state that the proposed operation is to be limited to a transportation service to be performed under continuing contract with M & M Livestock Products Company, Eagle Grove, Iowa.

HEARING: March 9, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 118484, filed December 23, 1958. Applicant: JAMES WRECKER SERVICE, INC., 118 North Middle Street, Cape Girardeau, Mo. Applicant's attorney: A. M. Spradling, 1838 Broadway, Cape Girardeau, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled trucks, motor vehicles, ambulances, tandem trailers and house trailers* (wrecked or not wrecked), between Cape Girardeau, Mo., and points in Dent, Bollinger, Cape, Girardeau, Perry, New Madrid, St. Louis, St. Genevieve, Carter, Crawford, Franklin, Jefferson, Madison, Mississippi, Oregon, Reynolds, Ripley, Scott, Shannon, Stoddard, Wayne, Washington, Iron, Butler, St. Francois, and Pemiscot Counties, Mo., and St. Louis, Mo., those in Randolph, Clay, and Greene Counties, Ark., those in Dyer, Landerdale, Crockett, Gibson, Carroll, Henry, Weakley, and Obion Counties, Tenn., those in Trigg, Hickman, Calloway, Groves, Carlisle, Ballard, McCracken, Marshall, Caldwell, Christian, Crittenden, Webster, Union, and Livingston Counties, Ky., and those in Alexander, Pulaski, Massac, Union, Johnson, Pope, Hardin, Jackson, Williamson, Saline, Gallatin, Randolph, Perry, Franklin, Hamilton, White, Monroe, St. Clair, Washington, Marion, Clinton, Bend, Madison, and Wayne Counties, Ill.

HEARING: March 5, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Alton R. Smith.

No. MC 118508 (Sub No. 1), filed January 2, 1959. Applicant: EARL JONES AND SONS, LIMITED, P.O. Box 471, Amherstburg, Ontario, Canada. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Superphosphate*, in bulk, in dump vehicles, from Detroit, Mich., and points in the Detroit, Mich. Commercial Zone, to the Port of Entry on the boundary between the United States and Canada at or near Detroit, Mich., and *exempt commodities*, on return.

HEARING: March 4, 1959, at the Federal Building, Detroit, Mich., before Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 118529, filed December 31, 1958. Applicant: I & M INC., 2525 Euclid, Des Moines, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone* and *crushed limestone products*, between points in Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne Counties, Iowa on the one hand, and, on the other, points in Mercer and Harrison Counties, Mo.

HEARING: March 12, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 137, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

MOTOR CARRIERS OF PASSENGERS

No. MC 2353 (Sub No. 10), filed December 15, 1958. Applicant: MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore, Md. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Baltimore, Md., and Washington, D.C., from Baltimore over city streets to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction unnumbered Maryland Highway via Atholton and Scaggsville, Md., to junction unnumbered Maryland highway, thence over said unnumbered Maryland highway to junction Maryland Highway 169, thence over Maryland Highway 169 to junction U.S. Highway 29, thence over U.S. Highway 29 and city streets to Washington, and return over the same route, serving all intermediate points. Applicant is authorized to conduct regular route operations in Maryland and New Jersey, and irregular route operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania,

Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: March 2, 1959, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 120. At the conclusion of the taking of testimony at Baltimore the hearing will be continued to Washington, D.C., at a time to be fixed on the record by the Joint Board after hearing the views of all interested parties.

No. MC 3677 (Sub No. 42), filed January 21, 1959. Applicant: W.M.A. TRANSIT COMPANY, a corporation, 4421 Southern Avenue, Bradbury Heights, Md. Applicant's attorney: Earl M. Foreman, Tower Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Bryand Road, Md., and Marshall Hall, Md., from Bryans Road over Maryland Highway 227 to Marshall Hall, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Maryland and District of Columbia.

HEARING: March 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 112.

No. MC 108359 (Sub No. 4), filed January 8, 1959. Applicant: WESTERN NEW YORK MOTOR LINES, INC., Terminal Building, Batavia, N.Y. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Scranton, Pa., and Elmira, N.Y., from Scranton over U.S. Highway 11 to Clarks Summit, Pa., thence over U.S. Highway 6 to Tunkhannock, Pa., thence over U.S. Highway 309 to Towanda, Pa., thence over U.S. Highway 220 to Waverly, N.Y., and thence over New York Highway 17 to Elmira, and return over the same route, serving all intermediate points.

HEARING: March 2, 1959, at the Federal Building, Scranton, Pa., before Examiner William J. Cave.

No. MC 114757 (Sub No. 1), (CORRECTION) published in the January 7, 1959 issue of the FEDERAL REGISTER at Page 188, filed November 10, 1958. Applicant: EMPIRE BUS LINES, INC., 186 Smith Street, Poughkeepsie, N.Y. Applicant's attorney: Louis H. Shereff, 18 East 41st Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, (1) between Danbury, Conn., and New Haven, Conn., from Danbury over U.S. Highway 6 to the junction of Connecticut Highway 34, via Sandy Hook, thence over Connecticut Highway 34 to New Haven, and return over the same route, (2) between Danbury, Conn., and Haviland Hollow, N.Y., from Danbury over Connecticut Highway 37 to the intersection of Connecticut Highway 37A, thence over Connecticut Highway 37A to an unnumbered Connecticut road known as Fairfield Drive, thence along Fairfield Drive to the Connecticut-New York State line, thence over said unnumbered road to Haviland Hollow, and return over the same route, serving all intermediate points on the above routes and the off-route points of Hawleyville and Bethel, Conn. Applicant is authorized to conduct operations in Connecticut and New York.

NOTE: The previous publication showed Route No. 2 as an alternate route. This was in error and should have been shown as a service route, serving all intermediate points.

HEARING: Remains as assigned February 19, 1959, at 346 Broadway, New York, N.Y., before Examiner David Waters.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 31323 (Sub No. 8), filed January 14, 1959. Applicant: T. L. MYDLAND, 1403 Jefferson Highway, Jefferson Parish, La., also Box 10085, Jefferson Branch, New Orleans 21, La. Applicant's attorney: Robert A. Ainsworth, Jr., National Bank of Commerce Building, New Orleans 12, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrup*, in containers, from New Orleans, La., to Ocean Springs, Miss., and *empty containers* and *rejected shipments* of flavoring syrup, from Ocean Springs, Miss., to New Orleans, La. Applicant is authorized to conduct operations in Alabama, Florida, Louisiana, and Mississippi.

No. MC 42487 (Sub No. 387), filed January 16, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: Donald A. Schafer, Public Service Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, and except commodities in bulk, those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, between Kanab, Utah, and junction U.S. Highways 89A and 89 at or near Bitter Springs, Ariz.: from Kanab over U.S. Highway 89A to Glen Canyon Dam Site, thence over U.S. Highway 89A to junction U.S. Highways 89A and 89 at or near Bitter Springs, and return over the same route, serving Glen Canyon Dam Site and points within ten (10) miles thereof, as intermediate points. Applicant is authorized to conduct operations in Oregon, Washington, Idoha, California, North Dakota, Minnesota, Montana, and Utah.

No. MC 66562 (Sub No. 1472), filed January 12, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Louisville, Ky., and Evansville, Ind.: From Louisville over U.S. Highway 60 to junction U.S. Highway 41, thence over U.S. Highway 41 to Evansville, and return over the same route; and from Evansville over Indiana Highway 66 to junction U.S. Highway 231, thence over U.S. Highway 231 to Owensboro, Ky., thence return over U.S. Highway 231 to junction Indiana Highway 66, and thence east on Indiana Highway 66 to Tell City, Ind., and return over the same route, serving the intermediate points of Owensboro, Hawesville, Cloverport, and Irvington, Ky. and Tell City, Ind.; and the off-route points of Henderson and Brandenburg Station, Ky., interchange with rail and air express service will be made at Louisville, Ky., and Evansville, Ind. Applicant is conducting operations throughout the United States.

No. MC 105750 (Sub No. 3), filed January 14, 1959. Applicant: SALVADOR D'ANTONI, 1333 Jefferson Highway, Jefferson Parish, La. Applicant's attorney: Robert A. Ainsworth, Jr., National Bank of Commerce Building, New Orleans 12, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrup*, in containers, from New Orleans, La., to Ocean Springs, Miss., and *empty containers or other such incidental facilities* used in transporting flavoring syrup and *rejected shipments* thereof, on return. Applicant is authorized to conduct operations in Louisiana, Mississippi, and Alabama.

No. MC 110264 (Sub No. 15), filed January 12, 1959. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., P.O. Box 404, 504 Veranda Road NW., Albuquerque, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, livestock, household goods as defined by the Commission, and those requiring special equipment, between Albuquerque, N. Mex., and Sandoval, N. Mex. Applicant is authorized to conduct operations in Arizona and New Mexico.

No. MC 110525 (Sub No. 382), filed January 14, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washing compounds*, in bulk, in tank vehicles, from Trenton, Mich., to Omaha, Nebr. Applicant is authorized to conduct operations in all states in the United States except Arizona, Colorado, Idaho, Mississippi, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and Alaska.

No. MC 116091 (Sub No. 1), filed January 8, 1959. Applicant: STANLEY LEMONS AND CLAUDE LEMONS, doing business as LEMONS BROTHERS, East

Bridge Street, Cynthiana, Ky. Applicant's attorney: Robert H. Kinker, Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk and in bags, from Cincinnati, Ohio, to points in Bourbon, Fayette, Harrison, Nicholas, and Scott Counties, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Indiana, Kentucky, Ohio, and West Virginia.

No. MC 117125 (Sub No. 1), filed January 12, 1959. Applicant: REMPEL-TRAIL TRANSPORTATION, LTD., 8503 118th Avenue, Edmonton, Alberta, Canada. Applicant's attorney: Ferris A. Albers, 916–19 Arctic Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil (S400)*, in bulk, in tank vehicles, from Portland, Oreg., to ports of entry on the International Boundary between the United States and Canada located at or near Blaine and Sumas, Wash., and Eastport, Idaho.

MOTOR CARRIERS OF PASSENGERS

No. MC 116581 (Sub. No. 1), filed January 12, 1959. Applicant: JOSEPH DIPASQUALE, 713 15th Street, Niagara Falls, N.Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vehicle, but not including the driver thereof, and not including children under ten (10) years of age who do not occupy a seat or seats, in seasonal operations between March 1 and October 30 of each year, inclusive, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within six (6) miles thereof, and extending to Ports of Entry on the boundary between the United States and Canada at or near Niagara Falls and Lewiston, N.Y. Applicant is authorized to conduct the same operations, non-seasonal, and restricted to the transportation of seven (7) passengers, etc.

No. MC 116670 (Sub No. 1), filed January 12, 1959. Applicant: NIAGARA TREASURE TOURS, INC., 7904 Pine Avenue, Niagara Falls, N.Y. Applicant's attorney: Clarence F. 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 sight-seeing or pleasure tours, limited to the transportation of not more than ten (10) passengers in any one vehicle, but not including the driver thereof, and not including children under ten (10) years of age who do not occupy a seat or seats, in seasonal operations between April 15 and November 1, of each year, inclusive, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within six (6) miles thereof, and extending to Ports of Entry on the boundary between the United States and Canada at or near Niagara Falls and Lewiston, N.Y. Applicant is authorized to conduct the same operations, seasonal between April 15 and October of each year, inclusive, restricted to transportation of seven (7) passengers, etc.

No. MC 117805, filed November 5, 1958. Applicant: SYRACUSE AND OSWEGO MOTOR LINES, INC., 225 West Jefferson Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, (1) between Syracuse, N.Y., and Oswego, N.Y., from Syracuse over New York Highway 48 to the Village of Baldwinsville, thence over New York Highway 31 to the Hamlet of Moyers Corners, thence over New York Highway 57 to the Village of Phoenix and the City of Fulton, thence over New York Highway 48 through the Hamlet of Minetto to Oswego, and return over the same route, also from Syracuse over New York Highway 57 through the Villages of Liverpool and Phoenix to the City of Fulton, thence to Oswego, and return over the same routes, serving all intermediate points; (2) between Syracuse, N.Y., and Brewerton, N.Y., from Syracuse over U.S. Highway 11 through the Villages of Mattydale, North Syracuse, and Cicero to the Village of Brewerton, and return over the same route, serving all intermediate points; (3) between Syracuse, N.Y., and Hancock Airport, N.Y., from Syracuse over U.S. Highway 11 to Malden Road, thence to Hancock Airport, and thence over Town Line Road, Mallory Road and U.S. Highway 11 to Syracuse, N.Y., using the same route in both directions, and serving all intermediate points.

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 103435 (Sub No. 84), filed January 19, 1959. Applicant: BUCKINGHAM TRANSPORTATION, INC., Omaha & West Boulevard, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, other than those requiring special handling because of weight or size, between Fargo, N. Dak., and Grand Forks, N. Dak., over U.S. Highway 81, serving no intermediate points, as an alternate route for operating convenience only, in connection with the transportation of freight originating at or destined to points beyond Fargo and Grand Forks, N. Dak. Applicant is authorized to conduct operations in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, Utah, Montana, and North Dakota.

NOTE: This matter is directly related to MC–F 7084.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

On January 20, 1959, in No. MC-F-6942, Duncan McRae—Control—Melton Truck Lines, Inc., an order was entered by the Commission, Division 4, granting authority in this proceeding, supplementing that granted in its report and order of October 28, 1958, to include the purchase by Melton Truck Lines, Inc., of Crossett, Ark., of certain additional operating rights of B. E. Melton, Gladys Eva Melton, Administratrix, doing business as Melton Truck Lines, also of Crossett, granted in No. MC–100666 (Sub-No. 25) on September 5, 1958, and in Nos. MC–100666 (Sub-No. 28) and MC–100666 (Sub-No. 29), on July 31, 1958, covering the transportation of lumber, wooden pallets, roofing material and asbestos siding, windows and doors, and pressure treated forest products, as more specifically described in the appendix to the said order of January 20, 1959.

No. MC–F 7003 (EASTER STORES—CONTROL—ACE LINES, INC.), published in the September 17, 1958, issue of the FEDERAL REGISTER on page 7203. Second application filed January 19, 1959, for temporary authority under section 210a(b).

No. MC–F 7080. Authority sought for purchase by T.I.M.E. Incorporated, 2604 Texas Avenue, P.O. Box 1120, Lubbock, Tex., of a portion of the operating rights of AMERICAN TRANSFER & STORAGE COMPANY, 1040 North Lewis, Tulsa, Okla., and for acquisition by ARNO R. DALBY, also of Lubbock, of control of such rights through the purchase. Applicants' attorneys: W. D. Benson, Jr., P.O. Box 1120, Lubbock, Tex., and W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Operating rights sought to be transferred: *Class A, B, and C Explosives*, as a *common carrier* over irregular routes, between points in Tulsa County, Okla., on the one hand, and, on the other, points in Oklahoma, Kansas, Missouri, and Texas. Vendee is authorized to operate as a *common carrier* in Texas, Oklahoma, New Mexico, Arizona, California, Tennessee, Arkansas, Kentucky, Ohio, Georgia, Missouri, Illinois, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7082. Authority sought for purchase by MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago 29, Ill., of the

operating rights of A & A TRUCKING, INC., (T. KENNETH MATTIMOE, TRUSTEE), 26 Main Street, P.O. Box 143, Station A, Toledo 5, Ohio, and for acquisition of control of such rights by MILTON D. RATNER, also of Chicago. Applicants' attorneys: Clarence D. Todd or Charles W. Singer, both of 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 Mansfield, Ohio, and New York, N.Y., between Cleveland, Ohio, and Ebensburg, Pa., between Canton, Ohio, and Scranton, Pa., between West Springfield, Pa., and Scranton, Pa., between specified points in New York and between specified points in Ohio, serving all intermediate and certain off-route points; two alternate routes for operating convenience only; *compressed gases*, over irregular routes, from Carbide, W. Va., to Cleveland and Canton, Ohio; *empty gas cylinders*, from Cleveland and Canton, Ohio, to Carbide, W. Va.; *asphaltic roofing materials, building paper, materials and supplies* used in the installation of such articles, and *paint*, from Tonawanda, N.Y., to certain points in Pennsylvania; *steel-mill products*, from Youngstown, Ohio, and points within 15 miles of Youngstown, to certain points in Michigan, certain points in Pennsylvania and certain points in New York, from Beaver Falls, Pa., to certain points in Ohio, certain points in Michigan and certain points in New York, and from Buffalo and Lackawanna, N.Y., and Monroe, Mich., to certain points in Ohio; *roofing and siding materials, building paper, materials and supplies* used in the installation of such articles and *roof coating*, from Niagara Falls, Tonawanda, and North Tonawanda, N.Y., to certain points in West Virginia and certain points in Ohio; *insulation material*, from Buffalo, N.Y., to certain points in Pennsylvania; *roofing, roof coating materials, paint, building paper, siding*, and *materials and supplies* used in the installation thereof, from Niagara Falls, Tonawanda, and North Tonawanda, N.Y., to certain points in West Virginia and certain points in Michigan; *cement*, in bulk, in tank vehicles, from points in the town of Hamburg, N.Y., to Bradford, Pa., and points in Erie County, Pa. Vendee is authorized to operate as a *contract carrier* in Illinois, Michigan, Indiana, Missouri, Ohio, Wisconsin, Kentucky, Iowa, Nebraska, Pennsylvania, New York, West Virginia, Minnesota, Colorado, Kansas, North Dakota, South Dakota, Tennessee, Maryland, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7083. Authority sought for purchase by NEPTUNE STORAGE, INC., 55 Weyman Avenue, New Rochelle, N.Y., of the operating rights of APEX UNIVERSAL VAN & STORAGE CO., INC., 5150 Lawrence Place, Hyattsville, Md., and for acquisition by DAVID KIRSCHENBAUM, Pleasant Ridge Road, Harrison, N.Y., HENRY KIRSCHENBAUM, Sylvanleigh Road, Purchase, N.Y., RICHARD KIRSCHENBAUM, 86 Taylor Lane, Harrison, N.Y., and DORIS GOLDSTEIN, Polly Park Road, Harrison, N.Y., of control of such rights through the purchase. Applicants' attorneys: Michael J. Cuff, 3420 Hamilton Avenue, West Hyattsville, Md., and S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between points in Maryland and the District of Columbia, between points in Maryland and the District of Columbia, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, North Carolina, South Carolina, Georgia, and Florida, and between Alexandria, Va., and points in Arlington and Fairfax Counties, Va., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, North Carolina, South Carolina, Georgia, and Florida. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7084. Authority sought for purchase by BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak., of a portion of the operating rights of WILSON STORAGE AND TRANSFER CO., 110 North Reid Street, Sioux Falls, S. Dak., and for acquisition by EARL F. BUCKINGHAM, Thunderbird Country Club, Palm Springs, Calif., and HAROLD D. BUCKINGHAM, Omaha and West Boulevard, Rapid City, S. Dak., of control of such rights through the purchase. Authority is also sought for purchase by WILSON STORAGE AND TRANSFER CO. of a portion of the operating rights of BUCKINGHAM TRANSPORTATION, INC., and for acquisition by WILLIAM WILSON, Sunset View, Sioux Falls, S. Dak., of control of such rights through the purchase. Applicants' representatives: Jones & Meiklejohn, Attorneys-at-Law, 526 Denham Building, Denver 2, Colo., and Maurice Rudow, General Traffic Manager, Wilson Storage and Transfer Co., 110 North Reid Street, Sioux Falls, S. Dak. Operating rights sought to be transferred to BUCKINGHAM TRANSPORTATION, INC.: *General commodities*, except household goods as defined by the Commission, as a *common carrier* over regular routes, between Martin, S. Dak., and Winner, S. Dak., serving all intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Rushville, Nebr., and Martin, S. Dak., for operating convenience only, serving no intermediate points; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, between Martin, S. Dak., and Crawford, Nebr., between Pine Ridge, S. Dak., and Hot Springs, S. Dak., and between junction U.S. Highway 18 and South Dakota Highway 79 about six miles west of Smithwick, S. Dak., to junction Nebraska Highway 19 and U.S. Highway 20, serving certain intermediate points. Operating rights sought to be transferred to WILSON STORAGE AND TRANSFER CO.: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route, between Fargo, N. Dak., and Grand Forks, N. Dak., serving all intermediate points and the off-route point of Thompson. BUCKINGHAM TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, North Dakota, Montana, Illinois, Wisconsin, Utah, Oregon, Washington, Missouri, Idaho, Kansas, and California. WILSON STORAGE AND TRANSFER CO. is authorized to operate as a *common carrier* in Minnesota, South Dakota, North Dakota, Iowa, Illinois, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC 103435 Sub 84 is a matter directly related.

No. MC-F 7085. Authority sought for control and merger by COMMERCIAL CARRIERS, INC., 3399 East McNichols Road, Detroit 12, Mich., of the operating rights and property of WESTERN AUTO TRANSPORTS, INC., 430 North Navajo Street, Denver, Colo., and for acquisition by AMERICAN COMMERCIAL BARGE LINE COMPANY, P.O. Box 510, Jeffersonville, Ind., of control of such rights and property through the transaction. Applicants' attorneys: Nuel D. Belnap, One North La Salle Street, Chicago 2, Ill., and Louis E. Smith, 1800 North Meridian Street, Indianapolis, Ind. Operating rights sought to be controlled and merged: *New automobiles, new trucks*, and *new chassis*, wholly or partially assembled, in truckaway service, as a *common carrier* over irregular routes, from Detroit, Mich., and points within ten miles of Detroit, to points in Nevada; *new automobiles* and *new trucks*, and *new automobile chassis*, restricted to initial movements, in truckaway service, from Detroit, Mich., and points within ten miles of Detroit, to points in Colorado, Wyoming, Idaho, Washington, and California, from places of manufacture and assembly in Warren Township, Macomb County, Mich., to points in Utah, from places of manufacture and assembly in Wayne County, Mich., other than Detroit, Mich., and those within ten miles of Detroit, to Colorado Springs and Denver, Colo., from Evansville, Ind., to Denver, Colorado Springs, Pueblo, Fort Morgan, and Brush, Colo., from St. Louis, and Kansas City, Mo., to the above-specified Colorado points, restricted to traffic originating at Evansville and moving over the line of an authorized common carrier by motor vehicle from Evansville to St. Louis or Kansas City, under an arrangement for through transportation between such connecting motor line and applicants, and from Los Angeles, Calif., to points in Utah; *new and used automobiles, trucks, chassis*, and *other motor vehicles*, wholly or partially assembled,

from Detroit, Mich., to points in Utah; *new automobiles, new trucks,* and *new assembled and partially assembled automobile chassis,* restricted to secondary movements, in truckaway service, from Ames, De Witt, and Clinton, Iowa, to points in Wyoming, Idaho, Washington, Colorado, and California; *automobiles,* used and/or damaged, and *automobiles* used for show purposes, restricted to secondary movements, in truckaway service, from Colorado Springs and Denver, Colo., to points in Wayne County, Mich.; *new automobiles, automobile bodies, automobile chassis,* and *automobile parts and accessories,* moving in connection therewith, *automobile show equipment and paraphernalia,* and *farm and garden tractors and parts and accessories* thereof moving in connection therewith, in initial movements, in truckaway and driveaway service, from Willow Run in Washtenaw County, Mich., to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; *automobiles, jeeps, chassis, cabs, automobile bodies,* and *parts and accessories* moving in connection with shipments thereof, in secondary movements, in truckaway service, from points in Wayne County, Mich., to points in California, Colorado, Idaho, Iowa, Nevada, Utah, Washington, and Wyoming (except from Detroit, Mich., to points in Utah and Nevada, and points within ten miles of Detroit, Mich., to points in Nevada), from Chicago Heights and Joliet, Ill., to points in California, Colorado, Idaho, Iowa, Nevada, Utah, Washington, and Wyoming, restricted to shipments, originating at points in Wayne County, Mich., and between points in California, Colorado, Idaho, Iowa, Nevada, Utah, Washington, and Wyoming (except shipments moving from Ames, Clinton, and De Witt, Iowa, to points in California, Colorado, Idaho, Washington, and Wyoming); *jeeps, cabs, automobile bodies,* and *parts and accessories* moving in connection with shipments of automobiles, jeeps, chassis, cabs, and automobile bodies, in secondary movements, in truckaway service, from Detroit, Mich., and points within ten miles of Detroit, Mich., to points in Nevada, and from Ames, De Witt, and Clinton, Iowa, to points in California, Colorado, Idaho, Washington, and Wyoming; *cabs, automobile bodies* and *parts and accessories* of automobiles, jeeps, chassis, cabs, and automobile bodies moving in connection with shipments thereof, in secondary movements, in truckaway service, from Detroit, Mich., to points in Utah; *rejected or damaged shipments of automobiles, jeeps, chassis, cabs,* and *automobile bodies,* and *parts and accessories* moving in connection with shipments thereof, in secondary movements, in truckaway service, between points in California, Colorado, Idaho, Iowa, Nevada, Utah, Washington, and Wyoming, and from points in California, Colorado, Idaho, Iowa, Nevada, Utah, Washington, and Wyoming to points in Wayne County, Mich., (except shipments of damaged automobiles from Colorado Springs and Denver, Colo., to points in Wayne County, Mich.; *new automobiles,* in initial movements, in truckaway service, from Detroit, Mich., to points in Oregon; *new trucks,* in initial movements, in driveaway service, from Warren Township, Macomb County, Mich., to points in Colorado and Wyoming; *new automobiles* and *new automobile chassis,* in initial movements, in driveaway service, from Detroit, Mich., to points in Colorado and Wyoming; *new trucks* in initial movements, in driveaway service, from Warren Township, Macomb County, Mich., to points in Colorado and Wyoming; *automobiles and automobile chassis,* in secondary movements, in truckaway service, between points in Colorado, on the one hand, and, on the other, points in New Mexico, restricted against the transportation of automobiles or automobile chassis which are received from another motor carrier under any interchange arrangement for through transportation jointly by such other motor carrier and said carrier, from points in Michigan to points in New Mexico; *passenger automobiles, trucks,* and *automobile and truck chassis,* including parts and accessories when transported at the same time and with the vehicle of which they are a part and on which they are to be installed, in secondary movements, in truckaway service, between Kansas City, Mo., on the one hand, and, on the other, Denver and Pueblo, Colo., subject to the condition that the authority granted herein may not be combined with any authority now held by carrier, for the purpose of performing through service; *cable reel carriers,* in initial movements, by the truckaway method, from Denver, Colo., to points in the United States; *utility rental property* trailers designed to be drawn by passenger automobiles, in truckaway service, between points in the United States; *new and used automobiles and trucks,* in secondary movements, in truckaway service, between points in Colorado, on the one hand, and, on the other, points in Nebraska, with the restriction that the involved authority shall not be joined, directly or indirectly, with applicant's presently held authority for purposes of performing a through service between points in Nebraska, on the one hand, and, on the other, points in California, Nevada, Utah, Washington, Oregon, Idaho, Montana, and Wyoming; *new and used automobiles,* and *new and used trucks* (except repossessed automobiles and trucks), in secondary movements, in truckaway service, between points in Colorado, on the one hand, and, on the other, points in Kansas; *mobile hydraulic hammers,* set up and uncrated, and *parts thereof,* when such parts belong to and move with the unit being transported, from Denver, Colo., to points in the United States; *trailers* (except trailers designed to be drawn by passenger automobiles and intended for use as living quarters), in initial movements, in truckaway service, from Selma, Calif., to all points in the United States; *lumber,* from points in California, Oregon, Washington, and Idaho, to points in Colorado and Wyoming; *farm tractors,* except those the transportation of which, because of size or weight, require the use of special equipment, from Detroit, Mich., to points in Arkansas, Arizona, California, Colorado, Idaho, Kansas, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; *reel trailers, reel winders, reel dollies, tension wire stringers,* and *cable pullers,* and parts thereof, when such parts belong to and move with unit being transported, from Santa Clara, Calif., to points in the United States, except points in Arizona, New Mexico, Texas, Louisiana, Arkansas, Oklahoma, Kansas, Colorado, Wyoming, North Dakota, South Dakota, Idaho, and Utah; *new automobiles,* in truckaway service, in foreign commerce, from Houston, Tex., to points in California, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. COMMERCIAL CARRIERS, INC., is authorized to operate as a *common carrier* in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, New Jersey, Delaware, New York, Minnesota, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, Colorado, Oregon, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Florida, Wyoming, Washington, Kansas, Nebraska, Oklahoma, Texas, Maryland, Massachusetts, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7086. Authority sought for purchase by C. H. RUMPF AND SONS TRUCK LINE, INC., 1130 Treat Street, Adrian, Mich., of the operating rights of CLARE E. MERILLAT, doing business as RELIABLE MOVERS, 2558 Treat Street, Adrian, Mich., and for acquisition by ROLAND H. RUMPF, Manitou Beach, Mich., of control of such rights through the purchase. Applicants' attorney: Lawrence J. Hammond, Adrian State Bank Building, Adrian, Mich. Operating rights sought to be transferred: *General commodities,* with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Monroe County, Mich., on the one hand, and, on the other, points in Lucas County, Ohio, and between points in Monroe County, Mich. Vendee is authorized to operate as a *common carrier* in Ohio and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7087. Authority sought for control and merger by PALMER LINES, INC., Sheffield Road, Sheffield, Mass. (mail address P.O. Box 630, Great Barrington, Mass.), of the operating rights and property of MOODY TRANSPORTATION CO., INC., 59-61 Chestnut Street, Danbury, Conn., and for acquisition by MELVIN B. WOOD and GEORGE R. McCORMICK, both of Great Barrington, of control of such rights and property through the transaction. Applicants' attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Operating rights sought to be controlled and merged: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act covering the

transportation of *property*, as a *common carrier* over irregular routes in the State of Connecticut. PALMER LINES, INC., is authorized to operate as a *common carrier* in Massachusetts, Pennsylvania, Connecticut, New Jersey, New York, Vermont, Delaware, Maine, Maryland, New Hampshire, Ohio, Rhode Island, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: Application will be filed and published in the FEDERAL REGISTER at a later date as a matter directly related.

By the Commission.

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

[F.R. Doc. 59-721; Filed, Jan. 27, 1959; 8:48 a.m.]

[Notice 70]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICE

JANUARY 23, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2153 (Deviation No. 2), MIDWEST MOTOR EXPRESS, INC., 12th Street and Front Avenue, Bismarck, N. Dak., filed January 19, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between junction U.S. Highways 10, 52, and 94, approximately two miles east of Valley City, N. Dak., and junction U.S. Highways 94 and 10 south of Jamestown, N. Dak., as follows: from junction U.S. Highways 10, 52, and 94 over U.S. Highway 94 to junction U.S. Highway 10 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between junction U.S. Highways 10, 52, and 94, approximately two miles east of Valley City, N. Dak., and junction U.S. Highways 94 and 10 south of Jamestown, N. Dak., over U.S. Highways 10 and 52.

No. MC 7746 (Deviation No. 1), UNITED TRUCK LINES, INC., 915 Springfield Avenue, Spokane 2, Wash., filed January 19, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between junction U.S. Highways 95 and 30 near Fruitland, Idaho, and Pasco, Wash., as follows: from junction U.S. Highways 95 and 30 over U.S. Highway 30 to junction U.S. Highway 395, thence over U.S. Highway 395 to Pasco and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Portland, Oreg., and Spokane, Wash., over the following pertinent route: from Portland over U.S. Highway 99 to Vancouver, Wash., thence over U.S. Highway 830 to Maryhill, Wash., thence over U.S. Highway 97 to Toppenish, Wash., thence over unnumbered highway to Zilla, Wash., thence over U.S. Highway 395 to Spokane.

No. MC 13700 (Deviation No. 1), ROOKS TRANSFER LINES, INC., 147 East Seventh Street, Holland, Mich., filed December 4, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between junction U.S. Highway 12 and Indiana Highway 20, approximately 2.3 miles easterly from Gary, Ind., and junction Indiana Highway 212 and U.S. Highway 12 approximately 4 miles northeast of Michigan City, Ind., as follows: from junction U.S. Highway 12 and Indiana Highway 20 over Indiana Highway 20 to the junction Indiana Highway 212, thence over Indiana Highway 212 to junction U.S. Highway 12 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: from junction U.S. Highway 12 and Indiana Highway 20 approximately 2.3 miles easterly from Gary, Ind., over U.S. Highway 12 to junction Indiana Highway 212 approximately four miles east of Michigan City, Ind., and return over the same route.

By the Commission.

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

[F.R. Doc. 59-722; Filed, Jan. 27, 1959; 8:48 a.m.]

[Notice 77]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 23, 1959.

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

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

No. MC-FC 61715. By order of January 20, 1959, the Transfer Board approved the transfer to White Motor Express, Incorporated, Lafayette, Tenn., of Certificates Nos. MC 38541, MC 38541 Sub 1, and MC 38541 Sub 4, issued November 29, 1949, November 29, 1949, and August 27, 1956, respectively, to Dennis E. White, doing business as White Motor Express, Nashville, Tenn., authorizing the transportation of: General commodities, excluding household goods and other specified commodities, between Louisville, Ky., and Lebanon, Tenn., serving all intermediate points on specified routes in Tennessee, and the off-route points of La Guardo, Carthage, Dixon Springs, Pleasant Shade, Difficult, Whitleyville, Gordonsville, and Willette, Tenn.; general commodities, between Nashville, Tenn., and Lafayette, Tenn., serving all intermediate points within five miles of Lafayette, and between Nashville, Tenn., and Westmoreland, Tenn. Charles H. Hudson, Jr., 407 Broadway National Bank Building, Nashville, Tennessee, for applicants.

No. MC-FC 61720. By order of January 20, 1959, the Transfer Board approved the transfer to Rosie M. Kortan, doing business at Kortan's Garage, Tabor, S. Dak., of Certificate No. MC 14053, issued June 9, 1941, to John J. Kortan, Tabor, S. Dak., authorizing the transportation of: Livestock, farm machinery, twine, feed, and seeds, between Tabor, S. Dak., and points in South Dakota within ten miles of Tabor, on the one hand, and, on the other, Sioux City, Iowa. Ray E. Post, Tyndall, S. Dak., for applicants.

No. MC-FC 61815. By order of January 20, 1959, the Transfer Board approved the transfer to John D. Palma, doing business as Palma's Express, West Concord, Mass., of Certificate No. MC 76473, issued November 15, 1940, to Merton Alexander McDonald, doing business as McDonald's Belmont, Waverly and Boston Express, Belmont, Mass., authorizing the transportation of: General commodities, excluding household goods and other specified commodities, between Belmont, Mass., and Boston, Mass., serving all intermediate points. John J. Mazza, 6 Beacon Street, Boston, Mass., and Jeanne M. Hession, 64 Harvest Street, Dorchester, Mass., for applicants.

No. MC-FC 61845. By order of January 20, 1959, the Transfer Board approved the transfer to Herbert B. Fuller doing business as Fuller Transfer Company, Maryville, Tenn., of a portion of Certificate No. MC 60402, issued July 17, 1956, to Janett B. Spangler, doing business as Spangler Transfer, Middlesboro, Ky., authorizing the transportation of: Meats and packing-house products, and articles distributed by meat packing houses, from Pineville and Middlesboro, Ky., to points in Bell, Knox, and Whitley Counties, Ky.,

and those in Campbell and Clairborne Counties, Tenn.; rejected shipments on return; and meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses, as described in the appendix to the report in Modification of Permits-Packing House Products 46 M.C.C. 23, from Middlesboro, Ky., to points in Clay, Harlan, Laurel, and Pulaski Counties, Va. F. G. Asquith, Bank of Knoxville, Building, Knoxville, Tenn., for applicants.

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

[F.R. Doc. 59-723; Filed, Jan. 27, 1959; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[S.B.A. Pool Request No. 26]

REQUEST TO ELECTRODYNE INDUSTRIES, INC., TO OPERATE AS A SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN THE OPERATIONS OF SUCH POOL

Pursuant to section 217 of the Small Business Act of 1953, as amended, (Public Law 85-536), the Attorney General, after consultation with the Chairman of the Federal Trade Commission and the Administrator of the Small Business Administration, has approved the following request to the Electrodyne Industries, Inc. to operate as a small business production pool and the following request to the companies hereinafter listed to participate in the operations of such pool. The voluntary program, in accordance with which the pool shall operate, has been approved by the Administrator of the Small Business Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO ELECTRODYNE INDUSTRIES, INC.

I hereby approve your proposed voluntary program to operate as a small business production pool and find it to be in the public interest as contributing to the national defense program.

In my opinion, the operations of your organization as a small business production pool will assist in the accomplishment of our national defense program. Therefore, in accordance with the provisions of section 217 of the Small Business Act of 1953, as amended (Public Law 85-536), you are requested to operate as such a pool in the manner set forth in the approved voluntary program.

While no obligation is imposed upon you, by virtue of this request, to operate as such a pool or to seek or obtain any Government contracts, if you wish to commence operations as a small business production pool you may do so upon notifying me in writing of your acceptance of this request. Section 217, referred to above, provides in part that no act or omission to act pursuant to this approved program shall be construed to be within the prohibition of the antitrust laws or the Federal Trade Commission Act of the United States.

The Attorney General has approved this request after consultations with respect thereto among his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 217 of the Small Business Act of 1953, as amended (Public Law 85-536).

Sincerely yours,

WENDELL B. BARNES, *Administrator.*

REQUEST TO COMPANIES

The voluntary program of Electrodyne Industries, Inc. to operate as a small business production pool has been found to be in the public interest as contributing to the national defense program and has therefore been approved.

Inasmuch as your concern is included among the prospective members of the pool, in my opinion your participation in its operations will greatly assist in the accomplishment of our national defense program. Therefore, in accordance with the provisions of section 217 of the Small Business Act of 1953, as amended (Pub. Law 85-536), you are hereby requested to participate in the operations of the pool in the manner set forth in its voluntary program.

While no obligation is imposed upon you, by virtue of this request, to participate in the operations of this pool, if you wish to participate you may do so by notifying me in writing of your acceptance of this request. Section 217, referred to above, provides in part that no act or omission to act pursuant to this approved program shall be construed to be within the prohibition of the antitrust laws or the Federal Trade Commission Act of the United States.

The Attorney General has approved this request after consultations with respect thereto among his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 217 of the Small Business Act of 1953, as amended (Pub. Law 85-536).

Sincerely yours,

WENDELL B. BARNES, *Administrator.*

Electrodyne Industries, Inc. accepted the request set forth above to operate as a small business production pool.

Names and Addresses of Companies Accepting Request to Participate

Microtran Company, Inc., 145 East Mineola Avenue, Valley Stream, N.Y.

Paromal Products, Inc., 140 East Merrick Road, Freeport, N.Y.

Republic Electronic Industries Corp., 111 Gazza Boulevard, Farmingdale, N.Y.

Holden-Massey Corporation, 144 Allen Boulevard, Farmingdale, N.Y.

(Sec. 217 of Pub. Law 163, 83d Cong., as amended (P.L. 85-536); E.O. 10493, dated Oct. 14, 1953; F.R. 6583, Oct. 16, 1953)

Dated: January 20, 1959.

WENDELL B. BARNES, *Administrator.*

[F.R. Doc. 59-717; Filed, Jan. 27, 1959; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARGARETE TATSCHL

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Margarete Tatschl, Vienna, Austria; Claim No. 61677; $28.68 in the Treasury of the United States, and $100.00—United States of Brazil Twenty Year Funding Bond of 1931, rate 5% reduced to 3¾%, dated October 1, 1931, Bond No. C 89740, with coupons attached. Certificate, evidencing the above-described bond, is registered in the name of the Attorney General of the United States and is presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York, New York.

Vesting Order No. 17660.

Executed at Washington, D.C., on January 21, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 59-732; Filed, Jan. 27, 1959; 8:50 a.m.]