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Chapter II—Federal Aviation Agency

[Amdt. 19]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Bank and Pitch Instruments; Direction Instruments; Rate of Climb Indicator

Proposed amendments to §§ 514.14 through 514.18 (TSO-C4c through TSO-C8b) establishing minimum performance standards for flight instruments which will be used on civil aircraft of the United States were published in 23 F.R. 8105 and 8106.

All interested persons have been afforded an opportunity to submit written views, data or argument. Comments received have been considered and do not necessitate any further revisions to the proposed standards.

Sections 514.14 through 514.18 of Subpart B of this part (21 F.R. 6508) are hereby amended to read as follows:

§ 514.14 Bank and pitch instruments (indicating gyro-stabilized type) (gyroscopic horizon, attitude gyro)—TSO-C4c.

(a) *Applicability*—(1) *Minimum performance standards*. Minimum performance standards are hereby established for bank and pitch instruments (indicating gyro-stabilized type) (gyroscopic horizon, attitude gyro) which specifically are required to be approved for use on civil aircraft of the United States. New models of bank and pitch instruments (indicating gyro-stabilized type) (gyroscopic horizon, attitude gyro) manufactured for installation on civil aircraft on or after April 1, 1959, shall meet the standards set forth in SAE Aeronautical Standard AS-396B, "Bank and Pitch Instruments (Indicating Stabilized Type) (Gyroscopic Horizon, Attitude Gyro)," dated July 15, 1958,¹ with the exceptions listed in subparagraph (2) of this paragraph. Bank and

pitch instruments (indicating gyro-stabilized type) (gyroscopic horizon, attitude gyro) approved by the Administrator prior to April 1, 1959, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions*. (i) Conformance with the following sections is not required: 3.1; 3.1.1; 3.1.2; 3.2; 4.3.5.

(ii) Substitute the following for section 7: "Performance tests: The following tests, in addition to any others deemed necessary by the manufacturer, shall be the basis for determining compliance with the performance requirements of this standard."

(b) *Marking*. In lieu of the weight specified in paragraph (c) of § 514.3, the rating if applicable, i.e., electrical, vacuum, etc., shall be shown.

(c) *Data requirements*. One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Effective date*. April 1, 1959.

§ 514.15 Direction instrument, non-magnetic, gyro-stabilized type (directional gyro)—TSO-C5c.

(a) *Applicability*—(1) *Minimum performance standards*. Minimum performance standards are hereby established for direction instruments, non-magnetic, gyro-stabilized type (directional gyro) which specifically are required to be approved for use on civil aircraft of the United States. New models of direction instruments, non-magnetic, gyro-stabilized type (directional gyro) manufactured for installation on civil aircraft on or after April 1, 1959, shall meet the standards set forth in SAE Aeronautical Standard AS-397A, "Direction Instrument, Non-Magnetic, Stabilized Type (Directional Gyro)," dated July 15, 1958,¹ with the exceptions listed in subparagraph (2) of this paragraph. Direction instruments, non-magnetic gyro-stabilized type (directional gyro) approved by the Administrator prior to April 1, 1959, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions*. (i) Conformance with the following sections is not required: 3.1; 3.1.1; 3.1.2; 3.2; 4.3.3.

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¹ Copies may be obtained from the Society of Automotive Engineers, Inc., 485 Lexington Avenue, New York 17, New York.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

Title 26, Parts 1-79 (\$0.20)
Titles 35-37 (\$1.25)

Previously announced: Title 3, 1958 Supp. (\$0.35); Title 8 (\$0.35); Title 9, Rev. Jan. 1, 1959 (\$4.75); Titles 22-23 (\$0.35); Title 24, Rev. Jan. 1, 1959 (\$4.25); Title 25 (\$0.35); Title 38 (\$0.55); Titles 40-42 (\$0.35); Title 46, Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Part 30 to end (\$0.30); Title 49, Parts 71-90 (\$0.70); Parts 91-164 (\$0.40)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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(ii) Substitute the following for section 7: "Performance tests: The following tests, in addition to any others deemed necessary by the manufacturer, shall be the basis for determining compliance with the performance requirements of this standard."

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 514.3, the following shall be shown:

- (1) Instrument type (I or II).
- (2) Rating if applicable, i.e., electrical, vacuum, etc.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Effective date.* April 1, 1959.

§ 514.16 Direction instrument, magnetic (gyro-stabilized type)—TSO-C6c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for direction instruments, magnetic (gyro-stabilized type) which specifically are required to be approved for use on civil aircraft of the United States. New models of direction instruments, magnetic (gyro-stabilized type) manufactured for installation on civil aircraft on or after April 1, 1959, shall meet the standards set forth in SAE Aeronautical Standard AS-399A, "Direction Instrument, Magnetic (Stabilized Type)," dated July 15, 1958,¹ with the exceptions listed in subparagraph (2) of this paragraph. Direction instruments, magnetic (gyro-stabilized type) approved by the Administrator prior to April 1, 1959, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) Conformance with the following sections is not required: 3.1; 3.1.1; 3.1.2; 3.2; 4.3.3.

¹ Copies may be obtained from the Society of Automotive Engineers, Inc.; 485 Lexington Avenue, New York 17, New York.

(ii) Substitute the following for section 7: "Performance tests: The following tests in addition to any others deemed necessary by the manufacturer, shall be the basis for determining compliance with the performance requirements of this standard."

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 514.3, the rating if applicable, i.e., electrical, vacuum, etc., shall be shown.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Effective date.* April 1, 1959.

§ 514.17 Direction instrument, magnetic, non-stabilized type (magnetic compass)—TSO-C7c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for direction instruments, magnetic, non-stabilized type (magnetic compass) which specifically are required to be approved for use on civil aircraft of the United States. New models of direction instruments, magnetic, non-stabilized type (magnetic compass) manufactured for installation on civil aircraft on or after April 1, 1959, shall meet the standards set forth in SAE Aeronautical Standard AS-398A, "Direction Instrument, Magnetic, Non-Stabilized Type (Magnetic Compass)," dated July 15, 1958,¹ with the exceptions listed in subparagraph (2) of this paragraph. Direction instruments, magnetic, non-stabilized type (magnetic compass) approved by the Administrator prior to April 1, 1959, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) Conformance with the following sections is not required: 3.1; 3.1.1; 3.1.2; 3.2; 4.3.3.

(ii) Substitute the following for section 7: "Performance tests: The following tests in addition to any others deemed necessary by the manufacturer, shall be the basis for determining compliance with the performance requirements of this standard."

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 514.3, the following shall be shown:

- (1) Instrument type (I or II).
- (2) Rating if applicable, i.e., electrical, vacuum, etc.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Effective date.* April 1, 1959.

§ 514.18 Rate of climb indicator, pressure actuated (vertical speed indicator)—TSO-C8b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for rate of climb indicators, pressure actuated (vertical speed indica-

tor) which specifically are required to be approved for use on civil aircraft of the United States. New models of rate of climb indicators, pressure actuated (vertical speed indicator) manufactured for installation on civil aircraft on or after April 1, 1959, shall meet the standards set forth in SAE Aeronautical Standard AS-394A, "Rate of Climb Indicator, Pressure Actuated (Vertical Speed Indicator)," dated July 15, 1958,¹ with the exceptions listed in subparagraph (2) of this paragraph. Rate of climb indicators, pressure actuated (vertical speed indicator) approved by the Administrator prior to April 1, 1959, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) Conformance with the following sections is not required: 3.1; 3.1.1; 3.1.2; 3.2; 4.2.1.

(ii) Substitute the following for section 7: "Performance tests: The following tests in addition to any others deemed necessary by the manufacturer, shall be the basis for determining compliance with the performance requirements of this standard."

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 514.3, the following shall be shown:

- (1) Instrument type (I, II, III or IV).
- (2) Range (feet per minute climb and descent).

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Effective date.* April 1, 1959.

(Sec. 313(a) of the Federal Aviation Act of August 23, 1958, 72 Stat. 731 (Pub. Law 85-726). Interpret or apply sec. 601, 72 Stat. 775)

Issued in Washington, D.C., on March 25, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-2699; Filed, Mar. 31, 1959; 8:46 a.m.]

[Amdt. 20]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Fuel and Oil Quantity Instruments; Engine-Driven Direct Current Electric Generators

Notice was given in 23 F.R. 8316 and 23 F.R. 9782-9784 that the Administrator proposed to adopt Technical Standard Orders C-55 and C-56 establishing minimum performance standards for fuel and oil quantity instruments (for reciprocating engine aircraft), and direct current electric generators, engine-driven, for aircraft certificated under Part 4b.

All interested persons have been afforded an opportunity to submit written views, data or argument. No comments were received.

Subpart B of this part (21 F.R. 6508) is amended by adding §§ 514.54 and 514.55 to read as follows:

§ 514.54 Fuel and oil quantity instruments (for reciprocating engine aircraft)—TSO-C55.

(a) *Applicability*—(1) *Minimum performance standards*. Minimum performance standards are hereby established for fuel and oil quantity instruments (for reciprocating engine aircraft) which specifically are required to be approved for use on civil aircraft of the United States. New models of fuel and oil quantity instruments (for reciprocating engine aircraft) manufactured for installation on civil aircraft on or after April 1, 1959, shall meet the standards set forth in SAE Aeronautical Standard AS-405B, "Fuel and Oil Quantity Instruments," dated July 15, 1958,¹ with the exceptions listed in subparagraph (2) of this paragraph. Fuel and oil quantity instruments (for reciprocating engine aircraft) approved by the Administrator prior to April 1, 1959, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions*. (i) Conformance with the following sections is not required: 3.1; 3.1.1; 3.1.2; 3.2; 4.2.1.

(ii) Substitute the following for section 7.: "Performance tests: The following tests, in addition to any others deemed necessary by the manufacturer, shall be the basis for determining compliance with the performance requirements of this standard."

(b) *Marking*. In lieu of the weight specified in paragraph (c) of § 514.3, the following shall be shown:

- (1) Instrument type (I or II),
- (2) Range,
- (3) Rating if applicable, i.e., electrical, vacuum, etc.

(c) *Data requirements*. One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Effective date*. April 1, 1959.

§ 514.55 Engine-driven direct current generators for aircraft certificated under Part 4b—TSO-C56.

(a) *Applicability*—(1) *Minimum performance standards*. Minimum performance standards are hereby established for engine-driven direct current generators which are to be used on civil aircraft of the United States certificated under Part 4b. New models of engine-driven direct current generators manufactured for use on civil aircraft on or after April 1, 1959, shall meet the minimum performance standards as set forth below.

(i) *Test conditions*. Unless otherwise specified in this section, each test shall be made under the following conditions:

(a) *Mounting*. The generator shall be mounted on a suitable drive stand capable of driving the generator contin-

uously within the speed range. The longitudinal axis of the generator shall be horizontal.

(b) *Excitation*. The generator shall be self-excited and controlled by a suitable variable resistance in series with the shunt field. The shunt field current shall not be considered as part of the generator load current.

(c) *Ambient temperature*. The ambient temperature shall be $95^{\circ} \pm 9^{\circ}$ F.

(d) *Altitude*. The tests shall be run at approximately sea level altitude.

(e) *Location of load*. The load for the generator shall be so located that it will not appreciably affect the ambient temperature or the blast-cooling air temperature (if blast cooling is used).

(f) *Warm-up*. Prior to the test, the generator shall be operated at continuous operating speed delivering rated load at rated voltage for sufficient time to reach a substantially constant temperature.

(ii) *Test methods*—(a) *Manufacturer's declaration*. The manufacturer shall declare the following generator ratings and characteristics. (These values are the "rated" and "declared" quantities referred to in subsequent paragraphs describing test methods.)

- (1) Rated terminal voltage.
- (2) Rated load current.
- (3) Minimum blast cooling requirement (if blast cooling is to be used).
- (4) Rated speed range.
- (5) Continuous operating speed.
- (6) Minimum speed for regulation.
- (7) Maximum speed for regulation.
- (8) Maximum overspeed.
- (9) Minimum and maximum external field resistance in series with the shunt field.
- (10) Maximum operating altitude.
- (11) Allowable brush and commutator wear.
- (12) Maximum static torque.
- (13) Equalizing voltage (if provided) at rated load current.
- (14) Overhang moment, with respect to the drive pad.

(b) *Maximum speed for regulation*. The generator shall not be given an operational warm-up prior to this test. The generator shall be operated at the maximum speed for regulation and it shall deliver the rated terminal voltage at no load with no more than the declared maximum external field resistance in series with the shunt field.

(c) *Heating, commutation, minimum speed and equalizing voltage*. Provision shall be made for determining speed, terminal voltage, load current, field voltage, field current and the resistance in series with the shunt field. The declared minimum blast cooling requirement shall be supplied to the generator air inlet. The temperature of the cooling air shall be determined by means of a suitable temperature indicating device whose responsive element is located within the cooling air duct. While the generator is cold, the resistance and temperature of the shunt field shall be determined for use in calculating the field temperature rise (average) during continuous operation at the declared full load current. The generator shall be considered to have reached a continuous

operating condition when the rate of rise of the shunt field temperature, above the then existing ambient temperature, does not exceed 2° F. in five minutes.

(1) *Heating*. The ability of the generator to deliver the rated load current at rated terminal voltage at the declared continuous operating speed shall be demonstrated. Immediately following the above run, the ability of the generator to deliver rated load current at rated terminal voltage for both the minimum speed for regulation and the maximum rated speed shall be demonstrated. Following this test, the generator shall demonstrate its ability to deliver rated load current at minimum rated speed, at a terminal voltage not less than 85 percent of the rated terminal voltage.

(2) *Commutation*. Immediately following the above heat runs, with the generator hot, the commutation of the generator shall be observed over the rated speed range for no load, half load, and rated load current. There shall be no more than fine, pin-point sparking of the brushes during this test.

(3) *Minimum speed*. At no time during the above heat runs shall the required resistance external to the shunt field be less than the declared minimum external field resistance.

(4) *Equalizing voltage*. Where an equalizing voltage is provided, it shall be within 5 percent of the declared equalizing voltage when the generator is stabilized in temperature and operating at rated load current at the declared continuous operating speed. The declared minimum blast cooling requirement shall be supplied at the generator air inlet.

(d) *Overspeed*. This test shall be made while the generator is hot as a result of testing and shall be made at no load with the field circuit open and at the declared maximum overspeed. The generator shall demonstrate its ability to operate under overspeed conditions for five minutes without mechanical failure, throwing of varnish, or impairing electrical performance.

(e) *Dielectric strength*. While the generator is hot as a result of testing, it shall withstand the following test voltage at commercial frequency, applied between windings, and between each winding and frame, for the specified time:

- 500 volts (rms) for one minute, or
- 600 volts (rms) for one second.

(f) *Ripple voltage*. Ripple voltage shall be determined by means of a peak reading vacuum tube voltmeter in series with a 4.0 microfarad capacitor. The generator shall be operated at 120 percent of minimum rated speed at 50 percent of rated load current, with a manually operated field rheostat, and without a battery in parallel. Peak voltage readings shall be taken with the voltmeter successively connected for each of the two polarities and the higher of the two readings shall not exceed 1.5 volts.

(g) *Humidity*. The relative humidity for this test shall be 95 ± 5 percent. Subject equipment to test condition at $160^{\circ} \pm 4^{\circ}$ F. for six hours. The heat source shall be turned off for 16 hours without changing total moisture content

¹ Copies may be obtained from the Society of Automotive Engineers, Inc., 485 Lexington Avenue, New York 17, New York.

in the test space. During the 16-hour period, the temperature shall drop to 100° F. or less. The test shall be repeated ten times, allowing a two-hour period to stabilize to 160° F. Check for corrosion, distortion, and general deterioration. At the end of this test, the generator shall deliver rated load current at the declared continuous operating speed for two hours.

(h) *Flexible drive.* The flexible drive test shall be conducted on a universal joint torsional vibration machine which has a fly-wheel of at least 20 times the amount of inertia of the generator armature being tested. Testing procedure shall be as follows:

(1) 100 hours with ±1 degree torsional amplitude input to drive shaft at critical frequencies. The flexible drive shall limit the armature amplitude within ±5 degrees.

(2) 50 hours with ±2 degrees torsional amplitude input to drive shaft at frequencies of 20 to 24 cps. The flexible drive shall limit the armature amplitude within ±7 degrees.

(3) 15 minutes with ±2 degrees torsional amplitude input to drive shaft at critical frequencies. The flexible drive shall limit the armature amplitude within ±7 degrees.

(i) *Performance of commutator, bearings, and brushes.* The generator shall be operated under the following conditions. New brushes may be installed for this test.

(1) 100 hours at the declared continuous operating speed, at rated load current with the test conditions specified in subdivision (i) of this subparagraph.

(2) Four continuous cycles consisting of the following: 24 hours at the declared continuous operating speed and rated load current, at altitude conditions approximating 115 percent of the declared maximum operating altitude. The ambient temperature (and cooling air temperature, if blast cooling is used) shall be related to the test altitude by the formula $T=104-(0.005)h$ (where T is the temperature in degrees F. and h is the test altitude in feet), except that the lower temperature limit, regardless of altitude, shall be -67° F.; at least one hour at the declared continuous operating speed and rated load current, with the test conditions specified in subdivision (i) of this subparagraph. The time interval between successive 24-hour runs at altitude shall not exceed two hours. The rate of change of altitude need not be controlled, but the temperature at any transition altitude shall be within 18° F. of that obtained from the temperature-altitude formula above.

(3) Two continuous cycles consisting of the following: Nine hours at the declared continuous operating speed and 75 percent rated load current, at altitude conditions approximating 115 percent of the declared maximum operating altitude. The ambient temperature (and cooling air temperature, if blast cooling is used) shall be related to the test altitude by the formula $T=160-(0.004)h$ (where T is the temperature in degrees F. and h is the test altitude in feet); at least one hour at the declared continu-

ous operating speed and 75 percent rated load current, with the test conditions specified in subdivision (i) of this subparagraph. The time interval prior to each nine-hour run at altitude shall not exceed two hours. The rate of change of altitude need not be controlled, but the temperature at any transition altitude shall be within 18° F. of that obtained from the temperature-altitude formula above.

(4) Evaluation of results of tests (1), (2), and (3) above: Cumulative brush or commutator wear shall not exceed 20 percent of the declared allowable wear after tests (1) and (2) and shall not exceed 4 percent of the declared allowable wear after test (3). No mechanical failure or electrical malfunction shall occur during this test.

(j) *Drive shear section.* Sufficient torsional force shall be applied to the drive shear section (or to the armature shaft itself, if no shear section is provided) to result in its failure. The necessary torque indicating instrumentation shall be provided. Failure shall occur at an applied torque of less than the declared maximum static torque.

(b) *Marking.* In addition to the marking required in § 514.3, the nameplate shall contain the following information:

- (1) Rated terminal voltage.
- (2) Rated load current.
- (3) Rated speed range.

(c) *Data requirements.* The manufacturer shall submit a tabulation of the declared generator ratings and characteristics (called for in paragraph (a) (1) (ii) (a) of this section to the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Effective date.* April 1, 1959.

(Sec. 313(a) of the Federal Aviation Act of August 23, 1958, 72 Stat. 731 (Pub. Law 85-726). Interpret or apply sec. 601, 72 Stat. 775)

Issued in Washington, D.C., on March 25, 1959.

E. R. QUESADA,
Administrator,

[F.R. Doc. 59-2698; Filed, Mar. 31, 1959; 8:45 a.m.]

[Amdt. 12]

PART 608—RESTRICTED AREAS

Minor Alterations of Existing Restricted Areas

The United States Air Force has established and needs to place in full operation, as soon as possible, an experimental air defense radar station on Shemya Island, Alaska. Within recent weeks, the Air Force has found that the radar equipment to be used will radiate high levels of electrical energy having an explosive potential under certain conditions which would endanger the safety of aircraft flying below 3,000 feet MSL within certain distances of the station. Therefore, the Federal Aviation Agency has determined on the basis of information submitted by the Air Force that a small restricted area (R-566), approx-

imately 2 by 4 nautical miles, extending from the surface to 3,000 feet MSL, must be established surrounding the station in order to protect the safety of civil aircraft.

The Federal Aviation Agency finds that an emergency situation requiring immediate action in the interest of safety exists. Therefore, it would be impracticable and contrary to the public interest to comply with the notice, procedure and effective date requirements of section 4 of the Administrative Procedure Act and good cause exists for making this action effective on less than 30 days' notice.

Accordingly, Part 608 published as a "Revision of the Part" on November 4, 1958 in 23 F.R. 8575 is amended as follows:

In § 608.61, the Shemya, Alaska, area (R-566) (Alaska RF) is added to read:

Description by geographical coordinates. Northeast Corner: latitude 52°46'18", longitude 174°09'16"; Southeast Corner: latitude 52°43'42", longitude 174°03'42"; Southwest Corner: latitude 52°44'14", longitude 174°02'04"; Northwest Corner: latitude 52°46'50", longitude 174°02'41".

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. Continuous.
Controlling agency. Commanding Officer, 5040th Air Base Squadron, Shemya, AFB, Alaska.

This amendment shall become effective on April 5, 1959.

(Sec. 313(a) of the Federal Aviation Act of 1958, Act of August 23, 1958, 72 Stat. 752, (Pub. Law 85-726). Interpret or apply sec. 307(a) and 307(c); 72 Stat. 749, 750 (Pub. Law 85-726))

Issued in Washington, D.C., on March 25, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-2697; Filed, Mar. 31, 1959; 8:45 a.m.]

[Amdt. 7]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

Domestic Air Defense Identification Zones and Rules

This action, effective April 1, 1959, revokes the designation of the Eastern, Western, and Presque Isle Air Defense Identification zones and raises the speed exemption within the Domestic ADIZ's from 110 knots (140 knots in Alaska) to 150 knots. It also raises the altitude exemption from 1,500 feet to 3,000 feet in Domestic ADIZ's in the United States, except Alaska, where the altitude exemption remains at 4,000 feet. These changes were suggested by the Department of the Air Force and have been coordinated with the Department of Defense and the Board for Security Control of Air Traffic in Air Defense. Inasmuch as this is a relaxation of the present requirements and imposes no additional burden on any person, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and not required.

1. Section 620.2 (c) and (d) are amended as follows:

§ 620.2 Definitions.

(c) *Open area.* [Deleted.]

(d) *Defense area.* Airspace of the United States other than airspace designated as an Air Defense Identification Zone (ADIZ) but within which the ready control of aircraft is required in the interest of the national security during an Air Defense Emergency.

2. Section 620.13 (a), (b) (2) and (c) (2) are amended as follows:

§ 620.13 Authorized exceptions.

(a) *Speeds excepted.* Aircraft operating into or within a Domestic ADIZ at true air speeds of 150 knots or less, if the flight is conducted at an altitude of 3,000 feet (4,000 feet in Alaska) or less above the terrain. For the purpose of this regulation the terrain shall mean the highest point within ten (10) nautical miles on either side of the course of flight and within twenty (20) nautical miles ahead or behind the aircraft.

(b) *Altitudes excepted.* * * *

(2) *Alaskan Domestic ADIZ.* [Deleted.]

(c) *Areas or routes excepted.* * * *

(2) *Continental United States.* (i) A flight originating in any part of the continental United States except Alaska which maintains an outbound track into or through the Northern ADIZ or the Southern Border ADIZ, or into Canada, and does not penetrate a Coastal ADIZ.

(ii) [Deleted.]

(iv) [Deleted.]

(vi) *Exception from requirement for two-way radio.* Aircraft without two-way radio may enter and operate within an ADIZ, or may operate entirely within an ADIZ under the following conditions:

(a) The flight is exempted from filing a DVFR flight plan by reason of speed and altitude, or

(b) The pilot adheres to a filed DVFR flight plan which includes the route, altitude, point of penetration and estimated elapsed time to the point of penetration, and: *Provided*, That the departure is effected within five minutes of the filed estimated time of departure.

3. Section 620.21 (b), (c) and (d) are amended as follows:

§ 620.21 Domestic ADIZ's.

(b) *Presque Isle (Domestic) ADIZ.* [Deleted.]

(c) *Eastern (Domestic) ADIZ.* [Deleted.]

(e) *Western (Domestic) ADIZ.* [Deleted.]

§ 620.23 Defense areas. [Deletion]

4. Section 620.23 is deleted in its entirety.

This amendment shall become effective 0001 e.s.t., April 1, 1959.

(Sec. 313(a) of the Federal Aviation Act of August 23, 1958, 72 Stat. 752 (Pub. Law 85-726). Interpret or apply secs. 1201-1203, 72 Stat. 800, sec. 307, 72 Stat. 749-750)

Issued in Washington, D.C., on March 23, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-2696; Filed, Mar. 31, 1959; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (7) of § 6.111 is amended as set out below.

§ 6.111 Department of Agriculture.

(a) *General.* * * *

(7) Not to exceed eight positions whose incumbents serve on an intermittent or temporary basis as field representatives of the Department of Agriculture and in this capacity represent the Department's Disaster Committee in conducting surveys and appraisals of conditions in areas whose status as "major disaster" areas under Public Law 875, Eighty-first Congress, is under consideration. Employment under this authority shall not exceed 130 working days a year.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-2693; Filed, Mar. 31, 1959; 8:45 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (24) is added to § 6.304 as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* * * *

(24) One Private Secretary to the Assistant to the Secretary of Defense (Legislative Affairs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-2694; Filed, Mar. 31, 1959; 8:45 a.m.]

Title 7—AGRICULTURE

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

[Amdt. 7]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years

EXCESS ACREAGE UTILIZATION DATES

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is issued for the purpose of amending the date for the disposal of excess wheat acreage in Tehama County, California. Since the determination of 1959 wheat acreage is now being made, it is important that State and county committees be notified of the amendment herein as soon as possible so that producers with 1959 excess wheat acreage may be notified of the final date for utilization of such excess acreage as wheat cover crop. Accordingly it is hereby found that compliance with the public notice, procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon its publication in the FEDERAL REGISTER.

Section 728.855 (b) is amended as follows: Under California, delete the county of "Tehama" from the June 15 counties and insert "Tehama" in the May 15 counties between the counties of "Riverside" and "Tulare".

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply sec. 374, 52 Stat. 65, 68 Stat. 904; 7 U.S.C. 1374)

Issued at Washington, D.C., this 26th day of March 1959.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-2714; Filed, Mar. 31, 1959; 8:48 a.m.]

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

PART 904—MILK IN GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Order Amending Order

§ 904.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all said previous findings and determinations are hereby ratified

and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interests; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued March 12, 1959, and the decision of the Assistant Secretary containing all amendment provisions of this order issued March 24, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means

pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

§ 904.2 [Amendment]

1. Delete paragraphs (c), (d) (2) and (4), and (e) of § 904.2 and substitute therefor the following:

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk.

(d) * * *

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant, if that handler caused milk from the same farm to be moved as nonpool milk to an unregulated plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(4) For purposes of this paragraph, the acts of any person who is an affiliate of, or who controls or is controlled by, a handler or dealer shall be considered as having been performed by such handler or dealer.

(e) "Producer" means any dairy farmer whose milk is moved from his farm to a pool plant, or to any other plant as diverted milk; except that the term shall not include a producer-handler, a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, nor a dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

§ 904.3 [Amendment]

2. Delete paragraphs (a) and (d) of § 904.3 and substitute therefor the following:

(a) "Plant" means the land and buildings, or separate portion thereof, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products.

(d) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled; or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

§ 904.4 [Amendment]

3a. Delete paragraphs (a), (f), (g) (2) and (3) of § 904.4 and substitute therefor the following:

(a) "Milk" means the commodity received from a dairy farmer as cows' milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity by weight of "half and half".

(f) "Pool milk" means milk which a handler has received as milk from producers, and all fluid milk products derived from milk as received. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

(g) * * *

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, emergency milk, receipts from New York-New Jersey order pool plants which are assigned to Class I milk pursuant to § 904.27, and receipts of packaged fluid milk products from a regulated plant under any other Federal order;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a New York-New Jersey order pool plant at which such milk was classified and priced as Class I-A or I-B or a regulated plant under any other Federal order, without its intermediate movement to another plant.

b. Add a new paragraph (1) to § 904.4 to read as follows:

(1) "Diverted milk" means milk which a pool handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted:

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused pool milk to be moved from the farm, or caused pool milk to be moved from the farm by tank truck; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in

accordance with the preceding provisions of this paragraph.

4. Delete § 904.27 and substitute therefor the following:

§ 904.27 Assignment of receipts from New York-New Jersey order pool plants.

(a) Receipts of packaged fluid milk products, other than cream, from New York-New Jersey order pool plants shall be assigned to Class I milk if classified and priced in Class I-A or I-B under that order.

(b) Receipts of fluid milk products from New York-New Jersey order pool plants, other than packaged fluid milk products, shall be assigned to Class II milk, except as provided in § 904.28, and except that receipts during the months of August through March which are classified and priced in Class I-A or I-B under the New York-New Jersey order shall be assigned to Class I milk.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 606c)

Issued at Washington, D.C., this 27th day of March 1959, to be effective on and after the 1st day of April 1959.

[SEAL] CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-2712; Filed, Mar. 31, 1959; 8:48 a.m.]

PART 930—MILK IN THE TOLEDO, OHIO, MARKETING AREA

Order Amending Order

§ 930.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which

affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued March 6, 1959, and the decision of the Assistant Secretary containing all amendment provisions of this order issued March 20, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

§ 930.9 [Amendment]

1. Delete § 930.9(b) and substitute therefor the following:

(b) A supply plant from which shipments in excess of 70,000 pounds of milk, skim milk or cream are received during the month at a plant described pursuant to paragraph (a) of this section and all or any part of the skim milk or butterfat contained in such products would be allocated from Class I pursuant to § 930.46 if such plant were not a pool plant.

§ 930.50 [Amendment]

2. Delete the schedule in § 930.50(a) (1) and substitute therefor the following:

Delivery period:	Amount
February through July-----	\$1.25
All other months-----	1.65

§ 930.51 [Amendment]

3a. In § 930.51, delete the reference "paragraphs (a), (b) and (c) of this section" and substitute therefor "paragraphs (a) and (b) of this section".

b. Delete § 930.51(b) and renumber § 930.51(c) as § 930.51(b).

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

Issued at Washington, D.C., this 26th day of March 1959, to be effective on and after the 1st day of April 1959.

[SEAL] CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-2709; Filed, Mar. 31, 1959; 8:47 a.m.]

PART 934—MILK IN MERRIMACK VALLEY, MASSACHUSETTS, MARKETING AREA

Order Amending Order

§ 934.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Merrimack Valley, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued March 12, 1959, and the decision of the Assistant Secretary containing all amendment provisions of this order issued March 24, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

§ 934.2 [Amendment]

1. Delete paragraphs (c), (d) (2) and (4), and (e) of § 934.2 and substitute therefor the following:

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk.

(d) * * *

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant, if that handler caused milk from the same farm to be moved as nonpool milk to an unregulated plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

* * * * *

(4) For purposes of this paragraph, the acts of any person who is an affiliate

of, or who controls or is controlled by, a handler or dealer shall be considered as having been performed by such handler or dealer.

(e) "Producer" means any dairy farmer whose milk is moved from his farm to a pool plant, or to any other plant as diverted milk, except that the item shall not include a producer-handler, a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, nor a dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

§ 934.3 [Amendment]

2. Delete paragraphs (a) and (d) of § 934.3 and substitute therefor the following:

(a) "Plant" means the land and buildings, or separate portion thereof, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products.

* * * * *

(d) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled; or to which milk is moved from dairy farmers' farm in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

§ 934.4 [Amendment]

3a. Delete paragraphs (a), (f), (g) (2) and (3) of § 934.4 and substitute therefor the following:

(a) "Milk" means the commodity received from a dairy farmer as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity by weight of "half and half".

* * * * *

(f) "Pool milk" means milk which a handler has received as milk from producers, and all fluid milk products derived from milk so received. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

(g) * * *

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt

milk, receipts from New York-New Jersey order pool plants which are assigned to Class I milk pursuant to § 934.27, receipts from regulated plants under the Boston, Springfield, or Worcester orders, and receipts of packaged fluid milk products from a regulated plant under any other Federal order;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a New York-New Jersey order pool plant at which such milk was classified and priced as Class I-A or I-B, or a regulated plant under any other Federal order, without its intermediate movement to another plant.

b. Add a new paragraph (k) to § 934.4 to read as follows:

(k) "Diverted milk" means milk which a pool handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted:

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused pool milk to be moved from the farm, or caused pool milk to be moved from the farm by tank truck; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

§ 934.16 [Amendment]

4. Delete paragraph (e) of § 934.16 and substitute therefor the following:

(e) If moved as packaged fluid milk products to a plant subject to another Federal order, they shall be classified as Class I milk.

§ 934.27 [Amendment]

5. Delete paragraphs (c) and (d) of § 934.27 and substitute therefor the following:

(c) Receipts from New York-New Jersey order pool plants shall be assigned to Class I milk if classified and priced in Class I-A or I-B under that order.

(d) Except as provided in paragraph (c) of this section, receipts of packaged fluid milk products, other than cream, from a regulated plant under any other Federal order shall be assigned to Class I milk.

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

Issued at Washington, D.C., this 27th day of March 1959, to be effective on and after the 1st day of April 1959.

[SEAL] CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-2711; Filed, Mar. 31, 1959; 8:48 a.m.]

**PART 996—MILK IN SPRINGFIELD,
MASSACHUSETTS, MARKETING
AREA**

Order Amending Order

§ 996.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued March 12, 1959, and the decision of the Assistant Secretary containing all amendment provisions of this order issued March 24, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1959, and that it would be contrary to the public interest to delay the

effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

§ 996.2 [Amendment]

1. Delete paragraphs (c), (d) (2) and (4), and (e) of § 996.2 and substitute therefor the following:

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk.

(d) * * *

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant, if that handler caused milk from the same farm to be moved as nonpool milk to an unregulated plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

* * * * *

(4) For purposes of this paragraph, the acts of any person who is an affiliate of, or who controls or is controlled by, a handler or dealer shall be considered as having been performed by such handler or dealer.

(e) "Producer" means any dairy farmer whose milk is moved from his farm to a pool plant, or to any other plant as diverted milk; except that the term shall not include a producer-handler, a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, nor a dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

§ 996.3 [Amendment]

2. Delete paragraphs (a) and (d) of § 996.3 and substitute therefor the following:

(a) "Plant" means the land and buildings, or separate portion thereof, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling

fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products.

* * * * *

(d) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmer's farms in cans and is there accepted, weighed or measured, sampled, and cooled; or to which milk is moved from dairy farmer's farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

§ 996.4 [Amendment]

3a. Delete paragraphs (a), (f), (g) (2) and (3) of § 996.4 and substitute therefor the following:

(a) "Milk" means the commodity received from a dairy farmer as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity by weight of "half and half".

* * * * *

(f) "Pool milk" means milk which a handler has received as milk from producers, and all fluid milk products derived from milk so received. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

(g) * * *

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, receipts from New York-New Jersey order pool plants which are assigned to Class I milk pursuant to § 996.27, receipts from regulated plants under the Boston, Merrimack Valley or Worcester orders, and receipts of packaged fluid milk products from a regulated plant under any other Federal order;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a New York-New Jersey order pool plant at which such milk was classified and priced as Class I-A or I-B, or a regulated plant under any other Federal order, without its intermediate movement to another plant.

b. Add a new paragraph (k) to § 996.4 to read as follows:

(k) "Diverted milk" means milk which a pool handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is spe-

cifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted:

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused pool milk to be moved from the farm, or caused pool milk to be moved from the farm by tank truck; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

§ 996.16 [Amendment]

4a. Delete paragraphs (e) and (f) of § 996.16 and substitute therefor the following:

(e) If moved as packaged fluid milk products to a plant subject to another Federal order, they shall be classified as Class I milk.

(f) Except as provided in paragraph (e) of this section, if moved to a plant subject to the New York-New Jersey order, they shall be classified as Class I milk if assigned to Class I-A or I-B under that order; otherwise they shall be classified as Class II milk.

b. Delete the words "New York" as they first appear in paragraph (g) of § 996.16 and substitute therefor the words "New York-New Jersey".

§ 996.27 [Amendment]

5. Delete paragraphs (c) and (d) of § 996.27 and substitute therefor the following:

(c) Receipts from New York-New Jersey order pool plants shall be assigned to Class I milk if classified and priced in Class I-A or I-B under that order.

(d) Except as provided in paragraph (c) of this section, receipts of packaged fluid milk products, other than cream, from a regulated plant under any other Federal order shall be assigned to Class I milk.

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

Issued at Washington, D.C., this 27th day of March 1959, to be effective on and after the 1st day of April 1959.

[SEAL] CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-2710; Filed, Mar. 31, 1959; 8:47 a.m.]

PART 999—MILK IN WORCESTER, MASSACHUSETTS, MARKETING AREA

Order Amending Order

§ 999.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and

in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued March 12, 1959, and the decision of the Assistant Secretary containing all amendment provisions of this order issued March 24, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations

specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

§ 999.2 [Amendment]

1. Delete paragraphs (c), (d) (2) and (4), and (e) of § 999.2 and substitute therefor the following:

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk.

(d) * * *

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant, if that handler caused milk from the same farm to be moved as noonpool milk to an unregulated plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

* * * * *

(4) For purposes of this paragraph, the acts of any person who is an affiliate of, or who controls or is controlled by, a handler or dealer shall be considered as having been performed by such handler or dealer.

(e) "Producer" means any dairy farmer whose milk is moved from his farm to a pool plant, or to any other plant as diverted milk; except that the term shall not include a producer-handler, a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, nor a dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

§ 999.3 [Amendment]

2. Delete paragraphs (a) and (d) of § 999.3 and substitute therefor the following:

(a) "Plant" means the land and buildings, or separate portion thereof, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products.

* * * * *

(d) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or

tank trucks and to which milk is moved from dairy farmer's farms in cans and is there accepted, weighed or measured, sampled, and cooled; or to which milk is moved from dairy farmer's farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

§ 999.4 [Amendment]

3a. Delete paragraphs (a), (f), (g) (2) and (3) of § 999.4 and substitute therefor the following:

(a) "Milk" means the commodity received from a dairy farmer as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity by weight of "half and half".

(f) "Pool milk" means milk which a handler has received as milk from producers, and all fluid milk products derived from milk so received. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

(g) * * *

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, receipts from New York-New Jersey order pool plants which are assigned to Class I milk pursuant to § 999.27, receipts from regulated plants under the Boston, Merrimack Valley, or Springfield orders, and receipts of packaged fluid milk products from a regulated plant under any other Federal order.

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a New York-New Jersey order pool plant at which such milk was classified and priced as Class I-A or I-B, or a regulated plant under any other Federal order, without its intermediate movement to another plant.

b. Add a new paragraph (k) to § 999.4 to read as follows:

(k) "Diverted milk" means milk which a pool handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted:

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current

month, on which the handler either caused pool milk to be moved from the farm, or caused pool milk to be moved from the farm by tank truck; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

§ 999.16 [Amendment]

4a. Delete paragraphs (e) and (f) of § 999.16 and substitute therefor the following:

(e) If moved as packaged fluid milk products to a plant subject to another Federal order, they shall be classified as Class I milk.

(f) Except as provided in paragraph (e) of this section, if moved to a plant subject to the New York-New Jersey order, they shall be classified as Class I milk if assigned to Class I-A or I-B under that order; otherwise they shall be classified as Class II milk.

b. Delete the words "New York" as they first appear in paragraph (g) of § 999.16 and substitute therefor the words "New York-New Jersey".

§ 999.27 [Amendment]

5. Delete paragraphs (c) and (d) of § 999.27 and substitute therefor the following:

(c) Receipts from New York-New Jersey order pool plants shall be assigned to Class I milk if classified and priced in Class I-A or I-B under that order.

(d) Except as provided in paragraph (c) of this section, receipts of packaged fluid milk products, other than cream, from a regulated plant under any other Federal order shall be assigned to Class I milk.

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

Issued at Washington, D.C., this 27th day of March 1959, to be effective on and after the 1st day of April 1959.

[SEAL] CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-2713; Filed, Mar. 31, 1959; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

PART 205—CHEMISTRY

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

Miscellaneous Amendments

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these sched-

ules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. The amendment to Part 205 is effective March 23, 1959; the amendments to Part 230 were effective March 1, 1959.

A new schedule, 205.303—Tritium-labeled sugars (Type I), is added to read as follows:

§ 205.303 Tritium-labeled sugars (Type I).

Item	Description	Fee
205.303a	Synthesis—of 100 microcuries of tritium-labeled carbohydrates (carbohydrates labeled without alteration of the carbon skeleton)-----	\$10.00

§ 230.11 Descriptive list. [Amendment]

Section 230.11 is amended as follows:
1. Paragraph (m) is amended by the addition of a new standard (673) to read as follows:

(m) Spectrographic standards. * * *
(6) Nickel base samples.

Sample No.	Name	Approximate weight of sample in grams	Price per sample
673	Nickel oxide 3-----	25	\$8.00

2. Paragraph (p) Standard rubbers and rubber compounding materials is amended to revise standard 371 to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
371c	Sulfur-----	1,400	\$2.25

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

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

Approved: March 26, 1959.

FREDERICK H. MUELLER,
Acting Secretary of Commerce.

[F.R. Doc. 59-2724; Filed, Mar. 31, 1959; 8:50 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order No. 212]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Annual Report for Public Utilities and Licenses (Classes C and D)

MARCH 26, 1959.

The Commission has under consideration in this proceeding the prescription

of the form for the filing of annual financial and statistical reports by privately owned public utilities and licensees as defined in the Federal Power Act which are included in Classes C and D as defined in the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees.¹

The Commission by its Order No. 209 issued December 11, 1958, Docket No. R-171 (23 F.R. 9710, Dec. 17, 1958), revoked its regulations (§§ 141.2, 141.3 and 141.4 of Part 141 of the regulations under the Federal Power Act (18 CFR Ch. I, Part 141, §§ 141.2, 141.3 and 141.4)), prescribing the filing of annual reports, FPC Forms 1-A, 1-B and 1-C, thereby relieving Classes C and D electric utilities, publicly and privately owned, of the necessity of filing annual financial and statistical reports which otherwise would be filed for 1958 and subsequent years.

The Commission's letter dated December 11, 1958, transmitting Order No. 209 to the parties affected thereby, included a statement that a few privately owned Classes C and D electric utilities which are "Licensees" or "Public Utilities" as defined by the Federal Power Act are to continue to file annual reports with the Commission in order to enable it to exercise the regulatory jurisdiction imposed by the Act and that a modified report form for this purpose would be prepared and directed to those jurisdictional companies to which it is applicable.

The proposed modified annual report form, designated as FPC Form No. 1-F, is designed to supply the Commission with basic information concerning these small privately owned Classes C and D electric utilities and licensees.

Since the annual report form prescribed herein is a revision and consolidation of the FPC Forms Nos. 1-A and 1-B which were revoked by the Commission's Order No. 209, supra, and this revision effects decreases in the reporting requirements contained in the revoked orders—

The Commission finds:

(1) The notice and public procedure provided for in section 4(a) of the Administrative Procedure Act are unnecessary for the reasons set out above.

(2) The prescribed annual report form as hereinafter adopted is necessary and appropriate to carry out the provisions of the Federal Power Act.

The Commission, acting pursuant to the authority granted by the Federal Power Act, particularly sections 304(a) and 309 of that Act (49 Stat. 858; 16 U.S.C. 825c, 825h), orders:

(A) Part 141 of the Commission's regulations entitled "Statements and Reports (Schedules)" of Subchapter D, Approved Forms, Federal Power Act (18 CFR Part 141) is amended by adding a new § 141.2 (in lieu of the similarly designated section revoked by Order No. 209, supra) to read as follows:

¹ Class C electric utilities are those classified by the Commission as having annual electric operating revenues of more than \$100,000, but not more than \$250,000. Class D electric utilities are those classified by the Commission as having annual electric operating revenues of more than \$25,000, but not more than \$100,000.

§ 141.2 Form No. 1-F, Annual Report for public utilities and licensees, Classes C and D (privately owned).

(a) FPC Form No. 1-F being an annual financial and statistical report form for privately owned public utilities and licensees as defined in the Federal Power Act which are included in Classes C and D as defined in the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, including the instructions and schedules therein contained, be and the same hereby is approved and prescribed for the calendar year 1958 and thereafter.

(b) Each privately owned electric utility and licensee as defined in the Federal Power Act which is included in Classes C and D as defined in the Commission's Uniform System of Accounts Prescribed for Electric Utilities and Licensees subject to the provisions of the Federal Power Act, shall file with the Commission annually for each year beginning January 1, 1958, or next thereafter (if the established fiscal year is other than a calendar year) an original and one conformed copy of such Annual Report on the aforesaid FPC Form No. 1-F, properly filled out and verified, on or before the last day of the third month following the close of the calendar year or other established fiscal year. One copy of the report should be retained by the correspondent in its files.

(B) The prescribed form herein adopted shall become effective upon the issuance of this order.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2700; Filed, Mar. 31, 1959; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

Section 200.54 is amended by adding a new paragraph (g) as follows:

§ 200.54 Assistant Commissioner for Field Operations and Deputy.

(g) To supervise activities in connection with the Certified Agency Program and to designate, qualify and certify approved mortgagees as agents of the Federal Housing Administration to process mortgage insurance applications and issue commitments for insurance.

In § 200.55 paragraph (f) is amended to read as follows:

§ 200.55 Zone Operations Commissioners and Deputies.

(f) To supervise activities in connection with the Certified Agency Program and to designate, qualify and certify appraisers and inspectors under such program. This authority may be sub-delegated to Field Office Directors.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703. Interpret or apply sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 907, 65 Stat. 301, sec. 807, 63 Stat. 570, as amended; 12 U.S.C. 1715b, 1742, 1748f, 1750f)

Issued at Washington, D.C., March 26, 1959.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 59-2715; Filed, Mar. 31, 1959; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Corpus Christi Bay, Texas

Pursuant to the provisions of section 1 of an Act of Congress, approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.75 establishing special anchorages in Corpus Christi Bay, Texas, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, is hereby amended by revoking paragraph (a), North area, as follows:

§ 202.75 Corpus Christi Bay, Texas.

(a) North area. [Revoked]

[Regs., Mar. 13, 1959, 285/91 (Corpus Christi Bay, Texas)—ENGWO] (54 Stat. 150; 33 U.S.C. 180)

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

[F.R. Doc. 59-2695; Filed, Mar. 31, 1959; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Release of Information From Veterans Administration Records

1. Section 1.501(a) is amended to read as follows:

§ 1.501 Release of information by Veterans Administration officials and employees.

(a) Release of information by the Administrator. The Administrator of Veterans Affairs or the Deputy Administrator may release information, statistics, or reports to individuals or organizations

when in his judgment such release would serve a useful purpose.

2. Section 1.507 is revised to read as follows:

§ 1.507 Disclosures to Members of Congress.

Members of Congress shall be furnished in their official capacity in any case such information contained in the Veterans Administration files as may be requested for official use. However, in any unusual case, the request will be presented to the Administrator, Deputy Administrator, Assistant Administrator, or department head for personal action. When the requested information is of a type which may not be furnished a claimant, the Member of Congress shall be advised that the information is furnished to him confidentially in his official capacity and should be so treated by him. (See 38 U.S.C. 3301.) Information concerning the beneficiary designation of a United States Government life insurance or National Service life insurance policy is deemed confidential and privileged and during the insured's lifetime shall not be disclosed to anyone other than the insured or his duly appointed fiduciary unless the insured or the fiduciary authorizes the release of such information.

3. Section 1.519 is revised to read as follows:

§ 1.519 Lists of claimants.

Lists of claimants will not be furnished except as the Administrator or Deputy Administrator may direct.

4. Section 1.522 is amended to read as follows:

§ 1.522 Determination of the question as to whether disclosure will be prejudicial to the mental or physical health of claimant.

Determination of the question when disclosure of information from the files, records, and reports will be prejudicial to the mental or physical health of the claimant, beneficiary, or other person in whose behalf information is sought, will be made by the Chief Medical Director; Director, Professional Services, of a hospital; or the chief medical officer as defined in § 17.30 (c) of this chapter.

5. Section 1.525 (a) (1) is amended to read as follows:

§ 1.525 Inspection of records by or disclosure of information to recognized representatives of organizations.

(a) (1) The accredited representatives of any of the organizations recognized under 38 U.S.C. 3402, holding appropriate power of attorney may inspect the Veterans Administration file of any claimant upon the condition that only such information contained therein as may be properly disclosed under §§ 1.500 through 1.526 will be disclosed by him to the claimant or, if the claimant is incompetent, to his legally constituted fiduciary. All other information in the file shall be treated as confidential and will be used only in determining the status of the cases inspected or in connection

with the presentation to officials of the Veterans Administration of the claim of the claimant. The managers of field stations and the directors of the services concerned in central office will each designate a responsible officer to whom requests for all files must be made, except that managers of district offices and centers with district office activities will designate two responsible officials, recommended by the service directors concerned, one responsible for claims and allied folders and the other for insurance files.

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

These regulations are effective April 1, 1959.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 59-2758; Filed, Mar. 31, 1959; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1825]

[Colorado 06298]

COLORADO

Withdrawing Lands Within Arapaho National Forest for Use of Forest Service as Recreation Areas, Picnic and Camp Grounds

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

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

SIXTH PRINCIPAL MERIDIAN

ARAPAHO NATIONAL FOREST

Trail Creek Camp Ground

T. 4 N., R. 78 W.,
Sec. 26, NW¼NE¼SE¼.
Totaling 10 acres.

Denver Creek Camp Ground

T. 4 N., R. 78 W.,
Sec. 36, SW¼SW¼.
Totaling 40 acres.

Cold Springs Recreation Area

T. 2 S., R. 73 W.,
Sec. 25, E½NE¼NW¼SE¼, W½NW¼NE¼SE¼, W½W½SE¼NW¼, E½SW¼NW¼, NW¼NW¼.
Totaling 80 acres.

Berthoud Pass Recreation Area

T. 3 S., R. 75 W., Unsurveyed,
Sec. 3, W½SE¼, SW¼;
Sec. 4, SE¼, N½SW¼;
Sec. 9, all;
Sec. 10, all;
Sec. 15, N½, N½SE¼, SW¼;
Sec. 16, NE¼, E½NW¼, NW¼NW¼, E½SE¼.
Totaling 2,680 acres.

Hoop Creek Recreation Area

T. 3 S., R. 75 W., Unsurveyed,
Sec. 21, S½SW¼SE¼NE¼, S½SW¼NE¼, S½SE¼NW¼, N½NE¼SW¼, N½NW¼SE¼, N½NW¼NE¼SE¼.
Totaling 90 acres.

Big Bend Picnic Ground

T. 3 S., R. 75 W., Unsurveyed,
Sec. 20, SE¼NW¼SW¼SW¼, NE¼SW¼SW¼SW¼, SW¼NE¼SW¼SW¼, NW¼SE¼SW¼SW¼.
Totaling 10 acres.

Clear Creek Recreation Area

T. 3 S., R. 75 W., Unsurveyed,
Sec. 22, S½S½SW¼NE¼, N½N½NW¼SE¼, S½S½SE¼NW¼, and N½N½NE¼SW¼.
Totaling 40 acres.

Arapaho Spring Picnic Ground

T. 4 S., R. 72 W.,
Sec. 19, lots 2 and 3 (those portions within the National Forest boundary).
Totaling 57.28 acres.

Squaw Pass Camp Ground

T. 4 S., R. 72 W.,
Sec. 20, W½SW¼SE¼SW¼, E½SE¼SW¼SW¼.
Totaling 10 acres.

Barbour Fork Picnic Ground

T. 4 S., R. 73 W.,
Sec. 9, NE¼NE¼SE¼, N½SE¼NE¼SE¼;
Sec. 10, NW¼NW¼SW¼, N½SW¼NW¼SW¼.
Totaling 30 acres.

Echo Lake Picnic Ground

T. 4 S., R. 73 W.,
Sec. 32, S½N½NW¼SW¼, N½S½NW¼SW¼.
Totaling 20 acres.

West Chicago Creek Recreation Area

T. 4 S., R. 74 W.,
Sec. 22, S½SE¼SE¼SE¼, S½SE¼SW¼SE¼;
Sec. 23, SW¼NE¼SW¼, NW¼SE¼SW¼, N½SW¼SE¼SW¼, S½SW¼SW¼, NE¼SW¼SW¼, S½SE¼NW¼SW¼, S½NW¼SW¼SW¼;
Sec. 26, W½NW¼NW¼NW¼;
Sec. 27, NE¼NE¼, NE¼NW¼NE¼, S½NW¼NE¼, N½SW¼NE¼, and E½SE¼NW¼.
Totaling 175 acres.

Bethel Camp Ground

T. 4 S., R. 76 W., Unsurveyed,
Sec. 14, E½SW¼SW¼, SW¼SW¼SW¼.
Totaling 30 acres.

Loveland Basin Recreation Area

T. 4 S., R. 76 W., Unsurveyed,
Sec. 20, SE¼, S½NE¼;
Sec. 21, All;
Sec. 22, S½S½, NW¼SW¼;
Sec. 23, SW¼SW¼;
Sec. 26, W½W½;
Sec. 27, All;
Sec. 28, All;
Sec. 29, E½, E½NW¼, NE¼SW¼;
Sec. 33, N½N½;
Sec. 34, N½, N½SW¼, NW¼SE¼;
Sec. 35, NW¼NW¼.
Totaling 3,640 acres.

Falls Trail Picnic Ground

T. 5 S., R. 71 W.,
Sec. 31, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.
Totaling 10 acres.

Cub Creek Recreation Area

T. 5 S., R. 71 W.,
Sec. 31, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 6 S., R., 71 W.,
Sec. 6, lot 4.
Totaling 99.02 acres.

Arapahoe Basin Recreation Area

T. 5 S., R. 76 W.,
Sec. 2, S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 3, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 10, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 11, all.
Totaling 1,360 acres.

Snake River Picnic Ground

T. 5 S., R. 76 W.,
Sec. 18, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Totaling 10 acres.

Maxwell Falls Picnic Ground

T. 6 S., R. 71 W.,
Sec. 6, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
Totaling 20 acres.

Officers Gulch Camp Ground

T. 6 S., R. 78 W.,
Sec. 8, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
Totaling 85 acres.

The total area described in this order aggregates 8,496.30 acres.

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

ROGER ERNST,

Assistant Secretary of the Interior.

MARCH 26, 1959.

[F.R. Doc. 59-2706; Filed, Mar. 31, 1959;
8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12722; FCC 59-267]

PART I—PRACTICE AND PROCEDURE

Safety and Special Radio Services Applications Involving Bell Telephone Equipment Contracts

1. The Commission released a Notice of Proposed Rule Making in the instant proceeding on January 5, 1959 (FCC 58-1260; 24 F.R. 219). Ample time was allowed interested persons to submit comments supporting or opposing the adoption of the rule proposed (Order, released January 23, 1959, FCC 59-49, 24 F.R. 605; and Order, released February 27, 1959, #70302, 24 F.R. 1600). The time for filing comments and replies to such comments has expired, and all have been considered by the Commission.

2. The purpose of the rule as proposed is to set forth clearly, for the benefit and guidance of all interested persons concerned, certain public interest policies adopted by the Commission. These policies would govern action on applications for authorizations in the Safety and Special Radio Services when the applicants show that the radio communications equipment sought to be licensed is

being obtained or will be obtained pursuant to a lease-maintenance arrangement with the American Telephone and Telegraph Company or its subsidiaries. The background factors underlying such public interest policies are indicated below.

(a) By consent of the parties, the United States District Court for the District of New Jersey entered a Final Judgment on January 24, 1956, in Civil Action No. 17-49, United States of America v. Western Electric Company, Incorporated and American Telephone and Telegraph Company. Section V of this anti-trust Consent Decree, in part pertinent here, provided as follows:

The defendant A. T. & T. is enjoined and restrained from engaging, either directly, or indirectly through its subsidiaries other than Western and Western's subsidiaries, in any business other than the furnishing of common carrier communications services: *Provided, however,* That this Section V shall not apply * * * (d) for a period of five (5) years from the date of this Final Judgment, (to) leasing and maintaining facilities for private communications systems, the charges for which are not subject to public regulation, to persons who are lessees from defendants or their subsidiaries of such systems forty-five (45) days after the date of this Final Judgment * * *

(b) Pursuant to its obligation to consider relevant antitrust matters in its general public interest determinations, the Commission has considered the above-mentioned Consent Decree in connection with applications for authorizations in the Safety and Special Radio Services involving radio equipment lease-maintenance arrangements with A. T. & T. or its subsidiaries. Because of this case by case consideration of numerous applications involving such lease-maintenance arrangements, the Commission has acquired extensive experience in the variant problems therein involved.

(c) Based on protest proceedings, the Commission construed portions of the Consent Decree in a decision released on December 4, 1958. In the Matter of the Applications of the Connecticut Water Company and Wooldridge Bros., Inc., Docket Nos. 12323 and 12324, FCC 58-1144, 22 FCC Rep. 1367.

3. In summary, the proposed rule would have the following general effects as to action on Safety and Special Radio Services applications involving equipment lease-maintenance arrangements with a Bell Telephone company:

(a) Not permit grants involving lease-maintenance arrangements executed after March 9, 1956;

(b) Not permit grants authorizing changes to a radio station, even though the basic lease-maintenance arrangement was executed on or before March 9, 1956, if such changes would require additional equipment;

(c) Permit grants to assign or transfer stations if the lease-maintenance arrangement was executed by the predecessor in interest on or before March 9, 1956;

(d) Permit grants authorizing changes to stations, when lease-maintenance arrangement was executed on or before March 9, 1956, if such changes would not require additional equipment;

(e) Permit renewals of such station authorizations, when lease-maintenance arrangement was executed on or before March 9, 1956; and

(f) Place a termination date of January 24, 1961, on all grants made under the foregoing policies.

4. The proposed rule would codify in rule form determinations made by the Commission in the Connecticut Water & Wooldridge Bros. cases and policies developed on a case by case basis. However, in paragraph 4 of the Notice of Proposed Rule Making herein, the Commission indicated that "it has assumed no position * * * concerning the effects, if any, on the Consent Decree restrictions if such equipment lease-maintenance activity has been found or may be found, by any jurisdiction, to be 'the furnishing of common carrier communications service' and/or if the charges therefor are or may become 'subject to public regulation.'" This point was emphasized further in a footnote to the proposed rule.

5. Comments have been filed in this proceeding by sixteen parties, and comments in reply to such original comments have been received from two parties. All have been considered, and are discussed hereunder.

6. The American Telephone and Telegraph Company stated that there is "no necessity now for the adoption of formal rules" herein because of its letter to the Commission, dated February 10, 1959, which stated in part "A. T. & T. Co. and its operating subsidiaries are taking steps to withdraw by January 24, 1961 from the business of providing private mobile radio systems on a lease-maintenance basis * * *." But A. T. & T. also suggested that "the Commission find means of accommodating special needs of existing licensees during the interim period until January 24, 1961, to prevent undue hardship or substantial inconvenience to licensees in the operation or functioning of their existing systems. Consideration of special circumstances may also be called for in order to facilitate an orderly transition by licensees to other arrangements after January 24, 1961." These suggestions were not elucidated further.

7. One of the purposes of the rule proposed herein is to explicate by formal pronouncement the Commission's policies for the guidance and benefit of the licensees, the Bell Telephone companies, and others. In this way hardships or transition problems resulting from uncertainty as to Commission policies can be avoided both by the licensees and the Bell companies. A. T. & T.'s announcement of its intention to withdraw from this activity by January 24, 1961, does not eliminate the various problems which accrue therefrom prior to January 24, 1961. Thus, to the extent that A. T. & T. intended to request a dismissal of this proceeding, it is denied.

8. The State of New York, by its Attorney General, objects to the entire rule proposal. New York observed that it was not a party to the action which granted the Consent Decree, had no notice thereof, and that it was entered in a jurisdiction without its geographical limits. It asserts that a severance of its lease-maintenance arrangements with

the New York Telephone Company after January 24, 1961 will cost the State "a minimum of \$5,000,000"; that to subject the State to such financial burden would "constitute an abuse of the Commission's administrative powers"; that the Consent Decree and the proposed rule are discriminatory against the State government because they do not impose similar restrictions against the Federal Government; that the adoption of the proposed rule would require "the scrapping of the present state-wide system of State Police Radio Communications," and "would raise havoc with the efficiency of such communication system"; and that the proposed rule, if adopted, would "constitute an improper, invalid and unwarranted interference with essential police operation of the State of New York, an invasion of its sovereign rights and a contravention of the 10th amendment of the Constitution of the United States." New York also asserts that the rule is premature because "the force and effect of the consent decree * * * has been considered by the California Courts" and a California decision involving the public regulation of an equipment lease-maintenance offering by the Pacific Telephone and Telegraph Company is being appealed to the United States Supreme Court. New York also points to the decision of the California P.U.C. concerning its regulation of this lease-maintenance activity of P. T. & T. as guidance for the Commission in determining its effect with reference to the Consent Decree.

9. The Commission is unable to find merit in any of New York's objections to the proposed rule. In essence, the comments of New York are directed against the terms of the Consent Decree. The economic burden on the State of New York which allegedly will occur after January 24, 1961 stems not from the Commission's proposed Rule but from the termination of Telephone Company lease-maintenance arrangements pursuant to the mandate of the Consent Decree. Regardless of the outcome of this rule making proceeding, the Bell System has itself announced that "A. T. & T. Co. and its operating subsidiaries are taking steps to withdraw by January 24, 1961 from the business of providing private mobile radio systems on a lease-maintenance basis." (See par. 6, above.) Similarly, the differentiation in treatment between the Federal Government and others stems from the express terms of the Consent Decree, as well as the fact that the Commission has no statutory licensing jurisdiction over Federal Government radio stations. The reference by the State of New York to the action of the California Public Utilities Commission and the judicial proceedings resulting therefrom is irrelevant at this juncture to the scope of the rule making covered by this First Report and Order in view of the deferment herein of a determination concerning the effect on Consent Decree restrictions by public lease-maintenance activity. (See par. 24 below.) In the absence of any explanation of the bases therefor, the Commission finds no merit in the allegations that the proposed rule would invade New York's sovereign rights or would be a

contravention of the 10th Amendment to the Constitution. Thus, the Commission is unable to find any basis in New York's contentions for not adopting the proposed rule.

10. The Commonwealth of Massachusetts also opposes the adoption of the proposed rule, and said that the rule would "prevent the Telephone Company from furnishing the State law enforcement agencies with its communication system." The Commonwealth states that "the Massachusetts State Police presently own and operate their own radio telephone system," but "the Telephone Company owns and maintains their teletype equipment," which the rule, it claims, would force it to replace at a prohibitive cost. Therefore, Massachusetts would like to be excepted from the rule both before and after January 24, 1961. As such, it appears that the Commonwealth's basic objection, like that of the State of New York, would go to the Consent Decree itself. In any event, however, Commission license records do not disclose the existence of a Safety and Special Radio Services teletypewriter radio system licensed to the Commonwealth of Massachusetts to which the proposed rule would have any applicability. Thus, it appears that the concern of the Commonwealth is based upon a misunderstanding as to the scope of the proposed rule or the Consent Decree.

11. Except for comments concerning public regulation of lease and maintenance activities, to be discussed below, the following parties supported the proposed rule without qualification: Robert L. Mohr, d/b as Advanced Electronics, et al.; United States Department of Justice; Leland G. Smith, et al.; Central Committee on Radio Facilities of the American Petroleum Institute; and the Petroleum Industry Electrical Association. The Department of Justice stated that it believes the adoption of the proposed rule is "both appropriate and necessary" despite A. T. & T.'s statement that a withdrawal from this activity is planned. Noting with specific approval each subparagraph of the proposed rule, the Department gave a summation of its views on the rule as follows: "* * * by adoption of the proposed amendments in this proceeding, interested persons would not be left in doubt as to the precise status of applications and authorizations in the lease-maintenance field. The Department believes that the adoption by the Commission of the proposed amendment is the most appropriate means to finally determine and conclude this matter."

12. Several parties supported the proposed rule, with certain qualifications. Thus, Motorola supported the adoption of the rule, but suggested "certain revisions as to coverage and clarification." Similarly, Andrew W. Knapp, d/b as Radio Communications Service Co. (hereafter called Knapp) and Television Service Laboratories, Incorporated, d/b as Huntress Electronics Divisions (here-

after called Huntress) commenting jointly with Herbert Rosenberg, d/b as Mobile Communications Service Station (hereafter called Rosenberg), support the proposed rule so far as it goes, but suggest further action by the Commission.

13. Motorola's suggestions are these: (a) The rule to be adopted "should apply to maintenance as well as leasing, since the provisions of the * * * Consent Decree apply both to leasing and maintaining facilities," and the Commission's decision in the Connecticut Water case covers additional equipment and maintenance." (b) "No application for such authorizations (should be) accepted or acted upon by the Commission if filed after January 1, 1960," so that "an orderly transition would be facilitated and the workload of the Commission would be lessened." (c) A new subparagraph (g) should be added to the rule to be adopted so as to give warning that authorizations granted thereunder shall not be "deemed to constitute a rule or determination that * * * such leasing or maintenance arrangements vest in the licensee the necessary degree of control * * * or that such * * * arrangements are otherwise in compliance with Title III of the Communications Act." Motorola also commented as to the public regulation of this activity.

14. Apparently, Motorola is concerned that the terminology used in the Consent Decree be construed in this proceeding so that the prohibition of section V would be applicable to "leasing and maintaining" as both a joint and several activity. Thus, the changes recommended by Motorola to the proposed rule would make all its provisions clearly applicable to leasing as one activity, and to maintaining as another separable activity. The Commission is unaware of any Bell equipment arrangement involving Safety and Special Radio Services licenses which does not also cover maintenance. Similarly in these Services, the Commission is unaware of any Bell maintenance arrangement, separate from an equipment rental contract. The Commission is of the opinion, therefore, that Motorola's suggestion does not cover a present practical problem which the rule need cover now. Therefore, it is denied.

15. The Commission is of the view that Motorola's suggested cutoff date for the acceptance of such applications is unnecessary as a practical matter, and might be unduly burdensome upon licensees. This very rule making proceeding gives full notice and warning to all concerned to arrange for the transition, and there is little likelihood that licensees will be applying for modifications at the eleventh hour, which, if granted, would terminate shortly thereafter. On the other hand, a few modifications close to the termination date may be necessary and justifiable. The suggestion is denied. Also, the Commission finds it unnecessary to include expressly in the rule the caveat proposed by Motorola. Adoption of the proposed rule without such a saving clause would not preclude the Commission from future remedial action if subsequent circumstances indicated a public interest necessity for such action.

* It would appear that such teletype equipment is provided as a part of private line teletypewriter service, a common carrier service, not prohibited by the consent decree.

16. Knapp, aside from its comments on public regulations treated below and its incorporation by reference of the comments of Huntress and Rosenberg, indicated strong concern with possible Clayton Act violations. Knapp alleges that "the Telephone Company practice of leasing radio equipment, solely on a 'package deal' basis (including all components, equipments, servicing, and replacement parts), is a tying arrangement prohibited by section 3 of the Clayton Act."¹ Knapp suggests, therefore, that the proposed rule contain a caveat that it does not purport to approve of any violations of the Clayton Act. In addition, Knapp requests that the Commission "take action, pursuant to section 602(d) of the Communications Act and sections 3 and 11 of the Clayton Act, against the Telephone Company's compulsory tying arrangements." Knapp duly notes that it has made the latter request in identical form already in another proceeding now pending before the Commission. In the Matter of the Applications of Angelo Tomasso, Inc., Docket No. 12407.

17. None of the Commission's rules, including the proposed rule herein, purports to give general approval to violations of the Clayton Act or any other law. Therefore, any caveat to warn that the rule does not approve Clayton Act violations is unnecessary, and the suggestion is denied. As indicated by Knapp, its request for a Clayton Act proceeding is wholly repetitious of a previous petition which it has filed before the Commission and which is pending in the Tomasso protest proceeding. No public interest purpose would be served by treating the identical petition from the same party in multiple proceedings before the Commission. Therefore, so far as this proceeding is concerned, Knapp's request in this respect is denied. It should be observed that Knapp supported the proposed rule, except as has been noted above.

18. Huntress and Rosenberg support the proposed rule "insofar as these rules forthwith bar radio licenses predicated on arrangements with A. T. & T. or its subsidiaries which violate the antitrust decree." These parties also assert that "the issue is manifestly not rendered 'moot' by A. T. & T.'s sudden withdrawal of Tariff No. 235." In addition, they "assume * * * that the Commission will ascertain the extent to which outstanding licenses are based on unlawful system extensions subsequent to March 9, 1956, in order to ensure appropriate remedial steps to comply with the law." This is explained further with the statement: "As we view it, this entails cancellation of the unlawful leases for system extensions after March 9, 1956, covering not only transmitters and antennas, but also all Telephone Company real estate on lease to private customers. The real estate rental business is obviously not a 'common carrier communications service' permitted by the antitrust decree, either now or after Jan-

uary 24, 1961." (These parties also commented on the matter of tariff filings and public regulation which will be considered below.)

19. Since the entry of the Consent Decree on Jan. 24, 1956, the Commission has attempted, on a case by case basis in its public interest determinations, not to grant authorizations which would facilitate violation of this Decree. As stated previously in this Report and Order, "because of this case by case consideration * * *, the Commission has acquired extensive experience in the variant problems therein involved." In the Connecticut Water & Wooldridge Bros. cases the Commission gave a careful, overall appraisal to the Consent Decree and developed a considered analysis of the Decree and conclusions flowing therefrom. Now, this proceeding has been instituted to regularize and crystallize Commission policies on such applications. It must be remembered that the Commission, by its licensing functions, is not enforcing the Consent Decree, and has no duty or authority to do so. However, it does have an obligation in reaching general public interest determinations to consider whether any of its actions would facilitate a violation of antitrust law. To the extent that the Commission fails to discern such antitrust violations flowing from its actions, such violations are not exempt from enforcement action. *United States v. Radio Corporation of America and National Broadcasting Company, Inc.*, — U.S. —; C.C.H., U.S. Supreme Ct. Bull., 1958-1959, p. 639.

20. Thus, some of the applications involving Bell Telephone company lease-maintenance arrangements which have been granted previously might receive different action if they were before the Commission now as a de novo matter. Such grants made by the Commission some months or years ago represented the then-developed public interest determinations of the Commission, and have been relied upon by the licensees. In relying upon such Commission actions, and operating radio stations pursuant to such authorizations, the station licensees have violated no antitrust laws. To the extent that any Commission grants in the past have facilitated or may facilitate any violations of the Consent Decree, such possible violations by any of the Bell Telephone companies would be subject to enforcement or corrective action by the Justice Department. It is the view of the Commission that the broad general public interest obligations it exercises in reference to radio station licensees and the public at large does not warrant taking action at this time to upset past station grants on the basis that such grants may facilitate antitrust violations by Bell Telephone companies. It is the Commission's view that the remedy for such possible violations would be by enforcement action. Therefore, the request of Huntress and Rosenberg for action by the Commission in this respect is denied.

21. Several comments were directed to the portion of the proposed rule which would not grant applications for changes in systems which would require additional equipment. American Louisiana

Pipeline Company asserts that the rule as proposed in this respect is too inflexible. It asserts that the proper construction of Section V of the Consent Decree would be that from March 9, 1956 to January 24, 1961, A. T. & T. "will have the opportunity of planning how to get out of the private communications business, and meanwhile, it can service its contract customers in the usual way." American Louisiana directed attention to its application for an additional base station on file (FCC file no. 18737-IP-59) and to its letter, date January 15, 1959, whereby it requested "that the Commission consider the instant application forthwith and issue its decision thereon without waiting for the outcome of Docket No. 12722." The reasons submitted to support this special request are repeated in its comments in this proceeding for the purpose of supporting a relaxation of the proposed rule concerning additions of equipment. In summary, American Louisiana states "the proposed rules, at the very least, should be revised to include a provision permitting licensing by the Commission of additional equipment where an applicant can show * * * that the installation of such equipment was clearly contemplated by the parties to the lease-maintenance contract, and equity clearly demands that such equipment be licensed by the Commission." (American Louisiana's request for special treatment concerning its application, file no. 18737-IP-59, is being treated separately.) The comments of the New York Thruway Authority are not directed to the proposed rule at all, but constitute a request that three applications (FCC file Nos. 9557, 9559, and 9560-PP-59) for three new base stations be granted "forthwith, and not to hold them in abeyance." Such request is being treated separately also. Consumers Power Company is concerned also about the proposed restriction against adding equipment. It observes that the problem of transition to new arrangements by January 24, 1961, will be unduly complicated if it is required that small additions in the meantime must be handled separately from its overall Bell Telephone company lease-maintenance arrangement (pointing, as an example, to its application, FCC file no. 11657 IW-59, for a new base station near Mio, Michigan). It suggests a change in the proposed rule so as to permit some expansion of a system before the deadline date of January 24, 1961, limited perhaps to a 10 percent increment.

22. As indicated previously by the Commission in The Connecticut Water & Wooldridge Bros. decision, the Commission construes section V(d) of the Consent Decree as allowing "a five-year period within which A. T. & T. and its subsidiaries may orderly terminate its activities" in the described lease-maintenance activity. Our further statement in the Connecticut Water Decision seems to be equally applicable herein:

* This application has been amended since so as to show equipment to be leased from and maintained by a source other than a Bell company. As thus amended, the application has been granted.

¹Leland G. Smith, et al., made passing mention of the possibility of a Clayton Act violation by such lease-maintenance arrangements, also.

* * * to permit (A. T. & T. and its subsidiaries) to increase its investment in this particular lease-maintenance activity would do violence to Section V(d) of the decree. It should be observed that no undue hardship results to the licensee/lessee from this holding for during the 5-year period the licensee/lessee may continue its lease-maintenance contract with (A. T. & T. and its subsidiaries) as necessary to its original private communications system. Any additional equipment and maintenance needed by a licensee for the enlarged or extended portion of its private communications system may be obtained from sources other than (A. T. & T. and its subsidiaries) by lease or purchase as appropriate or desired.

Therefore, all the requests to eliminate or revise this portion of the proposed rule are denied.

23. Several parties directed their comments, in whole or in part, to the portion of the Notice of Proposed Rule Making, and the explanatory footnote to the proposed rule, which pointed out the problem concerning the effect of public regulation of this lease-maintenance activity. Motorola, Inc.; Robert L. Mohr, d/b as Advanced Electronics, et al.; the United States Department of Justice; Leland G. Smith et al.; Central Committee on Radio Facilities of the A.P.I.; Petroleum Industry Electrical Association; Andrew W. Knapp; and Hunfress & Rosenberg addressed themselves to this problem. All concluded that the Consent Decree absolutely forbade A. T. & T. or its subsidiaries to engage in this activity after January 24, 1961, whether or not any jurisdiction had declared it to be a communications common carrier service or had subjected the activity to public regulation. Taking the opposite view, the Southern California Gas Company, filing jointly with Southern Counties Gas Company, devoted their comments exclusively to the argument that the Consent Decree intended no restrictions against this activity once regulated, and that this activity had been regulated by California even prior to the Consent Decree. As its answer to this problem, the State of New York pointed with approval to the decisions of the California Public Utilities Commission assuming regulation of this lease-maintenance activity by the Telephone company in California.

24. Since the Notice of Proposed Rule Making herein was issued, the Commission has received:

(a) A letter from A. T. & T. to the Commission, dated February 10, 1959, stating an intention, on behalf of itself and its operating subsidiaries, to withdraw by January 24, 1961, from the business of providing private mobile radio systems on a lease-maintenance basis. However, A. T. & T. also indicated that "where there are two or more interconnected radio base stations which are an integral part of a private line network furnished by the telephone companies * * * the telephone company is willing to provide the base stations, as a part of the network, on a common carrier basis utilizing a frequency allocated to the service involved but only where the customer requests and the Commission permits the telephone company to be the licensee for the frequency on which the base stations operate."

(b) An application from A. T. & T., dated February 10, 1959, for leave to cancel a proposed tariff for this lease-maintenance activity.

(c) A petition of Motorola, Inc., filed March 2, 1959, in Docket No. 11972, wherein it requests that the Commission "A. Issue and serve a proposed order terminating the proceeding with prejudice on (1) the jurisdictional issue, and (2) the application of the Consent Decree on divestiture of all private mobile radio activity; or B. Proceed, by further hearing order as the Commission deems proper, to a final decision of all matters at issue in the proceeding."

(d) A. T. & T.'s Opposition, filed March 13, 1959, to the foregoing Motorola petition, which, among other things, states that "the Pacific Company is * * * now preparing the necessary application to the California Public Utilities Commission for immediate cancellation of this tariff and it intends to file such application in the very near future." In view of the unsettled disposition of all of the above matters and the possible relationship of their disposition to the problem concerning the effect of public regulation of lease-maintenance activity, action on that portion of the proposed rule making is deferred and final action herein is ordered in part only.

25. In the meantime, Safety and Special Radio Services applications which involve the problem of the effect of public regulation will be acted upon as follows: If the applications are such as could be granted (except for the common carrier or public regulation question) under the rule adopted herein (specifically under subparagraphs (d), (e), & (f)), they may be granted, with a termination date of January 24, 1961. If such applications could not be granted under the rule adopted herein, then no action will be taken thereon and they will be placed in a suspense file pending further action in this rule making proceeding to establish rules to govern action on such applications.

26. In view of the foregoing: *It is ordered*, That effective May 1, 1959, Part 1 of the Commission's rules is amended by adding a new § 1.507, as proposed in the Notice of Proposed Rule Making with the explanatory footnote revised, which is set forth below.

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

Adopted: March 25, 1959.

Released: March 27, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

Subpart F of Part 1 is amended by adding a new § 1.507 to read as follows:

§ 1.507 Rented communications equipment.

Action on applications for authorizations in the Safety and Special Radio Services which indicate that the equipment therefor will be obtained pursuant

to lease-maintenance arrangements with the American Telephone and Telegraph Company or its subsidiaries will be governed as follows:

(a) No authorization shall be granted in response to such applications on or after January 24, 1961.

(b) No authorization shall be granted in response to such applications if an applicant or its predecessor in interest was not the lessee of A. T. & T. or its subsidiaries of the equipment for such communications system on or before March 9, 1956.

(c) No authorization shall be granted in response to such applications requesting authority to enlarge or extend such communications systems so as to require additional equipment, even though the applicant or its predecessor in interest was the lessee of A. T. & T. or its subsidiaries of the equipment for such communications system on or before March 9, 1956.

(d) Authorizations may be granted in response to such applications seeking renewal without change, or a combination renewal and modification conforming to the modification requirements set forth in paragraph (f) of this section, if the applicant or its predecessor in interest was the lessee of A. T. & T. or its subsidiaries of the equipment for such communications system on or before March 9, 1956: *Provided*, That the termination date on any such authorization granted shall not extend beyond January 24, 1961.

(e) Authorizations may be granted in response to such applications seeking to assign or transfer control of an existing authorization, with no changes therein or with such modifications as conform to the modification requirements set forth in paragraph (f) of this section, if the assignor or transferor, or his predecessor in interest, was the lessee of A. T. & T. or its subsidiaries of the equipment for such communications system on or before March 9, 1956: *Provided*, That the termination date on any such authorization shall not extend beyond January 24, 1961.

(f) Authorizations may be granted in response to such applications seeking modification or amendment in the nature of alterations or changes not necessitating the addition of equipment, if the applicant or his predecessor in interest was the lessee of A. T. & T. or its subsidiaries for such communications system on or before March 9, 1956: *Provided*, That the termination date on any such modified or amended authorization shall not extend beyond January 24, 1961. Modifications or amendments which may be permitted hereunder include the following: Frequency, emission, and power changes; local change of site of base transmitters or control points; change of mailing address, or business name of licensee; substitution of equipment; lowering of antenna height or local change of site for antenna; reduction of number of authorized base and mobile transmitters or control points; extensions of construction periods for authorized modifications or amendments; and change in area in which mobile units may be operated.

NOTE 1: For the purposes of this rule, subsidiaries of A. T. & T. include the following:

Bell Telephone Co. of Nevada
 Citizen Telephone Co., Inc.
 Illinois Bell Telephone Co.
 Indiana Bell Telephone Co.
 Michigan Bell Telephone Co.
 New England Telephone and Telegraph Co.
 New Jersey Bell Telephone Co.
 New York Telephone Co.
 Northwestern Bell Telephone Co.
 Southern Bell Telephone and Telegraph Co.
 Southwestern Bell Telephone Co.
 The Bell Telephone Co. of Pennsylvania
 The Chesapeake and Potomac Telephone Co.
 The Chesapeake and Potomac Telephone Co. of Maryland
 The Chesapeake and Potomac Telephone Co. of Virginia
 The Chesapeake and Potomac Telephone Co. of West Virginia
 The Cincinnati and Suburban Bell Telephone Co.
 The Diamond State Telephone Co.
 The Mountain States Telephone and Telegraph Co.
 The Ohio Bell Telephone Co.
 The Pacific Telephone and Telegraph Co.
 The Southern New England Telephone Co.
 Wisconsin Telephone Co.

NOTE 2: Pending final action in Docket No. 12722, the terms of this section are not intended to encompass in a negative or affirmative manner, applications involving telephone company lease-maintenance arrangements which have been found or may be found, by any jurisdiction, to be "the furnishing of common carrier communications services" and/or if the charges therefor are or may become "subject to public regulation." See Pars. 24 and 25, First Report and Order, Docket No. 12722.

[F.R. Doc. 59-2728; Filed, Mar. 31, 1959; 8:50 a.m.]

[Docket No. 12393; FCC 59-266]

PART 16—LAND TRANSPORTATION RADIO SERVICES

Limitation of Authorized Power of Transmitters Operating on Frequencies Above 220 Mc

1. On April 9, 1958 the Commission adopted a Notice of Proposed Rule Making in the above-entitled matter which was released on April 11, 1958 and published in the FEDERAL REGISTER of April 17, 1958 (23 F.R. 2536). In that notice it was proposed that the maximum plate power input to the final radio frequency stage of transmitters operating in the frequency range 220-500 Mc be specified in the rules in view of the recent provisions for the use of frequencies in the 450-470 Mc range on a regular (rather than a developmental) basis, and further in view of the fact that no specific limitation is currently placed on the power of transmitters operating on frequencies in that range. The limit proposed was 60 watts. Ample opportunity was afforded interested parties to submit comments in support of, or in opposition to, the proposed amendment, and the time allowed for filing such comments has expired.

2. Comments were received from the Allen B. DuMont Laboratories, Inc.; the General Electric Company; Motorola, Inc.; the Association of American Railroads; the American Trucking Association, Inc.; the American Automobile Association, Inc.; and the American Taxicab Association, Inc. In addition,

the National Association of Taxicab Owners, Inc. (NATO), filed jointly with the American Taxicab Association, Inc., on February 19, 1959 a Petition to Accept Late Reply Comments. In support thereof, the petitioners state that prior to the issuance of the Notice of Proposed Rule Making herein NATO submitted informal comments by certain of its members on the subject matter of this proposal in response to a letter from the Commission, and it now appears that such do not appear in this docket for consideration by the Commission. The stated purpose of the reply comments is to place those previous informal comments in the docket, together with additional comments and proposals resulting from further consideration which has been given this matter by both the petitioning associations. In view of the reasons stated therein, the Commission herewith grants the Petition to Accept Late Reply Comments and the reply comments submitted by NATO and the American Taxicab Association, Inc., are being considered in this proceeding.

3. All of the comments submitted in this proceeding concurred with the Commission's basic proposal (that an upper limit on station power be specified in the rules) but there was a wide divergence of opinion expressed as to what that limit should be. The Allen B. DuMont Laboratories, Inc., recommended the case-by-case specification of station power by the Commission, with an upper limit of 600 watts. Several comments recommended an upper limit of 500 or 600 watts on the new frequencies made available in this range by the Commission's action of February 26, 1958 in Docket No. 11993 (FCC 58-195), but a lesser power on the other frequencies, the higher power to be permitted only on a showing of need. The General Electric Company, in addition to concurring with the foregoing, recommended that 500 watts input power be also permitted on the frequencies which were available prior to February 1958, but only on a developmental basis and only when used with a power control device which would reduce the power of a base station, during any exchange of communications with a mobile unit, to the minimum necessary to maintain communication with that mobile unit. The Association of American Railroads recommended that in any case power input up to 500 watts be permitted on any frequency in this range on a showing of need therefor. In contrast with the foregoing, the American Taxicab Association urged that "low power and low antennas" be prescribed for local coverage, and warned that station power in the 500-600 watt range would only result in a "power race" which would benefit no one.

4. The joint reply comments submitted by the American Taxicab Association, Inc., and the National Association of Taxicab Owners, Inc., emphasized a statement contained in the comments of the General Electric Company that: "In a typical urban system, as much as 70 percent of communication traffic can take place with less than 10 watts of transmitter power output."

Continuing, the joint reply comment states: "If it be true that 70 percent of the traffic in a typical urban system can be handled with less than 10 watts of transmitter power output, the Associations are of the view that regular authorization of as much as 250 watts of transmitter power as proposed by the manufacturers would be unwarranted and would lead to a power race that would not benefit the taxicab industry. It would mean simply a general increase in cost of equipment for more power than would be needed to accomplish the job."

5. As a compromise between the Commission's original proposal herein (to authorize a maximum of 60 watts plate power input) and the proposals of the manufacturers and others (that a maximum of 500 or 600 watts be authorized subject to certain restrictions) the above joint reply comments recommends that the maximum plate input power be limited to 120 watts in the taxicab radio service with the proviso that, in special cases, where the need can be shown, developmental authorization might be granted for higher power. It further suggests that regularization of any power authorization greater than 120 watts plate input power be deferred until further operating experience with such higher power is accumulated by the industry as a guide to the Commission.

6. In its consideration of this matter, the Commission has taken notice of the fact that a number of authorizations have been made in the Land Transportation Radio Services within the past year permitting the use of input power of 500 to 600 watts on frequencies in the 450-470 Mc band on a developmental basis for the express purpose of determining the advantages, if any, of such higher power. In view of the fact that none of the licensees involved has reported that the increased power provided coverage not previously available, although reports on that developmental operation are overdue in a number of cases, it appears that the advantages to be gained by a judicious selection of station location, antenna height, and antenna gain characteristics may have been found to render the use of such higher power unnecessary.¹ While some technical data were submitted covering the present possible need for 500 watts input on frequencies in the 450 Mc range to provide local coverage equivalent to that afforded by the 120-watt maximum input now authorized in the 150-162 Mc range, it appears possible that definite improvements in receiver sensitivity and quieting on the 450-470 Mc frequencies, as well as increased antenna gain, may be obtained by technical advances within the near future.

7. Accordingly, the Commission is unable to conclude, at this time, that transmitter input power of the magnitude of 500 or 600 watts should be authorized on a regular basis in the Land Transportation Radio Services for operation on frequencies in the 450-470 Mc

¹One request for such an authorization was withdrawn upon the licensee moving his base station to a new location.

range, as proposed by a number of the comments received in this proceeding, since to do so might result in an immediate "power race" in the services involved, while in many cases the desired additional coverage might easily be obtained by other means. While the Commission's rules do not specifically provide limitation on either the height or the gain of the station's antenna system in these services, it may be noted that the provisions of § 16.106(a) of those rules limit the combination of station power, antenna height and antenna gain to the minimum required for satisfactory technical operation commensurate with the size of the area to be served and the local conditions which affect radio transmission and reception.

8. The various proposals (1) that high power (500-600 watts) be permitted on some of the frequencies and not on others, (2) that such power be permitted only on certain frequencies but then only on a showing of need, and (3) that such power be permitted on any of the frequencies upon a showing of need, have also been considered by the Commission, but are not adopted since to do so would be inconsistent with other actions taken herein. The recommendation of the General Electric Company regarding an automatic or variable power control on base station transmitters also is not adopted at this time, since it would appear that the desirability of such an arrangement should be investigated with reference to a number of services administered by the Commission, rather than with reference to the Land Transportation Radio Services alone.

9. Upon further consideration of its original proposal, the comments filed in this proceeding, and other information

available to it, the Commission has concluded that public interest, convenience and necessity will best be served by the establishment of a specific upper limitation on the plate power input to the final radio frequency stage of any transmitter operating on a regular (rather than developmental) basis in the Land Transportation Radio Services on a frequency in the 450-470 Mc range. However, the Commission also concludes that the 60 watt limitation, originally proposed should be raised to 120 watts for all services, for the reasons indicated below. First, the reasons given by the American Taxicab Association and the National Association of Taxicab Owners in support of their compromise proposal are equally applicable to all of the Land Transportation Radio Services. Secondly, the present limitation on transmitters operating on frequencies in the 100-220 Mc range is also 120 watts, and the use made of mobile communication systems operating in the two ranges is roughly the same; i.e., for local or urban communications. Additionally, with the exception of linear or power amplifiers developed specifically for high power on the frequencies in the 450-470 Mc range, all of the transmitting equipment now type-accepted for use in these services in that range operates with a power input less than 120 watts, although some exceed 60 watts. The Commission will continue to permit developmental operation with power in excess of 120 watts but not in excess of 600 watts, where such operation under a developmental program has been justified, in order to determine whether or not the general use of a power input greater than 120 watts on frequencies in the 450-470 Mc range in the Land

Transportation Radio Services can be in the public interest.

10. In accordance with the foregoing, the Commission finds that the public interest, convenience and necessity will be served by the amendment herein ordered. Authority for this amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended:

Accordingly, it is ordered, That, effective May 1, 1959, Part 16, Land Transportation Radio Services, is amended, as set forth below.

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

Adopted: March 25, 1959.

Released: March 27, 1959.

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

1. Amend the table appearing in § 16.106(b) to read as follows:

Frequency:	<i>Maximum plate power input to the final radio frequency stage (watts)</i>
30-100 Mc.....	500
100-500 Mc.....	¹ 120
Above 500 Mc.....	(?)

¹In the frequency band 450-470 Mc, maximum plate input power in excess of 120 watts but not in excess of 600 watts may be authorized in accordance with the provisions of Subpart E of this part, upon submission of the required showings.

²To be specified in the station authorization.

[F.R. Doc. 59-2729; Filed, Mar. 31, 1959; 8:50 a.m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11279; FCC 59-217]

RADIO BROADCAST SERVICES

Subscription Television Service

1. In the First Report issued in this proceeding on October 17, 1957, the Commission announced the conditions under which applications for trial subscription television operations by television broadcast stations would be accepted and considered.

2. In the Second Report adopted February 26, 1958, it was announced that action on such applications would be deferred in order to afford an opportunity for consideration, by the 85th Congress, of the questions of public policy raised by subscription television. The acceptance of such applications was not barred, however.

3. By letter dated July 23, 1958, in response to a letter of July 3, 1958, requesting that the Commission continue to

maintain the status quo herein to afford opportunity for resumption of consideration of legislation on the subject during the first session of the 86th Congress, the Commission advised the Chairman of the Interstate and Foreign Commerce Committee of the House of Representatives that while it would be desirable to accept and process applications none would be granted until the sine die adjournment of the first session of the 86th Congress (now in session).

4. One year has elapsed since it was first announced—in the Second Report—that action would be temporarily deferred on applications for trial subscription television operations using broadcast facilities. The Commission is now prepared to give consideration to such applications as may be submitted in conformity with the revised requirements set out herein, and will take such action thereon as may be found to be in the public interest in the light of our review of such applications. It is our belief that the action herein proposed would be consonant with current congressional consideration of this subject.

5. A recent review of the matter has persuaded the Commission that, except

in two respects, the conditions set out in the First Report remain appropriate for the conduct of any trial subscription television operations which it may be found in the public interest to authorize. First, whereas the First Report had contemplated the consideration of applications for the trial of any one system of subscription television operations in up to three cities, the Commission has subsequently decided that it would be preferable to limit the trial of any particular subscription television system using broadcast facilities to a single market. This limitation will provide increased safeguards against the premature establishment of a broadscale subscription television service prior to final decision, to be reserved until after trial, as to whether and in what circumstances it may be in the public interest. At the same time, the Commission believes that the conditions proposed would afford a fair and reasonable opportunity for trial on a basis consistent with the public interest considerations involved.

6. Second, whereas the First Report had left open the question of whether any receiving equipment might be sold to participating members of the public,

the Commission has concluded, on further consideration, that until a decision can be reached as to the definitive establishment of a subscription television service using broadcast facilities, the public should not be called upon to purchase any special receiving equipment required for subscription television operations but not needed for the reception of "free" television broadcasts.

7. The terms and conditions for the submission and consideration of applications for authorizations to conduct trial subscription television operations using broadcast facilities are revised accordingly. For convenience, the relevant portion of the First Report (paragraphs 63 through 89) are restated herein. With the exception of paragraph 90, which is no longer relevant, the remainder of the First Report (paragraphs 1 through 62 and 91 through 93) are herein readopted and reaffirmed.

CONDITIONS OF TRIAL OPERATIONS; SCOPE OF TRIAL OPERATIONS

8. As we have stated previously, we think that a trial should neither be so limited as to preclude meaningful results, nor so extensive as to constitute the virtual establishment of a service about which final decisions on a number of important points must be reserved until later. We think both these considerations will be reasonably met if each subscription television system (qualifying under paragraph 17) be permitted a trial in no more than one market (meeting the requirements of paragraph 14). We have accordingly decided that authorizations shall be limited to one market per subscription system and one subscription system per market, and further that subscription programs shall not be broadcast simultaneously over more than one station.

TRIAL CITIES

9. We have concluded that it would be desirable for any trial subscription television operations which may be authorized hereunder to be conducted in markets with sufficient numbers of stations to permit the continued availability of substantial amounts of free program services and the maximum opportunities for competition both within the local subscription television service, and between that service and the present free service. For these reasons, we have decided to limit authorizations at this stage to stations in cities with at least four commercial television services (including the applicant's station). There are over 20 markets meeting the specific requirements stated below, thus affording a reasonable range of choice and some diversity of size and conditions, adequate for a meaningful trial.

10. It may be argued that this limitation to cities with at least four services would preclude experience indicative of the effects of subscription television if it were ultimately authorized in markets with fewer than four television services. We believe, however, that a trial on the basis contemplated herein would afford ample opportunity, during a three-year period, to obtain significant and reliable data which would shed useful light on the probable effects of a subsequent broaden-

ing of the service to markets excluded during the initial trial period. Such matters, for example, as public reaction, and the extent to which subscription television would be capable of diverting audience (and, indirectly support) from free television would, we think, be sufficiently disclosed in the designated markets to facilitate a judgment of the probable effect of extending the service later into other types of markets.

11. It would be necessary, of course, in evaluating the experience gained in the trials contemplated hereunder, to avoid the error of an indiscriminating projection of results obtained under one set of conditions, into markets where different conditions prevail. But the very evident need for care in this regard does not strip the trial of the usefulness we believe it would have as a basis for appraising the potentials of the service in other types of circumstances. Not only the judgment of the public but other important factors as well can, we think, be helpfully disclosed under the trial conditions set out herein. These include the modus operandi of the service, the technical performance of the systems, the methods to be employed, the nature of the programs offered, the role of participating broadcast station licensees, the important questions which have been raised by opponents concerning possible monopolistic features of a subscription service, and other factors bearing on the public interest, about which little more is available now than arguments based to a large extent on unsupported and highly contradictory claims about an untried service.

12. It would be premature, moreover, to decide at this stage whether or not, and if so, in what circumstances it may be found in the public interest, after initial trials, to authorize subscription television operations in cities served by fewer than four television stations. If, as the proponents have urged, this new service would provide the financial support and added program resources and audience needed to permit the construction of additional stations, the new service might well result eventually in overcoming the present obstacles to the use of many idle channel assignments—particularly in the UHF band. If this were the case, and numbers of markets limited now to two or three outlets could find requisite support for additional stations on currently unused channels, the spread of a subscription television service would not necessitate crowding a dual free and subscription television service into the already scarce time availabilities on the two or three stations now operating in such markets. These are additional reasons why we are not persuaded that a trial limited at this stage to markets with at least four services would fail to have relevance to the situation in other areas where there are at present fewer than four services.

13. The single station markets offer more difficulty, but industry statistics indicate that over 75 percent of all the present television homes are already within the range of two stations, and in a great many cases additional channels are available in places where only one service is now available.

14. It is neither necessary nor desirable to confine trial operations to cities to which four or more operating stations are directly assigned. The objectives stated in paragraph 8 can, we think, be met by limiting authorizations hereunder to stations whose principal city is within the Grade A contours of at least four commercial television stations, whether they are assigned to the same city as the applicant, or to other nearby cities.

ELIGIBILITY OF BOTH VHF AND UHF STATIONS

15. Some parties have suggested that the authorization to conduct subscription television operations be confined exclusively, or principally to UHF stations. Skiatron, however, the original proponent of this policy, subsequently withdrew their comments. We would welcome any possibilities for enhancing the opportunities for increased use of the UHF television channels. After careful analysis of this proposal we have concluded, however, that at this stage, confining the trial of the proposed new service only to UHF stations would create needless complications without significant benefits to UHF broadcasting as a whole.

16. Limited trial operations during the initial three-year period of a subscription television service could hardly contribute significantly toward a solution of the nationwide UHF problem. We think it possible, on the other hand, that if subscription television successfully demonstrated a capacity to make a desirable contribution to the television service, it might well provide fresh impetus to the utilization of many of the now idle UHF channels. Thus, while we think no useful purpose could be realistically served by confining trial subscription television operations to the UHF band, the possibility that subscription television may in the longer run contribute significantly toward wider utilization of the UHF channels underscores the desirability of affording an opportunity for the new service to demonstrate its potential value on a trial basis.

APPLICATIONS

17. Applications for authorization to conduct subscription television operations in accordance with all conditions set out herein will be accepted from any holder of a construction permit or license for a television station and any person who has filed or simultaneously files an application on Form No. 301 for a construction permit for a television station, who requests the waiver of such rules as now preclude subscription television operations. The citation of specific rules will not be necessary.

SYSTEMS

18. Applicants for authorizations to conduct subscription operations may propose the use of any technical method of encoding and decoding of video or audio signals, or of otherwise establishing the means of imposing a charge for the intelligible reception of programs, which meets the following requirements:

(a) The operation must not cause interference either within or without the frequency employed, to any greater ex-

tent than is permissible under the present rules and standards of the Commission.

(b) The operation must not cause perceptible degradation in the quality of video or audio signals on any receivers during either a subscription program or a non-subscription program.

NON-EXCLUSIVITY

19. We do not believe that it would be in the public interest to authorize subscription television operations in circumstances under which any individual station acquired contractual or other rights to serve as the exclusive subscription television outlet in the local area. Accordingly, applicants hereunder are required to file, with their applications, a contract between the applicant and any local subscription television franchise holder or any other person participating in the local trial operation, in which it is provided that the franchise holder or such other contracting party as may be appropriate in the circumstances, will, upon request of the licensee of any other television station serving the local area, participate with such other station licensee or licensees in local subscription television operations under the same terms and conditions as are set out in the contract with the applicant station.

PUBLIC SERVICE RESPONSIBILITY OF STATION LICENSEES

20. We think it important that station licensees retain the freedom of decision necessary to the discharge of their responsibility to program their stations in the public interest. To this end, it is required that contracts between applicants and community franchise holders or other appropriate persons provide expressly that the licensee may reject any subscription television programs which he considers unsuitable, and will schedule the hours of transmission of subscription programs in such manner as he deems desirable in the discharge of his public service responsibility as the licensee of a television broadcast station.

21. The discharge of a station licensee's responsibility to program his station in the public interest cannot, however, be fully achieved merely by the exercise of the discretion, covered in the previous paragraph, to reject unsuitable programs, or to control the scheduling of such programs as are transmitted. We think that in order for a broadcaster to retain the full freedom of discretion necessary to enable him to discharge his public service responsibilities, he must also be in a position to make a free choice among programs, whatever their source, which may become available for use, and which he may find it would be in the public interest to transmit over his station. We will examine closely all aspects of the proposed operation and all operating agreements to which the applicant station licensee is a party, with a view to determining whether the applicant station has retained such freedom.

22. We believe also that the transmission facilities of a broadcast station licensee should not be made available for a charge unless the station licensee participates in a determination of the

amount of the charges to be imposed upon subscribers for the reception of programs. We recognize that other persons participating in the operation, who may have substantial investments at stake, will have a natural interest in the levels of such program charges. We think, however, that the licensee of the station transmitting the programs should be insured an opportunity to participate in the determination of the charges. It would seem reasonable to anticipate that in normal circumstances the station licensee and other parties participating in the operation would have little difficulty in reaching agreement as to the appropriate charge. We believe, however, that the station licensee, who will be transmitting the program over frequencies owned by the public, and whose license to use those frequencies imposes on him a clear public service responsibility, should retain the right of ultimate decision concerning the maximum amount of program charges in the event the station licensee and the other participants in the operation are unable to agree concerning the appropriate amount. The reservation of this right must be provided for in agreements between applicant licensees and any other person participating in the determination of program charges.

COMMENCEMENT OF OPERATION

23. The transmission of subscription programs must commence no later than six months from the date the authorization is granted unless for good cause shown the Commission, in its discretion, extends the date for the commencement of subscription programming.

PERIOD OF TRIAL

24. Authorizations granted hereunder will permit trial operations for three years from the date the transmission of subscription programs commences, subject to renewal of the regular station license, if it expires prior to the end of such three year period. While we are not at this time designating any fixed date after which additional applications for trial subscription television operations would no longer be accepted, it would not be appropriate for the purposes of the trial contemplated herein to continue to process such applications indefinitely. It is desirable that the individual trial operations be conducted during the same general period, although not necessarily precisely within the same fixed dates. Some flexibility is desirable with respect to the commencement of operation of the three systems which have already been proposed, but also with respect to additional systems which may seek an opportunity for trial, but which may not be ready for a start as quickly as the others. In these circumstances the Commission will take such action as it may deem appropriate on any applications for trial operations which may be filed after dates are fixed for three year trials under such authorizations as may be initially granted hereunder. Depending on the timing and other circumstances, it may be appropriate to grant such additional authorizations only for the remainder of the three year period already established.

25. Authorizations granted hereunder will be subject to suspension upon notice to the grantee by the Commission that the requirements of paragraph 18 hereof concerning electrical interference are not being complied with; such suspension to remain in effect until provision is made, satisfactory to the Commission, for compliance therewith.

26. Authorizations granted hereunder may be revoked or modified prior to the expiration of the three year period stated above if in the judgment of the Commission such action is required in the public interest. No order of revocation or modification shall become final until the grantee shall have been notified in writing of the proposed action and the reasons therefor, and shall have been afforded an opportunity to show cause, in writing, within thirty days, why such action should not be ordered. Grantees to whom notices to show cause are issued hereunder may request oral argument or evidentiary hearings. In such cases the Commission will designate for oral argument or evidentiary hearing, as the case may be, such issues, proposed by the grantee or the Commission, as the Commission may find appropriate.

RENEWAL OF AUTHORIZATIONS

27. The question of whether the trial experience will afford a basis for a finding that the public interest would be served by authorizing subscription television operations on some extended or permanent basis, and if so under what conditions, and the related questions of whether the trial experience will disclose the need for additional legislation, and if so of what nature, cannot be decided until operating experience sheds additional light on subscription television. The purpose of this trial is to obtain information. No final determinations either as to Rules or any questions of law will finally be resolved until later. For these reasons, authorizations hereunder will not be renewable, as such. If, however, at the time of their expiration the Commission requires additional time to complete the hearings contemplated in paragraph 92 of the First Report herein or to reach a decision, it may, if it finds it would be in the public interest to do so, permit the filing of applications for continued subscription television operations, under the same or other conditions as may be found desirable, and for such limited periods as may be appropriate in the circumstances. Timely public notice of such action would be provided.

MINIMUM HOURS OF NON-SUBSCRIPTION TELEVISION BROADCASTS

28. Grantees authorized to perform subscription operations will be required to broadcast the minimum hours of free programs required by § 3.651 of the rules.

CHARGES, TERMS AND CONDITIONS OF SERVICE

29. Charges and terms and conditions of service to subscribers must be applied uniformly. This requirement is not intended to preclude the division of subscribers into classes, and the imposition of different sets of terms and conditions

to subscribers in different classifications. Authorizations will be granted hereunder only, however, on the condition that charges and terms or conditions of service will be applied uniformly to all subscribers within reasonable classifications. Contracts between the station licensee and other persons participating in the determination of charges and terms of service to subscribers must provide for compliance with this requirement.

REPORTS

30. Grantees authorized hereunder to conduct subscription television operations will be required to furnish such periodical and other reports as may be requested by the Commission concerning all aspects of the subscription television operation, including functions performed by the grantee as well as the conduct by other persons of the functions of installing and maintaining encoding and decoding equipment, entering into contracts with subscribers, the dissemination of all decoding information to subscribers, the fixing and collection of charges, distribution of the proceeds, the obtaining of programs, and generally all aspects of the technical operation of the system and its business administration. Contracts between the station licensee and any other persons, such as the system franchise holder, participating in the operation, must provide for full disclosure by the latter of all information concerning these matters which may be requested by the Commission.

RULES APPLICABLE TO SUBSCRIPTION TELEVISION OPERATIONS

31. Except insofar as they may be waived by the Commission in authorizations issued hereunder, the rules applicable to regular television broadcasting operations will be applicable to subscription television operations. These include:

Section 3.654 concerning disclosure of the identities of persons providing consideration directly or indirectly for transmissions by the station. (This is not intended to require the announcement of names of subscribers.)

Section 3.655 concerning the rebroadcasting of television programs.

Section 3.657 concerning equal opportunities for the use of facilities of television stations by candidates for political office.

Sections 3.663 and 3.664 concerning the maintenance and retention of logs, except that logs covering all station operations, both subscription and regular, during the period of any authorizations issued hereunder, must be retained until further notice, and may not be disposed of after two years, as permitted under § 3.664 for stations performing regular operations only.

INFORMATION TO BE SUBMITTED BY APPLICANTS

32. Applications for authorizations to conduct subscription television operations must contain the following information and be accompanied by executed contracts between the applicant and the

persons designated below covering the matters indicated. Applications and documents submitted therewith must be filed in an original and fourteen copies.

A. Complete, detailed description of the design and method of operation of any encoding and decoding or other equipment to be used in the proposed subscription television operation. If requested by the Commission, applicants must furnish to the Commission's laboratory at Laurel, Maryland, models of all decoding and other portable equipment to be used in the operation, and must make available for inspection by Commission representatives any non-portable equipment such as an encoders proposed to be used. At the Commission's discretion, action may be withheld on applications until the Commission has had an opportunity to inspect models of the equipment proposed to be used and to observe the operation of such equipment.

B. Complete, detailed statement describing in all particulars the manner in which the proposed operation will be conducted, including:

(1) The methods for disseminating any decoding information needed by subscribers, and for billing and collecting charges, including installation charges, monthly charges, charges per program or any other charges payable by subscribers.

(2) A complete statement of the terms and conditions under which contracts will be entered into with subscribers; also, a statement as to whether the proposed subscription television service will be made available to all persons applying for it, and if not, a statement of the basis upon which subscribers will be selected.

(3) The approximate number of subscribers it is intended to serve during the proposed operation.

(4) Available information concerning the contemplated range of minimum and maximum charges to subscribers for the various types of subscription television programs it is proposed to offer to the public.

(5) Answers to questions in Table I, section II and Question No. 4 in section III of FCC Form No. 301, with respect to any person or persons who would perform, supervise, participate in or control the performance of any of the following functions:¹

(a) Provision of encoders and any other equipment required for the transmission of subscription television programs other than equipment used by the television station for its regular operation.²

¹ References in Form 301 to "applicant" will be understood to include both the applicant hereunder and any other person or persons described in B(5). References in section III, Question 4 of Form 301 to "station" and to "the purchase or construction of the station" will be understood to refer to the local subscription television operation. Applicants need not resubmit information already on file with the Commission.

² In the case of equipment manufacturers, the name and address will suffice, except where the information specified under B(5) is required for such manufacturers under B(5) (c), (d) or (e).

(b) Provision of decoding or other equipment required for the intelligent reception of subscription television programs by the subscriber.²

(c) Determination of the charges, terms and conditions of service to subscribers and of payments to the television station for its participation in the proposed subscription.

(d) Selection and procurement of subscription television programs for local transmission.

(e) Dissemination of decoding information to subscribers, billing, and other related functions.

(6) Detailed information concerning commitments obtained and negotiations under way for the provision of subscription programs to be offered to subscribers during the proposed subscription television operations.

(7) Statement of intention with respect to the transmission of commercial announcements during subscription television programs. (The Commission understands from proposals before it in this proceeding that the proponents do not contemplate the inclusion of commercial announcements in subscription television programs.)

C. Applications must be accompanied by copies of executed operating agreements between the applicant licensee and any person (local community franchise holder for the subscription television system to be employed, holder of patents on equipment to be used, patent licensees or any other person) who would perform, supervise, participate in or control the performance of any of the functions enumerated under B(5) above. Such agreements must:

(1) State, in full detail, all the undertakings and understandings between the applicant and such other persons which will govern the conduct of all aspects of the proposed subscription television operation.

(2) Contain the provisions required by paragraphs 18, 19, 20, 21, 28 and 29 hereof, and provide that participation in the operation by the station licensee is conditional on compliance therewith by the other contracting party or parties.

(3) Provide that no amendments thereto shall take effect until they have been filed with the Federal Communications Commission:

D. If the performance of any of the functions listed under B(5), above, by the person with whom applicant enters into an operating agreement, is the subject of any contract, agreement or understanding between such person and any third person, applications filed hereunder must be accompanied by copies of such contracts, agreements or understandings.

Adopted: March 23, 1959.

Released: March 24, 1959.

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

[F.R. Doc. 59-2730; Filed, Mar. 31, 1959; 8:50 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

PAPER AND PULP INDUSTRY

Notice of Extension of Time To Submit Exceptions

On March 13, 1959, notice was published in the FEDERAL REGISTER (24 F.R. 1841-1843) of the tentative decision in the redetermination of prevailing minimum wages in the paper and pulp industry. The notice provided that within fifteen days from the date of its publication interested persons could submit to the Secretary of Labor, United States Department of Labor, Washington 25, D.C., their written exceptions to the proposed actions.

Notice is hereby given, upon cause shown, that the time for filing such written exceptions with the Secretary of Labor is extended to April 18, 1959.

Signed at Washington, D.C., this 26th day of March 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-2725; Filed, Mar. 31, 1959; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Exemption From the Requirement of a Tolerance for Residues of Methylene Chloride

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued: A petition has been filed by Research Products Company, 625 East Crawford Street, Salina, Kansas, proposing the

establishment of an exemption from the requirement of a tolerance for residues of methylene chloride from use as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

The analytical methods proposed in the petition for determining residues of methylene chloride are the methods described in the following references:

Mapes, D. A., and Shrader, S. A., Journal of the Association of Official Agricultural Chemists, Volume 40, pages 180-185 (February 1957).

Sykes, J. F., and Klein, A. K., *ibid.*, pages 203-206.

Dated: March 26, 1959.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F.R. Doc. 59-2703; Filed, Mar. 31, 1959; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

STATEMENTS OF GENERAL POLICY

Rates for Military Traffic; Extension of Time for Filing Comments

MARCH 30, 1959.

The Board gave notice on March 10, 1959 (24 F.R. 1866), that it had under consideration the adoption of a proposed statement of general policy on rates for military traffic, to become effective July 1, 1959. In its notice the Board requested that interested parties submit such comments as they may desire on or before March 31, 1959.

Good cause therefor appearing, the Board has decided to extend the date for return of comments on the policy outlined in its aforesaid notice to April 10, 1959. Notice, therefore, is hereby given that the time within which comments on Part 399—Statements of General Policy, Rates for Military Traffic, will be received is extended to April 10, 1959.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59-2762; Filed, Mar. 31, 1959; 8:51 a.m.]

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

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

Big Flat Creek Public Service Site

T. 22 N., R. 7 E., Unsurveyed,

Sec. 24, located in S $\frac{1}{2}$ as follows:

Beginning at Corner No. 1, said corner being north 21°07' east, 11,718.11 feet from the $\frac{1}{4}$ section corner on the south boundary of Section 35, T. 22 N., R. 7 E., B. M., on the Fifth Standard Parallel north; and south 35°34' west, 734.46 feet from U.S.L.M. No. 3473; thence south 85°02' west, 577.40 feet to Corner No. 2, thence north 46°33' east, 1431.28 feet to Corner No. 3, thence north 47°41' east, 1177.28 feet to Corner No. 4, thence south 52°02' east, 544.51 feet to Corner No. 5, thence south 53°51' west, 896.45 feet to Corner No. 6, thence south 50°18' west, 1351.89 feet to Corner No. 1, the place of beginning.

The tract described contains 23.93 acres, more or less, and conforms to the exterior boundaries of Mineral Survey 3473.

J. R. PENNY,
State Supervisor.

[F.R. Doc. 59-2705; Filed, Mar. 31, 1959; 8:47 a.m.]

Fish and Wildlife Service

[Director's Order 9]

DESIGNATED OFFICIALS OF BUREAU OF SPORT FISHERIES AND WILDLIFE

Delegation of Authority With Respect to Assignment, Transfer and Disposal of Real Property and Related Personal Property

MARCH 26, 1959.

SECTION 1. *Delegation.* The Regional Directors, Administrative Officers, and Property Management Officers, Regions 1 to 6, inclusive, with respect to real property improvements having a fair market value of \$10,000 or less, located on Government-owned land or on land leased to the Government which Government-owned or lease-hold interest is not excess and is not expected to become excess, may each exercise the authority granted the Director, Bureau of Sport Fisheries and Wildlife by section 2 of Order 2830 (23 F.R. 7127).

SEC. 2. *Exercise of authority.* The authority granted by section 1 of this order shall be exercised in accordance with the provisions of section 3 of Order 2830 and the regulations of the Bureau of Sport Fisheries and Wildlife.

SEC. 3. *Redelegation.* The authority granted by this order may not be re-delegated.

(Secretary's Order 2830; Commissioner's Order No. 4)

D. H. JANZEN,
Director.

[F.R. Doc. 59-2704; Filed, Mar. 31, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 24, 1959.

The Department of Agriculture has filed an application, Serial Number Idaho 010061, for the withdrawal of the lands described below, from all forms of ap-

propriation under the General Mining Laws subject to valid existing claims, but not the Mineral Leasing Laws. The applicant desires the land for the Big Flat Creek Public Service Site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

DEPARTMENT OF COMMERCE

Federal Maritime Board

FJELL LINE ET AL.

Notice of Agreements Filed for Approval

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

(1) Agreement No. 8357, between the carriers comprising the Fjell Line joint service, Den Norske Amerikaline A/S (Norwegian America Line), and Oranje Lijn (Maatschappij Zeetransport) N.V., covers an arrangement for the scheduling of sailings and the apportionment of operating results on cargo transported in the trade between ports of the Great Lakes of the United States and Canada, and Atlantic and St. Lawrence ports of Canada, on the one hand, and Scandinavian and Baltic ports, on the other hand.

(2) Agreement No. 8358, between Concordia Line A/S and Fred. Olsen & Co. (carriers comprising the Concordia Line—Great Lakes Service joint service), the carriers comprising the Fjell Line joint service and Oranje Lijn (Maatschappij Zeetransport) N.V., covers an arrangement for the scheduling of sailings and the apportionment of operating results on cargo transported in the trade between ports of the Great Lakes of the United States and Canada, the St. Lawrence River and Seaway, Newfoundland and the Canadian Maritimes, on the one hand, and ports in the Mediterranean and adjacent seas, on the other hand.

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

Dated: March 26, 1959.

By order of the Federal Maritime Board.

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

[F.R. Doc. 59-2721; Filed, Mar. 31, 1959; 8:49 a.m.]

[Docket No. 815]

COMMON CARRIERS BY WATER, STATUS OF EXPRESS COMPANIES TRUCK LINES AND OTHER NON-VESSEL CARRIERS

Notice of Prehearing Conference

Pursuant to notice of investigation and hearing, published in the FEDERAL REGISTER of March 19, 1957 (22 F.R. 1788) and supplemental orders entered herein on April 11, 1957, April 28, 1958,

No. 63—4

November 17, 1958, and January 26, 1959, a prehearing conference, pursuant to Rule 6(d) of the Board's rules of practice and procedure (46 CFR 201.94), will be held in this proceeding before the undersigned, beginning at 10 a.m., May 5, 1959, in Room 4519, New General Accounting Office Building, 441 G Street NW., Washington, D.C.

Dated at Washington, D.C., March 26, 1959.

ARNOLD J. ROTH,
Presiding Examiner.

[F.R. Doc. 59-2722; Filed, Mar. 31, 1959; 8:49 a.m.]

Office of the Secretary

JOHN H. CLEMSON

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 in the last six months.

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

This statement is made as of March 1, 1959.

JOHN H. CLEMSON.

MARCH 11, 1959.

[F.R. Doc. 59-2723; Filed, Mar. 31, 1959; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9771]

BONANZA AIR LINES, INC., AND PACIFIC AIR LINES, INC.

Notice of Postponement of Hearing

In the matter of the Complaint by Bonanza Air Lines, Inc. against Pacific Air Lines, Inc.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned to be held on March 30, 1959, has been postponed indefinitely at the request of the Office of Compliance.

Dated at Washington, D.C., March 27, 1959.

[SEAL] **FRANCIS W. BROWN,**
Chief Examiner.

[F.R. Doc. 59-2726; Filed, Mar. 31, 1959; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12742 etc.; FCC 59M-385]

GRANITE CITY BROADCASTING CO. AND CUMBERLAND PUBLISHING CO. (WLSI)

Order Continuing Hearing

In re applications of Selbert McRae Wood, Clagett "Woody" Wood, Tycho

Heckard Wood and Paul Edgar Johnson, d/b as Granite City Broadcasting Company, Mount Airy, North Carolina, Docket No. 12742, File No. BP-11811, and Cumberland Publishing Company (WLSI), Pikeville, Kentucky, Docket No. 12743, File No. BP-11997; for construction permits.

On the Examiner's own motion: *It is ordered,* This 25th day of March 1959, that the hearing in the above-entitled proceeding, presently scheduled for March 30, 1959, is hereby continued without date.

Released: March 26, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] **MARY JANE MORRIS,**
Secretary.

[F.R. Doc. 59-2731; Filed, Mar. 31, 1959; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6868]

RIO GRANDE ELECTRIC COOPERATIVE, INC.

Notice of Application

MARCH 25, 1959.

Take notice that on March 18, 1959, Rio Grande Electric Cooperative, Inc. (Cooperative), incorporated under the laws of the State of Texas, with its principal place of business at Brackettville, Texas, filed an application for authorization, pursuant to section 202(e) of the Federal Power Act, to transmit electric energy from the United States to Mexico. The energy proposed to be exported will be sold by the Cooperative to La Dominica, S. A. de C. V. (La Dominica), a Mexican corporation, in accordance with an Agreement for Purchase of Power between the Cooperative and La Dominica, dated November 25, 1958, as amended February 27, 1959, for industrial and residential use in the State of Coahuila, Mexico. The energy proposed to be transmitted to Mexico will be supplied to the Cooperative by West Texas Utilities Company. Such energy will be delivered by the Cooperative to La Dominica at the interboundary boundary between the United States and Mexico by means of a proposed 3 phase, 4 wire, 60 cycle, 14,400/24,900 volt line to be situated in Section 36, Block B-1, G.C. and S.F. Railway Company Survey, Abstract 7442, Brewster County, Texas. The Cooperative represents that the amount of energy to be exported will eventually be 10,000,000 kilowatt-hours annually. In its above-mentioned application, the Cooperative also requests a permit, pursuant to Executive Order No. 10485, dated September 3, 1953, for the construction, operation, maintenance, and connection, at the borders of the United States, of such proposed facilities for the transmission of electric energy between the United States and Mexico.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1959, file with the Federal Power Com-

mission, Washington 25, D.C., a petition or protest in accordance with 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. 59-2701; Filed, Mar. 31, 1959;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1217]

VENTURE SECURITIES FUND, INC.

Notice of Filing of Application for Exemption of Purchase of Securities During Existence of Underwriting Syndicate

MARCH 27, 1959.

Notice is hereby given that Venture Securities Fund, Inc. ("Applicant"), a registered open-end non-diversified investment company has filed an application pursuant to section 10(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 10(f) of the Act the purchase of shares of common stock of Alco Oil & Chemical Corporation in such amount as is permitted by Rule 10f-3.

A registration statement has been filed under the Securities Act of 1933 proposing the offering of 500,000 shares of common stock of Alco Oil & Chemical Corporation (18.3 percent of the total common stock outstanding), a producer of a diversified line of latex compounds which are sold to the textile, paper, agriculture, adhesive and foam industries. Chace, Whiteside & Winslow, Inc. is one of the principal underwriters who propose the offering of said shares which are presently owned by controlling stockholders who will continue to be in control following the sale. Andrew N. Winslow, Jr. is a Director of Applicant and is also the Secretary and a Director of Chace, Whiteside & Winslow, Inc.

Section 10(f) of the Act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director or investment adviser of such registered company is an affiliated person, unless the Commission by order grants an exemption therefrom as consistent with the protection of investors. By reason of the affiliation as stated above, the proposed purchases are prohibited by the provisions of section 10(f) of the Act. The proposed purchase would not meet the requirements of Rule 10f-3 for the reason that the underwriting commissions are expected to exceed the limitations as stated therein.

Notice is further given that any interested person may, not later than April 10, 1959, at 1:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matters and may request that a hearing be held, such request stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-2769; Filed, Mar. 31, 1959;
9:09 a.m.]

GENERAL SERVICES ADMINISTRATION

QUININE HELD IN THE NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 13,860,000 ounces of quinine now held in the national stockpile.

The Office of Defense Mobilization (one of the predecessor agencies of the Office of Civil and Defense Mobilization) made a revised determination pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling quinine. The revised determination was by reason of obsolescence of quinine for use in time of war and was based upon the finding of the Office of Defense Mobilization that new and better materials, within the meaning of section 3(e) (2) of the Act, have been developed for the uses for which quinine was stockpiled.

General Services Administration proposes to negotiate for the sale of the total quantity of said quinine, delivery to be spread over a number of years.

It is believed that this plan of disposition will protect the United States against avoidable loss on the sale of the quinine and also protect producers, processors, and consumers against avoidable disruption of their usual markets.

It is proposed to make such quinine available for sale beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

Dated: March 25, 1959.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 59-2702; Filed, Mar. 31, 1959;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 79]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICE

MARCH 27, 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 13123 (Deviation No. 3), WILSON FREIGHT FORWARDING COMPANY, 3636 Follett Avenue, Cincinnati 23, Ohio, filed March 25, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over eight deviation routes (A) between Cleveland, Ohio, and Elizabeth, N.J., as follows: from Interchange No. 11 of the Ohio Turnpike at Cleveland, over the Ohio Turnpike and access routes to junction Pennsylvania Turnpike, thence over the Pennsylvania Turnpike and access routes to junction New Jersey Turnpike, thence over the New Jersey Turnpike and access routes to Interchange No. 14 at Elizabeth; (B) between Louisville, Ky., and junction Kentucky Turnpike and U.S. Highway 31W, as follows: from Louisville over the Kentucky Turnpike and access routes to junction U.S. Highway 31W; (C) between Buffalo, N.Y., and New York, N.Y., as follows: from Buffalo over the New York State Thruway and access routes to New York; (D) between Charleston, W. Va., and junction West Virginia Turnpike and U.S. Highway 460, as follows: from Charleston over the West Virginia Turnpike and access routes to junction U.S. Highway 460 at Interchange No. 6 of the said Thruway; (E) between Albany, N.Y., and Boston, Mass., as follows: from Albany over the New York State Thruway and access routes to junction Massachusetts Turnpike, thence over the Massachusetts Turnpike and access routes to Boston; (F) between New Haven, Conn., and junction Connecticut Turnpike and U.S. Highway 6,

as follows: from New Haven over the Connecticut Turnpike and access routes to junction U.S. Highway 6; (G) between the Delaware Memorial Bridge and Elizabeth, N.J., as follows: from the Delaware Memorial Bridge over the New Jersey Turnpike and access routes to Elizabeth; and (H) between Interchange No. 1 of the Indiana Turnpike at or near Hammond, Ind., and the Westgate Gateway of the Ohio Turnpike, as follows: from Interchange No. 1 of the Indiana Turnpike over the Indiana Turnpike to the Westgate Gateway of the Ohio Turnpike; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Cleveland, Ohio over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to Rochester, Pa., thence over Pennsylvania Highway 88 to Pittsburgh, Pa.; from Pittsburgh, Pa., over U.S. Highway 22 to Elizabeth, N.J.; from Pittsburgh, Pa., over U.S. Highway 30 to Philadelphia, Pa.; from Pittsburgh, Pa., over U.S. Highway 19 to Washington, Pa.; from Washington, Pa., over U.S. Highway 40 to Baltimore, Md.; from Lancaster, Pa., over U.S. Highway 230 to Harrisburg, Pa.; from Washington, Pa., over U.S. Highway 40 to junction U.S. Highway 220, thence over U.S. Highway 220 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, D.C.; from Baltimore, Md., over U.S. Highway 1 to Washington, D.C.; from Baltimore, Md., over U.S. Highway 140 to Gettysburg, Pa., thence over U.S. Highway 15 to junction Pennsylvania Highway 74, thence over Pennsylvania Highway 74 to Carlisle, Pa.; from Philadelphia, Pa., over U.S. Highway 1 to Elizabeth, N.J.; from Pennsylvania Turnpike over Pennsylvania Highway 126 to junction U.S. Highway 522, thence over U.S. Highway 522 to junction U.S. Highway 40; from Louisville, Ky., over U.S. Highway 31W to junction Kentucky Turnpike; from Buffalo, N.Y., over U.S. Highway 20 to junction New York Highway 17, thence over New York Highway 17 to junction New York Highway 7, thence over New York Highway 7 to junction U.S. Highway 20, thence over U.S. Highway 20 to Albany, N.Y.; from Buffalo, N.Y., over U.S. Highway 20 to Albany, N.Y.; from junction New York Highways 17 and 7, at Binghamton, N.Y., over New York Highway 17 to junction New York Highway 17K, thence over New York Highway 17K to junction New York Highway 9W, at or near Newburgh, N.Y.; from Albany, N.Y., over U.S. Highways 9 and 9W to New York, N.Y.; from Painted Post, N.Y., over U.S. Highway 15 to East Avon, N.Y.; from Huntington, W. Va., over U.S. Highway 60 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 52; from Huntington, W. Va., over U.S. Highway 52 to junction U.S. Highway 11; from Albany, N.Y., over U.S. Highway 20 (also over U.S. Highway 20 to Pittsfield, Mass., thence over Massachusetts Highway 9 to Boston), to Boston, Mass.; from New Haven, Conn., over U.S. Highway 1 to junction U.S. Highway 6; from Balti-

more, Md., over U.S. Highway 1 to Elizabeth, N.J.; and from Hammond, Ind., over U.S. Highway 20 to Columbia, Ohio; and return over the same routes.

No. MC 421839 appearing on page 2319 of the March 25, 1959, issue of the FEDERAL REGISTER is in error. The correct MC number is 252.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-2719; Filed, Mar. 31, 1959;
8:49 a.m.]

[Notice 6]

**APPLICATIONS FOR MOTOR CARRIER
CERTIFICATE OR PERMIT COVER-
ING OPERATIONS COMMENCED
DURING THE "INTERIM" PERIOD,
AFTER MAY 1, 1958, BUT ON OR
BEFORE AUGUST 12, 1958**

MARCH 27, 1959.

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

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

No. MC 112565 (Sub No. 1), filed November 24, 1958. Applicant: COAST TRANSPORT, INC., 1906 Southeast 10th Avenue, Portland, Ore. Applicant's attorney: Stephen Parker, 705 Yeon Building, Portland 4, Ore. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from Burley, Idaho, Hillsboro, and Stayton, Ore., and Arlington, Wash., to Seattle, Wash., and Tucson and Phoenix, Ariz.

NOTE: Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 114655 Sub No. 1; therefore, dual operations under section 210 may be involved. Applicant's president is also president of F & A Refrigerated Express, Inc., conducting common carrier operations under temporary authority in No. MC 117373 Sub No. 1 TA. Common control may be involved.

No. MC 113678 (Sub No. 6), filed December 10, 1958. Applicant: CURTIS, INC., 770 East 51st Street, Denver, Colo. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables and cocoa beans*, in straight and mixed loads with *certain exempt commodities* from points in Michigan, New York, Nebraska, Pennsylvania, and Massachusetts, to points in Colorado, Illinois, Missouri, and Minnesota.

NOTE: Applicant indicates it also transports all exempt commodities in the same vehicle with the above-described commodities.

No. MC 113843 (Sub No. 33), filed December 8, 1958. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea and bananas* in straight and in mixed loads with *certain exempt commodities*, from points in Massachusetts, Maine, New York, Pennsylvania, Michigan, Illinois, Virginia, Maryland, and Ohio, to points in Ohio, Maine, Massachusetts, Michigan, Rhode Island, Connecticut, Minnesota, Missouri, Colorado, Indiana, Wisconsin, Virginia, Oklahoma, New Jersey, Kentucky, Tennessee, Pennsylvania, Kansas, Texas, Florida, New York, and Indiana.

No. MC 117374 (Sub No. 3), filed December 2, 1958. Applicant: P & A REFRIGERATED EXPRESS, INC., 1011 Southeast Salmon Street, Portland, Ore. Applicant's attorney: Stephen Parker, 705 Yeon Building, Portland 4, Ore. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from Hillsboro, Forest Grove, Gresham, Portland, Weston, and Woodburn, Ore., Burley and Nampa, Idaho, Benton Harbor, Mich., and Watsonville, Calif., to Dallas, Tex., Tulsa and Oklahoma City, Okla., Los Angeles, Calif., Marshfield, Appleton, and Milwaukee, Wis., Livingston, Mont., Cedar Rapids and Des Moines, Iowa, Chicago, Ill., Denver, Colo., Jersey City, N.J., Tucson, Ariz., Fort Wayne, Ind., Pocatello and Nampa, Idaho, and Hillsboro, Ore.

No. MC 117900, filed November 28, 1958. Applicant: L. S. CHERRY, 2202 North Glenstone, Springfield, Mo. Applicant's attorneys: Chinn and White, 808 Woodruff Building, Springfield, Mo. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Mobile, Ala., and Tampa, Fla., to Pittsburg and Coffeyville, Kans., and Springfield, Mo.

NOTE: Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 115991; therefore, dual operations under Section 210 may be involved.

No. MC 118031, filed December 5, 1958. Applicant: TRUCK TRANSPORT CORPORATION, 2535 Airport Way, Seattle, Wash. Applicant's representative: Joseph O. Earp, Smith Tower, 28th Floor, Seattle 4, Wash. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in California, Oregon, and Washington to ports of entry in Washington on the International Boundary line between the United States and Canada, destined to points in Canada.

No. MC 118096, filed December 9, 1958. Applicant: THE FLORENCE BEEF COMPANY, a corporation, 208 South Eutaw Street, Baltimore 1, Md. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., to Cleveland, Youngstown, Cambridge, and Akron, Ohio, Buffalo, Rochester, Schenectady, and Oneonta, N.Y., Detroit, Mich., Pittsburgh and Sharon, Pa., Milwaukee, Wis., Chicago, Ill., and Landover, Md.

No. MC 118196 (Sub No. 1), filed December 9, 1958. Applicant: JAMES E. RAYE, doing business as JIMMY RAYE AND COMPANY, Jasper, Mo. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from points in California, Idaho, Oregon and Washington to points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, and Texas.

No. MC 118354, filed December 10, 1958. Applicant: REFRIGERATED SERVICE, INC., Route 2, Box 115, Walla Walla, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, berries and vegetables*, from points in Yamhill County, Oreg., Nez Perce and Canyon Counties, Idaho, and Columbia and Garfield Counties, Wash., to points in Indiana, Wisconsin, Oregon, and California.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-2720; Filed, Mar. 31, 1959;
8:49 a.m.]

[Notice 262]

MOTOR CARRIER APPLICATIONS

MARCH 27, 1959.

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

other procedural matters with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Sub No. 153), filed February 13, 1959. Applicant: HERRIN TRANSPORTATION COMPANY, a Corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, 617 First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant sites of General Motors Corporation and the National Cash Register Company, located on U.S. Highway 1 approximately six (6) miles south of Jacksonville, Fla., as off-route points in connection with applicant's authorized regular route operations to and from Jacksonville, Fla. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Louisiana, Oklahoma, Tennessee, and Texas.

HEARING: May 8, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 2202 (Sub No. 169), filed January 16, 1959. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction South Carolina Highway 72 and U.S. Highway 176 at or near Whitmire, S.C., and Augusta, Ga., from junction South Carolina Highway 72 and U.S. Highway 176 at or near Whitmire, over U.S. Highway 176 to junction South Carolina Highway 19, thence over South Carolina Highway 19 to junction U.S. Highway 25, and thence over U.S. Highway 25 to Augusta, and return over the same route, serving no intermediate points, and serving junction South Carolina Highway 72 and U.S. Highway 176, junction U.S. Highway 176 and South Carolina Highway 19, and junction South Carolina Highway 19 and U.S. Highway 25 all for the purpose of joinder only. Applicant is authorized to conduct operations in Alabama, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: May 15, 1959, at the Wade Hampton Hotel, Columbia, S.C., before Joint Board No. 131, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 3379 (Sub No. 39), filed February 20, 1959. Applicant: SNYDER BROTHERS MOTOR FREIGHT, INC., 363 Staunton Avenue, Akron, Ohio. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Canned goods*, serving Mt. Jackson, Va., as an intermediate point, and Timberville and Berryville, Va., as off-route points, in connection with applicant's authorized regular route operations between Akron, Ohio and Norfolk, Va., over U.S. Highway 11. Serving Sharon and New Castle, Pa., as off-route points in connection with applicant's authorized regular route operations between Akron, Ohio and Norfolk, Va., over Pennsylvania Highway 51. Serving points in Ohio located on and east of Ohio Highway 4 and on and north of a line beginning at junction Ohio Highways 7 and 151 near the Ohio River, and extending westward along Ohio Highway 151 to junction U.S. Highway 250, thence along U.S. Highway 250 to Wooster, Ohio, thence along U.S. Highway 30 to junction U.S. Highway 30-S, thence along U.S. Highway 30-S to junction Ohio Highway 19, thence along Ohio Highway 19 to junction Ohio Highway 4 at Bucyrus, in connection with applicant's authorized regular route operations between Akron, Ohio and Norfolk, Va. Applicant is authorized to conduct operations in Maryland, Ohio, Virginia, West Virginia, and the District of Columbia.

HEARING: May 5, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 4095 (Sub No. 3) filed February 2, 1959. Applicant: HIGHWAY FREIGHT, INC., 147 Terminal Street, Newark 5, N.J. 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: *Chemicals, fertilizer, skids, bags, cleaning compounds, building materials, and equipment, iron and iron products, and steel and steel products*, between points in Essex and Middlesex Counties, N.J., on the one hand, and, on the other, Newark, N.J. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

NOTE: Applicant states that the instant application is filed for the purpose of tacking the above and the authority now held by applicant under Docket No. MC 4095 (Sub No. 2), dated April 29, 1953, to eliminate the gateway of New York, N.Y., used in connection with its present authority in Docket No. MC 4095, dated April 7, 1949, authorizing the transportation of General commodities (without exceptions), over irregular routes, between New York, N.Y., and Newark, N.J., and to use Essex and Middlesex Counties, N.J. as the gateways in conducting operations from and to points in the Newark, N.J. terminal area.

HEARING: May 12, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 4405 (Sub No. 327), filed March 16, 1959. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movement by truckaway and driveaway, from Milton, Pa., to points in the United States; and (2) *tractors*, in secondary movements, via driveaway, ONLY when drawing trailers moving in initial movement by the driveaway method, from Milton, Pa., to points in Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 7, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 15167 (Sub No. 24), filed January 15, 1959. Applicant: PAUL F. CULLUM, doing business as CULLUM TRUCKING COMPANY, 1281 West Side Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coke* (the direct products of coal), in bulk, in dump vehicles, equipped with automatic hoists, from the Plant Site of Koppers Company, Inc., at Kearny, N.J., to East Greenville, Linfield, and Topton, Pa. (2) *Inedible fish oils, vegetable oils, sea animal oils and derivatives thereof* (except solvents), in bulk, in tank vehicles, from the sites of the Plants of Archer-Daniels-Midland Company at Elizabeth and Newark, N.J., to The Milford Plant Company at Milford, N.H. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

HEARING: May 4, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 22195 (Sub No. 66), (Republication) filed December 11, 1958. Applicant: DAN S. DUGAN, doing business as DUGAN OIL AND TRANSPORT CO., 41st Street and Grange Avenue, P.O. Box 946, 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 report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, in tank vehicles, from Rock Rapids, Iowa, and points within five (5) miles thereof, to points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 218 to Owatona, thence along U.S. Highway 65 to Northfield, thence along Minnesota Highway 19 to Winthrop, thence along Minnesota Highway 15 to Dassel, thence along U.S. Highway 12 to Willmar, thence along U.S. High-

way 71 to Blackduck, and thence along Minnesota Highway 72 to the Canadian Boundary, and *rejected shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Iowa, South Dakota, North Dakota, Minnesota, and Nebraska.

NOTE: Applicant states it is authorized to conduct operations from Sioux Falls and Watertown, S. Dak., to the Minnesota territory herein sought, also from Rock Rapids, Iowa to points in South Dakota, serving the Minnesota territory by use of gateways at Sioux Falls and Watertown; applicant states no additional authority is sought herein and that the sole purpose of the application is to eliminate wasteful transportation in its present use of gateways at Sioux Falls and Watertown, S. Dak.

HEARING: May 13, 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 Reece Harrison.

No. MC 22619 (Sub No. 11), (REPUBLICATION) filed January 26, 1959, published issue of March 11, 1959. Applicant: PULLEY FREIGHT LINES, INC., East 24th and Easton Boulevard, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Pekin, Ill., to points in Iowa. Applicant is authorized to conduct operations in Iowa, Kansas, Nebraska, Minnesota, Illinois, Indiana, Wisconsin, and Missouri.

NOTE: A proceeding, which is pending final determination has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 22619 (Sub No. 10).

HEARING: Remains as assigned April 15, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 54, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 29566 (Sub No. 57), filed February 24, 1959. Applicant: SOUTHWEST FREIGHT LINES, INC., 1500 Kansas Avenue, Kansas City, Kans. Applicant's attorney: Thomas N. Dowd, Ring Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea and fertilizer compounds* (manufactured fertilizers), in bulk or in bags, (1) from Military, Kans., to points in Illinois, Iowa, and Missouri, and (2) from Henderson, Ky., to Military, Kans. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wyoming.

NOTE: Applicant has irregular route authority in MC 29566 (Sub No. 50), dated January 3, 1958, to transport Ammonium nitrate fertilizer from Military, Kans., to points in Illinois, Iowa, Indiana, Kentucky, and Missouri. Any duplication with present authority to be eliminated.

HEARING: May 15, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Reece Harrison.

No. MC 30022 (Sub No. 81), filed March 10, 1959. Applicant: PAUL S. CREBS, Ninth Street, Northumberland, Pa. Applicant's attorney: Richard V. Zug, 1418 Packard Building, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, and hardware and materials* used in the manufacture of furniture, from New York, N.Y., to New Berlin, Union County, Pa.; *refrigerators, freezers, washers, dryers, ranges and air conditioners*, all crated, from Connorsville, Ind., to points in Blair, Bedford, Cambria, Center, Clearfield, Fulton, Huntingdon, Mifflin, and Snyder Counties, Pa., and to points in Allegany County, Md.; and *returned or rejected shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Pennsylvania, Maryland, Rhode Island, Delaware, Illinois, Ohio, Connecticut, Massachusetts, New York, New Jersey, the District of Columbia, Missouri, Michigan, Indiana, Virginia, West Virginia, Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: May 7, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 30844 (Sub No. 34), filed October 13, 1958. Applicant: ALLEN E. KROBLIN, INCORPORATED, doing business as KROBLIN REFRIGERATED XPRESS, Sumner, Iowa. Applicant's attorney: William B. Mooney, First National Bank Building, Waverly, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Soap, soap products, washing compounds, lye, bleach and toilet articles*, (1) from Chicago, Ill., to Chariton, Iowa, from Chicago over U.S. Highway 34 to the junction of Illinois Highway 92, near La Moille, Ill., thence over Illinois Highway 92 via Moline, Ill., to the Mississippi River, thence across the Mississippi River to the junction of Iowa Highway 92, thence over Iowa Highway 92 to Knoxville, Iowa, thence over Iowa Highway 14 to Chariton, serving no intermediate points; (2) between points in Iowa, on the one hand, and, on the other, points in Oklahoma, Missouri, Kansas, Colorado, Nebraska, Arkansas, Texas, Ohio, Indiana (except Indianapolis), and those in that part of Illinois on and south of U.S. Highway 36. Applicant is authorized to conduct operations in Illinois, Iowa, Nebraska, Kansas, Missouri, Ohio, Indiana, Arkansas, Oklahoma, Michigan, Pennsylvania, New York, Colorado, Minnesota, South Dakota, and Wisconsin.

NOTE: The application is accompanied by a Petition to Dismiss on the grounds that the commodities requested are presently authorized to be transported under the general heading of Groceries and Canned Goods.

HEARING: May 4, 1959, at the Federal Office Bldg., Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 30844 (Sub No. 36), filed January 26, 1959. Applicant: ALLEN E. KROBLIN, INCORPORATED, doing business as KROBLIN REFRIGERATED

EXPRESS, Sumner, Iowa. Applicant's attorney: William B. Mooney (same address as applicant). Authority sought to operate as a *common-carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, including acids in carboys and metal containers, from Wyandotte, Midland, Trenton and Ludington, Mich., to Sumner, Dubuque, Ottumwa, Waterloo, Mason City, Ames, Anamosa, and Marshalltown, Iowa. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin.

HEARING: May 8, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 30887 (Sub No. 90), filed March 9, 1959. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's representative: Donald E. Freeman, 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, in trailer vehicles, and *liquid commodities*, in bulk, in trailer vehicles (except sugar and milk), between points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, 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.

NOTE: Applicant requests elimination of duplicating authority.

HEARING: July 13, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 34930 (Sub No. 18), filed March 23, 1959. Applicant: PRUE MOTOR TRANSPORTATION, INC., Maplewood Avenue, Portsmouth, N.H. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Brunswick, Maine, and points in Cumberland and Sagadahoc Counties, Maine, to Portsmouth, Newington, and Manchester, N.H.; and *returned, refused or rejected shipments* of petroleum products, on return. Applicant is authorized to conduct operations in Maine, New Hampshire, and Massachusetts.

NOTE: Applicant states it is not contemplated by the filing of this application that there be a request for authority which duplicates that which already holds.

HEARING: April 10, 1959, at the Federal Building, Portland, Maine, before Joint Board No. 114, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 52658 (Sub No. 12), filed January 23, 1959. Applicant: JERSEY CENTRAL TRANSPORTATION COMPANY, Jersey City Terminal, Jersey City, N.J. Applicant's attorney: Earle J. Harrington, 143 Liberty Street, New York 6, N.Y. 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 Elizabeth, N.J., and Ludlow, N.J., from the Metropolitan Freight Station of The Central Railroad Company of New Jersey on Division Street, over Division Street to Magnolia Avenue, thence over Magnolia Avenue to Prince Street, thence over Prince Street to Morris Avenue, thence over Morris Avenue to the junction of U.S. Highway 22, thence west over U.S. Highway 22 to Annandale, thence over New Jersey Highway 69 to Hampton, thence over unnamed Township road to Ludlow, and return over the same route; (2) between Elizabeth, N.J., and Rockaway, N.J., from Elizabeth over the above described routes to Annandale, thence over New Jersey Highway 69 to the junction of unnumbered road, thence over unnumbered road to High Bridge, thence over County Road 513 to Long Valley, thence over unnamed Township roads through Bartley and Flanders to Kenvil, thence over U.S. Highway 46 to Dover, thence over U.S. Highway 46 to the junction of County Road 513, thence over County Road 513 to Rockaway, and return over the same route, serving the intermediate or off-route points of White House, Lebanon, Annandale, High Bridge, Hampton, Chester, Califton, Long Valley, Kenvil and Dover, N.J., in connection with the above described routes. Applicant is authorized to conduct operations in New Jersey and Pennsylvania.

NOTE: The carrier states that the proposed operations will be limited to service which is auxiliary to or supplemental of rail service, and carrier will not serve any point other than freight stations on the rail line, and shipments transported by said carrier by motor vehicle shall be limited to those which it receives from or delivers to the railroad under a through bill of lading, covering in addition to movement by said carrier a prior or subsequent movement by rail.

HEARING: May 5, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerly.

No. MC 56082 (Sub No. 28), filed December 10, 1958 (Republication). Applicant: DAVIS & RANDALL, INC., Chautauqua Road, P.O. Box 390, Fredonia, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Malt beverages and advertising materials*, from Dunkirk, N.Y., to points in Erie, Warren, McKean, Potter, Tioga, Crawford, Venango, Mercer, Forest, Elk, Cameron, Clearfield, Jefferson, Clarion, Butler, and Lawrence Counties, Pa., and *empty containers or other such incidental facilities*, such as empty bottles, cases, and kegs, used in transporting the above-specified commodities on return. Applicant is authorized to conduct regular route operations in New York and Pennsylvania, and irregular route operations in Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: May 5, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Donald R. Sutherland.

No. MC 56082 (Sub No. 29), filed January 19, 1959. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising material*, from Newark, N.J., to points in Indiana and Illinois; and *empty containers and empty bottles, cases and kegs*, on return. Applicant is authorized to conduct operations in New York, Pennsylvania, Ohio, New Jersey, West Virginia, Kentucky, and Michigan.

HEARING: May 5, 1959, at Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Donald R. Sutherland.

No. MC 58212 (Sub No. 16), filed February 26, 1959. Applicant: MAAS TRANSPORT, INC., U.S. Highway 2 and North 85 North, Williston, N. Dak. Applicant's attorney: John R. Davidson, 200 American State Bank Building, Williston, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in sacks, from Rapid City, S. Dak., to points in that part of Nebraska bounded by a line beginning at the Nebraska-South Dakota State line and extending south along U.S. Highway 83 to junction U.S. Highway 30, thence west along U.S. Highway 30 to the Nebraska-Wyoming State line, and to points in Wyoming on and east of a line beginning at the Wyoming-Colorado State line and extending north along U.S. Highway 287 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Montana State line, including points on the indicated portions of the highways specified, and *empty containers or other such incidental facilities* (not specified) used in transporting Cement on return. Applicant is authorized to conduct operations in Montana, North Dakota, and South Dakota.

HEARING: May 18, 1959, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 233.

No. MC 59266 (Sub No. 8), filed March 12, 1959. Applicant: JOHN H. YOURGA, doing business as JOHN H. YOURGA TRUCKING, 104 Church

Street, Wheatland, 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* in Groups I, II, and III of Appendix V to the report in Ex Parte No. MC-45, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from points in Mercer County, Pa., to points in Michigan, and *damaged shipments* of the above commodities on return. Applicant is authorized to conduct operations in Delaware and Pennsylvania.

HEARING: May 8, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Herbert L. Hanback.

No. MC 59396 (Sub No. 5), filed March 10, 1959. Applicant: BUILDERS EXPRESS, INC., RD 2, Finderne, N.J., Mailing address: Somerville, N.J. 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: *Dry bulk commodities*, moving in bulk, in bulk equipment, between points in New Jersey. Applicant is authorized to conduct operations in Connecticut, Maryland, New Jersey, New York, and Pennsylvania.

HEARING: July 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 59396 (Sub No. 6), filed March 10, 1959. Applicant: BUILDERS EXPRESS, INC., RD 2, Finderne, N.J., Mailing address: Somerville, N.J. 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: *Dry bulk commodities* (except portland, masonry and hydraulic cement), moving in bulk, in bulk equipment, between points in New Jersey, on the one hand, and, on the other, points in New York, Pennsylvania, Maryland, Delaware, Connecticut, Rhode Island, and Massachusetts. Applicant is authorized to conduct operations in Connecticut, Maryland, New Jersey, New York, and Pennsylvania.

HEARING: July 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy, for the purpose of receiving applicant's evidence.

No. MC 61129 (Sub No. 5), filed March 4, 1959. Applicant: KENNETH L. SWIGART, doing business as B & H FREIGHT LINE, P.O. Box 354, Harrisonville, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Freeman, Mo., as an off-route point in connection with applicant's authorized regular route operations between Garden City, Mo., and Kansas City, Kans., as authorized in MC 61129 (Sub No. 3), dated November 13, 1950. Applicant is authorized to conduct operations in Kansas and Missouri.

HEARING: May 20, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 179, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 74538 (Sub No. 5), filed January 27, 1959. Applicant: SHORT LINE DELIVERY CORP., Route 202, Garnerville, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Rockland County, N.Y., on the one hand, and, on the other, points in Sussex, Morris, Middlesex, Monmouth, Mercer, Somerset, Warren, and Hunterdon Counties, N.J., those in Burlington and Camden Counties, N.J., on and west of New Jersey Highway 537, and Philadelphia, Pa. Applicant is authorized to conduct operations in Connecticut, New Jersey and New York.

HEARING: May 6, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerly.

No. MC 75185 (Sub No. 221), filed January 29, 1959. Applicant: SERVICE TRUCKING CO., INC., Preston Road, Federalsburg, Md. Applicant's attorney: Francis W. McNerny, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen concentrated malt mix*, in mechanically refrigerated vehicles, from points in Florida, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Applicant is authorized to conduct operations in Maryland, New York, Delaware, Pennsylvania, New Jersey, Virginia, New York, the District of Columbia, Connecticut, Rhode Island, Massachusetts, Missouri, Ohio, Illinois, Wisconsin, Michigan, North Carolina, West Virginia, Alabama, Louisiana, Mississippi, Iowa, Nebraska, Georgia, Arkansas, Indiana, Kansas, Kentucky, Missouri, and Tennessee.

HEARING: May 8, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Allan F. Borroughs.

No. MC 80428 (Sub No. 28) (CORRECTION), filed February 11, 1959, published issue March 11, 1959. Applicant: McBRIDE TRANSPORTATION, INC., Main Street, Goshen, N.Y. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, syrup, flavorings, and blends of liquid and invert sugar and corn syrup*, in bulk, in tank vehicles, from Yonkers, N.Y. to Columbus, Cleveland, Toledo, and Cincinnati, Ohio. The purpose of this republication is to remove the comma placed between "invert sugar" and "and corn syrup" in error.

HEARING: Remains as assigned April 10, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 81968 (Sub No. 15), filed February 17, 1959. Applicant: B & L MOTOR FREIGHT, INC., 171 Riverside Drive, Newark, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including liquid commodities*, in bulk, in tank vehicles, but excluding household goods as defined by the Commission, Class A and B explosives, those of unusual value, and those requiring special equipment, other than tank vehicles, between Kansas City, Mo.-Kans., on the one hand, and, on the other, points in Indiana, Kentucky, Ohio, and Tennessee, and those in the lower Peninsula of Michigan. Applicant is authorized to conduct operations in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, and Wisconsin.

NOTE: Applicant states that the above transportation will be conducted under a continuing contract with Owens-Corning Fiberglass Corporation of Toledo, Ohio. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in MC 81968 (Sub No. 13).

HEARING: May 19, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Reece Harrison.

No. MC 84737 (Sub No. 70), filed February 25, 1959. Applicant: NILSON MOTOR EXPRESS, a Corporation, P.O. Box 6038, Harmon Street, Charleston, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Roofing, siding, roofing materials and siding materials*, from Charleston, S.C., to Jacksonville and Jacksonville Beach, Fla. Applicant is authorized to conduct regular route operations in South Carolina, and irregular route operations in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: May 18, 1959, at the Wade Hampton Hotel, Columbia, S.C., before Joint Board No. 354, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 92983 (Sub No. 340), filed February 24, 1959. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Burlington, Iowa, and points within ten (10) miles thereof, to points in Illinois, Indiana, Iowa, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Nebraska, Missouri, Wisconsin, Iowa, Indiana,

Kansas, Arkansas, Ohio, Minnesota, Kentucky, North Carolina, South Carolina, Florida, Louisiana, Tennessee, Michigan, Texas, New York, North Dakota, South Dakota, Pennsylvania, Connecticut, Massachusetts, Georgia, Mississippi, Alabama, and Oklahoma.

HEARING: May 25, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Reece Harrison.

No. MC 94265 (Sub No. 68), filed March 9, 1959. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 4057, Broad Creek Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Crozet, Va., to points in Alabama, Arkansas, Mississippi, and Louisiana. Applicant is authorized to conduct operations in North Carolina, New York, Virginia, District of Columbia, Maryland, South Carolina, Georgia, New Jersey, Alabama, Delaware, Pennsylvania, Illinois, Minnesota, Nebraska, Iowa, Wisconsin, Indiana, Tennessee, Missouri, Ohio, West Virginia, Kansas, Massachusetts, Michigan, and Rhode Island.

HEARING: May 7, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Mack Myers.

No. MC 94265 (Sub No. 69), filed March 9, 1959. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 4057, Broad Creek Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. 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 described in Appendix I to the report in 61 M.C.C. 209, from Mason City and Dubuque, Iowa, to Smithfield and Norfolk, Va. Applicant is authorized to conduct operations in North Carolina, New York, Virginia, District of Columbia, Maryland, South Carolina, Georgia, New Jersey, Alabama, Delaware, Pennsylvania, Illinois, Minnesota, Nebraska, Iowa, Wisconsin, Indiana, Tennessee, Missouri, Ohio, West Virginia, Kansas, Massachusetts, Michigan, and Rhode Island.

HEARING: May 7, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Mack Myers.

No. MC 101082 (Sub No. 7), filed March 2, 1959. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *cement*, in bulk, between points in Illinois and Missouri. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, and Tennessee.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 101082 (Sub No. 4), to determine whether applicant's

status is that of a common or contract carrier.

HEARING: May 27, 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 Reece Harrison.

No. MC 103378 (Sub No. 116), filed February 6, 1959. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methanol* (methyl alcohol), in bulk, in tank vehicles, from points in Santa Rosa County, Fla., to points in Chatham County, Ga. Applicant is authorized to conduct operations in Florida, Georgia, South Carolina, Alabama, and Tennessee.

HEARING: May 13, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 103378 (Sub No. 117), filed February 6, 1959. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in-tank vehicles, from Savannah, Ga., and points within 15 miles thereof to points in North Carolina, and Virginia. Applicant is authorized to conduct operations in Florida, Georgia, South Carolina, Alabama, and Tennessee.

HEARING: April 30, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Walter R. Lee.

No. MC 103435 (Sub No. 83), filed January 19, 1959. Applicant: BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Sioux City, Iowa and Fargo, N. Dak., from Sioux City over U.S. Highway 77 to the junction of U.S. Highway 12, at Molbank, S. Dak., thence over U.S. Highway 12 to the junction of U.S. Highway 81, thence over U.S. Highway 81 to Fargo, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, restricted against any freight originating at and destined to Council Bluffs, Iowa; Omaha, Neb.; Sioux City, Iowa, and Fargo N. Dak.; (2) *Sugar*, from Rapid City, S. Dak., to Appleton, Willmar, Alexandria, Clara City and Ortonville, Minn., and points within 5 miles of each of said cities. Applicant is authorized to conduct operations in Minnesota,

South Dakota, Nebraska, Iowa, Wyoming, Colorado, Utah, Montana, and North Dakota.

HEARING: May 7, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 104654 (Sub No. 123), filed February 11, 1959. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, Belleville, Ill. 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: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Wood River, Ill., and points within 20 miles thereof, to points in Missouri. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Kentucky, Arkansas, Tennessee, and Iowa.

HEARING: May 26, 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 Reece Harrison.

No. MC 104654 (Sub No. 124), filed February 11, 1959. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, Belleville, Ill. 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: *Petroleum and petroleum products*, in bulk, in tank vehicles, from St. Louis, Mo., to points in Illinois on and south of U.S. Highway 136. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Kentucky, Arkansas, Tennessee, and Iowa.

HEARING: May 26, 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 Reece Harrison.

No. MC 106400 (Sub No. 18), filed March 2, 1959. Applicant: KAW-TRANSPORT COMPANY, a Missouri Corporation, 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: *Cement* in minimum loads of thirty thousand (30,000) pounds, between points in Missouri on and west of U.S. Highway 63 and those in Kansas on and east of U.S. Highway 81, on the one hand, and, on the other, points in Missouri, Kansas, Nebraska, Iowa, Oklahoma, and Arkansas. Applicant is authorized to conduct operations in Kansas, Missouri, Nebraska, Iowa, Oklahoma, and Arkansas.

HEARING: May 21, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Reece Harrison.

No. MC 107107 (Sub No. 117), filed February 24, 1959. Applicant: ALTERNATE TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building,

Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus products*, from points in Florida to Norfolk and Richmond, Va., Washington, D.C., and Baltimore, Md. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: May 12, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Allan F. Borroughs.

No. MC 107272 (Sub No. 16), filed February 24, 1959. Applicant: MONKEM COMPANY, INC., 1206 East Sixth Street, Joplin, Missouri. Applicant's attorney: James F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: (1) *Salt, salt compounds and salt products*, from the site of the American Salt Corporation plant approximately one mile south of Lyons, Kansas, to points in Missouri on and south of U.S. Highway 50 (except Kansas City) and those in Arkansas on and north of a line extending from the Arkansas-Oklahoma State line, east along Arkansas Highway 10 to Little Rock, and thence east along U.S. Highway 70 to the Mississippi River. (2) *Bulk salt*, from Kanapolis, Kansas, and points within 5 miles thereof, to Joplin, Mo., and Westville and Tahlequah, Okla., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, and Wisconsin.

HEARING: May 18, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Reece Harrison.

No. MC 109637 (Sub No. 103), filed January 23, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Jeffersonville, Ind., to points in Kentucky and Tennessee, 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 Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: May 6, 1959, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 264, or, if the Joint

Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 109637 (Sub No. 105), filed January 29, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in both carrier-owned and shipper-owned vehicles, from Mt. Vernon, Ind., and points within five (5) miles thereof, to points in Illinois, Kentucky and Missouri, and *empty containers and empty shipper-owned vehicles*, on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: May 11, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Harold P. Boss.

No. MC 109637 (Sub No. 110), filed March 9, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, between Louisville, Ky., and St. Louis, Mo. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: May 11, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Harold P. Boss.

No. MC 110004 (Sub No. 1), filed December 15, 1958. Applicant: CLIFTON BLOODGOOD, 206 Lake Street, Wilson, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen berries*, from Buffalo and Medina, N.Y., and Erie, Pa., to Long Island City and Clermont, N.Y., Newark, N.J., and Pittsburgh, Pa.

Note: The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act, it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

HEARING: May 11, 1959; at Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Donald R. Sutherland.

No. MC 110333 (Sub No. 4), filed February 9, 1959. Applicant: GARRISON ELEVATOR COMPANY, INC., 2109 Monon Avenue, P.O. Box 544, New Albany, Ind. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate fertilizer and/or urea fertilizer* (fertilizer

compounds manufactured not otherwise indexed), and *urea feed grade*, in bulk or in bags, from the plant of Spencer Chemical Company, West Henderson, Ky., located 2 miles from Henderson, and 5½ miles from the center of the Evansville, Ind., bridge, and points within five (5) miles thereof, to points in Illinois, Indiana, Ohio, Michigan, Arkansas, Missouri, Iowa, Wisconsin, Kentucky, Tennessee, and Alabama, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *rejected or refused shipments* thereof, on return. Applicant is authorized to conduct operations in Kentucky, Illinois, Indiana, Tennessee, and Ohio.

HEARING: May 8, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Harold P. Boss.

No. MC 110825 (Sub No. 4), filed January 21, 1959. Applicant: G. D. GIVENS, JR., AND ROBERT E. GIVENS doing business as GIVENS BROTHERS, 415 Second Street, Henderson, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, 294, in bulk, in tank vehicles, from Henderson, Ky., and points within five (5) miles thereof to points in that part of Tennessee bounded on the east by U.S. Highway 31W from the Kentucky-Tennessee State line to Nashville, Tenn., on the south by U.S. Highway 70 from Nashville, Tenn., to Huntingdon, Tenn., thence over Alternate U.S. Highway 70 from Huntingdon, Tenn., to junction with U.S. Highway 79 at or near Atwood, Tenn., and on the west by U.S. Highway 79 from junction with Alternate U.S. Highway 70 at or near Atwood, Tenn., to Paris, Tenn., thence over U.S. Highway 641 from Paris, Tenn., to the Kentucky-Tennessee State line, including points on the highways indicated. Applicant is authorized to conduct operations in Illinois, Indiana, and Kentucky.

HEARING: May 5, 1959, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 111069 (Sub No. 25), filed December 29, 1958. Applicant: COLDWAY CARRIERS, INC., P.O. Box 38, Clarksburg, Ind. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dough, bread, biscuits, rolls, cakes, cookies, pastries, and pies*, unbaked, from New Albany, Ind., to points in Kentucky and Nebraska. Applicant is authorized to transport similar commodities in all States in the United States except Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and Alaska.

HEARING: May 12, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Harold P. Boss.

No. MC 11401 (Sub No. 106), filed February 16, 1959. Applicant: GROENDYKE TRANSPORT, INC., 2204 North Grand, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, including, but not limited to, urea nitrate fertilizer solution, nitrogen fertilizer solution and anhydrous ammonia, in bulk, in tank vehicles, from Lawrence, Kans., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, and Wyoming; and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, Utah, and Wyoming.

HEARING: May 20, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Reece Harrison.

No. MC 112520 (Sub No. 29), filed December 29, 1958. Applicant: SOUTH STATE OIL CO., a corporation, New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 713-17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil*, in bulk, in tank vehicles, from Decatur, Ill., to Pensacola, Fla. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, Missouri, Ohio, and Tennessee.

HEARING: May 5, 1959, at the U.S. Court Rooms, Tallahassee, Fla., before Examiner Allan F. Borroughs.

No. MC 113336 (Sub No. 16), filed February 12, 1959. Applicant: PETROLEUM TRANSIT COMPANY, INC., East Second Street, P.O. Box 92, 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 products*, in bulk, in tank vehicles, from Camp Croft, S.C., and points within 10 miles thereof, to points in Cleveland County, N.C.

HEARING: May 15, 1959, at the Wade Hampton Hotel, Columbia, S.C., before Joint Board No. 2, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 113642 (Sub No. 7), filed February 26, 1959. Applicant: JAMES I. WINN, JR., doing business as WINN TRUCKING SERVICE, Horse Cave, Kentucky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Kentucky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Brooksville, Indiana, and Lawrenceville, Illinois, to Horse Cave, Kentucky. Applicant is authorized to conduct operations in Georgia, Illinois, Indiana, Kentucky, Ohio, Tennessee, and Virginia.

HEARING: May 6, 1959, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 1, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 113784 (Sub No. 13), (REPUBLICATION), filed December 17, 1958. Applicant: CANAL CARTAGE LIMITED, 865 Woodward Avenue, Hamilton, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, other than cement and liquid commodities, in special equipment, between the ports of entry on the international boundary line between the United States and Canada at or near Buffalo and Niagara Falls, N.Y., and points in New York. Applicant is authorized to conduct operations in New York.

HEARING: May 11, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Donald R. Sutherland.

No. MC 113832 (Sub No. 10), filed February 16, 1959. Applicant: SCHWERTMAN TRUCKING CO., a Corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (Portland, hydraulic and masonry, from the plant sites of the Marquette Cement Manufacturing Co. and the Penn-Dixie Cement Corporation, located in the Des Moines, Iowa, Commercial Zone, to points in Illinois, Iowa, Kansas, Missouri, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Illinois, Indiana and Wisconsin.

NOTE: Common control may be involved.

HEARING: May 12, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 114045 (Sub No. 48), filed March 13, 1959. Applicant: R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Morgantown and Boyertown, Pa., to points in Texas, Oklahoma, and Arkansas. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Georgia, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, and West Virginia.

HEARING: May 5, 1959, at the Offices of the Interstate Commerce Commission,

Washington, D.C., before Examiner Alton R. Smith.

No. MC 114045 (Sub No. 49), filed March 13, 1959. Applicant: R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Corinna, Maine, and New York, N.Y., to points in Ohio, Indiana, Illinois, Kentucky, Michigan, Nebraska, Missouri, Kansas, Oklahoma, Texas, and Arkansas; (2) *frozen foods* from Weathersfield and Hartford, Conn., to points in Ohio, Indiana, Illinois, Kentucky, Michigan, Nebraska, Missouri, and Kansas. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Georgia, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, and West Virginia.

HEARING: May 6, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 114295 (Sub No. 2), filed February 2, 1959. Applicant: HARRY T. NEELY AND BERTHA J. NEELY, doing business as M & M CONSTRUCTION SERVICE, 200 Vincennes, New Albany, Ind. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* (except cement) as are ordinarily transported in dump trucks and can properly be unloaded by dumping, in dump trucks, from Louisville and Kenlite, Ky., to points in Marion County, Ind., and those in Indiana on and south of U.S. Highway 40. Applicant is authorized to conduct operations in Indiana and Kentucky.

NOTE: Any duplication with existing authority should be eliminated.

HEARING: May 7, 1959, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 114533 (Sub No. 9), filed February 17, 1959. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Microfilm, commercial papers, documents and written instruments* (except coins, currency and negotiable securities), as are used in the conduct and operation of banks and banking institutions, (1) from points in St. Charles and St. Louis Counties, Mo., to (a) points in Adams, Brown, Morgan, Pike, Scott, Calhoun, Greene, Macoupin, Montgomery, Fayette, Effingham, Jasper, Crawford, Madison, Bond, St. Clair, Clinton, Marion, Clay, Richland, Law-

rence, Wayne, Edwards, Wabash, White, Hamilton, Jefferson, Randolph, Perry, Franklin, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Johnson, Union, Alexander, Pulaski, Massac, Sangamon, and Christian Counties, Ill., (b) points in Vanderburgh and Posey Counties, Ind., and (c) those in Lee and Des Moines Counties, Iowa; (2) from points in St. Clair County, Ill., to points in Missouri. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan and Wisconsin.

HEARING: May 22, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Reece Harrison.

No. MC 114912 (Sub No. 11), filed February 2, 1959. Applicant: CHARLES J. KOTWICA, doing business as ROME EXPRESS, Route 69, Rome, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper wire*, from Rome and Camden, N.Y., to York and Doylestown, Pa., and *empty reels, spools and containers* on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and Rhode Island.

HEARING: May 12, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 115056 (Sub No. 10), filed January 30, 1959. Applicant: CLAUDE BUNDY, doing business as BUNDY TRUCK LINE, Gatesville, 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: *Frozen foods, meats, packing house products and commodities used by packing houses, fresh vegetables, fruits, vegetables and meat products* processed, pre-packaged and packaged, from points in Gates County, N.C., to points in Wisconsin, Minnesota, Illinois, Tennessee, Mississippi, Louisiana, Michigan, Indiana, Kentucky, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, Ohio, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, New Hampshire, Vermont, Massachusetts, Maine, and the District of Columbia.

HEARING: May 20, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Allan F. Borroughs.

No. MC 115212 (Sub No. 3), filed February 24, 1959. Applicant: H. M. H. MOTOR SERVICE, a corporation, P.O. Box 472, Jamesburg, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail women's, children's and men's ready-to-wear apparel stores, and in connection therewith, *supplies and equipment* used in the conduct of such businesses, between New York, N.Y., on the one hand, and, on the other, points

in Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama. Applicant is authorized to conduct operations in New York, Indiana, Ohio, Michigan, Wisconsin, Illinois, Kentucky, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, and West Virginia. Duplication should be eliminated.

Note: Applicant states that the above transportation will be conducted under special and individual contracts or agreements with persons, as defined in section 203 (a) of the Interstate Commerce Act, who operate retail stores, the business of which is the sale of women's, children's and men's ready-to-wear apparel.

HEARING: May 1, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 115268 (Sub No. 3), filed February 10, 1959. Applicant: DAYTON TRANSPORT CORPORATION, a Virginia Corporation, Box 35, Dayton, Va. Applicant's attorney: R. Roy Rush, Boxley Building, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from Hopewell, Richmond, and Petersburg, and points in Chesterfield County, Va., to points in Hardy, Grant, Tucker, Barbour, Upshur, Randolph, Pocahontas, Webster, Nicholas, Greenbrier, Monroe, Summers, Mercer, Raleigh, Fayette, McDowell, and Wyoming Counties, W. Va. Applicant is authorized to conduct operations in Virginia, West Virginia, North Carolina, South Carolina, Maryland, Tennessee, and Kentucky.

HEARING: May 27, 1959, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 245, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 115311 (Sub No. 15), filed February 4, 1959. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from points in Winn Parish, La., to points in Florida, Alabama, North Carolina, South Carolina, Georgia, and Tennessee. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: April 30, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Walter R. Lee.

No. MC 115841 (Sub No. 51), filed January 26, 1959. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lynchburg and Richmond, Va., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Okla-

homa, South Carolina, Tennessee, Texas, and Charlotte, N.C. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

HEARING: May 25, 1959, at the U.S. Court Rooms, Richmond, Va., before Examiner Allan F. Borroughs.

No. MC 115917 (Sub No. 6), filed February 5, 1959. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 103, Crossnore, N.C. Applicant's attorney: Wilmer B. Hill, 216 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay by-products, and clay waste materials*, in bulk, and in bags, from points in Avery, Mitchell, and Yancey Counties, N.C., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

HEARING: May 19, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Allan F. Borroughs.

No. MC 115917 (Sub No. 7), filed February 5, 1959. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 103, Crossnore, N.C. Applicant's attorney: Wilmer B. Hill, 216 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ground mica*, from points in Avery, Mitchell, and Yancey Counties, N.C., to points in Alabama, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Missouri, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, West Virginia, Wisconsin, and Wyoming. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Caro-

lina, Tennessee, Texas, Virginia, and West Virginia.

NOTE: Duplication with present authority to transport dry ground mica, from points in the above-named counties, to certain specified points in some of the above-named States.

HEARING: May 19, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Allan F. Borroughs.

No. MC 116110 (Sub No. 3), filed September 18, 1958. Applicant: P. C. WHITE TRUCK LINE, INC., P.O. Box 1423, Dothan, Ala. Applicant's attorney: Maurice F. Bishop, 325-29 Frank Nelsen Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, perishables, livestock, marine stores, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Tyndall Field, Fla., as an off-route point in connection with applicant's authorized operations. Applicant is authorized to conduct operations in Alabama and Florida.

HEARING: May 4, 1959, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 116367 (Sub No. 2), filed January 19, 1959. Applicant: EMIL KLEIN, doing business as MIRO'S EXPRESS & VAN LINES, 43-21 161 Street, Flushing 58, N.Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage*, between New York, N.Y., points in Nassau, Suffolk, Westchester Counties, N.Y., those in Passaic, Essex, Bergen, and Union Counties, N.J., on the one hand, and, on the other, points in Delaware, Dutchess, Essex, Franklin, Greene, Rensselaer, Sullivan, and Ulster Counties, N.Y., those in Pike, Susquehanna, and Wayne Counties, Pa., those in Litchfield County, Conn., those in Berkshire County, Mass., those in Windham County, Vt., and those in Somerset County, Maine. Applicant is authorized to conduct operations in New York, Pennsylvania, Maine, and Vermont.

HEARING: May 7, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 116740 (Sub No. 1), filed February 25, 1959. Applicant: LEE N. HICKOX, R.R. No. 3, Casey, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Timber, wood, and timber and wood products*, from points in Owen, Warren, and Washington Counties, Ind., to points in Jefferson County, Ky. Applicant is authorized to conduct operations in Illinois, Indiana, and Kentucky.

HEARING: May 7, 1959, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155, or, if the Joint Board

waives its right to participate, before Examiner Harold P. Boss.

No. MC 116987 (Sub No. 7), filed January 28, 1959. Applicant: ROBERT H. CARR AND SONS, INC., R.D. No. 2, Malvern, Pa. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and blends or mixtures of liquid or invert sugar and corn syrup*, in bulk, in tank vehicles, (a) from Yonkers, N.Y., to Detroit, Battle Creek, and Grand Rapids, Mich., and (b) from New York, N.Y. (including Yonkers, N.Y.) to Akron, Canton, Carrollton, Cincinnati, Cleveland, Columbus, Toledo, and Youngstown, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, New York, New Jersey, and Ohio.

HEARING: May 5, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

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

HEARING: May 19, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 285, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 118435 (Sub No. 2), filed February 11, 1959. Applicant: SOUTHLAND PRODUCE COMPANY, INC., P.O. Box 479, Oneonta, Ala. Applicant's attorney: John W. Cooper, 818-821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags and wrapping paper*, from Yulee, Fla., to Los Angeles, Riverside, and San Diego, Calif.; Phoenix, Ariz.; Denver, Colo., and Dallas and San Antonio, Tex., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

HEARING: May 13, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Allan F. Borroughs.

No. MC 118437, (REPUBLICATION) filed December 10, 1958, published issue of February 26, 1958. Applicant: GERALD D. HANDKE, doing business as HANDKE'S GRAIN SERVICE, 8600 Central Avenue NE., Spring Lake Park, Minn. Applicant's attorney: Richard M. Bosard, 1160 Northwestern Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*,

from St. Paul and Minneapolis, Minn., and points in the Minneapolis-St. Paul Commercial Zone to points in Wisconsin, Iowa, North Dakota, South Dakota, Montana, Wyoming, and Idaho.

NOTE: Applicant indicates it will transport exempt commodities on return.

HEARING: Remains as assigned April 20, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 118470, filed December 22, 1958. Applicant: THE JONES IMPLEMENT COMPANY, INC., Tyner, Ky. Applicant's attorney: E. R. Denney, 210 Security Trust Building, Lexington, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from New Holland, Pa., Cincinnati, Ohio, Rock Island, Ill., and Memphis, Tenn., to points in Kentucky east of U.S. Highway 25 and U.S. Highway 25-W, and *rejected and damaged shipments* of farm machinery on return.

HEARING: May 4, 1959, at 11:00 o'clock a.m. United States standard time (or 11:00 o'clock a.m. local daylight saving time, if that time is observed), at the Kentucky Hotel, Louisville, Ky., before Examiner Harold P. Boss.

No. MC 118532, filed January 5, 1959. Applicant: DENVER PATTON, RFD Route 5, London, Ky. Applicant's attorney: Calvert C. Little, London, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *materials, ingredients and supplies*, including paper bags and fertilizer ingredients, from Sheffield, Ala., to London, Ky., (2) *fertilizer*, from London, Ky., to Knoxville, Tenn.

NOTE: Applicant states that the above transportation will be performed for Knoxville Fertilizer Co.

HEARING: May 5, 1959, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 284, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 118554, filed January 15, 1959. Applicant: EDWIN E. CLARKE, doing business as CLARKE BULK TRANSFER, 300 West Elm Street, Norristown, Pa. Applicant's attorney: William J. Wilcox, 624 Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in pneumatically equipped hopper type trailers, (1) from points in Lehigh Township, Northampton County, Pa., to Asbury Park and Newark, N.J.; (2) from points in the Borough of Norristown, Pa., to Asbury Park, N.J.

HEARING: May 4, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 118567, filed January 20, 1959. Applicant: NYAD MOTOR FREIGHT, INC., Pier 22, East River, New York, N.Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, merchandise, supplies and equipment as*

are handled, used, sold or dealt in by chain or department stores, between New York, N.Y. and Metuchen, N.J., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts and Pennsylvania.

NOTE: Applicant states it will service the W. T. Grant Co., only, with whom it will enter into contracts and the equipment used in such service will be devoted exclusively for this shipper.

HEARING: May 8, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 118575, filed January 22, 1959. Applicant: ENRICO MONACCHI, 120 West First Street, Mount Vernon, N.Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale grocery houses, from Mount Vernon, N.Y., to points in Fairfield County, Conn., and returned, refused and damaged shipments of the above specified commodities on return.

HEARING: May 8, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 118595, filed January 28, 1959. Applicant: J. K. WYATT, Gatesville, N.C. 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: *Wood excelsior*, from points in North Carolina, east and north of a line commencing at the Virginia-North Carolina State line at U.S. Highway 301, extending along U.S. Highway 301 to Wilson, thence along U.S. Highway 264 to Chocowinity, thence along U.S. Highway 17 to New Bern, and thence along U.S. Highway 70 to Atlantic, to points in North Carolina, South Carolina, Virginia, West Virginia, New York, Massachusetts, Ohio, Delaware, Maryland, the District of Columbia, Pennsylvania, New Jersey and Connecticut; *wood chips*, from points in North Carolina on and east of U.S. Highway 301, to points in Virginia; *lumber*, except plywood and veneer, from points in Isle of Wight County, Va., to points in North Carolina; and *boxes, box shooks and pallets*, from points in Hertford County, N.C., to points in Alabama, Florida, Georgia, Mississippi, South Carolina, Virginia, West Virginia, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, and Indiana.

NOTE: Applicant is authorized to conduct operations as a *contract carrier* in Permit No. MC 116962; therefore, dual operations under section 210 may be involved.

HEARING: May 26, 1959, at the U.S. Court Rooms, Richmond, Va., before Examiner Allan F. Borroughs.

No. MC 118601, filed January 30, 1959. Applicant: EASTERN TRANSPORTATION CO., INC., 635 Essex Street, Harrison, N.J. Applicant's attorney: Nathan E. Zelby, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: *New upholstered chairs, sofas and vibrators*, from Harrison, N.J., to New York, N.Y., points in Westchester, Suffolk and Nassau Counties, N.Y., those in Essex, Hudson, Bergen, Passaic, Morris, Somerset, Monmouth, Mercer, Ocean, and Middlesex Counties, N.J., and Philadelphia, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

HEARING: May 11, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 118663, filed February 9, 1959. Applicant: H. C. JENNETTE, B. C. JENNETTE, AND W. W. McCAIN, doing business as JENNETTE FRUIT & PRODUCE COMPANY, 217 North Water Street, Elizabeth City, N.C. Applicant's attorney: J. W. Jennette, 419 Carolina Building, Elizabeth City, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Bananas*, between Charleston, S.C., and Elizabeth City, N.C., over U.S. Highway 17, serving all intermediate points, including Wilmington, N.C., and the off-route points of Greenville and Kinston, N.C.

NOTE: The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

HEARING: May 21, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 2, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 118668, filed January 5, 1959. Applicant: BRADY P. CRAWFORD, 1314 Dancy Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa and Miami, Fla., to points in Georgia, Florida, Alabama and North Carolina.

NOTE: The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

HEARING: May 11, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Allan F. Borroughs.

No. MC 118688, filed February 16, 1959. Applicant: THE RUAN CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: Henry L. Fabritz, Ruan Transport Corporation, East 30th and Scott Streets, Des Moines 4, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags and packages, from the plant site of Northwestern States Portland Cement Company, in or adjacent to Mason City, Iowa, to points in

Iowa, Wisconsin, Minnesota, North Dakota, and South Dakota, and rejected or returned shipments of cement, on return.

NOTE: (1) Applicant states the proposed transportation will be under a continuing contract with Northwestern States Portland Cement Company, Mason City, Iowa; and (2) that applicant is a wholly-owned subsidiary of Ruan Transport Corporation, a common carrier operating under Certificate No. MC 107496 and sub numbers thereunder, and therefore dual operations under section 210 may be involved.

HEARING: May 14, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 118716, filed February 20, 1959. Applicant: C. M. THOMPSON AND D. L. LAIRD, a partnership, doing business as THOMPSON & LAIRD TRANSFER & STORAGE CO., Railroad and Erie Street, Storm Lake, Iowa. Applicant's attorney: Robert R. Eidsmoe, Suite 611-624 Security Building, Sioux City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquified dry ice* requiring pressurized, insulated tank trailers, from Storm Lake, Iowa to points in South Dakota bounded on the north by U.S. Highway 212, on the west by U.S. Highway 281, on the south by the border of South Dakota and Nebraska, and on the east by the border between South Dakota and Iowa to the point where South Dakota, Minnesota, and Iowa intersect, thence north along the border of South Dakota and Minnesota to U.S. Highway 212, including points on the above specified highways. Applicant is authorized to conduct operations in Iowa, Minnesota, Nebraska, and South Dakota.

NOTE: Dual operations may be involved.

HEARING: May 13, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 148, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 118748, filed March 2, 1959. Applicant: H. E. CLARK, doing business as H. E. CLARK COMPANY, 419 Main Street, Winfield, Kans. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defluorinated phosphate*, in bulk and in bags, from points in Galveston and Harris Counties, Tex., to points in Oklahoma, Kansas, Missouri, Iowa, Nebraska, and Colorado.

HEARING: May 15, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Reece Harrison.

MOTOR CARRIERS OF PASSENGERS

No. MC 1096 (Sub No. 2), filed February 26, 1959. Applicant: CANADA COACH LINES, LIMITED, 18 Wentworth Street, North, Hamilton, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and mail* in the same vehicle with

passengers, between Buffalo, N.Y., and the boundary of the United States and Canada as follows: (1) from Buffalo over New York Highway 266 to junction New York Highway 324, thence over New York Highway 324 to Niagara Falls, thence from Niagara Falls over the Lower Arch Bridge and/or Rainbow Bridge to the boundary of the United States and Canada; (2) from Buffalo over New York Highway 266 to junction New York Highway 324, thence over New York Highway 324 to Niagara Falls, thence over U.S. Highway 104 to Lewiston, N.Y., thence over U.S. Highway 104 and New York Highway 181 to the boundary of the United States and Canada, and return over the above routes, restricted to persons moving between points within the United States, on the one hand, and, on the other, points in Canada. Applicant is authorized to conduct operations in New York.

HEARING: May 7, 1959, at Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Donald R. Sutherland.

No. MC 1096 (Sub No. 3), filed February 26, 1959. Applicant: CANADA COACH LINES, LIMITED, 18 Wentworth Street, North, Hamilton, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and *express and mail* in the same vehicle with passengers, in special operations, on round-trip sightseeing or pleasure tours, (1) beginning and ending at points in Erie County, N.Y., and extending to Niagara Falls, N.Y.; (2) beginning and ending at points in Erie County, N.Y., and extending to ports of entry on the international boundary line between the United States and Canada at or near Niagara Falls and Lewiston, N.Y.

NOTE: Applicant states there is under contemplated construction a new bridge between Niagara Falls, N.Y., and Niagara Falls, Ontario, and authority is requested to traverse this bridge. Applicant is authorized to conduct operations in New York.

HEARING: May 6, 1959, at Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Donald R. Sutherland.

No. MC 74761 (Sub No. 7), filed January 9, 1959. Applicant: TAMiami TRAIL TOURS, INC., 1010 East Lafayette Street, Tampa, Fla. Applicant's attorney: John W. Wilcox, Jr., Rhodes-Haverty Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers, between St. George, Ga., and Jacksonville, Fla.: from St. George over Georgia Highway 94 to the Georgia-Florida State line, thence over unnumbered county road from the said State line to junction Florida Highway 121, thence over Florida Highway 121 to junction Florida Highway 108 and U.S. Highway 1, and thence over U.S. Highway 1 to Jacksonville, via Callahan and Dinsmore, Fla., and return over the same route,

servicing all intermediate points. Applicant is authorized to transport passengers between specified points in Georgia, Florida and Alabama in Certificate No. MC 74761; it is also authorized to conduct operations as a common carrier of property in Certificate No. MC 74762 and sub numbers thereunder.

HEARING: May 6, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borrourghs.

No. MC 118552, filed January 14, 1959. Applicant: PIEDMONT COACH LINES, INC., 4537 Circle Drive, Winston-Salem, N.C. Applicant's attorney: H. O. Woltz, 473 North Main Street, Mount Airy, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, in special or charter operations, in round-trip sight-seeing and pleasure tours, beginning and ending at points in Forsyth County, N.C., and extending to points in Virginia and the District of Columbia.

HEARING: May 22, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 104, or, if the Joint Board waives its right to participate, before Examiner Allan F. Burrourghs.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12602 (Sub No. 1), filed January 14, 1959. Applicant: FRANCIS T. MALONEY AND M. KATHLEEN MALONEY, doing business as O'CONNOR TRAVEL BUREAU, 18 West Falls Street, Niagara Falls, N.Y. Applicant's attorney: S. Harrison Kahn, 726-34 Investment Building, Washington, D.C. For a license (BMC 5) authorizing operations as a *broker* at Niagara Falls, N.Y., in arranging for the transportation in interstate or foreign commerce by motor vehicle of *Passengers and their baggage*, in the same vehicle, between points in New York, Pennsylvania, Ohio, Indiana, Michigan, and Illinois.

HEARING: May 7, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Donald R. Sutherland.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3817 (Sub No. 4), filed March 4, 1959. Applicant: IDA B. COUEY AND JAMES R. COUEY, doing business as COUEY STORAGE AND TRANSFER CO., 427 North Chestnut Street, Trinidad, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except Class A and B explosives, and household goods as defined by the Commission, between Trinidad, Colo., and Monument Lake, Colo., over Colorado Highway 12, serving the intermediate points of Jansen, Sopris, Valdez, Segundo, Weston, and Stonewall, Colo., and the off-route points of Cokedale, Boncarbo, Terco, Whiskey Pass, Colo., and the filter plant for the City of Trinidad, Colo., including points within two (2) miles of either side of Colorado Highway 12 as off-route points, and

empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities, and *cable rods and oil drums* on return movements. Applicant is authorized to conduct operations in Colorado and New Mexico.

No. MC 45626 (Sub No. 39), filed March 13, 1959. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Express and newspapers*, in the same vehicle with passengers, between Boston, Mass., and Concord, N.H., from Boston over U.S. Highway 3 to junction Massachusetts Highway 3A, thence over Massachusetts Highway 3A (formerly Massachusetts Highway 3) via Billerica and Lowell, Mass., to junction U.S. Highway 3 at or near North Chelmsford, Mass., thence over U.S. Highway 3 to Concord, and return over the same route, serving all intermediate points. Applicant is presently authorized to operate over the above-specified route in Certificate No. MC 45626 as a segment of the regular route between Boston, Mass., and Ascutney, Vt., subject, however, to a restriction reading: Carrier is restricted against transporting express and newspapers in the same vehicle with passengers solely (a) between Boston and Concord; (b) between either Boston or Concord and any points intermediate thereto; and (c) between points intermediate to Boston and Concord. The sole purpose of this application is to remove the restriction referred to above prohibiting the transportation of express and newspapers over the route and between the points involved. Applicant is authorized to conduct operations in Maine, Massachusetts, New Hampshire, New York, and Vermont.

No. MC 66562 (Sub No. 1484), filed March 20, 1959. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Valdosta, Ga., and Nashville, Ga., from Valdosta, over Georgia Highway 125 to junction U.S. Highway 129 at Ray City, thence over U.S. Highway 219 to Nashville, serving no intermediate points; and (2) between Nashville, Ga., and Valdosta, Ga., from Nashville, over Georgia Highway 76 to Adel, thence over U.S. Highway 41 through Hahira, to Valdosta, serving the intermediate points of Adel and Hahira, Ga. **RESTRICTIONS:** (1) The service to be performed by applicant shall be limited to service is auxiliary to or supplemental of air or railway express service; and (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 111812 (Sub No. 69), filed March 17, 1959. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *packing house products* as defined in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Madison, S. Dak., to points in Montana, Idaho, Oregon, and Washington, and *hooks and racks* from points in the above-named destination States to Madison, S. Dak.

No. MC 117058 (Sub No. 2), filed March 18, 1959. Applicant: B. S. REYNOLDS COMPANY, INCORPORATED, 471 F Street NW., Washington 1, D.C. Applicant's attorney: Samuel W. Earnshaw, The Munsey Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Photographic film, photographic materials* (including cameras), and *paper*, between Washington, D.C., on the one hand, and, on the other, Fort George G. Meade, Laurel, and Baltimore, Md. Applicant is authorized to conduct operations in Maryland and the District of Columbia.

No. MC 117505 (Sub No. 4), filed March 14, 1959. Applicant: FRANK E. LANZA, doing business as FLORIDA MESSENGER SERVICE, 632 North O Street, Lake Worth, Fla. Applicant's attorney: Samuel W. Earnshaw, The Munsey Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Photo film and photo film finishers' handling materials*, for the account of Eastman Kodak Company, between Tampa and Tampa Airport, Fla., on the one hand, and, on the other, points in Manatee, Pinellas, Sarasota and Hillsborough Counties, Fla. Applicant is authorized to conduct operations in Florida.

No. MC 118785, Filed March 13, 1959. Applicant: UNITED CASKET TRANSPORT, INC., 3329-35 Arch Street, Philadelphia 4, Pa. Applicant's attorney: Raymond Thistle, Jr., 811-819 Lewis Tower Building, 225 S. Fifteenth Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, casket shells and funeral supplies*, all uncrated, from Philadelphia, Pa., to points in New York, Connecticut, New Jersey, Delaware, Maryland, and Rhode Island. *Refused, rejected or damaged caskets and funeral supplies*, and *casket covers*, from points in the above-specified destination States to Philadelphia, Pa.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 257), filed March 18, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, A New Jersey Corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, 180 Boyden Avenue, Maplewood, N.J. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip special operations, beginning and ending at Elizabeth, Rahway, Perth Amboy, and New Brunswick, N.J., and extending to the Charles Town Race Track, Charles Town, W. Va. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

No. MC 77066 (Sub No. 12), filed March 19, 1959. Applicant: ORSON LEWIS, doing business as LEWIS BROS. STAGES, 360 South West Temple Street, Salt Lake City, Utah. Applicant's attorney: Irene Warr, 419 Judge Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage and express*, between Salt Lake City, Utah, and Ely, Nev.: from Salt Lake City over U.S. Highway 40 to Wendover, Utah, thence over U.S. Highway 50 to Ely, and return over the same route, serving the intermediate points of Saltair, Mills Junction, Grantsville, Delle, Low, and Knolls, Utah. Applicant is authorized to conduct operations in Nevada, Arizona, New Mexico, Texas, Idaho, Oregon, and Utah.

NOTE: Applicant states it is authorized to conduct the above-described operations in its Certificate No. MC 77066, serving all intermediate points in Nevada, and seeks by the instant application to serve, in addition thereto, the above-named intermediate points in Utah.

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 730 (Sub No. 136), filed March 17, 1959. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Nevada Corporation, 1417 Clay Street, Oakland, Calif. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over irregular routes: (1) between San Fernando, Calif., on the north, Newport Beach, Calif., on the south, and Redlands and San Bernardino, Calif., on the east; and (2) between Los Angeles, Calif., on the one hand, and, on the other, San Diego, Calif., and over the following regular routes all located in California: (1) between the junction of California Highway 27 with the north city limits of Los Angeles, and the junction of California Highway 27 with U.S. Alternate Highway 101 northwest of Santa Monica, over California Highway 27; (2) between Topanga Beach and El Segundo, over U.S. Alternate Highway 101; (3) between the junction of California Highway 27 with the north city limits of Los Angeles, and Newport Beach, over California Highway 7 to the

junction of U.S. Alternate Highway 101, thence over U.S. Alternate Highway 101 to Newport Beach; (4) between San Fernando and Yucaipa, over California Highway 118 to Pasadena, thence over U.S. Highway 66 to junction California Highway 30, thence over California Highway 30 to the San Bernardino, thence over California Highway 190 to junction unnumbered highway north of Yucaipa, thence over unnumbered highway to Yucaipa, (5) between Pasadena and Long Beach over California Highway 19; (6) between Pomona and Fullerton over California Legislative Highway 19; (7) between Los Angeles and San Bernardino over U.S. Highway 66; (8) between Los Angeles and Yucaipa; (9) between Los Angeles and Riverside over U.S. Highway 60; (10) between Los Angeles and Santa Ana over California Legislative Highway 2 and U.S. Highway 101; (11) between Baldwin Park and junction California Highway 35 with California Highway 22 over California Highway 35; (12) between Long Beach and Santa Ana over California Highway 22; (13) between Buena Park and Huntington Beach over California Highway 39; (14) between Long Beach and Anaheim over U.S. Highway 91; (15) between Claremont and Corona over California Highway 71; (16) between Brea and junction California Legislative Highway 176 and U.S. Highway 91, over California Legislative Highway 176; (17) between Brea and junction California Legislative Highway 177 and California Highway 71, over California Legislative Highway 177; (18) between Upland and junction California Legislative Highway 192 and California Highway 71 over California Legislative Highway 192; (19) between Corona and junction California Legislative Highway 193 and U.S. Highway 60, over California Legislative Highway 193; (20) between Newport Beach and San Bernardino, from Newport Beach over California Highway 55 to junction U.S. Highway 91, thence over U.S. Highway 91 to San Bernardino; (21) between Buena Park and Brea over California Highway 39 to La Habra, thence over California Legislative Highway 176 to Brea; (22) between San Bernardino and Verdmont, over U.S. Highways 66 and 395 and California Legislative Highway 191, returning over the above described routes, serving all intermediate points; (23) between Los Angeles and San Diego, from Los Angeles over U.S. Highway 101 to San Diego; also from Los Angeles over U.S. Highway 6 to junction U.S. Alternate Highway 101, thence over U.S. Alternate Highway 101 to junction U.S. Highway 101, thence over U.S. Highway 101 to San Diego, and return over the same routes, serving no intermediate points. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, Missouri, Kansas, Illinois, and Indiana.

NOTE: This matter is directly related to MC-F 7139 which was published in the FEDERAL REGISTER March 25, 1959.

No. MC 96818 (Sub No. 1), filed March 19, 1959. Applicant: THE EASTERN TRANSPORTATION CORPORATION,

doing business as BAILEY'S EXPRESS, a Maryland Corporation, Pier 5, Pratt Street, Baltimore 2, Md. Applicant's attorney: Robert J. Callanan, 623 Munsey Building, Baltimore 2, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including household goods*, as defined by the Commission, and Class A and B explosives, but excluding commodities of unusual value, commodities in bulk, and those requiring special equipment, (1) between Baltimore, Md., and Point Lookout, Md., from Baltimore over U.S. Highway 301 to Waldorf, thence over Maryland Highway 5 to Point Lookout, and return over the same route, serving the intermediate or off-route points of Abell, Andrews Air Force Base, Aquasco, Marlboro, Avenue, Baden, Beachville, Benedict, Bowie, Brandywine, Bryantown, Bushwood, California, Callaway, Camp Calvert, Cedar Point, Chaptico, Charlotte Hall, Cheltenham, Clarks Landing, Webster Field, Clements, Colton's Point, Compton, Croom, Cross Roads, Dameron, Drayden, Duley, Dynard, Forest Hall, Gallant Green, Gambrills, Great Mills, Hall, Helen, Hermanville, Lexington Park, Patuxent River, Hollywood, Hughesville, Hurry, Jarboesville, Kopels Point, Leonardtown, Laurel Grove, Loveville, Maddox, Malcolm, Marlboro, Mechanicsville, Medley Neck, Milestown, Millersville, Mitcherville, Morganza, Naylor, New Market, Oakley, Oakville, Oraville, Palmers, Park Hall, Patuxent City, Pearson P.O., Piney Point, Point Lookout, Porto Bello, Potomac View, Ridge, Rosaryville, St. George Island, St. Inigoes, St. Mary's City, Scotland, Sotterly, Tall Timbers, T.B., Upper Marlboro, U.S. Naval Air Station, Valley Lee, Waldorf, and Wynne; (2) between Baltimore, Md., and Rock Point, Md., over U.S. Highway 301 and Maryland Highway 3, serving the intermediate or off-route points of Friendship Airport, Accokeek, Allens Fresh, Andrews Air Force Base, Marlboro, Baden, Beaver Heights, Bel Alton, Blossom Point, Bowie, Brandywine, Bradbury Heights, Bryans Road, Budds Creek, Capitol Heights, Camp Springs, Chapel Oaks, Chapels Point, Cheltenham, Chicamuxen, Clinton, Cobb Island, Coral Heights, Croom, Deanwood, Dentsville, Doncaster, District Heights, Duley, Fairmont Heights, Faulkner, Fenwick, Forestville, Fort Washington, Gambrills, Glymont, Grayton, Hall, Hillcrest Heights, Hillside, Hill Top, Indianhead, Ironsides, Issue, Kentland, Kent Village, Kennelworth, La Platta, Landover, Lanham, Marbury, Marlboro, Marlow Heights, Marshall Hall, Mason Springs, McConchie, Millersville, Mitchellville, Morgantown, Mt. Victoria, Nanjemoy, Naylor, Newburg, New Port, Newtowneek, Oxon Hill, Parkland, Piscataway, Pisgah, Pomfret, Pomonkey, Port Tobacco, Popes Creek, Ripley, Rison, Ritchie, Riverside, Rock Point, Rosaryville, Seabrook, Seat Pleasant, Silesia, Silver Hill, Spring Hill, Stump Hill, Stump Neck, Suitland, T.B., Temple Hills, Tompkinsville, Tuxedo, Upper Marlboro, Waldorf, Wayside, Welcome, Westwood, White Plains, Wicomico, and the Naval Propellant Plant; (3) between

Baltimore, Md., and Solomons, Md., over Maryland Highway 2, serving the intermediate or off-route points of Appeal, Barstow, B o w e n s, Bristol, Britton, Broome Island, Chesapeake Beach, Churchton, Crownsville, Dares Beach, Davidsonville, Deale, Dowell, Drury, Dunkirk, East Port, Edgewater Beach, Fairhaven Beach, Friendship, Galesville, Governors Run, Harwood, Huntington, Island Creek, Lothian, Lower Marlboro, Lusby, Lyons Creek, Mayo, Millersville, Mt. Harmony, Mt. Zion, North Beach, Owensville, Owings, Paris, Parole, Par-ran, Pasadena, Plum Point Beach, Port Republic, Prince Frederick, Randle Cliff Beach, Riva, Severna Park, Shady Side, Solomons, St. Leonard, Sunderland, Wallville, West Beach, South River, and Adelina. Applicant is authorized to conduct operations in Maryland.

NOTE: This matter is directly related to MC-F 7127, which was published in the FEDERAL REGISTER, March 25, 1959.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F 7123 (DEALERS TRANSIT, INC.—CONTROL AND MERGER—C. J. SIMPSON TRUCKING CO., INC.), published in the March 18, 1959, issue of the FEDERAL REGISTER on page 2023. Application filed March 25, 1959, for temporary authority under section 210a(b).

No. MC-F 7143. Authority sought for purchase by W. KELLY GREGORY, INC., 4813 Walther Avenue, Baltimore 14, Md., of the operating rights and property of FRANK WATSON AND JOHN WATSON, doing business as WATSON BROTHERS, 231 North Franklinton Road, Baltimore 23, Md., W. KELLY GREGORY, 4813 Walther Avenue, Baltimore 14, Md., RANDOLPH J. THOMAS, 1505 Pentridge Road, Baltimore 12, Md., and ROBERT FERTITTA, 441 North Gay Street, Baltimore 2, Md., and for acquisition by W. KELLY GREGORY, 4813 Walther Avenue, Baltimore 14, Md., RANDOLPH J. THOMAS, 1505 Pentridge Road, Baltimore, Md., and R. FERTITTA, Arnolds, Md., of control of such rights and property through the purchase. Applicants' attorney: John R. Norris, 1513 Fidelity Building, Baltimore 1, Md. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, as *contract carriers* over irregular routes (WATSON), between certain points in Maryland, Virginia and West Virginia and between certain points in Maryland, Virginia and West Virginia on the one hand, and, on the other, Baltimore, Md. (ALL OTHERS,

being identical rights), between certain points in Delaware, Virginia, Maryland and Pennsylvania, and between certain points in Delaware, Maryland, Virginia and Pennsylvania, on the one hand, and, on the other, Philadelphia, Pa., Wilmington, Del., Richmond, Va., and the District of Columbia; *fruits, vegetables, farm products, poultry, and seafood*, in the respective seasons of their production (WATSON), from all points in Maryland, Virginia, and West Virginia to certain points in Maryland, Virginia and West Virginia (ALL OTHERS, being identical rights), from all points in Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, to certain points in Delaware, Virginia, Maryland, and Pennsylvania. Vendee holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7144. Authority sought for purchase by CLARK TANK LINES COMPANY, 1450 North Beck Street, Salt Lake City, Utah, of a portion of the operating rights of PAUL J. COX, doing business as COX TRANSPORTATION COMPANY, 967 Beck Street, Salt Lake City, Utah, and for acquisition by BOYCE R. CLARK, also of Salt Lake City, of control of such rights through the purchase. Applicants' attorney: Berol and Silver, 100 Bush Street, San Francisco 4, Calif. Operating rights sought to be transferred: *Petroleum asphalts, road oils, residual fuel oils, and heavy petroleum oils*, as a *common carrier* over irregular routes, from all rail stations in Utah to points in Utah. Vendee is authorized to operate as a *common carrier* in Utah, Idaho, Oregon, and Arizona. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7145. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS, INC., 431 Burgess Drive, Menlo Park, Calif., of the operating rights of JOHNSON BROS. TRUCKING CO., 700 Division Street, Elizabeth, N.J. Applicants' attorneys: John R. Turney and William O. Turney, both of 2001 Massachusetts Avenue NW, Washington 6, D.C., and Eugene T. Lipfert, 431 Burgess Drive, Menlo Park, Calif. 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 Connecticut, New Jersey, and New York within 35 miles of Columbus Circle, New York, N.Y. Vendee is authorized to operate as a *common carrier* in Oregon, Washington, California, Idaho, Utah, Nevada, Montana, North Dakota, Minnesota, Illinois, Indiana, Ohio, West Virginia, Kentucky, Pennsylvania, Wisconsin, Arizona, Michigan, Wyoming, New Mexico, Colorado, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7146. Authority sought for purchase by PETROLEUM TRANSIT COMPANY, INC., East Second Street, P.O. Box 921, Lumberton, N.C., of the operating rights of E. R. DAVIS, doing business as DAVIS TRANSPORT COM-

PANY, 1533 Broad Street, Augusta, Ga., and for acquisition by H. W. STONE, WALLACE STONE and ETHEL STONE, all of Lumberton, of control of such rights through the purchase. Applicants' attorney: James E. Wilson, 716 Perpetual Building, Washington 4, D.C. Operating rights sought to be transferred: *Cutback asphalt, hot liquid asphalts, asphalt paving cements and tar prime*, in bulk, in tank vehicles, as a common carrier over irregular routes from Norfolk, Va., to points in North Carolina. Vendee is authorized to operate as a common carrier in North Carolina, South Carolina, Georgia, and Florida. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-2727; Filed, Mar. 31, 1959;
8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 27, 1959.

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

LONG-AND-SHORT HAUL

FSA No. 35319: *Caustic soda—Eastern points to Deep Run Spur, Va.* Filed by O. E. Schultz, Agent (ER No. 2486), for interested rail carriers. Rates on liquid caustic soda, tank-car loads from speci-

fied points in Michigan, New York, Ohio and West Virginia to Deep Run Spur, Va.

Grounds for relief: Market competition with Saltville, Va., at Deep Run Spur.

Tariffs: Supplement 44 to Trunk Line-Central Territory Railroads tariff I.C.C. C-29 (H. R. Hinsch series) and other schedules of individual lines listed in appendix A of the application.

FSA No. 35320: *Iron and steel articles—Kentucky and Ohio points to Cedars, Miss.* Filed by O. E. Schultz, Agent (ER No. 2485), for interested rail carriers. Rates on strip steel, noibn, carloads, and plate or sheet, noibn, carloads from Ashland, Ky., Middleton, Portsmouth, and Zanesville, Ohio to Cedars, Miss.

Grounds for relief: Barge-truck, rail-barge-truck and truck-barge truck competition.

Tariffs: Supplement 5 to Trunk Line-Central Territory Railroads tariff I.C.C. No. C-33. Supplement 66 to Southern Freight Bureau tariff I.C.C. 1592.

FSA No. 35321: *Vinyl chloride—Texas points to Pottstown, Pa.* Filed by Southwestern Freight Bureau, Agent (No. B-7512), for interested rail carriers. Rates on vinyl chloride, with or without inhibitor, tank-car loads from Houston, Texas City, and Velasco, Tex., to Pottstown, Pa.

Grounds for relief: Competition of carriers by water and truck.

Tariff: Supplement 564 to Southwestern Freight Bureau tariff I.C.C. 4139.

FSA No. 35322: *Coal—Southern mines to Southern points.* Filed by O. W. South, Jr., Agent (SFA No. A3786), for interested rail carriers. Rates on fine coal, carloads, and other than fine coal, carloads, from mines in Alabama, southeastern Kentucky, eastern Tennessee, southwestern Virginia and West Virginia

to specified points in Georgia, North Carolina, South Carolina and Virginia.

Grounds for relief: Short-line distance formula, grouping, and competition with other fuels.

Tariffs: Supplement 9 to Chesapeake and Ohio Railway Company tariff I.C.C. 13590 and supplements to seven other schedules listed in the application.

FSA No. 35323: *Sugar, corn and sorghum grain—Texas points to Southern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7511), for interested rail carriers. Rates on sugar, corn and sorghum grain, straight or mixed carloads from specified points in Texas to specified points in southern territory.

Grounds for relief: Short-line distance formula and market competition with Corpus Christi, Tex.

Tariff: Supplement 564 to Southwestern Freight Bureau tariff I.C.C. 4139.

FSA No. 35324: *Liquefied petroleum gas—Zuni, N. Mex., to interstate points.* Filed by Southwestern Freight Bureau, Agent (No. B-7514), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Zuni, N. Mex., to points in southwestern, western trunk-line, and Illinois territories; also to Mississippi River crossings, Memphis, Tenn., and south.

Grounds for relief: Pipe-line, truck, and other forms of competition. Short-line distance formulas.

Tariffs: Supplement 224 to Southwestern Freight Bureau tariff I.C.C. 4085. Supplement 78 to Southwestern Freight Bureau tariff I.C.C. 4172. Supplement 65 to Southwestern Freight Bureau tariff I.C.C. 4279.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-2717; Filed, Mar. 31, 1959;
8:49 a.m.]

