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Title 7—AGRICULTURE

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

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Subpart—Rules and Regulations

MISCELLANEOUS AMENDMENTS

Notice is hereby given of the approval of an amendment, hereinafter set forth, of the rules and regulations (7 CFR 922.100 et seq.; Subpart—Rules and Regulations) currently in effect pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment (1) prescribes conversion factors which are to be used in converting to carton equivalents, for reporting purposes, the volume of oranges handled in bulk or in specified containers other than cartons; (2) changes the provisions of §§ 922.120(e), 922.131(d), and 922.132 with respect to retention of copies of exemption certificates, orange diversion reports, and Mexican export certificates to make it clear that such retention is at the option of growers and handlers; (3) changes the words "standard packed box, or its equivalent" to "carton" in § 922.141 *Manifest reports* to reflect the current information as to orange sizes required to be reported in manifest reports; and (4) changes the terms "standard packed boxes" and "boxes" appearing in §§ 922.112(c), 922.113(a), 922.120(a) (5), and 922.131(d) to "cartons" to reflect the nature of the information currently being furnished pursuant to such sections.

Notice with respect to all actions of the amendment, except that set forth in (4) of the preceding paragraph hereof, was given in the FEDERAL REGISTER issue of April 17, 1959 (24 F.R. 2960). No written data, views, or arguments pertaining

thereto were received. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended:

§ 922.120 [Amendment]

1. Revise the fifth and sixth sentences of § 922.120(e) to read as follows: "The grower shall endorse and turn over to the packinghouse, through which the oranges are to be handled, two copies. The packinghouse shall sign and immediately mail one copy to the committee."

§ 922.131 [Amendment]

2. Revise the last sentence of § 922.131 (d) to read as follows: "One copy signed by the handler shall be submitted to the committee promptly upon the diversion or elimination of the oranges covered thereby. One copy may be retained by the handler, and two copies shall be forwarded by the handler to the by-product manufacturer or charitable organization with the understanding that the by-product manufacturer or charitable organization will record, on one copy thereof, the actual net weight or number of cartons of oranges received, and forward such copy to the committee."

§ 922.132 [Amendment]

3. Revise the last sentence of § 922.132 to read as follows: "The quadruplicate may be retained by the handler."

§ 922.141 [Amendment]

4. Delete from the second sentence of § 922.141 the words "standard packed box, or its equivalent" and insert, in lieu thereof, the word "carton."

§§ 922.112, 922.113, 922.120, 922.131 [Amendment]

5. Substitute the term "cartons" for the respective terms "standard packed boxes" and "boxes" appearing in §§ 922.112(e), 922.113(a), 922.120(a) (5), and 922.131(d).

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

Title 14, Part 400 to end (\$1.50)
Title 47, Parts 1-29 (\$0.70)

Previously announced: Title 3, 1958 Supp. (\$0.35); Titles 4-5 (\$0.50); Title 7, Parts 1-50, Rev. Jan. 1, 1959 (\$4.00); Parts 51-52, Rev. Jan. 1, 1959 (\$6.25); Parts 900-959 (\$1.50); Title 8 (\$0.35); Title 9, Rev. Jan. 1, 1959 (\$4.75); Titles 10-13, Rev. Jan. 1, 1959 (\$5.50); Title 14, Parts 1-39 (\$0.55); Parts 40-399 (\$0.55); Title 18 (\$0.25); Titles 22-23 (\$0.35); Title 24, Rev. Jan. 1, 1959 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80-169 (\$0.20); Parts 170-182 (\$0.20); Part 300 to end, Title 27 (\$0.30); Titles 28-29 (\$1.50); Title 32, Parts 700-799 (\$0.70); Part 1100 to end (\$0.35); Title 32A (\$0.40); Title 33 (\$1.50); Titles 35-37 (\$1.25); Title 38 (\$0.55); Title 39 (\$0.70); Titles 40-42 (\$0.35); Title 43 (\$1.00); Titles 44-45 (\$0.60); Title 46, Parts 1-145 (\$1.00); 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 1-70 (\$0.25); 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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CODIFICATION GUIDE

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6. Add a new section reading as follows:

§ 922.139 Conversion factors.

Unless otherwise specified in the particular report form, information with respect to volume of oranges required to be submitted under this part shall be reported in terms of cartons. For shipments of oranges, other than in cartons, the volume of such oranges shall be converted to cartons on the basis of 37½ pounds net weight per carton: *Provided*, That the following conversion factors may be used:

(a) One standard 2-compartment California wood box, loose packed, equals 1.6 cartons.

(b) Five 7-lb. bags equal 1 carton.

(c) Seven 5-lb. bags equal 1 carton.

(d) Nine 4-lb. bags equal 1 carton.

It is hereby further found that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.), in that: (1) The specification of factors for converting to carton equivalents oranges handled in bulk, or in containers other than in cartons, is necessary to facilitate the reporting, on a uniform basis, of orange shipments by handlers, as well as the utilization of the information by the committee; (2) the shipment of Valencia oranges is currently in progress and subject to allotment and limitation of shipments on the basis of sizes of oranges, and handlers are required to render to the committee daily and weekly reports of such shipments for use, among other things, in connection with allotment; (3) the amendment does not require any special preparation for compliance therewith which cannot be completed by the effective time thereof; and (4) handlers and growers are being relieved from restrictions as to the retention of certain rec-

ords. With respect to the changes in the specified sections effecting the substitution of the term "cartons" for the terms "standard packed boxes" and "boxes," it is hereby further found that it is impracticable and unnecessary to give preliminary notice and engage in public rule-making procedure because the required information is currently being furnished in terms of cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated April 30, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director, Fruit and Vegetable,
Division, Agricultural Market-
ing Service.

[F.R. Doc. 59-3824; Filed, May 5, 1959;
8:48 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Depart- ment of Commerce

[Amtdt. 2]

PART 370—CLAIMS

Claims Under General Agency Agreements

Subpart A is hereby amended by adding the following new § 370.6:

§ 370.6 Claims under General Agency Agreements.

(a) Prior to November 1, 1959, claims arising under General Agency Agreements, including third party claims, shall not be denied for the reason that they are time-barred, provided they are not stale under general principles of equity.

(b) Effective November 1, 1959, claims arising under General Agency Agreements, including third party claims, shall be governed by this Statement of Policy regarding Payment of Time-Barred Claims, subject, however, to the following:

(1) If the claim is for work, services or supplies furnished the vessel or the Maritime Administration, either by the General Agent or by third parties, and regardless of whether the claim is asserted against the General Agent or the Maritime Administration, the period of limitations shall run from the date the claim accrued.

(2) If the claim is by the General Agent for reimbursement by the Maritime Administration on account of a timely payment made to a third party, the period of limitations shall run from the date of such payment.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: April 30, 1959.

By order of the Acting Maritime
Administrator.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-3801; Filed, May 5, 1959;
8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7337]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Ronay, Inc., et al.

Subpart—*Invoicing products falsely*: § 13.1108 *Invoicing products falsely*: Federal Trade Commission Act. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition*. Subpart—*Using misleading name*—Goods § 13.2280 *Composition*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ronay, Inc., et al., Long Island City, N.Y., N.Y., Docket 7337, April 11, 1959]

In the Matter of Ronay, Inc., a Corporation, and Mitchell Bienen, Richard Bienen, and Pearl Bienen, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Long Island City, N.Y., with describing falsely as "wicker" on invoices to dealers, handbags actually made of paper fibers.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Ronay, Inc., a corporation, and its officers, and Mitchell Bienen, Richard Bienen, and Pearl Bienen, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device in connection with the manufacture, offering for sale, sale or distribution of ladies' handbags or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting on invoices, or in any other manner, the material or materials of which their ladies' handbags, or any other merchandise, are composed or constructed.

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

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

Issued: April 10, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-3816; Filed, May 5, 1959;
8:47 a.m.]

[Docket 7347]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Hicks Pharmacal Co. et al.

Subpart—*Advertising falsely or misleadingly*: § 13.20 *Comparative data or merits*; § 13.170 *Qualities or properties of product or service*; § 13.280 *Unique nature or advantages*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hicks Pharmacal Company (Newark, N.J.) et al., Docket 7347, April 16, 1959]

In the Matter of Hicks Pharmacal Company, a Corporation, Carl H. White, Jr., John Garvey and Henry K. Berman, Individually and as Officers of Said Corporation; and Kenneth Rader Company, Inc., a Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a distributor in Newark, N.J., and its advertising agent, with representing falsely in newspaper, radio, and other advertising of the drug preparation "Arthrycin" for treatment of arthritis and rheumatism, that the analgesic effect of the product built up day after day, that it was a special remedy providing greater relief than other analgesics and was the only tested pain-relieving complex on the market, and that the plan of taking it for five days in reduced amounts daily was new and unique, the following of which would permanently end the pains of arthritis, rheumatism, and other similar conditions.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Hicks Pharmacal Company, a corporation, and its officers, and Carl H. White, Jr., John Garvey and Henry K. Berman, individually and as officers of said corporation, and Kenneth Rader Company, Inc., a corporation, and its officers, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation Arthrycin or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States Mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That the analgesic effect of Arthrycin builds up day after day.

(b) That said preparation is a special remedy or that it provides a greater de-

gree of relief from pain than is provided by other analgesic preparations.

(c) That said preparation is the only tested pain relieving complex on the market.

(d) That the plan of administering the preparation, that is, by taking the preparation over a period of five days in reduced amounts, is a new or unique method of administering analgesics.

(e) That said preparation, however taken, will relieve the pains of arthritis, rheumatism, sciatica, neuritis or lumbago, unless limited to the temporary relief of the minor pains thereof.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

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

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

Issued: April 16, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-3817; Filed, May 5, 1959;
8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER E—ALASKA WILDLIFE PROTECTION

PART 46—PROTECTION OF GAME AND FUR ANIMALS, BIRDS, AND GAME FISHES

Miscellaneous Amendments

Basis and purpose. Section 9 of the Alaska Game Law of January 13, 1925, as amended (43 Stat. 743; 48 U.S.C. 198), authorizes and directs the Secretary of the Interior to, from time to time, upon consultation with or recommendation from the Alaska Game Commission, determine when, to what extent, and by what means, game animals, fur animals, game birds, nongame birds, and nests and eggs of birds, and game fishes may be taken, possessed, transported, bought or sold in Alaska, and to adopt suitable regulations permitting and governing such activities in accordance with such determinations.

By notice of proposed rule making published on December 24, 1958 (23 F.R. 10137), the public was notified of a public hearing to be held by the Alaska Game Commission at Juneau, Alaska, on Feb-

ruary 4, 1959, and was afforded an opportunity to present views, data, or arguments with respect to proposed amendments to Part 46, Title 50, Code of Federal Regulations, to be recommended to the Secretary of the Interior by the Commission for the purpose of specifying open seasons, means of taking, bag and possession limits, and other conditions to govern the taking, possession, transportation, purchase, or sale of game and fur animals, birds, and game fishes in Alaska beginning July 1, 1959. The public was also invited to submit written views with respect to these matters to the Executive Officer of the Alaska Game Commission at Juneau, Alaska, on or before February 1, 1959.

Investigations by the Fish and Wildlife Service and the Alaska Game Commission, and personal observations of citizens and agencies within Alaska, indicate that current conditions, including changes in both human and wildlife populations, and the facts attendant to the change of Alaska from Territory to State status pursuant to the Statehood Act of July 7, 1958 (72 Stat. 339), require further protection to wildlife in Alaska in a few minor instances and will permit greater relaxation of regulatory protection in other instances.

Following the public hearings held at Juneau and elsewhere in Alaska on proposed amendments to existing regulations, and after giving due consideration to all relevant matters presented orally and in writing in response to the notice of proposed rule making, the Commission has recommended a number of permanent and annual changes in the regulations to conserve the wildlife resources of Alaska, and at the same time permit such utilization of these resources as is consistent with the preservation of breeding stocks of these game and fur animals, birds, and game fishes.

The recommendations of the Commission have been considered and it has been determined that they will effectuate the purpose of the Alaska Game Law. Accordingly, the regulations under the Alaska Game Law are amended as follows:

§ 46.1 [Amendment]

1a. The word "Alaska" shall be substituted for the words "the Territory" where they appear in definition of the terms "nonresident" and "resident" in § 46.1 *Meaning of terms*, and the word "State" shall be substituted for the word "Territory" wherever it appears elsewhere in such regulations.

b. In § 46.1 the term "Territory" and its definition is deleted. The terms "cub bear" and "State" and their respective definitions are added to be inserted in their proper alphabetical positions as follows:

Cub bear. Young bear in their first and second year of life.

State. State of Alaska.

2. Section 46.6 is amended to read as follows:

§ 46.6 General provisions.

Except as permitted in §§ 46.8 and 46.51, no person shall take, possess, or

transport game animals, fur animals (other than wolves and coyotes), game birds, or game fishes, or purchase or sell fur animals or parts thereof, unless he is in possession of a valid license of the nature required by the Alaska Game Law, bearing his signature written in ink on the face thereof, and he shall have his license on his person when taking such animals, birds or fishes and shall produce it for inspection by any game management agent or other authorized person requesting to see it. The fee for each form of such license shall be one dollar (\$1.00) except for export licenses and permits which shall be fifty cents (50¢), for each animal, bird, trophy therefrom or part thereof.

3. Section 46.8 is amended to read as follows:

§ 46.8 Exemptions.

No license shall be required by this part of Indians or Eskimos, or of other residents to hunt, fish or trap.

§ 46.41 [Amendment]

4. Section 46.41(c) (2) is amended by adding the word "external" before the words "sex organs" and shall read as follows:

(2) Whenever the taking of any big game animal is restricted to the male sex during all or a portion of an open season, no person shall possess or transport the carcass of any big game animal (irrespective of the time when taken) which does not have sufficient portions of the external sex organs attached to indicate conclusively the sex of the animal. Nothing contained in this paragraph shall apply to the carcass of any big game animal which has been cut and placed in storage for preservation, or otherwise prepared for consumption, upon arrival at the location where it is to be consumed.

§ 46.81 [Amendment]

5. Section 46.81 is amended by deleting the comma after the word "rifle" in the first sentence of this paragraph.

§ 46.132 [Amendment]

6. Section 46.132 is amended by deleting the headnote "Rainbow Reserve" and the text applicable to such headnote.

§ 46.141 [Amendment]

7a. Section 46.141 is amended by adding in their proper alphabetical positions two newly established reserves described as follows:

Berners Bay Reserve. The entire drainage into Berners Bay, located on the east side of Lynn Canal. (Closed on Moose).

Kalgin Island Reserve. Kalgin Island in Cook Inlet near Anchorage. (Closed on Moose).

b. Section 46.141 is further amended by adding in its proper alphabetical position a reclassified reserve described as follows:

Rainbow Reserve. The drainage into Turn-again Arm north of the Anchorage-Seward Highway from Potter to the Alaska Railroad-Seward-Anchorage Highway cross-

ing near Girdwood. (Closed on all species of wildlife except wolves, coyotes and moose.)

c. Section 46.141 is further amended by deleting the headnote "Kenai Peninsula Highway Reserve" and the text applicable to such headnote.

d. Section 46.141 is further amended by redescription of the "Steese Highway Reserve" as follows:

Steese Highway Reserve. The area near Eagle Summit lying within 2 miles of each side of the Steese Highway between the bridge across Ptarmigan Creek and a point 8 miles NE along said highway.

8. Section 46.151 is amended to read as follows:

§ 46.151 Emergency closures, openings or reopenings.

(a) In order to meet certain emergency situations the Director of the Bureau of Sport Fisheries and Wildlife is authorized to close open seasons on one or more species of big game animals in any area or areas and similarly may extend or reopen such season on one or more species in any area or areas. Such action, which shall be limited to the duration of the emergency, may only be taken when he has positive evidence that one or more of the emergency conditions hereinafter enumerated exist:

(1) That human lives or property are seriously endangered by the taking of such animals in a particular area;

(2) When unusual concentrations of such animals occur near highways or on beach areas, threatening them with excessive killing; or

(3) When unusual climatic conditions develop which seriously limit the normal food supply or otherwise threaten to cause undue loss of such animals in any particular area so as to warrant a further harvest to prevent overutilization of the food supply and prevent undue loss of such animals.

(b) Any action by the Director to close, extend or reopen seasons pursuant to the authority contained in this section shall be taken by publishing an appropriate order in the FEDERAL REGISTER. The order shall clearly show cause as herein set forth, and if it extends or reopens a season on a particular species an appropriate termination date shall be set and the order shall further specify that if the emergency condition abates prior to such termination date, that the Director will promptly publish a rescinding order in the same manner.

9. Section 46.201 is amended to read as follows:

§ 46.201 Seasons and limits on game animals.

Subject to the applicable provisions of the preceding sections of this part, the game animals which may be taken, the wildlife management units open to hunting (but not including any area within the Reserves described in §§ 46.131 through 46.141 where the season is continuously closed to the taking of designated species of game animals), the open seasons, and the bag limits on game animals during the year beginning July 1, 1959, and ending June 30, 1960, are prescribed as follows:

Species and units	Open seasons (dates inclusive)	Bag limits
<i>Deer (except fawns)</i>		
Units 1 and 5.....	Aug. 20-Nov. 30.....	4 bucks a year or 3 bucks and 1 doe: <i>Provided</i> , That the doe may be taken only during the period Oct. 15-Nov. 30.
Units 2, 3, 4 and 6.....	do.....	4 deer a year: <i>Provided</i> , That does may be taken only during the period Oct. 15-Nov. 30.
Unit 8.....	do.....	1 buck a year or 1 doe: <i>Provided</i> , That the doe may be taken only during the period Nov. 28-Nov. 30.
<i>Moose (bulls with forked antlers or larger)</i>		
Unit 1 (except Berners Bay Reserve).....	Sept. 15-Oct. 15.....	1 bull a year.
Units 8, 9, and 17.....	Aug. 20-Sept. 30..... and Dec. 10-Dec. 31.....	Do.
Units 7, 15 and that portion of Unit 6 West of 148° W. longitude.....	Aug. 20-Sept. 20.....	Do.
Unit 6—That portion of Unit 6 east of 148° W. longitude.....	Closed season.....	Closed season.
Unit 14—That portion of Unit 14 north of the Little Susitna River.....	Aug. 20-Sept. 20..... and Nov. 1-Dec. 10.....	1 bull a year.
Unit 14—That portion of Unit 14 draining into Cook Inlet between Girdwood and Portage.....	Aug. 20-Sept. 20.....	Do.
Unit 14—Remainder of Unit 14, 11 and 16 (except Kalgin Island Reserve).....	Aug. 20-Sept. 20..... and Nov. 1-Nov. 30.....	Do.
Units 5, 12, 13 (except Denali and Paxson Reserves) and 20.....	Aug. 20-Sept. 20..... and Nov. 20-Nov. 30.....	Do.
Units 18, 19, 21 (except Kantishna Reserve), 22, 24, 25 and 26.....	Aug. 20-Sept. 30..... and Nov. 20-Nov. 30.....	Do.
<i>Caribou (either sex)</i>		
Units 8 (except Kodiak Island) and 9.....	Aug. 20-Dec. 31.....	1 a year.
Units 10 (Atka and Unnak Islands only), 25 and those portions of Units 23, 24 and 25 north of the Arctic Circle.....	No closed season.....	No limit.
Units 11, 12, 13 (except Denali Reserve), 14, 16, 17, 19, 20 (except Steese Highway Reserve), 21 (except Kantishna Reserve), 22 and those portions of Units 23, 24 and 25 south of the Arctic Circle.....	Aug. 20-Dec. 31.....	3 a year.
<i>Elk</i>		
Unit 8—That portion of Afognak Island lying east of a line from the head of Seal Bay to the head of Saposa Bay (known as Tonki Cape Area).....	Oct. 1-Oct. 25.....	1 of either sex a year.
Unit 8—Remainder of Unit 8.....	Oct. 1-Oct. 25.....	1 bull a year.
<i>Mountain goat (except kids)</i>		
Units 1, 3, 4 (except on Chichagof Island), 5 and 6.....	Aug. 20-Nov. 30.....	2 a year.
Units 7 (except Cooper Landing Reserve), and 11.....	Aug. 20-Oct. 31.....	1 a year.
Unit 13 (except Sheep Mountain Reserve).....		
Units 14 (except Eagle River and Rainbow Reserves), and 15.....		
<i>Mountain sheep (rams with three-quarter (¾) curl horn or larger)</i>		
Units 7 (except Cooper Landing Reserve and that portion of the Unit lying east of the Alaska Railroad), and 15.....	Aug. 20-Aug. 24.....	1 ram, with three-quarter (¾) curl horn or larger, a year.
Units 11, 12 (except Tok Reserve), 13 (except Sheep Mountain, Denali and Watana-Butte Reserves), 14 (except Eagle River and Rainbow Reserves), 16, 17, 19, 20 and that portion of Unit 25 south of the Yukon River.....	Aug. 20-Sept. 10.....	Do.
Units 23, 24, 26 and that portion of Unit 25 north of the Yukon River.....	Aug. 15-Sept. 10.....	Do.
<i>Bison</i>		
<i>Muskox</i>		
<i>Brown and grizzly bear (except cubs or females accompanied by cubs)</i>		
Units 1, 4 (except Thayer Mountain and Pack Creek Reserves), 5 and 6.....	Sept. 1-June 30.....	
Unit 8 (except the mainland coast).....	Sept. 10-May 31.....	
Unit 9 (that portion of the Unit lying west of the trail from Herenden Bay to Albatross Anchorage), and the mainland coast of Unit 8.....	Nov. 1-May 31.....	1 of either species a year: <i>Provided</i> , That the taking of cubs, or females accompanied by cubs, is prohibited.
Unit 9 (that portion of the Unit lying east of the trail from Herenden Bay to Albatross Anchorage).....	Nov. 1-Dec. 31.....	1 of either species a year: <i>Provided</i> , That the taking of cubs, or females accompanied by cubs, is prohibited.
Units 7, 11, 12, 13 (except Denali Reserve), 14, 15, 16 (except McNeil River Reserve), 17 through 20, 21 (except Kantishna Reserve), 22 and 23 through 25.....	Sept. 1-Dec. 31.....	
<i>Black bear (including its brown, blue or glacier bear color variations)</i>		
Units 1, 2, 3, 4 and 5.....	Sept. 1-June 30.....	2 a year.
Units 6, 8, 9, 11, 12, 13 (except Denali Reserve), 20 and Unit 25 south of the Yukon River.....	Aug. 20-June 30.....	3 a year.
Units 7, 14 (except the Rainbow Reserve), 15 through 21 (except the Kantishna Reserve), 22, 23, 24, Unit 25 north of the Yukon River and 26.....	No closed season.....	Do.
<i>Hare and rabbit</i>		
Units 1, 2, 3, 4 and 5.....	Sept. 1-April 30.....	5 a day.
Units 6 through 26.....	No closed season.....	No limit.

10. Section 46.251 is amended to read the taking of such animals (but not including any area within the Reserves described in §§ 46.131 through 46.141 where the season is continuously closed to the taking of designated species of fur animals), the open seasons, and the bag limits on fur animals during the year beginning July 1, 1959, and ending June 30, 1960, are prescribed as follows:

Species and units	Open seasons (dates inclusive)	Bag limits
<i>Mink, marten, fox (except white fox), Uptax, weasel (ermine), and coon</i>		
Units 1 (except the Juneau Reserve), 2, 3, and 4 (except for marten on Chignik Island), Unit 6 (that portion of Unit 6 west of the Copper River, except Montano Island), Units 5, 6 (that portion of Unit 6 east of the Copper River), 7, 8 (except for mink on Kodiak Island and marten on Afognak Island), and 9 through 26 (except for fox in Unit 14 upon which there is no closed season).	Jan. 1-Jan. 31. Nov. 20-Dec. 20. Nov. 16-Jan. 31.	Do. Do. Do.
<i>Land otter</i> ¹		
Units 1 (except the Juneau Reserve), 2, 3, and 4. Unit 6 (that portion of Unit 6 west of the Copper River), Units 5, 6 (that portion of Unit 6 east of the Copper River), and 7 through 26.	{ Jan. 1-Jan. 31. and Mar. 10-Apr. 30. Nov. 20-Dec. 20. Nov. 16-Mar. 31.	{ Do. Do. Do.
<i>White fox</i>	Dec. 1-Mar. 15. Dec. 1-Apr. 16.	Do. Do.
<i>Muskrat</i>	Jan. 1-June 10.	Do.
<i>Beaver</i>		
Units 1 (except Juneau Reserve), 2, 3 and 4. Units 5, 6, 7, 11, 13, 16, 20 (except drainage of Chena River and tributary sloughs between the Little Chena River and Tanana River), and 21. Unit 24. Units 14, 15 and 16. Units 17, and 18. Unit 22. Units 9 (except all drainages to the Pacific Ocean and Bristol Bay west of and including the Meshik River), 12, 23 and 25. Unit 8.	Mar. 10-Apr. 30. Feb. 1-Mar. 31. do. do. do. Closed season. Feb. 1-Mar. 31. Mar. 1-Apr. 30.	15 a year. 20 a year. 25 a year. 40 a year. 10 a year. Closed season. 15 a year. 20 a year.

¹ Land otter may not be taken with steel traps smaller than size 48 Nowhouse or its equivalent during any closed season on mink or marten within the same wildlife management unit.

Species and units	Open seasons (dates inclusive)	Bag limits
<i>Marmot and squirrel</i>		
Units 1 through 26.	No closed season.	No limit.
<i>Wolf and coyote</i>		
Units 1 through 12 and 14 (except that portion of the Unit north of the Kishwina River), and 15 through 26.	do.	Do.
Units 13 and that portion of Unit 14 north of the Kishwina River.	Closed season.	Closed season.
<i>Polar bear (except cubs and females accompanied by cubs)</i>		
Units 18, 22, 23 and 26.	No closed season.	1 a year. <i>Provided</i> , That the taking of cubs, or females accompanied by cubs, is prohibited.
<i>Sea otter, fisher, pika and raccoon</i>		
Units 1 through 26.	Closed season.	Closed season.

11. Section 46.301 is amended to read the Reserves described in §§ 46.131 through 46.141 where the season is continuously closed to the taking of designated species of game birds), the open seasons, and the bag limits on game birds during the year beginning July 1, 1959, and ending June 30, 1960, are prescribed as follows:

Species and units	Open seasons (dates inclusive)	Bag limits
<i>Grouse</i>		
Units 1 through 8 (except the Kodiak-Afognak Island group), and 9 through 17. Units 18 through 26.	Aug. 20-Dec. 31. Aug. 20-Apr. 15.	10 a day. Do.
<i>Ptarmigan</i>		
Units 1 through 26.	Aug. 20-Apr. 15.	20 a day.
<i>Migratory game birds</i> ¹		
In the State.	Seasons and limits in accordance with the current Migratory Bird Treaty Act Regulations.	

¹ The Migratory Bird Hunting Stamp Act of March 16, 1934, as amended (16 U. S. C. 718) provides that no person who has attained the age of 16 years shall take any migratory waterfowl (quail, wild ducks, geese, and swans) unless at the time of such taking he carries on his person an unexpired Federal Migratory Bird Hunting Stamp (Duck Stamp) validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds.

12. Section 46.351 is amended to read as follows:

§ 46.351 Seasons and limits on game fishes.

Subject to the applicable provisions of the preceding sections of this part, the open seasons, daily bag and possession limits and the wildlife management units in which game fishes may be taken during the year beginning July 1, 1959, and ending June 30, 1960, are prescribed as follows:

Species and units	Open seasons (dates inclusive)	Bag limits
Units 1, 2, 3, 4, 5, 6, 8, 17, 18, 19, 21, 22, 23, 24, 25 and 26 (see exceptions below).	No closed season.....	15 fish daily: <i>Provided</i> , That such limit may not contain more than 3 fish over 20" in length. Possession limit: 2 daily bag limits.
Units 9, 10, 12 and 20 (see exceptions below).....	No closed season.....	10 fish daily or in possession: <i>Provided</i> , That except for northern pike such limit may not contain more than 2 fish over 20" in length.
Units 7, 14, 15 and 16 (see exceptions below).....	July 1-Mar. 31..... and May 28-June 30.....	
Units 11 and 13 (see exceptions below).....	July 1-Apr. 30..... and June 8-June 30.....	
<i>Exceptions</i>		
(a) Naknek River and waters of Naknek Lake within 1/2 mile of its outlet (in Unit 9).....	July 1-Mar. 31..... and May 28-June 30.....	
(b) Tustumena Lake (in Unit 15).....	No closed season.....	
(c) Dolly Varden and Mackinaw or lake trout may be taken at any time without regard to bag limits and by use of gill net, trap or seine in all drainages into the Arctic Ocean within 30 miles of the coastline from Cape Krusenstern to Demarkation Point, and in salt water where the taking of salmon for commercial purposes by netting is permitted.		
(d) Dolly Varden and Mackinaw or lake trout may be taken for personal use without regard to bag limits during the period December 1 through April 30 by use of a gill net, trap or seine in the waters of Iliamna, Ugashik, Becharof Lakes and their outlet rivers, and in the Nushagak River drainage.		
(e) Northern pike may be taken at any time without regard to bag limits and by use of a gill net, trap, seine or spear in all the waters of Alaska except in Unit 20 where such taking shall be by hook, line or spear and in numbers according to the applicable bag limit.		
(f) Subject to the applicable bag limits for Unit 15, Mackinaw or lake trout in Tustumena Lake may be taken by use of a single set line, but no such line shall have attached to it more than three hooks.		

(Sec. 9, 43 Stat. 743, as amended, 48 U.S.C. 198)

In accordance with the provisions of section 4(c) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238; 5 U.S.C. 1003(c)), the foregoing amendments shall become effective on July 1, 1959.

Section 46.151 of the foregoing regulations is provided to expedite a temporary closure, extension or reopening of a prescribed season when unanticipated concentrations or migrations of animals or adverse weather conditions create an emergency situation justifying such action. Accordingly, since any order published under that regulation would be of an emergency nature requiring immediate action, the thirty-day advance publication requirement imposed by section 4(c) of the Administrative Procedure Act of June 11, 1946, may be waived, in the publication of any such order, under the exception provided.

Issued at Washington, D.C., and dated April 30, 1959.

FRED A. SEATON,
Secretary of the Interior.

[F.R. Doc. 59-3779; Filed, May 5, 1959; 8:45 a.m.]

special licenses, it is no longer expedient to require such licenses under authority of the Alaska Game Law; accordingly, in order that the new state may gain the maximum benefit and revenue that may accrue by the sale of appropriate licenses of these classes, the existing resident trapping, hunting, fishing and special brown and grizzly bear licenses requirements of this part are revoked.

This revocation of Part 202 shall become effective June 30, 1959.

(Sec. 10, 43 Stat. 744, as amended; 48 U.S.C. 199. Issued at Juneau, Alaska, and dated February 6, 1959)

[SEAL] THE ALASKA GAME COMMISSION,
DAN H. RALSTON,
Acting Executive Officer.
FORBES L. BAKER,
Chairman.
ANDREW A. SIMONS,
Member.
RALPH HALL,
Member.
HARRY O. BROWN,
Member.

[F.R. Doc. 59-3778; Filed, May 5, 1959; 8:45 a.m.]

§ 203.48 is hereby prescribed to govern the operation of the State of New Hampshire highway bridge across Little Harbor between Rye and New Castle, New Hampshire, as follows:

§ 203.48 Little Harbor, N.H.; bridge (highway) between Rye and New Castle, N.H.

(a) The owner or agency controlling the bridge will not be required to keep draw tenders in constant attendance at the bridge.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw between the hours of 6:00 a.m. and 10:00 p.m., from April 1 to October 31, at least 4 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge: *Provided*, That in an emergency the draw will be opened as soon as possible after notification. At all other hours during the period April 1 to October 31 and at all times during the period November 1 to March 31, the draw will be opened only in an emergency. The owner of or agency controlling the bridge shall provide arrangements whereby the draw tenders can be readily reached by telephone or otherwise at any hour of the day or night.

(c) Upon receipt of such notice, the authorized representative of the owner or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in a position where it can easily be read at any time, a copy of the regulations of this section, together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) Automobiles, trucks, vehicles, vessels, or other watercraft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw. All passage over the draw or through the draw opening shall be in a manner to expedite both land and water traffic.

(f) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

(Regs., April 24, 1949, 285/91 (Little Harbor, N.H.)—ENGWO) (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.655 governing logging operations on the Rogue River, Oregon, is hereby amended to eliminate any ambiguity existing under the regulations, as follows:

§ 207.655 Rogue River, Oregon; logging.

The dumping of logs into the Rogue River or upon its banks, below the high water line, and the rafting of logs, or floating of loose logs, sack rafts of timber

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS
PART 207—NAVIGATION REGULATIONS

Little Harbor, N.H., and Rogue River, Oregon

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499),

Chapter II—Alaska Game Commission

PART 202—TRAPPING AND HUNTING LICENSES

Revocation

Basis and purpose. In accord with the Act which granted statehood to Alaska, the new state will eventually assume the management of the wildlife resources therein. It having been determined that the appropriate conservation agency of the state of Alaska has provided for resident trapping, hunting, fishing and other

and logs, and the towing of log rafts on Rogue River, is hereby limited to the period from 1 November of each year to 31 March of the following year (both dates inclusive). Parties engaged in logging operations on the Rogue River shall arrange their work so that the river shall be free from floating logs or debris caused by their operation, from 1 April to 31 October of each year (both dates inclusive).

(Regs., April 22, 1959, 285/91 (Rogue River, Oreg.)—ENGWO) (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 59-3802; Filed, May 5, 1959;
8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1842]

[Idaho 06430]

IDAHO

Withdrawal of Lands Within the Coeur d'Alene and Kaniksu National Forests for Use of the Forest Service as an Administrative Site and Recreational Areas; Revocation of Departmental Order of April 30, 1908

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

1. Subject to valid existing rights, the following-described public lands within the national forests in Idaho hereafter designated, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as an administrative site and recreation areas, as indicated:

BOISE MERIDIAN

COEUR D'ALENE NATIONAL FOREST

Shoshone Creek Administrative Site

T. 50 N., R. 4 E.,
Sec. 5, lot 10, and $W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 8, lot 1.
The areas described aggregate 83.40 acres.

KANIKSU NATIONAL FOREST

Perkins Lake Recreational Area

T. 62 N., R. 3 E.,
Sec. 4, lots 4 and 5;
Sec. 5, lots 1 and 5.
The areas described aggregate 86.70 acres.

Brush Lake Recreational Area

T. 64 N., R. 1 E.,
Sec. 21, lot 1;
Sec. 22, lot 1.
The areas described aggregate 66.40 acres.

The total area described aggregates 236.50 acres.

2. The departmental order of April 30, 1908, which withdrew the following-described lands within the Kootenai National Forest as the Perkins Lake Site, is hereby revoked:

T. 62 N., R. 3 E.,
Sec. 4, $W\frac{1}{2}NW\frac{1}{4}$; (lots 4 and 5);
Sec. 5, $E\frac{1}{2}NE\frac{1}{4}$; (lots 1 and 5).
The areas described aggregate approximately 87 acres.

3. This order shall be subject to existing withdrawals for power purposes, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDHIL,
Assistant Secretary of the Interior.

APRIL 30, 1959.

[F.R. Doc. 59-3819; Filed, May 5, 1959;
8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

17 CFR Part 902 I

[Docket No. AO-293]

MILK IN WASHINGTON, D.C., MARKETING AREA

Decision With Respect to Proposed Marketing Agreement and Order

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 at Washington, D.C., on April 8-19, 1957, pursuant to notice thereof issued on February 21, 1957 (22 F.R. 1116), upon a proposed marketing agreement and order regulating the handling of milk in the Washington, D.C., marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 26, 1958 (23 F.R. 3719), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision on all issues except the issue of Class I price. It was stated in the decision that the hearing would be reopened to receive further evidence on this issue. The period until July 2, 1958 was provided for the filing of written exceptions to the recommended decision. The reopened public hearing was held on September 22-25, 1958, pursuant to a notice thereof issued on September 4, 1958 (23 F.R. 6909).

Upon the basis of the evidence introduced at both sessions of the hearing and the record thereof, the Administrator, Agricultural Marketing Service, on January 30, 1959 (24 F.R. 767), filed with the Hearing Clerk, United States Department of Agriculture, his revised recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues of record related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued what its provisions should be with respect to:

- Scope of regulation;
- The classification of milk;
- The level and method of determining class prices;
- The method to be used in distributing proceeds among producers; and
- Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

Character of commerce. The handling of milk in the Washington, D. C., marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in the handling of milk and its products.

The Washington fluid milk market is an interstate market encompassing not only the District of Columbia but the immediately adjacent counties of both Maryland and Virginia. Within this market there is a substantial and continuing interstate commerce, both in the procurement of milk and in the sale of fluid milk and its products.

The District of Columbia which is but a part of the area comprising the whole market, is entirely urbanized and must rely completely on movements of milk in interstate commerce for its supply. Milk for the market is regularly supplied by dairy farmers in the four-State area of Maryland, Pennsylvania, Virginia, and West Virginia. Statistics presented by the Maryland and Virginia Milk Producers Association, whose members produce approximately 90 percent of the total market supply, indicate that for the month of March 1956; 49 percent of their milk originated from farms located in the State of Virginia, 46 percent from farms in the State of Maryland, 2 percent from farms in the State of Pennsylvania and 2 percent from farms in the State of West Virginia. In addition, at least two substantial handlers in the market procure their milk supply from other sources. One of these dealers procures his supply through the Capitol Milk Producers Association from farms located in the States of Virginia and Maryland. The other dealer, whose bottling and distributing plant is located

outside the District of Columbia in the State of Maryland, procures his supply primarily from two cooperative associations, one of whose plants is located in the State of Pennsylvania and the other in the State of Virginia. Milk from the Virginia plant is supplied by dairy farmers located in Virginia and in West Virginia. The milk from the Pennsylvania plant is supplied by dairy farmers in Pennsylvania, Maryland and in West Virginia.

Distributors whose plants are located in the District of Columbia have regular and substantial route sales, both wholesale and retail, extending into the adjacent counties of both Virginia and Maryland. One such distributor also makes regular sales into the State of Delaware as well as on the Eastern Shore of Maryland and Virginia. Distributors whose plants are located in nearby Maryland and distributors whose plants are located in nearby Virginia regularly compete with distributors whose plants are located in the District of Columbia for contract sales to Federal and/or State installations in the District of Columbia and in Maryland and Virginia. One substantial handler processes and packages frozen concentrated milk at his Washington, D. C., plant which milk is later transported to naval installations in the State of Florida. In addition, the Maryland and Virginia Milk Producers Association makes substantial spot sales of bulk milk to outlets in the States of New Jersey, North Carolina and Florida.

Milk produced for the local fluid market, but which may be in excess of current fluid needs, is processed into manufactured milk products in nearby manufacturing plants which products are sold on the national market in competition with similar products from all parts of the country. In addition manufactured dairy products such as cottage cheese, sour cream and ice cream are distributed in the local market from sources outside of the District of Columbia or the States of Maryland and Virginia.

From the foregoing it is evident that the vast majority of the milk in the Washington market does move in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce of milk and its products.

Need for an order. Marketing conditions in the Washington, D. C., marketing area justify the issuance of a marketing agreement and order.

For a period of about 14 years from February 1940 to August 1954, marketing conditions in the Washington market were, in general, orderly and stabilized. During the period from February 1940 until April 1947 the market was regulated under Federal Order 45. That order was terminated effective April 1, 1947, at the request of the Maryland and Virginia Milk Producers Association, a cooperative association representing the majority of the producers supplying the market. Throughout the period in which the order was in effect the market was generally in short supply and supplemental outside milk was regularly imported to

meet the fluid needs of the market. After the termination of the order the market continued to be in short supply until early in 1951. Throughout the period in which the market was in short supply the blended prices returned to all producers on the market were very near the Class I price.

Subsequent to the termination of the Federal order the Maryland and Virginia Milk Producers Association continued to market the milk of its producer-members on a classified use basis and to return a blended price to its members. The Capitol Milk Producers Association, which markets the milk of its producer-members through one substantial handler in the market, on the other hand, has sold the milk of its members on a flat price basis which price has approximated the blended price which the Maryland and Virginia Milk Producers Association has returned to its members. The handler who purchases this milk has maintained a very high Class I utilization, currently about 95 percent. The utilization of the Maryland and Virginia Milk Producers Association, while varying, has in some months of 1956 been as low as 65 percent in Class I.

A substantial handler who prior to October 1, 1954 purchased his milk from the Maryland and Virginia Association on a classified use basis now purchases his milk from two cooperatives, one in Virginia and one in Pennsylvania, on a negotiated flat price basis. The handler's current utilization approximates 95 percent in Class I. The loss of this Class I outlet has increased the volume of milk from members of the Maryland and Virginia Milk Producers Association utilized in manufacturing uses, thus lowering the blended prices returned to the members of this association, and indirectly, the returns to members of the Capitol Milk Producers Association whose milk is purchased on a price related to the Maryland and Virginia blended price. At the same time the advantage which the handler buying milk through the Capitol Milk Producers Association has maintained over other handlers in the market in the cost of Class I milk has been further enhanced. The record evidence does not reveal the prices paid by the one handler to the two cooperatives who supply his needs. However, it does show that the prices paid to the two cooperatives are not necessarily the same and do vary from month to month.

The trend of increasing milk supplies in the Washington market is typical of the dairy industry generally throughout the country. With the increase in milk supplies locally and in adjacent markets, Washington handlers who purchase their milk on a classified use basis have encountered increasing competition in their regular route distribution as well as on contract sales to Federal Government installations. Government contract purchases in the Washington area represent a substantial part of the total Class I sales in the market. In recent years Washington area handlers have encountered increased competition from outside

dealers using milk surplus to their normal market with the result that bid prices to supply Class I milk to Government installations currently reflect values only slightly in excess of milk disposed of in manufacturing use.

In an effort to preserve their established Class I outlets the Maryland and Virginia Milk Producers Association has priced milk to its buyers at prices calculated to meet the competition from the flat price buyers in their regular trade and the outside dealers on contract business for Government installations. One substantial handler testified that his company paid as many as six different Class I prices for the same quality milk. This must be presumed to be typical of all other handlers in the market since the association witnesses pointed out that all of the regular buyers purchasing milk for any particular outlet were charged the same prices. Notwithstanding the efforts of the local producers to hold their Class I outlets, local handlers have not been entirely successful in holding the contract business.

The Maryland and Virginia Milk Producers Association currently supplies nearly 90 percent of all the Class I milk for the market and an even greater proportion of the reserve supply. In earlier years arrangements with one of the larger handlers in the market who maintains a receiving and manufacturing plant at Frederick, Maryland, provided a basis whereby the cooperative association could direct milk to the several handlers in the quantities and at the time needed. Milk not needed for fluid uses was held at the Frederick plant for manufacturing uses. In order to better service the market and to return the highest possible prices to its producer-members the association in 1955 acquired its own manufacturing plant. This acquisition has provided substantially greater flexibility in marketing on the part of the association. Notwithstanding, the loss of Class I outlets, and the extensive price cutting which has prevailed over an extended period, have resulted in increasing market instability, which if continued, may lead to a complete breakdown of the marketing system. This situation constitutes a continuing and serious threat to a dependable supply of pure and wholesome milk for the Washington area.

It is concluded that the issuance of a marketing agreement and order for the Washington market will contribute substantially to the stabilization of the fluid milk market and will tend to effectuate the declared policy of the Act. The adoption of a classified price plan based on audited utilization of handlers will provide a uniform system of pricing of milk to all handlers and will assure a fair division of returns to all producers. The public hearing procedure required by the Agricultural Marketing Agreement Act will provide opportunity for representation of producers, handlers and to the public to present information on marketing conditions and participate in the determination of prices for milk in the area.

The marketing area. The Washington, D. C., marketing area should include

all of the territory in the District of Columbia; the city of Alexandria and the Counties of Arlington, Fairfax, Prince William, all in the State of Virginia, and the Counties of Prince Georges (exclusive of the corporate limits of the town of Laurel), Montgomery, Charles, and St. Marys; the southern portion of Calvert County and the southern portion of Frederick (including the City of Frederick), all in the State of Maryland, together with all piers, docks and wharves connected therewith and including all territory within such boundaries which is occupied by Government (municipal, State, or Federal) installations, institutions or other establishments.

The maximum area of regulation as set forth in the several proposals contained in the hearing notice included, in addition to the area herein proposed, the counties of Accomack and Northampton in Virginia and the counties of Talbot, Dorchester, Wicomico, Worcester, Somerset, the remaining portion of Calvert County and portions of the counties of Washington, Howard and Anne Arundel, and the town of Laurel in Prince Georges County, all in the State of Maryland.

The population of the area as herein proposed, according to the 1950 census, is in excess of 1,500,000 persons of which approximately 800,000 are in the District of Columbia. Unofficial population estimates introduced in the record of the hearing indicate an over-all population growth in this area from 1950 through 1956 of more than 33 percent, the greater part of which has taken place in the nearby Maryland and Virginia counties. The principal populated areas outside of the District of Columbia include: Alexandria, Arlington, Falls Church, Fairfax and Manassas, Virginia; Bethesda, Chevy Chase, Rockville, Silver Spring, Hyattsville, Riverdale, Mt. Rainier, College Park, LaPlata, Leonardtown, Prince Frederick, and Frederick, Maryland. The major Federal installations in the area include Andrews Air Base, Bolling Field, Bethesda Naval Hospital, Cameron Station, Fort Belvoir, Fort Myer, Fort McNair, Mt. Alto Veteran's Hospital, National Institute of Health, Naval Air Station, Naval Gun Factory, Naval Receiving Station, Patuxent Air Station, Quantico Marine Base, St. Elizabeths and Walter Reed Hospital.

Milk for the marketing area as herein proposed is produced under the applicable health regulations of the District of Columbia, or the States of Maryland and Virginia and in some instances local jurisdictions. Milk produced under District of Columbia inspection is sold throughout the area since it is acceptable under all of the applicable ordinances. Milk produced under State or local health inspections, while generally of similar quality, cannot be distributed in the District of Columbia and it is not clear from the record to what extent the respective State or local health authorities accept reciprocal inspection. Distributors from the District of Columbia compete with one another throughout most of the area herein proposed. The greater part of their business is done in the highly urbanized area comprised of

the District of Columbia, Montgomery and Prince Georges Counties in Maryland and the City of Alexandria and the Counties of Arlington and Fairfax in Virginia. Throughout this area District of Columbia handlers are the primary handlers. However, they meet substantial local competition in both Virginia and Maryland.

District of Columbia handlers also do the preponderance of the overall fluid milk business in Charles and St. Marys Counties, Maryland, and are substantial handlers in the southern portion of Calvert County and the Frederick County, Maryland, area and in Prince William County, Virginia. These areas, though substantially more rural in character than the other parts of the proposed area, represent substantial sales areas in which District of Columbia handlers operate.

The Frederick County area herein proposed for inclusion was specifically requested by local handlers who are the primary distributors there but who would be brought under full regulation by virtue of the sales which they make into Montgomery County. A local Frederick handler appeared at the reopened hearing to support the inclusion of additional territory in Frederick County, contending that he had substantial business beyond the proposed limits of the marketing area and would be disadvantaged in the sale of milk outside the marketing area in competition with unregulated milk.

The area in question was not noticed in either the original or the reopening notice of hearing and no point in this regard was raised in exceptions filed to the recommended decision. Inclusion of territory not previously noticed in accordance with the applicable rules of practice and procedure cannot be considered on the basis of this record. However, if after an order is promulgated it appears desirable to consider inclusion of additional territory in Frederick County in the marketing area this may be accomplished through an amendment hearing.

It was concluded in the initial recommended decision that all of Calvert County, Maryland, should be included in the marketing area. On the basis of exceptions filed to the recommended decision and evidence adduced at the reopened hearing, it is now concluded that Baltimore handlers do the preponderance of business in the northern portion of this county and accordingly, that only the area of Calvert County which lies south of Maryland State Highways 507 and 263 appropriately should be included in the marketing area.

Prince William County has experienced a very considerable suburban development in recent years, particularly in the Manassas area. With the exception of the southernmost tip, the county is served exclusively by District of Columbia handlers and by local Virginia handlers who would be regulated by virtue of their business in other parts of the proposed area.

Proponents for inclusion of the Quantico Marine Base contend that under present circumstances the contract milk distributed through the base commissary

is a serious disruptive factor over a wide area of Prince William County. The Quantico Marine Base has been a substantial outlet for handlers who will be brought under regulation by the order. While such handlers have not exclusively held this contract they have been the primary suppliers. In order to remove this source of disruption to orderly marketing within the regulated area Quantico Marine Base must be included.

The record indicates that the boundaries of the Quantico Marine Base extend beyond Prince William County into Stafford County. However, that portion of the base in Stafford County is exclusively used as a maneuver and firing range. The inclusion in the marketing area of that portion of the base within Prince William County will encompass all of the administrative barracks, quarters and sales area of the base and will tend to implement the intent of regulation.

A dealer who operates a plant at Fredericksburg, Virginia, proposed that the portion of the Fredericksburg area of the Virginia State Milk Control Commission which lies in Prince William County, with the exception of the Quantico Marine Base, be excluded from the marketing area. This particular dealer was the principal proponent for the inclusion of the Quantico Marine Base in the area. It would be impractical to exclude this area if the Quantico Marine Base is included. The extent of business done by this dealer in the immediately surrounding area is such that with little adjustment in his business he may become fully regulated or remain outside the scope of regulation as he deems best. In any event, the provisions of the order are so drafted that he has substantial latitude of choice in the matter of impact of regulation upon his operations. In the interest of orderly marketing, it is necessary that the entire area of Prince William County be included in the marketing area.

It is intended that the sales of fluid milk from piers, docks, and wharves and to crafts moored thereat be included in the marketing area. It is also intended that the area include all the territory occupied by Government reservations, institutions or other such establishments whether municipal, State or Federal if they fall within the limits of the area as defined. The record indicates that in general the quality requirements for milk for such installations are similar to those for milk sold in other parts of the marketing area. These, by location and past performance, represent logical areas of distribution for Washington, Virginia and Maryland dealers who are in substantial competition with one another in the marketing area. Unless they are included, regulated handlers will be placed at a serious competitive disadvantage in competing with unregulated dealers for such sales. The inclusion of these areas will tend to assure uniform and equal costs as between handlers.

The marketing area as herein defined comprises a contiguous, generally heavily populated territory served by the same handlers. Such area is in reality a single milk market, all parts of which are regu-

lated by health ordinances generally similar in scope and enforcement, which constitutes a practical unit for the proposed regulation.

The town of Laurel, in Prince Georges County, Maryland, historically has been served almost exclusively by Baltimore distributors. While Washington area handlers who would be brought under regulation by this order, have some sales there, such sales are a minor portion of their total sales and the inclusion of the town might bring under regulation Baltimore distributors who do the major portion of their business beyond the limits of distribution of Washington handlers.

Although the extreme southern portion of Anne Arundel County and a portion of Howard County were proposed for inclusion in the marketing area, the record provides no basis for determining the extent of business done in this area by Washington dealers and it is not possible to ascertain whether in fact Washington, Baltimore, or local dealers are the primary distributors. It is apparent that distribution here by Washington handlers is not extensive and inclusion of these areas under regulation is unnecessary at this time.

While one substantial Washington handler distributes milk through an independent vendor in the Eastern Shore Counties of Dorchester, Somerset, Talbot, Wicomico, Worcester, Accomack, and Northampton, this area is basically rural in character and its inclusion in the area would bring under regulation a number of distributors doing a large portion of their business in other parts of Maryland and the State of Delaware where Washington area handlers have little or no distribution. This distribution by the Washington handler constitutes a minor portion of his overall fluid business. It is neither administratively feasible nor necessary to include within the marketing area all of the territories in which Washington handlers do any business. Ideally, the established marketing area boundaries should encompass that area in which handlers who would be regulated do the preponderance of their business and should leave a minimum of competition with unregulated handlers outside the area. The inclusion of any part of the Eastern Shore area would not tend to implement this position, but would place local handlers serving the area in a disadvantageous position relative to their competition in their normal area of distribution outside of the marketing area.

Although a portion of Washington County, Maryland, was proposed for inclusion in the marketing area the record fails to substantiate the fact that any handler who would be regulated is presently serving this area and its inclusion at this time is unnecessary.

Milk to be priced. The plants which distribute milk in the Washington, D. C., marketing area disposed of the major portion of their milk receipts for fluid consumption. Milk intended for fluid consumption in the Washington area is required to be produced in compliance with inspection requirements of the duly constituted health authorities having

jurisdiction in the area. The minimum class prices of the order should apply to such milk which is regularly received from dairy farmers at plants primarily engaged in the fluid milk business and which pasteurize and bottle milk for fluid distribution on retail or wholesale routes (including routes of vendors) or through plant stores in the marketing area or which is received at plants which are regular and substantial suppliers of milk to such pasteurizing, bottling or distributing plants. This milk may be identified by providing appropriate definitions of the terms: "Approved plant", "Pool plant", "Handler", "Dairy farmer", "Dairy farmer for other markets", "Producer", "Producer-handler", "Producer milk", and "Other source milk".

These definitions are designed to identify the supplies of milk on which the market regularly and normally depends. However, under the terms of the order herein proposed milk may be disposed of for fluid consumption in the marketing area by and from plants not meeting such criteria. It is necessary, therefore, to establish definitive standards of performance which may be used in determining which plants and what milk constitute the regular sources of supply and therefore become fully subject to regulation. Such standards are set forth in the order and apply uniformly to all plants wherever located. Any plant, regardless of location, may bring itself under regulation by performing in the manner required. Any plant may relieve itself from regulation by no longer operating in a way that brings it within the scope of the order. Under the circumstances, the decision as to whether a plant will be regulated or unregulated is determined by the decision of the plant operator.

The Class I price under a Federal order is fixed at a level which exceeds the value of milk for manufacturing uses. This value or differential over milk used for manufactured dairy products is essential as an incentive to producers to supply the market with an adequate supply of pure and wholesome milk for fluid consumption. The extra cost incurred by producers who supply milk which meets the requirements for fluid consumption must be borne by that portion of the milk which is marketed as Class I milk. Milk in excess of Class I uses, although an essential part of the fluid milk business, cannot be expected to return producers more than a manufacturing value. The only outlet for reserve milk not needed for fluid uses is in the form of manufactured milk products and such products must be marketed on a national market in competition with similar products which can be, and are, made throughout the country from ungraded milk.

In establishing an appropriate Class I price it is intended that the level shall be such as will attract only that volume of milk which is needed to meet the fluid needs of the local market plus the necessary reserve to assure an adequate supply throughout the year.

Because of the distances that eastern fluid markets are from areas of alternative supply in the Midwest, the price for

milk for fluid uses in eastern markets is higher in relation to manufacturing milk values than is the case in the Midwest. Under such circumstances there might be an incentive for dealers in unregulated adjacent markets to seek a Class I outlet in the Washington market for temporary or seasonal surpluses in excess of their local market needs. Because of the substantial number of Government installations in the area which procure their milk supplies on a competitive bid basis for relatively short periods there is a considerable opportunity, unless appropriate safeguards are provided, for such unregulated dealers to market milk excess to their local needs at prices below the value of milk for fluid uses. They may do this by bidding off available contracts at such Government installations. This situation, would be a serious disruptive factor to orderly marketing in the Washington marketing area. It is essential, therefore, that the order be constructed in a manner which will safeguard the market from serving as a surplus disposal area for surrounding markets.

As indicated elsewhere in this decision, marketwide pooling of producer returns is considered essential to the stable and orderly functioning of the market. One of the primary problems in setting up a marketwide pool is to establish appropriate standards which accommodate the sharing of Class I sales among those dairy farms who constitute the regular source of supply for the marketing area. Performance standards, therefore, should be such that any milk plant which has as its major function the supplying of milk for fluid use in the marketing area would participate in the marketwide equalization pool. On the other hand, such standards should be sufficiently flexible to permit intermittent shipment of milk from supply plants not regularly identified with the local market and direct distribution from plants which have only a minor part of their overall fluid business in the area without subjecting such plants to full regulation.

Full regulation of such plants is unnecessary to accomplish the purposes of the order and might result in placing such plants at a competitive disadvantage in supplying the unregulated but primary markets with which they are normally associated.

Any plant which disposes of milk in the marketing area as Class I milk or which supplies milk to a plant which disposes of Class I milk in the area is intended to be an "approved plant". An approved plant other than that of a producer-handler, from which Class I milk equal to not less than 50 percent of its receipts of milk from dairy farmers is disposed of in the form of Class I milk during the month on routes (including routes operated by vendors) or through plant stores to wholesale or retail outlets and which disposes of not less than 10 percent of such receipts on such routes in the marketing area should be a pool plant subject to full regulation. The pool plant definition should also include an approved plant which has no direct distribution in the marketing area

but which moves 50 percent of its receipts from dairy farmers during any month(s) of October through February or 40 percent of such receipts during any month(s) of March through September to another plant(s) which disposes of Class I milk equal to 50 percent or more of its receipts from dairy farmers and receipts from other approved plants and which disposes of at least 10 percent of such receipts as Class I milk on routes in the marketing area.

Any plant distributing fluid milk in the marketing area and which disposes of less than 50 percent of its total receipts from dairy farmers as Class I milk should not be considered as primarily in the fluid milk business and any distributing plant which does less than 10 percent of its total fluid business in the marketing area should not be considered as substantially associated with the local market.

In like manner, any supply plant which during the shortest production months does not ship at least 50 percent of its total receipts from dairy farmers to fully regulated distributing plants should not be considered as primarily associated with the market. Any such plant which is a pool plant in each of the months of October through February should be a qualified pool plant in each of the months of March through September regardless of the quantity then shipped unless the operator thereof elects to withdraw the plant from regulation. This provision will accommodate the pooling of all milk primarily associated with the market under changing supply-demand relationships which occur from season to season.

A plant which was a nonpool plant during any of the months of October through February should not be permitted pool plant status in any of the immediately following months of March through September in which it is operated by the same handler, an affiliate of the handler or any person who controls or is controlled by the handler. It would be inappropriate to permit a handler pooling status during the flush months of production if his milk were used to supply outside Class I markets during the short production months when such milk would be most needed by the local market. This provision, however, will permit a handler, who during certain short production months ships the required percentages, to pool his plant(s) in those months in which the standards are met. If the milk is utilized for other markets during part of the short season, it will not permit the pooling of such supplies during the months of flush production.

It is recognized that the demand for milk from supply plants may vary seasonally and will be greatest during the season of low production. During the months of flush production supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets, in which case it would be more economical to leave the most distant milk in the country for manufacturing and utilize the nearby milk for Class I use. Performance standards under the order should not

force milk to be transported to distributing plants during the flush months merely for the purpose of maintaining eligibility for pooling.

To avoid uneconomic movements of milk provision should be made whereby a plant may maintain pool status throughout the year if it supplies a substantial portion of its producer milk to the market during the normal low production months. The order, however, should not force such a supply plant to pool during the flush if it does not meet the current supply requirements and the operator thereof elects to withdraw his plant from the pool. The order provisions are drafted to require qualification of a supply plant on the basis of the current month's performance except that a plant which has previously qualified in each of the months of October through February may retain pool status during the March through September period unless application is made to the market administrator to be a nonpool plant during those months.

Provision should be made whereby pool plant status is accorded any manufacturing plant operated by a cooperative association if the production of at least 70 percent of its members is regularly received at other pool plants. The Maryland and Virginia Milk Producers Association, whose members supply nearly 90 percent of the milk for the market, operates a manufacturing plant to provide for orderly disposition of the excess or reserve milk in the market. This association, acting as the marketing agent for all of its producer members, daily moves milk (by assigning producers) directly from the farm or through receiving stations to its buyers in the amounts required for Class I and related uses. Milk not so needed in the market and for which no Class I outlet is available is moved to the association plant for processing. The volume of receipts at this plant varies from day to day and month to month depending on the needs of the several handlers and the variation in production. Although the operation of this plant is very beneficial to the orderly marketing of milk for this market, the nature of the operation carried on would not result in pool status under the standards for distributing or supply plants.

The qualification for pool plant status is a means of establishing identity of plants with the fluid market. In this regard, however, it must be recognized that the arrangement of the Maryland and Virginia Milk Producers Association is unique and does not lend itself to performance requirements of the usual nature. The milk of its producer members which is received at its manufacturing plant is a part of the regular supply for the local fluid market and is available to the several handlers in the market whenever needed. While the manufacturing plant does not carry District of Columbia health approval, this in no way affects its status as a surplus disposal plant or its functions of carrying the reserve supply of milk for the market.

The performance standards herein provided for a manufacturing plant operated by a cooperative association describe a particular basis of operation in

this market and will accommodate the pooling of milk regularly associated with this market.

It was proposed at the hearing that provision be made whereby a system of distributing and supply plants could qualify as a unit if the overall system met the distributing plant pooling requirements. It was concluded in the recommended decision that the system pooling requested was not needed and that the pooling requirements, as recommended, were reasonable and necessary to define those plants which were sufficiently associated with the fluid market to be included in the pooling arrangement. The proponent for a system pooling arrangement excepted to this conclusion stating that it was essential that the company's two manufacturing plants be accorded pooling status and that the provisions as recommended were inappropriate in that they would not accomplish this end. Exceptor further stated that if the pooling provisions were not revised some other procedure must necessarily be devised to permit their manufacturing operations access to pool milk.

It is not clear why exceptors hold that the pool should furnish a milk supply for their manufacturing operations. It is apparent that the market now operates almost exclusively under bulk tank handling and that the plants in question now have little function as supply plants. While they at one time may have been intimately associated with the market as receiving plants and/or as balancing plants, much in the same way as the cooperative association's plant now operates, they no longer are essential to the market as a whole in this role.

The order is intended to assure an adequate, but not excessive, supply of quality milk to meet the fluid needs of the market only. The pooling requirements herein recommended are minimum standards and under the existing market structure it is expected that virtually all distributing plants will have a substantially higher Class I utilization than the 50 percent requirement established. To permit system pooling of supply plants and distributing plants as requested would tend to implement the inclusion in the pool of plants with little or no direct association with the market and primarily engaged in manufacturing operations.

Plants primarily engaged in manufacturing operations and not meeting the pool plant qualifications herein recommended should not be granted pool status, nor should the order be so drafted that handlers are encouraged to develop a milk supply solely for manufacturing uses. It is recognized that processing facilities must be available to the market to permit orderly disposition of the necessary market reserve and seasonal surplus resulting from day to day and month to month variations in supply and demand. To the extent that such surpluses exist, handlers with nonpool manufacturing operations need not be encumbered in their ability to process such surpluses through their own facilities. This can be accomplished through appropriate diversion provisions which

will permit direct delivery from the farm to such nonpool plants without loss of pool status for the milk involved. However, to promote the integrity of regulation such diversion should be accommodated only to the extent necessary to assure orderly handling of the necessary market surplus. The diversion provisions hereinafter set forth will accomplish this end.

It was concluded in the recommended decision that when milk moves to market in tank trucks owned or operated by, or under contract of a cooperative association the cooperative should be held as the responsible handler. A number of exceptions were filed to this conclusion. Exceptors state that milk now moves to market via independent haulers and that holding the cooperative as the responsible handler would adversely affect present handler-producer relationships and quality programs which are currently being carried on. Certain proprietary handler exceptors also contend that if the cooperative were made the responsible handler the order must necessarily make clear that such cooperative would absorb any shrinkage between the farm and plant of first receipt. Cooperative exceptors on the other hand state that they would be placed in a disadvantageous position if required to absorb such shrinkage.

The record is not clear as to precisely what extent the cooperative actually controls the independent hauler. In view of the fact that proprietary handlers have expressed a desire to be held as the responsible handlers and the proponent cooperative is reluctant to accept the shrinkage resulting from farm to plant movements it is concluded that the operator of the pool plant at which producer milk is first received should be held the responsible handler. However, in the case of milk which is first received at the plant of a cooperative association and which is subsequently disposed of to a proprietary handler the order should require that such handler pay the cooperative association not less than the minimum order prices applicable at the location of the transferee plant. The Act clearly establishes the intent that no cooperative association may sell milk to any handler at less than the prescribed order class prices.

Some milk distributed in the marketing area may be from plants which are fully subject to the classification and pricing provisions of other Federal milk marketing orders. To extend the application of this order to cover such plants which dispose of the major portion of their receipts in another area would result in unnecessary application of regulation. Accordingly, the order proposed herein provides that a distributing plant which would otherwise be subject to the classification and pricing provisions of another order and which disposes of a greater volume of Class I milk in such other area than in the Washington area shall not be regulated by this order. Also, any supply plant which disposes of a greater volume of milk under another order and which would be subject to the classification and pricing provisions of the other order would be ex-

empted from regulation under this order. This condition would not be applicable during the months of March through September, however, if such plant had been a supply plant under this order in each of the preceding months of October through February. While some milk may be distributed in the marketing area from plants regulated under another order and will not be subject to regulation under this order, such plants should be required to report their receipts and utilization to the market administrator so their exact status under the order can be determined.

A "handler" should be defined as (1) any person in his capacity as the operator of one or more approved plants or any other plant which is a pool plant, and (2) any cooperative association with respect to the milk of any producer which it causes to be diverted to a nonpool plant for the account of such association.

Inclusion in the handler definition of the operator of any approved plant which does not qualify as a pool plant, including a producer-handler, is necessary in order that the market administrator may require reports as he deems necessary to determine the continuing status of such individual. In the case of an approved plant which is a distributing plant but does not acquire pool status because of insufficient direct sales in the marketing area, such reports are necessary to determine the amount payable by the operator of such plant on the milk distributed in the marketing area.

The handler definition should be sufficiently broad so as to include a cooperative association with respect to producer milk diverted by it from a pool plant to a nonpool plant for the account of such association. This arrangement will permit the cooperative association to divert milk for Class I use which might otherwise be used or disposed of by the proprietary handler in Class II and thus will promote efficient utilization of producer milk in the highest available use class. The handler definition should also include a cooperative association with respect to its operations of a manufacturing plant which meets the requirements of a pool plant hereinbefore described.

The term "dairy farmer" means any person who produces milk which is delivered in bulk to a plant. The term "dairy farmer for other markets" as herein proposed is intended to designate those dairy farmers whose milk production is primarily associated with other markets and which should not be accorded pooling status along with regular producers for the market.

Under usual circumstances the Washington market is adequately supplied with milk. Any needed supplemental supplies would most likely be required during the short production months. This is also the period when milk would be in greatest demand in other surrounding fluid markets which represent alternative outlets for milk produced by local dairy farmers. Under the marketwide type of pooling herein provided any dairy farmer or group of farmers with an alternative outlet during the short

season might find it advantageous to leave the Washington market during those months when milk is in greatest demand and seek to return during the flush production months when the outside market was no longer available. While it is not intended that Federal regulation should preserve a market for any particular qualified producers to the exclusion of other qualified dairy farmers, the regulation should not provide a means whereby through manipulation certain dairy farmers may preserve their Class I outlets for themselves and dispose of their surplus in the pool. Under the terms of the order as hereafter set forth a dairy farmer delivering milk to a pool plant during the flush production months of March through September, who during the preceding short production months of October through February delivered his milk to a nonpool plant operated by the same handler, or an affiliate thereof, would be considered a dairy farmer for other markets during the flush months of March through September.

The "dairy farmer for other markets" definition should also include those dairy farmers whose milk is received at the manufacturing plant of a cooperative association, which plant is a pool plant, for the account of another cooperative association which has no membership among producers delivering to other pool plants. The manufacturing plant of the Maryland and Virginia Milk Producers Association, herein proposed to be a pool plant, from time to time processes milk purchased from a cooperative association in the neighboring Baltimore market which milk is in excess of the fluid needs of the Baltimore market. Such milk is not available for fluid distribution in the local market. It is handled in the manufacturing plant of the local cooperative as a service to the Baltimore cooperative and hence cannot be construed to be a part of the normal milk supply for the Washington market. A continuation of this relationship will in no way adversely affect the application of regulation and will facilitate orderly marketing of milk both in the Washington and Baltimore area.

The term "producer" should be defined to mean any person other than a producer-handler or a dairy farmer for other markets, who produces milk which is eligible for consumption as fluid milk in the area and which milk is received at a pool plant.

The definition should be sufficiently broad to include a dairy farmer whose milk is ordinarily so received but is diverted by a handler to a nonpool plant for his account on not more than 8 days (4 days in the case of every-other-day delivery) during any month of October through February and at any time during the months of March through September. In order that milk which is so diverted continues to be included in the regular pool computations, it should be treated as if received at the pool plant from which it was diverted.

As previously indicated, it is intended that the order shall assure an adequate,

but not excessive, supply of milk for the fluid market. The order provisions should not be so drawn as to encourage an excess volume of milk to associate with the pool. During the months of October through February it is not necessary to accommodate diversions to non-pool plants except insofar as may be necessary to assure orderly handling of the weekend surpluses which accrue because plant bottling operations may be suspended during weekends.

The months of March through September are the months of greatest production during which unlimited diversion privileges are desirable in order to expedite the orderly disposition of the necessary surplus.

Milk disposed of to government installations under contract sales is required to meet specified standards patterned after the U. S. Public Health standards which are similar to those in effect in other parts of the area. It is intended that dairy farmers whose milk is received at a plant used to fill contracts for government installations in the marketing area shall be considered as qualified producers in such month(s) when their milk is so disposed of if the plant at which their milk is first received is a fully regulated pool plant during such month(s).

In the case of milk regularly received at a manufacturing plant operated by a cooperative association which is pooled on the basis of its function as a reserve plant, further identification standards are needed to properly define those dairy farmers whose farms are approved to supply milk for fluid consumption in the marketing area. Without such identification milk may be received and included in the pool which does not meet the sanitation requirements for fluid consumption in the marketing area.

Under usual circumstances dairy farmers producing milk for fluid distribution in the marketing area hold individual farm inspection permits issued by the appropriate health authority having jurisdiction in the marketing area. However, under certain circumstances, milk may be received at distributing or supply plants serving the area from dairy farmers which do not hold such permits. It must be presumed in such cases that the milk is acceptable to the appropriate health authority having jurisdiction and therefore any dairy farmer whose milk is so received should be considered to be a producer.

The manufacturing plant of the local cooperative association as hereinbefore explained, does not have health approval to move milk to other pool plants for fluid consumption. Hence, it is possible that some of the milk received at this plant is not qualified for fluid distribution in the market. It would be impractical to require the market administrator to make individual determination as to whether each dairy farmer's milk so received is of acceptable quality for fluid use. It is therefore appropriate in the case of dairy farmers who deliver their milk to a manufacturing plant owned by a cooperative association, which is pooled on the basis of its function as a reserve plant for the

market, to require that such farmers in order to acquire producers status hold valid farm permits issued by the appropriate health authority having jurisdiction in the marketing area.

The definition of producer as herein provided will identify those persons who deliver milk to pool plants which is acceptable for fluid consumption in the marketing area. It also identifies those persons to whom the minimum prices are to be paid and who share in the marketwide pool under the terms of the proposed order.

The term "producer milk" is intended to include all skim milk and butterfat contained in milk produced by producers and received at pool plants directly from such producers. As previously stated certain diversions are permitted and such diverted milk is considered as a receipt at the plant from which it is diverted.

A "producer-handler" is defined as any person who operates a dairy farm and an approved plant from which Class I milk is disposed of in the marketing area and who received no other source milk or milk from other dairy farmers. Since a producer-handler receives only milk of his own production or pool milk from other handlers it is unnecessary to subject such an operation to the pooling and payment provisions of the order. However, as previously indicated it is necessary that the plant operator in his status as a handler be required to make reports to the market administrator in order that his continuing status as a producer-handler can be ascertained and to facilitate accounting with respect to transfers from other handlers.

The classification provisions of the proposed order should provide that any milk in the form of Class I products transferred by a pool handler to a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from other handlers, by virtue of the type of operation involved, may be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's pool plant as Class I milk. A producer-handler may receive pool milk from other handlers and still maintain his status as a producer-handler.

Any milk which a handler receives from a producer-handler should be "other source milk" and would, therefore, be allocated to the lowest class utilization at the pool plant after the allocation of shrinkage on producer milk. Milk disposed of to another handler by a producer-handler must be presumed to be surplus to the operation of the producer-handler and since other producers do not share in the Class I utilization of the producer-handler it would be unfair to ask such producers to share their Class I utilization with the excess milk of a producer-handler. This method of allocating producer-handler milk will preserve producers' priority on the Class I sales in the market.

Exceptors to the above conclusion suggested that some further limitation should be placed on producer-handlers, by restricting their ability to use milk other than own farm production, by

limiting the number of farms which such individuals might operate or by limiting their volume of distribution. The record indicates that there are few producer-handlers operating in the market and there is no showing that they have been a disturbing factor in the market. Accordingly, it is concluded that further limitations of the proposed nature are not necessary at this time.

The term "other source milk" should be defined as all skim milk and butterfat utilized by a handler in his operation except milk and milk products in the form of Class I milk received from pool plants, inventory in the form of Class I milk and current receipts of producer milk. The term should include all skim milk and butterfat in products other than Class I products from any source, including those produced at the handler's plant during the same or an earlier month, which are reprocessed or converted to other products during the month. Other source milk is intended to represent all skim milk and butterfat from sources not subject to the classification and pricing provisions of the attached order. If other source milk is disposed of in Class I products, partial pricing and regulation is provided under compensatory payment provisions. Defining other source milk in this manner will insure uniformity of treatment to all handlers under the allocation and pricing provisions of the order.

Classification of milk. All milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Under an order, only producer milk is priced. Milk is received, however, at pool plants directly from producers, from other handlers and from other sources. Milk from all of these sources is intermingled in the handler's plant(s). It is necessary, therefore, to classify all receipts of milk to properly establish classification of producer milk.

The conditions in this market make it appropriate to provide for a two class classification scheme. Class I milk should include those products which are required by the local health authorities in the various segments of the marketing area to be made from milk from approved sources. Class II milk should include those products which compete on a national market with similar products. Such products are not required by the local health authorities to come from approved milk. Products which are permitted by the local health authorities to be sold in the area from milk from unapproved sources include ice cream, cottage cheese, sour cream, egg-nog, evaporated milk, aerated whips, and milk in hermetically sealed containers. Although local health authorities require local handlers to use approved milk in their fluid milk plants in the manufacture of such manufactured products they permit similar and competing products to be sold in the marketing area from unapproved sources. Under such circumstances it would not

be feasible economically to classify and price such products in Class I. To do so would place local handlers at a competitive disadvantage in the disposition of such products and would virtually deny a market for the reserve milk supplies of the market. Moreover, the classification and pricing of such products in Class I would extend regulation beyond the limits necessary for orderly and stable marketing.

The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above manufacturing milk prices. This higher price should be at such level that it will yield a blend price to producers that will encourage production of sufficient quantities of milk to meet the market needs for these Class I products and the necessary market reserve.

Milk not needed seasonally or at other times for Class I use must be disposed of for use in manufactured products. These products must be sold in competition with products made from unimproved milk. Milk so used should be classified as Class II and priced in accordance with its value in such outlets.

Under the proposed classification scheme, Class I milk would comprise all skim milk (including that used to produce concentrated milk and reconstituted or fortified skim milk) and butterfat: (1) Disposed of (other than in hermetically sealed container) in fluid form or as frozen concentrated milk for human consumption as milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk; cream (except sour cream) including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream; and (2) not specifically accounted for as Class II milk.

Class I products such as skim milk drinks and buttermilk to which extra solids have been added, or concentrated whole milk disposed of for fluid use, should be included under the Class I definition. The quality requirements for the milk used to produce such milk solids or concentrated milk are the same as for the milk used to produce the skim milk to which such solids are added and other products included in Class I. The classification scheme herein established provides for a full accounting of all skim milk and butterfat and in the event products classified as Class II are later disposed of in a different form any reclassification should apply to the respective volumes of skim milk and butterfat originally used to produce such products.

All skim milk and butterfat used to produce products other than those classified in Class I should be Class II milk. This classification would include all of those products which are generally considered as manufactured milk products not required by the health authorities to be made from approved milk.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for the receipts and utilization. The accounting procedure will be facilitated by providing that end of the month inventories of all Class I products be

classified as Class II milk, regardless of whether such products are held in bulk or in packaged form. Inventories of such products on hand will then be subtracted under the proposed allocation procedure from any available Class II disposition in the following month. The higher use values of any Class I product in inventory assigned to current producer receipts during the month and which may be allocated to Class I milk in the following month should be reflected in returns to producers. The mechanics of the attached order provide for the reclassification of inventories on that basis.

Inventories of Class I products on hand at a pool plant at the beginning of any month during which such plant first becomes a pool plant should likewise be allocated to any other available Class II utilization at the plant during the month. This will preserve the priority of assignment of current producer receipts to current Class I use.

Under usual circumstances in the operation of a fluid milk plant, small unavoidable losses of both skim milk and butterfat are experienced. Such losses are normally referred to in the trade as "shrinkage". Since it is intended that a handler be required to make a full accounting for all plant receipts on a classified use basis, it is necessary that provision be made for the classification of such plant shrinkage.

The operations carried on by local handlers are such that plant shrinkage experience in this market is somewhat lower than the average market. The record clearly establishes that an allowable shrinkage on producer milk of not more than one and one-half percent will cover normal plant operations. Accordingly, it is concluded that shrinkage of producer milk not in excess of one and one-half percent of total producer receipts should be classified as Class II and any shrinkage in excess of that quantity should be classified as Class I.

In the determination of shrinkage of producer milk, total shrinkage should first be prorated between receipts of producer milk and receipts of other source milk. None of the shrinkage should be assigned to milk received from other pool plants since shrinkage on such milk is allowed to the transferring handler. All shrinkage of other source milk should be classified as Class II. The classification procedure herein recommended gives adequate protection in the classification of shrinkage on producer milk in this market and it is unnecessary to limit the classification of shrinkage on other source milk in Class II.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers, and therefore should be classified separately according to their separate uses. The skim milk and butterfat content of milk products, received and disposed of by a handler, can be determined through certain recognized testing procedures. Some of these products such as ice cream and condensed products, present a more difficult problem of accounting in that some of the water contained in the milk has been removed. It is proposed, in the case of such products, that the respective volumes of skim

milk and butterfat be ascertained by the use of adequate plant records made available to the market administrator or by use of standard conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated products such as condensed milk and nonfat solids should be based on the pounds of milk or skim milk required to produce such products.

Each handler must be held responsible for a full accounting of all of his receipts of skim milk or butterfat in any form. The handler who first receives milk from producers should be responsible for establishing the classification thereof, and for making payment to producers. This principle is followed consistently in federally regulated markets and is necessary to assure effective administration of the order.

Except for that shrinkage which may be classified in Class II under conditions previously described in this decision, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value of their milk on the basis of its use.

Because of spoilage or as a result of the handler's inability to salvage route returns butterfat and skim milk in the form of Class I products may be disposed of from time to time, for livestock feeding. It is provided that such a disposition shall be classified as Class II if verifiable evidence of such disposition is available to the market administrator.

From time to time handlers may find it necessary to dump skim milk. Under such circumstances, the market administrator must be provided opportunity to witness the actual dumping, if he deems it necessary, and to otherwise have verifiable evidence to substantiate such reported disposition. Such Class II utilization may be allowed only when the handler during normal business hours has given the market administrator at least 3 hours advance notice of intention to dump and information regarding the quantity of skim milk involved.

No allowance is made for butterfat dumped even though the skim milk dumped, and for which a Class II classification is provided, is a component of a fluid milk product from which the butterfat has not been removed. Under normal circumstances, the butterfat component of any fluid milk product is salvagable and it is not desirable to permit dumping of butterfat under other than a Class I classification.

Producer proponents at the hearing proposed a three-class classification scheme similar to the plan which they now employ in marketing their milk with handlers in the market. As previously indicated, under the order as herein proposed skim milk and butterfat are classified separately in accordance with their actual dispositions and are priced in the class in which they are utilized. Under such circumstances it is unnecessary to

provide for more than two classes of utilization. All of those products which are designated as Class I are required by the local health authorities to be made from approved milk. Those products designated as Class II are not subject to this requirement and local producer milk so disposed of must compete on a national market with similar products made from unregulated milk. To establish a separate classification and a higher pricing for milk disposed of in any of these products could seriously restrict such outlets as a disposition for the necessary reserve of the local market.

One handler proposed that milk which was disposed of as frozen concentrated milk to military installations for use outside the continental United States be classified in a Class I-A and be priced below the price of milk disposed of in other Class I products. Official notice is taken that the quality specifications established by the Defense Department for such milk are the same as those for fresh fluid milk. Under such circumstances it would be improper to classify and price milk so utilized as other than Class I.

As previously indicated classification of skim milk and butterfat used for the production of Class II products should be considered to have been established when the product is made. Classification of skim milk and butterfat used to produce Class I products should be established when such products are actually disposed of. Classification of such Class I products disposed of by transfer to another plant, under certain circumstances, should be determined on the basis of their utilization in the transferee plant.

Skim milk and butterfat in the form of any Class I product transferred to the pool plant of another handler, should be classified as Class I unless both handlers indicate in their reports to the market administrator that such classification should be Class II. However, sufficient Class II utilization must be available in the transferee plant to cover any claimed Class II classification after the prior allocation of shrinkage, other source milk, and inventory of Class I products. Skim milk and butterfat disposed of in bulk in the form of any Class I product to an approved plant other than a pool plant or the plant of a producer-handler should be classified as Class I milk up to the extent of such plant's disposition of skim milk and butterfat, respectively, as Class I milk in the marketing area. Any remaining amount of such transfer or diversion should be assigned to the highest remaining utilization in the transferee plant after the prior assignment of receipts at such plant from dairy farmers who the market administrator determines constitute its regular source of approved supply for the outside area. This procedure will complement the application of the compensatory payment provision and will provide the nonpool handler with Class I sales in the marketing area with the opportunity to choose whether he shall offset such Class I sales with pool purchases or make compensatory payments to the pool. In either event the pool handlers

have assurance that nonpool handlers will not have a price advantage on milk disposed of in the marketing area. It is not intended that pool milk should displace a nonpool handler's regular receipts from dairy farmers which meet the quality requirements of the health authority having jurisdiction in the area in which his outside sales are made. However, transfers of pool milk to a nonpool distributing plant should take priority assignment in the highest available use class ahead of other receipts of milk at such plant, except regular receipts direct from dairy farms approved to supply milk for fluid consumption.

Skim milk and butterfat disposed of in bulk in the form of milk, skim milk or cream to a nonpool plant other than an approved plant either by transfer or diversion should be Class I unless specified conditions are met. If the transferee plant is located not more than 300 miles distance from the zero milestone in Washington, D. C., by shortest highway distance the transferring handler should be permitted to claim classification as other than Class I. In such instance the transferee handler must maintain adequate books and records of utilization of all skim milk and butterfat in his plant which are made available to the market administrator, if requested, for verification purposes and must have utilized at least an equivalent amount of skim milk and butterfat, respectively, in the reported use. Provision for verification by the market administrator is reasonable and necessary to assure that producer milk will be paid for in accordance with its utilization. The record shows that there are ample manufacturing facilities within a 300-mile distance of Washington to handle any prospective surplus of the market. Unless some limitation is provided on the distance beyond which shipments of milk, skim milk and cream are permitted in Class II classification, it would be necessary for the market administrator to follow any such shipments of milk, skim milk and cream to their destination to determine utilization and classification. Such procedure would of necessity increase the costs of administering the order. Under usual circumstance in this market, milk, skim milk and cream which is moved in excess of 300 miles distance from the zero milestone in Washington, D. C., is for fluid uses. It is appropriate therefore both for administrative convenience and for the conservation of market administrative funds to provide automatic classification in Class I for milk, skim milk and cream which is moved more than 300 miles distance from the zero milestone in Washington, D. C.

The class prices established by the order apply only to producer milk. Accordingly, since a plant may receive skim milk or butterfat from sources other than producer milk a procedure must be established whereby it may be determined what quantities of milk in each plant should be assigned to producer milk. The milk from producers who are regular suppliers of milk for the Washington market should be given priority of the assignment of Class I utilization

at pool plants. When milk is received from other sources it should be assigned to Class II milk first. Unless this procedure is followed there can be no assurance that such other source milk would not be used to displace producer milk in Class I when it is advantageous to the purchasing handler. If the order permitted handlers to obtain other source milk for Class I uses whenever it was advantageous to do so while producer milk in the plant was utilized in Class II the order would not be effective in carrying out the purposes of the act and the market would be deprived of a dependable supply of milk.

In the assignment of other source milk, any such milk received from sources not regulated by an order issued pursuant to the act should be first assigned to Class II milk. The plant(s) supplying such milk may not have purchased it from dairy farmers on a classified use basis and it is not feasible to determine this or other conditions of sale. Following the assignment of such unregulated other source milk, other source receipts in the form of Class I products received from plants regulated by other orders issued under the act should be assigned to the lowest remaining available use classification. Under this procedure a handler has assurance that if his producer receipts are inadequate to meet his Class I needs and he purchases regulated milk from another Federal order market such milk will be assigned to Class I. Since it is not intended that there be any compensatory payment on other source milk which is fully regulated under another order and which is disposed of for Class I use in this market, this sequence of assignment will tend to minimize the application of the compensatory payment provision.

One proprietary handler proposed that following the assignment of unregulated other source milk an amount equal to 10 percent of the receipts from regular producers be allocated to Class II prior to the allocation of other source milk from a regulated plant under another Federal order. Proponent contended that such procedure would protect the handler in months when his over-all receipts from producers equalled or exceeded his fluid needs but were inadequate during certain days of the month.

The record evidence shows no need for such allocation during recent years. In fact, since 1951 there has been no milk purchased by Washington handlers from outside sources to supplement local producer deliveries for utilization in fluid products. Production by local producers has been running in excess of Class I requirements during all months of the year. Further, the Maryland and Virginia Milk Producers Association has readily moved milk from surplus plants to its buying handlers for fluid uses. During recent years the Maryland and Virginia Association has supplied an adequate amount of local producer milk to meet all their fluid needs during every month of the year. With adequate supplies of milk available from local producers and with marketwide movements of such milk to the local handlers when

needed, it would be inappropriate to permit such other source milk to displace producer milk in Class I in this market.

If after making the various assignments of skim milk and butterfat pursuant to the allocation provisions of the order, the total of all Class I and Class II milk assigned to producer milk exceeds the amount of producer milk reported to have been received by the handler for whose pool plants the computation is being made, such "overage" should be assigned first to the available Class II utilization and any remainder to Class I. Such overage should be paid for by the handler at the applicable class prices. In the allocation procedure recognition is taken of all receipts of other source milk reported by the handler. When utilization records indicate a disposition greater than receipts it must be presumed that the handler underreported his receipts of producer milk.

The accounting procedure as herein proposed would establish a calendar month as the accounting period. One handler proposed at the hearing that some flexibility be provided in the accounting period so that a handler might in as many as three months during any one year choose to break a calendar month into two accounting periods. It was contended that such a provision would provide reasonable assurance to a handler that in any month in which the relationship between his supply of producer milk and his Class I utilization fluctuated to the point that during a part of such month he had a more than adequate supply, and during the remainder of such month an inadequate supply, his producer milk would not displace his necessary purchases of other source milk in Class I. The Washington market is presently adequately supplied with milk from local producers and carries a sufficient reserve supply to meet all handlers' needs in all months of the year. This reserve supply, which when not needed for fluid uses, is processed at the manufacturing plant of the principal cooperative association in the market is available to all handlers in the market and may be readily shifted from plant to plant as needed. Under such circumstances no need was shown for this proposed provision in this market.

The level and method of determining class prices. In order to restore and maintain orderly marketing conditions in the Washington, D.C., marketing area, it is essential that minimum prices for Class I and Class II milk be established at such levels as will maintain an adequate but not excessive supply of quality milk for the fluid market and assure the orderly disposition of the necessary market surplus.

The production area for the Washington market is largely coextensive with that for the Baltimore market and in certain areas overlaps the production areas for the Philadelphia and New York markets as well as a number of local markets. It is essential in order to restore and maintain orderly marketing of milk in the area that producer returns maintain a close alignment with competitive prices paid to dairy farmers supplying these neighboring markets.

Class I price. A basic Class I price of \$5.10 per hundredweight for the months of March through June and \$5.55 per hundredweight for the months of July through February should be established for the Washington market to be effective for the first 18 months in which the order is in operation. An adjustment mechanism should be provided which will move such price either upward or downward, as the case may be, to reflect the average movement in the Class I price levels in the Philadelphia, New York and Chicago markets.

Proponents at the original hearing proposed that a basic Class I price level of \$5.86 be established and that movements in the U.S. Wholesale Commodity Price Index, as published by the Bureau of Labor Statistics, United States Department of Labor, be used as a temporary mechanism for adjusting the basic price to meet current economic conditions. They pointed out that a committee of nationally recognized economists and specialists were then engaged in a detailed study of the local market with the purposes of developing a specific proposal for a pricing mechanism to reflect the peculiarities of the local market and of recommending an appropriate level for the Class I price.

It was concluded in the initial recommended decision that the record did not support a price level of \$5.86 and that the use of the U.S. Wholesale Price Index did not provide an adequate basis for maintaining the local price in alignment with milk values in the national market. It was further concluded that the hearing should be reopened on the issue of Class I price after the committee had completed its investigations and a specific proposal had been received setting forth its recommendation for a Class I pricing formula.

Members of the committee appeared at the reopened hearing and presented their recommendations and the reasons therefor. They proposed a basic annual price level of \$5.55 with a price of \$5.10 to be applicable during the months of April, May, and June and a price of \$5.70 to be applicable in other months of the year. They further proposed that changes (from levels prevailing in the same months of 1957) in the Federal order Class I prices for the Chicago, Philadelphia and New York markets be used as a basis for automatic adjustment of the Washington Class I price to assure continuing alignment of the local price with those of other markets and with changing conditions of supply and demand both regionally and nationally. And finally, they proposed that such pricing mechanism be made effective for a period of from 12 to 18 months and that after a year's operation of the order the provisions thereof be reviewed, and if necessary modified in light of experience under the order.

The committee, in recommending an annual Class I price level of \$5.55 concluded that such price, in conjunction with the Class II price set forth in the original recommended decision, would return to dairy farmers a blended price approximating that which they had actually received in 1957. While they

recognized that there had been a steadily increasing supply of milk over an extended period of time and that current supplies were somewhat in excess of the fluid needs of the market, they took the position that such excess was not unreasonably large and that there were positive indications of a leveling off of supplies. They therefore concluded that the blended prices actually returned to producers in the previous year could be considered as an appropriate level of prices for the first 12 to 18 months under an order.

While the committee was inclined to view the general leveling off of supply which occurred in late 1957 and through the spring of 1958 as an indication that prices were not sufficiently high to attract greater volumes of milk, such factors as the poor quality of feed resulting from the 1957 summer drought and the wet, cold spring of 1958 undoubtedly had an influence on production during this period. It is apparent that there is, and has been, a somewhat larger than necessary milk supply and that there are no physical barriers to further increased production. Moreover, even though proponents suggested that bulk tank handling will tend to deter such increase, the record indicates that only about half of the bulk tank milk is presently delivered daily and that farm tanks generally are not being used to capacity.

In any event, the Class I price in the local market cannot be established at a level which would exceed the cost of securing dependable alternative supplies. The Chicago milkshed represents an appropriate area for determining such alternative cost, because of its existing dependable reserve supply and its past experience as a supply of milk to fluid markets throughout the country.

The 55-70 mile zone Class I price under the Chicago Federal order during 1957 averaged \$4.03 and in 1958 will approximate \$3.92, both exclusive of supply-demand adjustments which reduced the price approximately 18 and 19 cents, respectively in such years. Since the supply-demand adjuster in the Chicago order is intended to reflect the supply-demand situation in the local market it need not be a consideration in establishing the basic price level in a market as far distant as the Washington market.

The committee suggested Shawano, Wisconsin, as an appropriate point from which milk might move to the Washington market. Shawano is in the 12th zone under the Chicago order and a 22-cent location adjustment is applicable at that point. According to Rand McNally Road Atlas, Shawano is 914 highway miles from Washington, D.C. The schedule of transport rates for fluid milk issued by Dairyland Transport Company, a nationally recognized transport company doing considerable business in hauling between the midwest and eastern markets, which was presented in evidence at the hearing, indicates a charge of \$1.52 per hundredweight for moving milk 920 miles. The Chicago average 12th-zone price for 1958 adjusted for transportation to Washington, D.C., would suggest \$5.22 as the appro-

priate level of Class I price for Washington.

Proponents, however, contend that any price based on comparative costs from Chicago should recognize the mark up which the seller of spot milk customarily includes in his selling price. They suggest that such charges may vary from 0 to 75 cents depending upon the market involved, the season and alternative outlets for milk.

In establishing an appropriate price level for the Washington market, the available alternative supply sources must be considered as a potential regular supply source in which case the charges, of the nature suggested, would not be applicable. Under the Federal order program it is a generally accepted principle that producers should bear the cost of moving milk from the farm to the central market. This is accomplished by pricing milk at the location of the plant of first receipt and by providing appropriate location differentials to reflect transportation costs to the market. When milk is received directly at the city the handler bears the costs associated with physical receipt of the milk.

In some instances handlers operate country receiving plants where milk is received, assembled and cooled for shipment to the city. In such cases, the country plant performs many of the necessary functions otherwise performed at the city plant. Whether milk is received at country plants, or directly at the city is largely the choice of the individual handler whose decision is undoubtedly related to his physical plant set up and can be presumed to result in the most economical overall cost to him. Hence, it is not appropriate that producers be asked to bear the cost of operating country receiving plants.

Nevertheless, it seems apparent, in the case of milk movements from the Chicago area to Washington, that the selling handler in recognition of his alternative outlets and use of such milk would pass on to the purchaser the cost of services performed in receiving, assembling and cooling. Under normal circumstances such costs should approximate the costs Washington handlers incur in direct receipt at city plants. Hence, costs of loading milk at the Chicago plant and unloading at the Washington plant, which costs are directly related to and for this purpose may be considered a part of the transportation cost, are additional necessary costs which may appropriately be considered in determining the cost of alternative supplies.

Official notice is taken of the decision of the Assistant Secretary on proposed amendments to the Philadelphia order issued on November 25, 1957 (22 F.R. 9600) in which it was found that the fixed costs associated with loading a tanker approximated 10 cents per hundredweight and that the cost of receiving tanker milk at the city approximated 5.5 cents per hundredweight. It seems likely that such cost would not vary substantially between markets. Hence, it is appropriate for this analysis that a figure of 15.5 cents be added to transportation costs between Chicago and Washington to secure an appropriate alterna-

tive cost figure for establishing a Washington market price.

The addition of 15.5 cents to the Shawano, Wisconsin, Chicago order price plus transportation would provide a price level of \$5.375 per hundredweight which for administrative convenience is rounded to \$5.40. This is concluded to provide an appropriate annual price level for the Washington market for the initial 18 months.

Milk prices in fluid milk markets throughout the country normally vary seasonally, being highest in the short production months and lowest in the months of flush production. Notwithstanding the fact that producers in the Washington market have not sold milk to dealers at seasonally varying prices (for reasons later explained) it is desirable that some seasonality be provided to insure that the cost of alternative supplies during the flush production months will not be sufficiently below the Washington price to encourage handlers to drop local milk during this period in favor of cheaper supply sources. The months of normal flush production in the several markets vary somewhat due primarily to variations in weather and pasture conditions. The months of March through July, however, are generally considered to constitute the period of flush production. Washington is a notable exception in that July is the month of lowest production. Under these circumstances, it is concluded that an appropriate intermarket pricing relationship can be maintained throughout the year if a price of \$5.10 and \$5.55 respectively is provided for the periods of March through June and July through February.

Proponents as well as certain handlers excepted to the inclusion of the month of March among the months of reduced price, pointing out that this was contrary to the committee's recommendations and that March should not be considered a flush production month in the Washington market. Exceptors, however, suggested no basis by which March might be included among the months of higher price while retaining an annual basic Class I price level of \$5.40 hereinbefore concluded to be appropriate.

Production statistics placed in the record by proponent witnesses show that for the nine-year period 1950-1958, March is the third highest month of production in the market. During this nine-year period daily production for March averaged 1,704,000 pounds as compared to 1,881,000 pounds for May and 1,770,000 pounds for April. Daily average production for March was 8,000 pounds greater than in either February or October, the next highest months of production, and was 19,000 pounds greater than June which is the sixth highest month of production in the market.

Notwithstanding the fact that the pricing herein recommended is limited to a period of 18 months, it is essential that some mechanism be provided to assure that the price during such period will reflect the current supply-demand situation in the market and maintain an appropriate relationship with prices in surrounding markets. Lack of market-

wide information at this time deters the formulation of a supply-demand adjuster based on local market conditions. The committee recommended an adjustment mechanism based on the average movements in the Philadelphia, New York and Chicago Federal order Class I prices. They pointed out that the Washington market production area overlaps that of Philadelphia and to a degree that of New York and hence bulk milk supplies regulated by these orders are, in many instances, within easy trucking distance of Washington. They concluded, therefore, that, notwithstanding the need for general price alignment with Chicago, for reasons previously stated, it is essential that a close alignment also be maintained between Class I prices in the Washington, Philadelphia and New York markets.

Since the adjustment mechanisms of the New York and Philadelphia orders are based on broad economic indications and the Chicago order uses a mechanism that relates the Class I price to values of manufacturing milk, the relating of Washington price movements to the average price movements in these three markets will have the effect of bringing each of these to bear on the Washington price.

It is concluded that this mechanism will produce appropriate changes in the Washington Class I price which reflect changes on the national market for milk and cost factors affecting the supply and demand for milk and will maintain a reasonable alignment of price between markets during the interim period of operation of the order. Since the interim Class I price herein recommended is based on 1958 data it is appropriate that the three-market average movements be related to the same month in 1958 rather than 1957 as recommended by the committee.

The Washington market has not been accustomed to frequent price changes. Frequent price changes of a few cents would serve no useful purpose in this market. The committee recommended that the interim Class I price be effective without adjustment within a range of plus or minus 15 cents from the three-market average for each month when compared to the corresponding month of the base year (1958) and that movements in the three-market average in excess of 15 cents but not exceeding 35 cents in total provide an adjustment of 20 cents in the Washington price. Subsequent adjustment to the Washington price would be made in 20-cent multiples following each 20-cent change in the three-market average price. The committee recommendations in this regard are concluded to represent an appropriate procedure for maintaining the desired intermarket price alignment.

Proponents for a larger marketing area than that herein recommended requested that, if their marketing area proposal was not acceptable, a separate classification and pricing mechanism be provided for fluid milk products sold outside the marketing area which would assure a price competitive with that of unregulated handlers in such area. It is

concluded that such a provision would not be appropriate.

The essentials of the classified pricing plan as herein proposed and generally applicable to all Federal orders issued by the Secretary are to establish one level of price for milk which is sold as fluid milk or fluid milk products for fluid consumption and another lower price or prices for the necessary surplus of the market which is disposed of in lower-valued manufactured products. It is intended that the Class I price herein proposed will bring forth a sufficient supply to meet the demands of milk for the marketing area, but not necessarily to fulfill the requirements of outside markets. Producer milk sold for fluid uses outside the marketing area has the same characteristics of bulk and perishability, is produced under identical conditions and cost and is subject to the same transportation costs in moving from the farm to the handlers' pool plant, as is milk disposed of in the marketing area. Different production and marketing conditions in markets outside the marketing area might result in different costs of producing milk for those markets only, but would have no effect on the production costs of producer milk sold to Washington handlers.

Neither is it intended, moreover, that adjacent outside markets be used as dumping grounds for milk in excess of a regulated market's needs. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by competing unregulated distributors in such markets. Such action would also tend to lower blended returns to producers in the Washington market with the result that the level of price for milk to be sold within the regulated market might have to be raised to provide incentive for the production of a sufficient supply to fulfill the market needs.

Class II price. Some milk in excess of Class I requirements is necessary in order to maintain an adequate supply of fluid milk for the market on an annual basis. This excess milk must be disposed of in manufactured products which under the proposed classification system would be Class II. The Class II price should be maintained at the highest level consistent with facilitating the movement of Class II milk to manufacturing outlets when it is not needed in the market for Class I purposes. Such price should not be established at a level so low as to encourage handlers to procure milk supplies solely for the purpose of converting them into Class II products.

The available manufacturing facilities associated with the market are sufficient to handle any prospective market surplus. The Maryland and Virginia Milk Producers Association, which handles the bulk of the market surplus, proposed that milk disposed of for other than Class I purposes be priced on the basis of butterfat values as reflected in the Philadelphia market cream price quotations and skim values as reflected in the Chicago market dry milk price quotations. Substantially the same formula which proponents proposed, and which was

generally supported by handlers in the market, has been used in the market as a basis for pricing milk surplus to fluid needs over an extended period of years dating back to and including the time during which Order No. 45 was in effect.

The formula as herein proposed would base the butterfat value on the Philadelphia market weekly quotations per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey for each week ending within the month as reported by the United States Department of Agriculture, and would provide a make allowance of \$2.00 per can of cream. In order that butterfat values may not be unduly depressed by local market conditions in the Philadelphia area as reflected in such cream price it is provided that the butterfat value shall not be less than the average Grade A (92-score) butter price at New York as reported by the United States Department of Agriculture for the month less 17 cents. This arrangement will provide assurance to local producers that the Class II price will continuously reflect competitive eastern butterfat values.

The skim milk value under the formula as herein proposed would be based on the average of the Chicago daily market quotations for roller and spray nonfat dry milk as reported by the Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month for which the Class II price is being determined and reflects a make allowance of approximately five and one-half cents per pound of powder.

It is concluded that values determined from the proposed formula will provide a proper basis of pricing Class II milk in the Washington market. The formula as herein proposed would have yielded an average Class II price of \$3.23 for the year 1957. While such price is 17 cents higher than the New York Class III price, it is only two cents over the Philadelphia Class II price and appropriately reflects the value of milk going into manufactured products in this market. This level of Class II pricing should provide for the orderly disposition of milk in excess of fluid needs and at the same time will return to producers a competitive use value for such milk. A higher price for Class II milk than that herein proposed might result in a loss of outlets for local producer milk for manufacturing uses and hence, would not be in the interest of orderly marketing.

The classification system hereinbefore set forth provides for a full accounting of all skim milk and butterfat. While milk is priced to handlers at a basic test it is intended that the butterfat values be as precisely related to open market cream or butter values as is practical. Hence, the price to handlers for differential butterfat is rounded to the nearest one-tenth cent. For reasons later explained the butterfat differential to producers is rounded to the nearest full cent. Since a different butterfat differential is charged to handlers than is paid to producers it is necessary that the payments for differential butterfat be cleared through the producer-settlement fund.

The health regulations applicable in the marketing area permit the standardization of milk for consumer use. Open market cream can be sold in a substantial part of the marketing area. Excess cream must be disposed of in the open market or utilized in manufactured products. Producer milk delivered to Washington handlers is intended primarily for fluid milk requirements of the market and the butterfat differential should be designed to encourage the production of milk with a butterfat content about the same, or at least as high, as the butterfat content of fluid milk products sold by handlers. To set the butterfat differential above competitive values would encourage handlers to utilize alternative sources of butterfat. Setting the producer butterfat differential at a higher level than competitive prices would encourage producers to produce milk with a higher butterfat content than needed for fluid uses.

The basic test at which milk has been sold to handlers and uniform prices paid to producers historically has been 3.5 percent in this market. Both producers and handlers proposed that the 3.5 percent basic test be maintained. Producers and handlers generally supported a proposal that the butterfat differential be determined on the basis of open market cream values.

It is concluded that the Class I butterfat differential value should directly reflect the open market value of sweet cream for fluid uses as determined from current price quotations on the Philadelphia cream market. Such value may be derived by dividing by 334.8 the average of all weekly quotations for 40-quart cans of 40 percent sweet cream approved for Pennsylvania and New Jersey in the Philadelphia market as reported each week ending within the month by the United States Department of Agriculture.

Should the Class II butterfat differential exceed the value determined through this calculation, however, the Class II butterfat differential should be used as the Class I butterfat differential value.

The Class II butterfat differential should be directly related to the butterfat values in the Class II pricing formula. Such values reflect the competitive value of butterfat for manufacturing uses and will implement the orderly disposition of butterfat in excess of fluid needs.

Location differentials. Location differentials should be established for milk received at plants located a substantial distance from the marketing area. Such differentials recognize the principle that milk similarly used and located should be similarly priced. Milk which originates nearest the market should command a higher price than milk more distantly located in order to reflect the difference in cost of transporting it to the marketing area. No advantage can be accorded any particular group of producers if the location differentials established realistically reflect only differences in transportation cost.

Since virtually all of the milk produced for the Washington market moves from the farm in tank trucks, it would

be inappropriate to establish differentials within the radius from which milk would normally move directly from farms to bottling and distributing plants in the area. Accordingly, it is concluded that no differential should be established on Class I milk received at plants located within a 75-mile radius of the zero milestone in Washington, D.C. In the case of plants located more than 75 miles from the zero milestone in Washington, D.C., it is concluded that a differential on Class I milk of 12 cents per hundred-weight plus 1.5 cents for each additional 10 miles distance, or fraction thereof which such plants are located from Washington by the shortest hard-surfaced highway distance as determined by the market administrator should be appropriate. Such location differentials provide adequate allowances for transporting milk in bulk tankers between plants in the Washington area.

Milk may be received at a fluid milk bottling plant directly from producers as well as from one or more receiving plants. Under such circumstances it is necessary to designate an assignment sequence which will protect producers from unnecessary transportation costs involving transfers for other than Class I uses. It is provided, therefore, that for purposes of computing allowable Class I location differentials for each handler, the Class I disposition from a fluid milk pasteurizing or bottling plant shall first be assigned to direct producer receipts at such plant and any remaining Class I use shall be assigned to receipts from other pool plants in order of their nearness to Washington.

The value of milk used in manufactured dairy products is affected, little, if any, by the location of the plant receiving and processing such milk in contrast to the situation with respect to Class I milk. The milk received at country plants need not be transported to the city for utilization in Class II. Accordingly, a location differential should apply only to milk received at country plants and utilized in Class I or disposed of to plants which dispose of milk on routes in the marketing area.

The pricing provisions herein proposed utilize a number of reported prices and indexes from various specified sources. From time to time it is possible that such individual price(s) or index may not be reported or published. Under such circumstances it is necessary to provide that the market administrator shall use a price or index determined by the Secretary to be equivalent to or comparable with the unreported or unpublished factor or price.

Payments on other source milk. As pointed out previously, the minimum class prices established under the order apply only on producer milk received at plants subject to full regulation under the order. However, milk may be disposed of for Class I utilization by and from plants not subject to full regulation of the order. Such unregulated plants may sell milk in bulk form to pool plants that in turn use it in supplying their Class I outlets, or they may sell Class I milk directly on routes as defined herein, including sale to government installations.

The role of the compulsory classification system and the minimum prices as set forth in a Federal milk order is to insure that the price competition from reserve and excess milk will not break the market price for Class I milk, thereby destroying the incentive necessary to encourage adequate production. Because the classified program of the order is applicable only to fully regulated plants, it is necessary, in order to provide continued stability of the market, to remove any advantage unregulated plants may attain with respect to sales in the regulated market. Such plants have a real financial incentive to find a means to sell excess milk at prices somewhat less than current Class I levels so long as the price is higher than its value when used in manufactured dairy products. If unregulated plant operators were allowed to dispose of their surplus milk for Class I purposes in the regulated marketing area without some compensating or neutralizing provision of the order, it is clear that the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning minimum prices to the producers for the regulated marketing area, would be defeated.

In the absence of any competitive or regulatory force which compels all handlers to pay producers for milk used in fluid outlets at a rate commensurate with its value for such use, the position of any handler who pays the Class I price is insecure, if not untenable, whenever cheaper milk is available to the market. A classified pricing program under regulation cannot hope to be successful in the long run in insuring returns to producers at rates contemplated by the act if it is possible for some handlers to purchase outside milk for Class I use at less than the Class I price. Any handler who finds himself in a situation where his competitors pay less for fluid milk than he pays will be compelled to resort to the same methods, if possible. A price advantage in using unregulated milk is a compelling force in promoting its greater use and as a result it is probable that regular sources of regulated milk will eventually be abandoned by handlers, thus creating insecurity for themselves, producers, and consumers alike.

It is concluded, therefore, that the inclusion of compensation payment provisions in the order is necessary to insure against the displacement of producer milk for the purpose of cost advantage. This is essential to preserve the integrity of the classified pricing program of the order.

Provision for partial regulation through compensatory payments makes it possible for a handler operating outside the marketing area to use the facilities of fully regulated plants for disposing of surplus milk not needed for markets outside of the area without imposing the financial burden of such surplus on producers in the marketwide pool. Compensatory payments also

make it possible for a handler outside the marketing area to maintain small amounts of regular sales in the marketing area without subjecting his outside sales to full regulation.

Requiring such outside handler to be fully regulated would mean that he would be required to account to the pool at the full Class I price for all of the milk sold outside of the marketing area which is in competition with milk not subject to regulation under the order. Such a requirement for a dealer, whose business primarily is outside of the marketing area, could readily induce him to abandon his sales in the marketing area. Permitting a handler to continue to sell milk to customers in the marketing area without any form of price regulation would give such handler a competitive advantage as compared to the handler whose primary business is within the area and who consequently is fully regulated.

While there are few handlers who now have regular direct distribution in the marketing area and who would maintain unregulated status under the terms of the order as herein proposed; nevertheless, there are a very large number of substantial handlers in the immediately adjacent markets, many of whom could readily extend their distribution routes into the marketing area and by preserving their unregulated status could operate with a substantial price advantage over regulated handlers unless provision is made to assure that all competing handlers pay the minimum class prices. The interrelationship of the supply areas of these adjacent markets with the Washington market emphasizes the need for application of the compensatory payment provision on such distribution. As was earlier pointed out the utilization in the Washington market was as low as 65 percent Class I in some months. Hence, unless provision is made to protect the integrity of regulation there exists a substantial opportunity for unregulated handlers to exploit the local fluid market to the detriment of both regular producers and regulated handlers.

The compensatory payments applicable to other source milk disposed of in the marketing area from approved plants which are not pool plants should be the same as those applicable to other source milk distributed from pool plants. It would not be possible to stabilize this market under the classified pricing program in the market if nonpool plants were allowed to distribute unpriced milk in the marketing area without compensatory payments. Handlers distributing such unpriced milk in the marketing area have the same opportunity to buy milk at the opportunity cost level as do the operators of the pool plants who purchase other source milk. In addition, however, the operator of a nonpool plant in all probability has surplus milk in his own plant which he would willingly dispose of on any basis that would yield a higher return than the surplus value. It would be particularly easy to dispose of such milk for Class I use in the marketing area by bidding for large contracts such as hospitals, defense establishments or other types of institutions. With surplus outlets as the

alternative, and no compensatory payments to make, the nonpool handlers would have considerable incentive or margin to underbid the seller of priced milk for such sales. Providing for some method of compensating for, or neutralizing the effect of, the advantage created for unregulated milk, therefore, is an essential and necessary provision of this order.

A proposal was made that a distributing handler disposing of only a small proportion of his total Class I sales in the marketing area be required only to pay to his producers the utilization value of milk according to the class prices established under the order. It was contended that such a provision would provide equality between the pool handler and the nonpool handler since their required class prices would be the same.

The difficulty with this proposal in this market is that at least some partially regulated handlers would be procuring their milk from farmers located in the same general supply area as fully regulated handlers. The fully regulated handlers would be required to return to producers only the market uniform price. The partially regulated handlers, on the other hand, would be required to pay returns based on their own utilization of milk. This could result in a variation of returns to producers payable by regulated and partially regulated handlers. Such a variation would have an unstabilizing influence upon the marketing of milk within the general supply area for this market. It is, therefore, not feasible to adopt the plan in this market.

It is concluded that the compensatory payment on other source milk utilized in Class I should be the difference between the Class II price and the Class I price under the Washington order. The Class II price established by the order is a fair and economic measure of the value of milk in surplus uses in the Washington area and hence, represents the actual value of other source milk.

By choosing a rate of compensatory payment which reflects the cost of the cheapest other source milk which may be expected to be available to regulated handlers, any advantage to one handler relative to others, in obtaining such cheap milk and substituting it for producer milk in Class I, is removed insofar as administratively possible and no handler is given the clear opportunity to gain an unfair advantage which would otherwise exist. Although the unfair advantage of obtaining other source milk is removed by the particular rate of payment herein provided, nevertheless, if other source milk is to be purchased, the incentive for purchasing the cheapest of such milk remains, because the lower the price which a handler pays for other source milk, the lower will be his total cost of purchasing such milk.

All funds collected from compensatory payments should be added to the producer-settlement fund. The handler regulated by the order should be obligated to make compensatory payments to the producer-settlement fund. There will be no difference in actual price paid for milk whether the payment is made

by the regulated handler or by the operator of the unregulated plant from which the other source milk was obtained. Because the regulated handler makes the actual distribution of the milk in the marketing area and because he reports its utilization to the market administrator he is, from the administrative viewpoint, the logical one to make the payment.

For the reasons set forth in this decision, Class I milk under the order is priced at the plant where the milk is first received from producers, hence, the compensatory payment on other source milk should be computed at the same stage of the marketing process to be directly comparable. No allowances are made in the order for cost and profits of handlers in moving producer milk to subsequent stages of marketing; neither should they be made for other source milk.

(d) *Distribution of proceeds to producers.* The order should provide for the distribution of returns to producers through a marketwide type of equalization pool. Under this type of pooling all producers receive a uniform price which varies only to reflect differences in butterfat content and location of plant of receipt.

As has been previously indicated the principal cooperative association in the market carries the bulk of the necessary surplus of the market which is processed through its manufacturing plant. It is imperative, therefore, that a procedure for pooling be established which will provide for an equitable sharing by all producers of the lower returns realized from the handling of this necessary reserve supply of milk.

A marketwide pool will facilitate the activities of the cooperative in moving milk supplies among handlers to meet their individual needs and will encourage processing of the necessary surplus of the market at the plants which can make the most efficient use of such milk.

This method of paying producers will require a producer-settlement fund for making adjustments in payments, as among handlers, to the end that the total sums paid by each handler shall equal the value of milk received by him at the prices fixed in the proposed marketing agreement and order.

Under this pooling arrangement handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations will pay the difference to the producer-settlement fund; all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilizations will receive the difference from the producer-settlement fund. The market administrator in making payment to any handler from the producer-settlement fund should offset such payments by the amount of payments due from such handler. This is sound business practice. Without this provision the market administrator might be required to make payments to a handler who may have obtained money

from the producer-settlement fund by filing incorrect reports or who owes money to the producer-settlement fund but who is financially unable to make full payment of all of his debts.

If at any time, the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payment to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers. In order to reduce the likelihood of this occurring, milk received by any handler who has not made the required payments into the producer-settlement fund for the preceding month should not be considered in the computation of the uniform price in current month.

The order should provide that in the case of a cooperative association which is authorized to collect payments otherwise due its producer-members, and which requests such payments in writing, the handler shall make payment to the cooperative of the amount otherwise due its producer members. Under the provisions of the order as hereinafter proposed a cooperative association by definition has "full authority in the sale of milk of its members" and is engaged in "making collective sales of or marketing milk or its products for its members". As the duly authorized agent of its producer-members there can be no question of its authority to receive the payments otherwise due such producers. This privilege is specifically provided for in the act and the practice is being followed by all of the cooperatives operating in the market.

In order that the cooperative may have the proper records on which to pay the individual producer members, the handler should, on or before the 8th day after the close of the month, be required to furnish the cooperative association with a statement showing the name, address and code number, if any, of each producer for whom payment is to be made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amount of and reason for any deduction which the handler is withholding from the amount payable to each producer. This information is necessary in order that the cooperative association can make proper distribution of monies to its producer members for whom it makes collections.

In making payments to producers for milk received at plants located at least 75 miles distance from Washington the price should be reduced 12 cents plus 1.5 cents for each additional 10 miles distance or fraction thereof which such plant is located from Washington. Such a location differential will reflect cost of hauling milk to market by an efficient means and should tend to distribute returns to producers fairly.

Provision should also be made for the handler, if authorized in writing by the producer, to make proper deductions for goods or services furnished to or for payments made on behalf of the producer.

Proponents of the order proposed that the order provide for a "take-out and pay-back" plan to encourage a level production program. They pointed out that their association had operated such a plan for several years with satisfactory results to their membership.

Another cooperative in the market has successfully operated a base rating plan which has provided a seasonality of production which meet the fluid needs of its buyers.

The two plans, each intended to promote an even production over the year, have operated independently of each other without apparent adverse effects upon the market as a whole. A seasonality of pricing is provided in the Class I pricing formula hereinbefore set forth. If further seasonality is desirable, there is good reason to allow the seasonal returns plans of the several cooperative associations to be continued outside the structure of the order.

The order should provide that each handler pay each producer, for milk received from such producer, and for which payment is not made to a cooperative association, on or before the 15th day after the end of each month. This is the date on which producers have been accustomed to receiving payment and provides a reasonable time for reporting, computation and announcement of the blended price and the drawing of individual checks. All reporting, announcement, and payment dates herein provided are synchronized to permit payment on this date.

When payment is to be made to a cooperative association, such payment should be made on or before the 13th day after the end of each month. This will permit the cooperative association to prepare and mail individual checks to its producer-members by the 15th, the same date on which nonmember producers receive payment.

In the event a handler has received milk from producers which has an average butterfat content of more or less than 3.5 percent, the returns to such producers should be adjusted by a differential which reflects the weighted average values of the butterfat and skim milk in producer milk utilized in the respective classes. This follows the same principle as the payment of a uniform price to all producers. Since each producer shares equally in the total value of the handlers' Class I and Class II utilization at the basic test of 3.5 percent butterfat, it is equally appropriate that each should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 3.5 percent. The producer butterfat differential should be rounded to the nearest full cent. Such adjustment will tend to minimize audit adjustments and will recognize that producers have long been paid on a fixed differential basis and are not accustomed to constantly changing values.

Administrative provisions. The marketing agreement and order should provide for other general administrative provisions which are common to all orders and which are necessary for proper and efficient administration of the order.

In addition to the definitions discussed earlier in this decision which define the scope of regulation, definition of certain other terms is necessary for brevity and to assure that each usage of such terms denotes the same meaning. These include the terms "Act", "Secretary", "Department of Agriculture", "Person" and "Cooperative Association".

Provision should be made for the appointment by the Secretary of a market administrator, and the order should define his powers and duties, prescribe the information to be reported by handlers each month, set forth the rules to be followed by the market administrator in making computations required by the order, and provide for the liquidation of the order in the event of its suspension or termination.

The powers of the market administrator as set forth in the order are specifically provided in section 8c (7) (C) of the Agricultural Marketing Agreement Act of 1937, as amended, and the proposed language is essentially that of the statute.

The duties of the market administrator as set forth are essentially those which are found in all Federal milk marketing orders and are necessary to define specifically the responsibilities of the market administrator.

Handlers should be required to maintain adequate records of their operations and to make the reports necessary to establish classification of producer milk and payments due for such milk. Time limits must be prescribed for filing such reports and for making payments to producers. It should be provided that the market administrator report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the utilization of members' milk in each handler's plant will be prorated to each class in the proportion that total receipts of producer milk were used in each class by such handler.

Handlers should maintain and make available to the market administrator all records and accounts of their operations and such facilities as are necessary to determine the accuracy of the information reported to the market administrator as he may deem necessary or any other information upon which the classification of producer milk or payments to producers depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled to verify all payments required under the order.

It is necessary that handlers maintain records to prove the utilization of the milk received from producers and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been de-

livered to a plant, it is necessary that such records be kept for a reasonable period of time.

The order should provide for specific limitations of the time that handlers should be required to retain their books and records and of the period of time in which obligations under the orders should terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitations of claims is equally applicable in this situation and is adopted as a part of this decision.

Each handler should be required to pay the market administrator as his pro rata share of the cost of administering the order not more than 4 cents per hundredweight or such lesser amounts as the Secretary may, from time to time prescribe on (a) producer milk (including such handler's own production), (b) other source milk in pool plants which is allocated to Class I milk, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producers' milk (including handler's own production) and other source milk allocated to Class I milk.

Plants not subject to the classification and pricing provisions of the order may distribute limited quantities of Class I milk in the marketing area. These plants must be checked to verify their status under the order. Assessment of administrative expense on such milk sold in the marketing area will help defray the cost of such checking.

In view of the anticipated volumes of milk and the cost of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 4 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 4 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

A provision should be included in the order for furnishing market services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producers receiving the service. If a cooperative association is performing such services for any member producers and

is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are in accordance with the pricing provisions of the order and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat test and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a marketwide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate, provision is necessary for the Secretary to adjust the rate downward without the necessity of a hearing.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of several interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) 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 marketing area, and the minimum prices specified in the proposed marketing agreement and the order 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

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction

with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Washington, D.C., marketing area", and "Order regulating the handling of milk in the Washington, D.C., marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum order: determination of representative period: and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Washington, D.C., marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of January 1959 is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F.R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D.C., this 1st day of May 1959.

CLARENCE L. MILLER,
Assistant Secretary.

Order¹ Regulating the Handling of Milk in the Washington, D.C., Marketing Area

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¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

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AUTHORITY: §§ 902.0 to 902.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c.

§ 902.0 Findings and determinations.

(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 a proposed marketing agreement and a proposed order regulating the handling of milk in the Washington, D.C., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, 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 are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order 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;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundred-weight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, with respect to (a) receipts of producer milk, including such handler's own farm production, (b) receipt of other source milk allocated to Class I pursuant to § 902.46(a) (2) and (3) and the corresponding steps in § 902.46 (b), and (c) Class I milk for which a payment is due pursuant to § 902.62(c).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Washington, D.C., marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 902.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 902.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 902.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by Act of Congress,

or by Executive order, to perform the price reporting functions specified in this part.

§ 902.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 902.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 902.6 Washington, D.C., marketing area.

"Washington, D.C., marketing area" hereinafter called "the marketing area" means all of the territory situated within the District of Columbia; the counties of Arlington, Fairfax and Prince William and the City of Alexandria all in the State of Virginia; the counties of Prince Georges (excluding the corporate limits of the town of Laurel), Montgomery, Charles, and St. Marys; that portion of Calvert County lying south of a line beginning at the Western terminus of Maryland State Highway 507, continuing easterly along said highway to its intersection with Maryland State Highway 2, continuing northerly along said Highway 2, to its intersection with Maryland State Highway 263 and then easterly along said Highway 263 to its terminus at the Chesapeake Bay, and that part of Frederick lying south of a line beginning at the intersection of the Washington-Fredrick County line with Alternate U.S. Route 40, following Alternate U.S. Route 40 easterly to the western boundary of the corporate limits of the City of Frederick, thence along the western, northern and eastern boundary of the city to its eastern junction with Alternate U.S. Route 40 and then southeasterly along Alternate U.S. Route 40 to the Frederick-Carroll County line, all in the State of Maryland; together with all piers, docks and wharves connected therewith and including all territory within such boundaries which is occupied by Government (Municipal, State or Federal) installations, institutions or other establishments.

§ 902.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment whether owned and operated by one or more persons constituting a single operating unit or establishment for the receiving and processing, or packaging of milk or milk products.

§ 902.8 Approved plant.

"Approved plant" means:

(a) Any plant from which Class I milk is disposed of on routes in the marketing area.

(b) Any plant from which milk is moved during the month to a plant specified in paragraph (a) of this section.

§ 902.9 Pool plant.

"Pool plant" means:

(a) An approved plant other than the plant of a producer-handler: (1) during any month within which a volume of milk not less than 10 percent of its receipts of milk from dairy farmers approved by a duly constituted health authority for fluid disposition, is disposed of on routes as Class I milk in the marketing area: *Provided*, That the total quantity of Class I milk disposed of from such plant (inside and outside the marketing area) is equal to not less than 50 percent of such plant's total receipts from such dairy farmers; or (2) during any month of October through February in which at least 50 percent, and during any month of March through September in which at least 40 percent of its receipts of milk from dairy farmers approved by a duly constituted health authority for fluid disposition is shipped in the form of milk, skim milk or cream to a plant which disposes of not less than 10 percent of its approved milk from dairy farms and from other approved plants on routes as Class I milk in the marketing area and not less than 50 percent of such receipts are disposed of as Class I milk (inside and outside the marketing area): *Provided*, That any such plant which was a pool plant in each of the preceding months of October through February shall be a pool plant for the months of March through September, unless the handler gives written notice to the market administrator on or before the first day of such month that the plant is a nonpool plant: *And provided further*, That any such plant which was a nonpool plant during any of the months of October through February shall not be a pool plant in any of the immediately following months of March through September in which it was owned by the same handler or affiliate of the handler or by any person who controls, or is controlled by, the handler.

(b) Any manufacturing plant which is operated by a cooperative association 70 percent or more of whose members are qualified producers whose milk is regularly received during the month at other pool plants.

§ 902.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of an approved plant or any plant qualified as a pool plant pursuant to § 902.9(b), and

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of § 902.15 from a pool plant to a nonpool plant for the account of such cooperative association.

§ 902.11 Pool handler.

"Pool handler" means any person in his capacity as the operator of a pool plant or a cooperative association qualified as a handler pursuant to § 902.10(b).

§ 902.12 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and an approved plant from which Class I milk is disposed of on route(s) in the marketing area and who during the month received no milk from any source other than his own farm production and from pool plants.

§ 902.13 Dairy farmer.

"Dairy farmer" means any person who produces milk which is delivered in bulk to a plant.

§ 902.14 Dairy farmer for other markets.

"Dairy farmer for other markets" means:

(a) Any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received milk other than as producer milk during any of the preceding months or October through February; and

(b) Any dairy farmer whose milk is received at a pool plant qualified pursuant to § 902.9(b) for the account of a cooperative association which has no membership among producers delivering milk to other pool plants.

§ 902.15 Producer.

"Producer" means any dairy farmer, except a producer-handler or dairy farmer for other markets, who produces milk which is approved by a duly constituted health authority for fluid disposition and which is received at a pool plant or is diverted to a non-pool plant during any month(s) of March through September or on not more than 8 days (4 days in the case of every-other-day delivery) during any month(s) of October through February: *Provided*, That the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location from which it was diverted: *And provided further*, That the criterion for determination of qualification under this definition for a dairy farmer delivering milk to a pool plant qualified under § 902.9(b) shall be the holding of a valid farm inspection permit issued by the applicable health authority having jurisdiction in the marketing area. This definition shall not include any dairy farmer whose milk is diverted during the month on more than the number of days specified in this section.

§ 902.16 Producer milk.

"Producer milk" means any skim milk or butterfat contained in milk received directly at a pool plant from producers, or diverted in accordance with the provisions of § 902.15.

§ 902.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by (a) receipts (including any Class II milk product produced in the handler's plant during a prior month) in a form other than as Class I products which are reprocessed, converted or com-

bined with another product during the month, and (b) receipts in the form of Class I products from any source other than producers or pool plants.

§ 902.18 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store or from vending machines) of any Class I product to a wholesale or retail outlet, including a Federal, State or municipal institution or installation, but excluding any delivery to a plant.

MARKET ADMINISTRATOR

§ 902.20 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 902.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 902.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 902.88:

(1) The cost of his bond and the bonds of his employees,

(2) His own compensation, and

(3) All other expenses except those incurred under § 902.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 902.30 or payments pursuant to §§ 902.80 to 902.88,

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(h) Verify all reports and payments of each handler, by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and information concerning the operation of this part as do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 5th day of each month, the Class I price computed pursuant to § 902.50(a) for the current month, and the Class II price computed pursuant to § 902.50(b) and the handler butterfat differentials computed pursuant to § 902.51, both for the preceding month; and

(2) The 10th day of each month, the uniform price computed pursuant to § 902.71 and the producer butterfat differential computed pursuant to § 902.81 both for the preceding month; and

(k) On or before the 10th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month.

REPORTS, RECORDS AND FACILITIES

§ 902.30 Reports of receipts and utilization.

(a) On or before the 8th day after the end of each month each pool handler, shall report for each of his pool plants to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in (i) receipts of producer milk (including such handler's own production), (ii) receipts from other pool plants in the form of products designated as Class I milk pursuant to § 902.41 (a) (1), and (iii) receipts of other source milk.

(2) Inventories of products designated as Class I milk pursuant to § 902.41 (a) (1) on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph.

(b) Each handler operating a nonpool approved plant pursuant to § 902.8 (a) shall, unless otherwise directed by the market administrator, report for such plant at the same time and in the same manner prescribed for pool handlers in paragraph (a) of this section.

(c) Except as provided in paragraph (b) of this section, each nonpool handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 902.31 Other reports.

(a) Each pool handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month, which shall show for each producer; (i) his name and address, (ii) the total pounds of milk received from such producer, (iii) the average butterfat content of such milk, and (iv) the net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his pool plant(s) his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to receipts and utilization of butterfat and skim milk as the market administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the health department permit number, the date on which the change took place, and the farm and plant location involved.

(c) Each pool handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 902.80(b) shall on or before the 10th day after the end of each month report to such cooperative association concerning each producer-member of such cooperative association from whom he received milk during the month as follows:

(1) The name, address and code number, if any;

(2) The total deliveries and the number of days on which delivery was made;

(3) The average butterfat test of the milk delivered; and

(4) The nature and amount of any deductions to be made in payments due such producer.

(d) Each handler dumping skim milk pursuant to § 902.41(b) (3) shall give the market administrator during normal duty hours, not less than 3 hours advance notice of intention to make such dis-

position and of the quantities of skim milk involved.

§ 902.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items in inventory at the beginning and end of each month required to be reported pursuant to § 902.30(a) (2); and

(d) Payments to producers and cooperative associations, including any deductions and the disbursement of money so deducted.

§ 902.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 902.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month at pool plants and which is required to be reported pursuant to § 902.30 shall be classified by the market administrator in accordance with the provisions of §§ 902.41 to 902.46.

§ 902.41 Classes of utilization.

Subject to the conditions set forth in §§ 902.42 to 902.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce concentrated milk and reconstituted or fortified skim milk) and butterfat: (1) Disposed of (other than in hermetically sealed containers) in fluid form or as frozen concentrated milk for human consumption as milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, cream (except aerated cream and sour cream) including any mixture of cream and milk or skim milk (except eggnog) disposed

of for consumption in fluid form; and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) (1) of this section; (2) disposed of for livestock feed; (3) contained in skim milk dumped if the conditions of § 902.31(d) are met by the handler; (4) contained in inventory of products designated in paragraph (a) (1) of this section on hand at the end of the month; (5) in actual plant shrinkage not to exceed one and one half percent of skim milk and butterfat, respectively, in producer milk; and (6) in shrinkage of other source milk.

§ 902.42 Shrinkage.

The market administrator shall allocate shrinkage at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat respectively; and

(b) Allocate the resulting amounts pro rata to skim milk and butterfat, respectively, in producer milk and other source milk.

§ 902.43 Responsibility of handlers and the reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 902.44 Transfers.

Skim milk or butterfat disposed of during the month from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of any product designated as Class I milk pursuant to § 902.41(a) (1) to a pool plant of another handler unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 902.30(a): *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee handler after the assignment of other source milk pursuant to § 902.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants.

(b) As Class I milk if transferred in the form of any product designated as Class I milk pursuant to § 902.41(a) (1) to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of any product designated as Class I milk pursuant to § 902.41(a) (1) to an approved plant, other than a pool plant or the plant of a producer-handler, to the extent of such

plant's disposition of skim milk and butterfat, respectively, as Class I milk in the marketing area: *Provided*, That any remaining amount of such transfer or diversion shall be assigned to the highest remaining utilization in the transferee plant after the prior assignment of receipts at such plant from dairy farmers who the market administrator determines constitute its regular source of supply.

(d) As Class I milk if transferred or diverted in bulk in the form of milk, skim milk or cream, to a nonpool plant, other than an approved plant, located less than 300 miles from the zero milestone in Washington, D.C., unless (1) the handler claims Class II utilization in his report submitted pursuant to § 902.30(a), (2) the operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant during the month in the use indicated in such report: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I milk.

(e) As Class I milk if transferred or diverted in bulk in the form of milk, skim milk or cream, to a nonpool plant other than an approved plant located 300 miles or more from the zero milestone in Washington, D.C.

§ 902.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 902.30(a) for each pool plant of each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handlers.

§ 902.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 902.45 the market administrator shall determine the classification of producer milk received at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in producer milk classified pursuant to § 902.41(b) (5);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received during the month in a form other than products specified in § 902.41(a) (1);

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the

pounds of skim milk in other source milk received in the form of products specified in § 902.41(a) (1) from plants which are not fully subject to the pricing provisions of another order issued pursuant to the Act;

(4) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II milk the pounds of skim milk in other source milk received in the form of products specified in § 902.41(a) (1) from a plant(s) which is fully subject to the pricing provisions of another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II milk, the pounds of skim milk contained in inventory of products specified in § 902.41(a) (1) on hand at the beginning of the month;

(6) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from the pool plants of other handlers in the form of products specified in § 902.41(a) (1) according to the classification thereof as determined pursuant to § 902.44(a).

(7) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to the producer milk in each class computed pursuant to paragraphs (a) and (b) of this section, and determine the weighted average butterfat content of each class.

MINIMUM PRICES

§ 902.50 Class prices.

Subject to the provisions of §§ 902.51 and 902.52 each handler shall pay, at the time and in the manner set forth in § 902.80 for each hundredweight of milk containing 3.5 percent butterfat received at his pool plant(s) during the month from producers or a cooperative association not less than the following prices per hundredweight for the respective quantities of milk in each class computed pursuant to § 902.46.

(a) *Class I price.* During the first 18 months after the effective date of this part the price for Class I milk shall be \$5.55 for the months of July through February and \$5.10 for the months of March through June: *Provided*, That such price in any month shall be adjusted to reflect the deviation of the average of the Federal order Class I prices for the Philadelphia, New York and Chicago markets for such month from such average price in the corresponding month of 1958, as follows:

3-market average deviation from corresponding month of 1958 (cents), plus or minus:	Washington price adjustment (cents) plus or minus
0-15-----	0
15.1-35-----	20
35.1-55-----	40
55.1-75-----	60
75.1-95-----	80

(b) *Class II price.* The price for Class II milk shall be the sum of the values of butterfat and skim milk computed as follows:

(1) *Butterfat.* Add all weekly quotations per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey in the Philadelphia market as reported each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract \$2.00, divide by 33.48, multiply by 3.5: *Provided*, That such butterfat value shall not be less than 3.5 times 120 percent of the average Grade A (92-score) butter price at New York as reported by the United States Department of Agriculture for the month for which payment is to be made less 17 cents.

(2) *Skim milk.* The average of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as reported for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture shall determine the skim values as follows:

Average price per pound of nonfat dry milk-spray and roller process:	Skim value
\$0.065 or below-----	\$0.075
\$0.066 to \$0.075-----	.15
\$0.076 to \$0.085-----	.225
\$0.086 to \$0.105-----	.30
\$0.106 to \$0.115-----	.375
\$0.116 to \$0.125-----	.45
\$0.126 to \$0.135-----	.525
\$0.136 to \$0.145-----	.60
\$0.146 to \$0.155-----	.675
\$0.156 to \$0.165-----	.75
\$0.166 to \$0.175-----	.825
\$0.176 to \$0.185-----	.90
\$0.186 to \$0.195-----	.975

§ 902.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 902.50 shall be increased or decreased, respectively, for each one-tenth of one percent butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Add all weekly quotations per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey in the Philadelphia market as reported each week ending within the month by the United States Department of Agriculture, divide by the number of quotations and divide the resulting value by 334.8: *Provided*, That if the result is less than the Class II differential determined pursuant to paragraph (b) of this section, such Class II differential

shall also be applicable to Class I milk; and

(b) *Class II milk.* Divide by 35 the butterfat value determined pursuant to § 902.50(b) (1).

§ 902.52 Location differentials to handlers.

For that milk which is received from producers at a pool plant located 75 miles or more from the milestone in Washington, D.C., by the shortest hard-surfaced highway distance as determined by the market administrator, and which is assigned to Class I milk, the Class I price as specified in § 902.50(a) shall be reduced at the rate set forth in the following schedule:

Distance (miles):	Rate per hundredweight (cents)
75	12.0
For each additional 10 miles or fraction thereof	1.5

Provided, That for the purpose of calculating such location differential, products designated as Class I milk which are transferred between pool plants shall first be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 902.46(a) (1) to (5), and the comparable steps in § 92.46(b) for such plant, such assignment to the transferring plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 902.53 Use of equivalent prices or indexes.

If for any reason a price quotation or index required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price or index determined by the Secretary to be equivalent to the price or index which is required.

APPLICATION OF PROVISIONS

§ 902.60 Producer-handler.

Sections 902.40 to 902.46, 902.50 to 902.52, 902.62, 902.70 to 902.71 and 902.80 to 902.89 shall not apply to a producer-handler.

§ 902.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 902.30) and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 902.9(a) (1) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant on routes in the Washington marketing area than in

a marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 902.9 (a) (2) or (b) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant has qualified as a pool plant pursuant to the first proviso of § 902.9(a) (2) for each month during the preceding October through February.

§ 902.62 Payments on other source milk.

Within 11 days after the end of each month handlers shall make payments to producers through the producer-settlement fund as follows:

(a) Each pool handler who received other source milk which is allocated to Class I pursuant to § 902.46 (a) (2) and (b) shall make payment on the quantity so allocated at the difference between the Class I price and the Class II price applicable at the location of his pool plant qualified pursuant to § 902.9(a).

(b) Each pool handler who received other source milk which is allocated to Class I pursuant to § 902.46 (a) (3) and (b) shall make payment on the quantity so allocated at the difference between the Class I price and the Class II price applicable at the location of the nearest nonpool plants (as determined by the application of the location differential schedule set forth in § 902.52) from which an equivalent amount of such other source milk was received; and

(c) Each handler operating an approved plant, other than a pool plant, which is not subject to the classification and pricing provisions of another order issued pursuant to the Act and from which Class I products are disposed of on routes in the marketing area during the month shall make payment on the total hundredweight of skim milk and butterfat so disposed of which is in excess of his receipts of skim milk and butterfat, respectively, from pool plants at the difference between the Class I price and the Class II price applicable for the zone location of such plant.

DETERMINATION OF UNIFORM PRICE

§ 902.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of milk for each pool handler as follows:

(a) Multiply the pounds of producer milk in each class computed pursuant to § 902.46 by the applicable class price and total the resulting amounts;

(b) Add the amount of any payments due from such handler pursuant to § 902.62 (a) or (b);

(c) Add the amounts computed by multiplying the pounds of "overage" deducted from each class pursuant to § 902.46 (a) (8) and (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month less allowable shrinkage allocated,

pursuant to § 902.46 (a) (1) in such month, or the hundredweight of milk subtracted from Class I pursuant to § 902.46 (a) (5) and (b) for the current month, whichever is less;

(e) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of milk allocated to Class I pursuant to § 902.46 (a) (5) and (b) for the current month which is in excess of (1) the hundredweight of milk for which an adjustment was made pursuant to paragraph (d) of this section and (2) the hundredweight of milk assigned to Class II pursuant to § 902.46(a) (4) and (b) for the previous month and which was classified and priced as Class I under the other Federal order; and

(f) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 902.71 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market as follows:

(a) Combine into one total the net obligations computed pursuant to § 902.70 for all handlers who made reports prescribed in § 902.30(a) for the month and who were not in default of payments pursuant to § 902.84 for the preceding month.

(b) Subtract, if the weighted average butterfat content of producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the producer butterfat differential computed pursuant to § 902.81 and multiply the resulting figure by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 902.82;

(d) Add an amount equal to not less than one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section.

PAYMENTS

§ 902.80 Time and method of payment.

(a) Except as provided in paragraph (b) of this section, each pool handler on or before the 15th day after the end of each month shall make payment to each producer from whom milk is received during the month for the quantity of milk

so received at not less than the uniform price per hundredweight computed pursuant to § 902.71 adjusted by the butterfat differential computed pursuant to § 902.81 and by the location differential computed pursuant to § 902.82 less proper deductions authorized in writing by the producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 902.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) In the case of milk received by a handler from a cooperative association in its capacity as a handler such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler.

§ 902.81 Producer butterfat differential.

In making payments pursuant to § 902.80 (a) or (b) the uniform price shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to § 902.51 (a) and (b) weighted by the pounds of butterfat in producer milk in each class and rounded to the nearest full cent.

§ 902.82 Location differential to producers.

In making payments to producers or to a cooperative association pursuant to § 902.80 (a) or (b) a handler shall deduct with respect to all milk received at his pool plant(s) located 75 miles by shortest highway distance from the zero milestone in the District of Columbia, as determined by the market administrator, 12 cents per hundredweight plus 1.5 cents for each 10-mile additional distance, or fraction thereof, which such plant is located from such milestone.

§ 902.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into

which he shall deposit all payments made by handlers pursuant to §§ 902.62 (c), 902.84 and 902.86 and out of which he shall make all payments pursuant to §§ 902.85 and 902.86: *Provided*, That the market administrator shall offset any such payment due to any handler against payment due from such handler.

§ 902.84 Payments to the producer-settlement fund.

On or before the 11th day after the end of each month, each handler, including a cooperative association which is a handler, shall pay to the market administrator for payment to producers through the producer-settlement fund the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 902.80 (a) and (b).

§ 902.85 Payments out of the producer-settlement fund.

On or before the 12th day after the end of the month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 902.80 (a) and (b) is greater than the net pool obligations of such handler: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 902.86 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the marketing administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 902.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers for milk (other than milk of his own production) pursuant to § 902.80 (a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the market administrator on or before the 18th day after the end of the month. Such money shall be expended by the market administrator to provide market information and to verify the weights, samples and tests of milk of producers who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in para-

graph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 902.80 (a) as are authorized by such producers on or before the 18th day after the end of each month and pay such deductions to the cooperative rendering such services.

§ 902.88 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler, including any cooperative association which is a handler, shall pay to the market administrator on or before the 18th day after the end of the month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in (a) producer milk (including such handler's own farm production), (b) other source milk allocated to Class I milk pursuant to § 902.46 (a) (2), (3), and (b), or (c) Class I milk for which a payment is due pursuant to § 902.62 (c).

§ 902.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with

respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 902.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 902.91.

§ 902.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part, whenever he finds that this part or any provisions of this part, obstructs, or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 902.92 Continuing obligations.

If under the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (in-

cluding the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 902.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If the liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 902.100 Agents.

The Secretary may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 902.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 59-3837; Filed, May 5, 1959; 8:49 a.m.]

are sandy loam in the valley bottom, rocky loam on the mesa sides, and shallow sandy loam on mesa top. Vegetation consists of grama grass, cedar, and pinon.

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

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selection, and location in accordance with the following:

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

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

(2) All valid applications under the homestead, desert land, and small tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284), as amended, presented prior to 10:00 a.m. on June 3, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on September 2, 1959, will be governed by the time of filing.

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

The mineral rights were not affected by these exchanges.

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

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. NM No. 7]

NEW MEXICO

Order Providing for Opening of Public Lands

Pursuant to authority delegated to me by Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F.R. 2473), the following described lands reconveyed to the United States in exchanges of land made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended, are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

NEW MEXICO PRINCIPAL MERIDIAN

T. 30 N., R. 13 W.,
Sec. 17, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 20, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 2 N., R. 15 W.,
Sec. 3, Lots 1, 2, 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$,
and S $\frac{1}{2}$.

The areas described aggregate 760.54 acres.

The land in T. 30 N., R. 13 W., is located 6 miles northwest of Farmington, New Mexico. The topography is rough and bisected by numerous sand washes and active gullies. The soils are sandy and gravelly. Vegetation consists of galleta, sage brush, and pinon pine timber.

The lands in T. 2 N., R. 15 W., are located 9 miles northeast of Quemado, New Mexico. The topography is gently undulating mesa top, mesa sides, and moderately rolling valley bottom. Soils

all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 1251, Santa Fe, New Mexico.

DOUGLAS E. HENRIQUES,
Acting State Supervisor.

[F.R. Doc. 59-3820; Filed, May 5, 1959;
8:47 a.m.]

Office of the Secretary

[Order 250E, Amdt. 29]

BUREAU OF INDIAN AFFAIRS

Delegation of Authority With Respect to Irrigation Matters

Section 15 of Order No. 2508, as amended (14 F.R. 258; 16 F.R. 473), is further amended by addition of a new paragraph (e), to read as follows:

SEC. 15. Irrigation matters.

(e) The approval of contracts executed by landowners on approved form providing for the inclusion of their lands within the Michaud Division of the Fort Hall Indian Reservation Irrigation Project, Idaho.

FRED A. SEATON,
Secretary of the Interior.

APRIL 30, 1959.

[F.R. Doc. 59-3821; Filed, May 5, 1959;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DES ARC AUCTION BARN ET AL.

Proposed Posting of Stockyards

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

- Des Arc Auction Barn, Des Arc, Ark.
- Elizabethtown Livestock Market, Elizabethtown, N.C.
- Mount Olive Livestock Market, Mount Olive, N.C.
- Wells Livestock Market, Inc., Wallace, N.C.
- Ellendale Live Stock Sales Co., Ellendale, N. Dak.
- Jamestown Sales Co., Inc., Jamestown, N. Dak.
- Mandan-Bismarck Livestock Commission Co., Mandan, N. Dak.
- Stockman's Livestock Auction, Ellendale, N. Dak.
- Williston Sales Ring, Williston, N. Dak.
- Sayre Livestock Auction, Sayre, Okla.
- Barnesville Livestock, Barnesville, Ohio.
- Bloomfield Livestock Auction, North Bloomfield, Ohio.
- Canfield Livestock Auction, Canfield, Ohio.

- Carrollton Livestock Auction, Carrollton, Ohio.
- Clark County Livestock Producers Association, Springfield, Ohio.
- Columbus Union Stock Yards, Franklin Township, Ohio.
- Creston Live Stock Sales, Creston, Ohio.
- Damascus Livestock Auction, Damascus, Ohio.
- DeGraff Livestock Sales, DeGraff, Ohio.
- Dorset Sale, Dorset, Ohio.
- Farmers Livestock Auction Co., Marietta, Ohio.
- Farmers Live Stock Association, Wooster, Ohio.
- Farmerstown Sale, Farmerstown, Ohio.
- Gibsonburg Live Stock Auction, Gibsonburg, Ohio.
- Granville Community Live Stock Sale, Granville, Ohio.
- Hartville Live Stock Auction, Hartville, Ohio.
- Highland Producers Association, Hillsboro, Ohio.
- Kenton Farmer's Marketing Corp., Kenton, Ohio.
- London Stockyards Co., London, Ohio.
- Lugbill Bros., Inc., Archbold, Ohio.
- Lynchburg Stock Yards, Lynchburg, Ohio.
- Mendon Livestock Exchange, Mendon, Ohio.
- Mt. Hope Auction, Mt. Hope, Ohio.
- Muskingum Livestock Sales Co., Zanesville, Ohio.
- Ohio Valley Livestock Co., Gallipolis, Ohio.
- Orrville Livestock Auction, Orrville, Ohio.
- Peoples Livestock Exchange, Greenville, Ohio.
- Pickaway Livestock Co-op. Association, Circleville, Ohio.
- Prebble County Livestock Producers Association, Eaton, Ohio.
- Producers Livestock Association, Coshoc-ton, Ohio.
- Producers Livestock Association, Findlay, Ohio.
- Producers Livestock Association, Hicksville, Ohio.
- Producers Livestock Association, Lancaster, Ohio.
- Producers Livestock Association, Wapakoneta, Ohio.
- Producers Livestock Association, Wilmington, Ohio.
- Putnam County Livestock Coop. Association, Columbus Grove, Ohio.
- Somerville Sale Barn, Somerville, Ohio.
- The Guernsey Livestock Sales, Cambridge, Ohio.
- The Kidron Auction, Inc., Kidron, Ohio.
- The Marietta Live Stock Market, Inc., Marietta, Ohio.
- The Union Stock Yards Co., Hillsboro, Ohio.
- Tiffin Livestock Sales Co., Tiffin, Ohio.
- Troy Livestock Exchange, Troy, Ohio.
- Warren County Livestock Sales, Inc., Lebanon, Ohio.
- Western Ohio Livestock Exchange, Inc., Celina, Ohio.
- Whealersburg Live Stock Sales Co., Wheelersburg, Ohio.
- Wilmington Livestock Sales Co., Wilmington, Ohio.
- Zanesville Community Sales Co., Zanesville, Ohio.
- Grossman Sales Co., Brookings, S. Dak.
- Menno Livestock Auction Co., Menno, S. Dak.
- Parker Dairy Cattle Exchange, Parker, S. Dak.
- Sioux Falls Livestock Auction Co., Inc., Sioux Falls, S. Dak.
- Wessington Springs Livestock Auction Co., Wessington Springs, S. Dak.
- Baytown Livestock Auction, Baytown, Tex.
- Woodstock Livestock Market, Inc., Woodstock, Va.

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

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

Done at Washington, D.C., this 29th day of April 1959.

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

[F.R. Doc. 59-3825; Filed, May 5, 1959;
8:48 a.m.]

Agricultural Research Service

REGIONAL BUSINESS MANAGER AND ADMINISTRATIVE SERVICES OFFICER, FORT WASHINGTON, PA.

Delegation of Authority To Negotiate Contracts for Aerial Spraying in State of New York

Pursuant to the authority vested in the Administrator, Agricultural Research Service, by the Department of Agriculture, Office of the Secretary, Director, Office of Plant and Operations, under date of April 24, 1959, authority is delegated to the Regional Business Manager and the Administrative Services Officer, Fort Washington, Pennsylvania, to negotiate contracts, without advertising, under sections 302(c)(4) and 302(c)(10) of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, 393; 41 U.S.C. 252), for the aerial spraying of approximately 75,000 acres in contiguous areas of Otsego and Delaware Counties in the State of New York as part of the gypsy moth program.

The authority hereby delegated shall be exercised in accordance with the requirements of the above-titled act, particularly sections 304 and 307, the delegation of authority by the Administrator, General Services Administration, to the Secretary of Agriculture, under date of March 17, 1959 (24 F.R. 1921), the Department regulations and Federal Procurement Regulations, Part 1-3.

The authority herein delegated may not be redelegated.

Done at Washington, D.C., this 30th day of April 1959.

B. T. SHAW,
*Administrator,
Agricultural Research Service.*

[F.R. Doc. 59-3826; Filed, May 5, 1959;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10461; Order No. E-13820]

RAILWAY EXPRESS AGENCY, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of May 1959.

In the matter of the increased valuation and c.o.d. charges proposed by Railway Express Agency, Incorporated; Docket No. 10461.

Railway Express Agency, Incorporated, (REA), has filed increased charges for excess valuation and for the collection and remittance of c.o.d. charges.

In May of 1956 REA filed with the Board proposed increased excess valuation and c.o.d. charges. These increases amounted to 5.5 percent for the excess valuation charges and 7 percent for the c.o.d. service. We investigated and suspended such increases for the reason, among others, that there appeared to be no cost or other basis for the increases proposed.¹ We found that the record in this investigation did not support these increases, and accordingly the proposed increases were found unjust and unreasonable.² The increases now before us amount to approximately 40 percent with respect to the excess valuation charges, and 30 percent for c.o.d. services, which are far greater than the previously proposed increases.

REA has supplied no data or information in support of the proposed increased charges, nor has it asserted that the existing charges fail to cover the costs of the services, or provide a reasonable profit element thereon. In view of this, and in light of the earlier decision, the Board finds that the aforesaid charges may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204, 403, 404 and 1002 thereof.

Accordingly, it is ordered, That:

1. An investigation be and hereby is instituted to determine whether the provisions and charges contained in Rule No. 1(j) appearing on 10th Revised Page 4 and 3d Revised Page 5 and the provisions and charges contained in Rule No. 6 appearing on Original Page 7, Original Page 8, 4th Revised Page 9 and 4th Revised Page 10 of Railway Express Agency, Incorporated's C.A.B. No. 85 are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions.

2. Pending such investigation, hearing and decision by the Board, Rule No.

1(j) appearing on 10th Revised Page 4 and Rule No. 6(b) appearing on 4th Revised Page 9 of Railway Express Agency Incorporated's C.A.B. No. 85 be and hereby are suspended and their use deferred to and including August 2, 1959 (so far as applicable to interstate and overseas air transportation), unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. A copy of this order be filed with the aforesaid tariff and a copy be served upon Railway Express Agency, Incorporated, which is hereby made a party to this proceeding. This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board (Vice Chairman Gurney dissented).

[SEAL]

MABEL McCART,
Acting Secretary.

[F.R. Doc. 59-3838; Filed, May 5, 1959;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Order 213]

STATEMENT OF ORGANIZATION

APRIL 29, 1959.

1. *Purpose.* This statement, issued pursuant to section 3(a)(1) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002), describes the current central and field organization of the Federal Power Commission, including delegations of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests. The statement of organization adopted by the Commission in its Order No. 157 (16 F.R. 137), as amended by Administrative Order No. 36 (20 F.R. 870), is hereby superseded.

2. *Nature and responsibilities of the agency.* The Federal Power Commission, an independent agency of the Federal Government, established by an act approved June 20, 1930 (46 Stat. 797), is responsible for: Administration and enforcement of the Federal Power Act and the Natural Gas Act; certain duties under the Flood Control Act of 1938 and subsequent Flood Control Acts, the River and Harbor Act of 1945 and subsequent River and Harbor Acts, and a number of other statutes, pertaining principally to Federal power projects; and certain functions pursuant to Executive Order 10485 (18 F.R. 5397) relating to electric power and natural gas facilities located on the borders of the United States.

3. *Functions.* The principal functions of the Commission are:

a. *Hydroelectric resources.* Licensing hydroelectric power projects on waters over which the Congress has jurisdiction, or on Federal lands, or utilizing surplus water or water power from Federal dams; collecting and recording data concerning developed and undeveloped water resources of the Nation; making

surveys and studies, including power market surveys, of the requirements for comprehensive development of river basin water resources for hydroelectric power and other purposes; and analyzing plans for and making recommendations concerning hydroelectric power installations at Federal river development projects.

b. *Electric energy.* Regulating the rates, accounts, depreciation practices, security issues, property dispositions, mergers, consolidations, interconnections, and coordination of facilities, of public utilities engaged in the transmission and sale for resale of electric energy in interstate commerce; gathering, compiling, and publishing statistical and other information concerning electric power and the electric power industry in the United States; and analyzing and serving as the central source of information concerning National and regional power supply and requirements.

c. *Natural gas.* Issuing certificates of public convenience and necessity for the construction and operation of facilities for the transportation or sale for resale of natural gas in interstate commerce; ordering extensions of facilities or service, and authorizing abandonment of such facilities or service; regulating the rates, accounts, and depreciation practices of certificated natural gas companies; compiling and publishing statistical and other information concerning the natural gas industry in the United States.

d. *Federal power rates.* Allocating costs, and approving accounts, rates, and related matters, for certain Federal hydroelectric power projects.

4. *Organization.* The Federal Power Commission as an agency of government consists of: the five-man Commission the immediate offices of the individual Commissioners; the Chairman as executive and administrative head of the agency; the Executive Director; and the technical and administrative staff.

a. *The Commission.* Except as provided below with respect to executive and administrative functions, the Commission is responsible for all plans, programs, and actions of the agency. The members of the Commission are appointed by the President, by and with the consent of the Senate. The Chairman is designated by the President. A Vice Chairman is elected annually by the members of the Commission. Any three members of the Commission constitute a quorum for the transaction of business.

b. *Commissioners offices.* Each Commissioner's immediate office is subject to his exclusive jurisdiction. Persons employed there regularly and full-time are selected by him, perform such duties as he may assign, and are responsible to him alone.

c. *Chairman.* The Chairman is the principal executive officer of the agency, responsible for all executive and administrative functions except those reserved to the Commission by Reorganization Plan No. 9 of 1950 (64 Stat. 1265).

d. *Executive Director.* The Executive Director, under the direction of the Commission on substantive matters, and

¹ Order No. E-10352, adopted June 6, 1956.

² In the Matter of the Increased Valuation and C.O.D. Charges Proposed by Railway Express Agency, Incorporated, Docket 8055, Order No. E-13072, dated October 16, 1958.

as the Chairman's delegate on executive and administrative matters, is responsible for and takes action to insure the effectiveness and efficiency of staff operations.

e. *The Staff.* The Commission's staff is comprised of nine bureaus and offices, as follows, each consisting of a single organizational unit, without subdivision, except where otherwise indicated:

(1) The Bureau of Power, responsible for all staff activities pertaining to water resources, hydroelectric power, and the electric power industry, except: legal, accounting, financial, and related statistical matters; regulation of rates for the transmission and sale of electric power; and other matters responsibility for which is assigned to other elements of the staff as provided in e (5) through (9) below. The Bureau is divided into a headquarters office at Washington and five regional offices. The headquarters office consists of the Chief of the Bureau of Power and his immediate staff, a Division of Licensed Projects, a Division of Electric Resources and Requirements, and a Division of River Basins. The Regional Offices, at New York, Atlanta, Chicago, Fort Worth, and San Francisco, are responsible within their respective geographic areas for Bureau functions which can be done most effectively and efficiently in the field, including field investigations and studies, consultations, and inspections.

(2) The Bureau of Rates and Gas Certificates, responsible for all staff activities pertaining to the natural gas industry and to rates for electric power, except: legal matters; the uniform systems of accounts; original cost and reclassification studies; federal project cost allocations; financial and related statistical matters, including rate-of-return studies; and other matters responsibility for which is assigned to other elements of the staff, as provided in e (5) through (9) below.

(3) The Office of the Chief Accountant, responsible for all staff activities pertaining to accounting, financial, and statistical matters (including rate-of-return studies), except: legal matters; accounting investigations relating to rates and charges for electric power and natural gas; statistics on hydroelectric resources, power systems, power supply and requirements, and electric plant construction costs and production expenses; and other matters responsibility for which is assigned to other elements of the staff, as provided in e (5) through (9) below. The Office consists of the Chief Accountant and his immediate staff, a Division of Accounts, and a Division of Finance and Statistics. The Division of Accounts includes a field unit with headquarters in San Francisco. The Chief Accountant, in addition to his duties as head of the office, has personal responsibility for the over-all correlation and adequacy of the accounting and related functions of all bureaus and offices of the staff.

(4) The Office of the General Counsel, responsible for the legal phases of all Commission functions, including litigation in the courts.

(5) The Office of the Secretary, responsible for the secretariat function of the Commission, including the duties of the Secretary as set forth in the Commission's rules of practice and procedure and its regulations under the Federal Power and Natural Gas Acts (18 CFR 1.1 et seq.); and for action on behalf of the Commission pursuant to the delegations of final authority described in section 5 below.

(6) The Office of Hearing Examiners, responsible for discharging the functions and exercising the powers of presiding officers in hearings, in accordance with the provisions of sections 7 and 8 of the Administrative Procedure Act and § 1.27 of the Commission's rules of practice and procedure (18 CFR 1.27).

(7) The Office of Special Assistants to the Commission, responsible for assisting the Commission in the preparation of opinions, orders, and other legal documents, and for analyzing exceptions, preparing summaries of facts and issues, and performing related duties, as assigned.

(8) The Office of Public Reference, responsible for the public information activities of the agency, including issuance of press releases, sale and distribution of publications, and public reference service.

(9) The Office of Administration, responsible for administrative and management services of the agency. The Office consists of the Director of Administration and his immediate office, Divisions of Personnel, Budget and Finance, and General Services, and the Library.

5. *Delegations of final authority.* The Commission has authorized:

a. The Secretary, or in his absence, the Acting Secretary, to:

(1) Sign official correspondence on behalf of the Commission.

(2) Prescribe the time for filing by electric utilities, licensees, natural gas companies, and other persons, answers to complaints, petitions, motions, and other pleadings and documents, provided that no answers shall be required to be filed in less than ten days after the date of service of the pleading or document to which answer is to be made.

(3) Schedule hearings and issue notices thereof.

(4) Accept for filing, subject to the order of the Commission, notices of intervention and petitions to intervene by State commissions and Federal agencies.

(5) Reject petitions to intervene filed in a period later than ten days next preceding the date the matter is set for hearing, unless good cause is shown for the late filing.

(6) Consolidate proceedings for hearing simultaneously on a consolidated record, and sever proceedings which have been consolidated.

(7) Deny motions or requests for extensions of time filed later than the time prescribed by the rules unless good cause is shown for the late filing.

(8) Reject pleadings, briefs, and other documents filed later than the time prescribed by an order, rule, or regulation of

the Commission unless good cause is shown for the late filing.

(9) Waive requirements of the Commission's rules and regulations, when consistent with the public interest in a particular case.

(10) Pass upon questions of extending time for electric public utilities, licensees, natural gas companies, and other persons to file required reports, data, and information and to do other acts required or allowed to be done at or within a specific time by any rule, regulation, license, permit, certificate, or order of the Commission, not to exceed in any event an extension of six months beyond the time or period originally prescribed.

(11) Accept service of process upon behalf of the Commission.

(12) Accept for filing bonds and undertakings submitted pursuant to the requirements of Commission orders when they are found to be satisfactory.

(13) Notify independent producers, as defined in § 154.91 of the Commission's regulations under the Natural Gas Act (18 CFR 154.91), of the acceptance of the statements, filed by such producers, invoking § 157.28 of said regulations (18 CFR 157.28), and, when appropriate, notify such producers of the acceptance of the related rate filings, so that the proposed temporary sales or transportation may proceed upon receipt of such notices.

(14) Take the following action on rate schedule and certificate filings submitted by independent producer Natural Gas Companies prior to issuance on September 27, 1956, of Order No. 190 (16 FPC 492, 21 F.R. 7616, October 4, 1956) involving non-signatory parties or percentage sales which may be found to be in conflict with said order: Vacate the orders previously issued granting certificates of public convenience and necessity, and cancel the prior acceptances of, and reject, the related rate schedules, after the Applicant or filing party has been advised that such action is contemplated and given 15 days for filing a response to the letter of notification, or upon request of an independent producer who is a non-operating signatory party, cancel the prior acceptance of and reject the rate schedules where certificate applications have been or are currently being rejected; advise the filing party of final action by appropriate letter.

(15) Take the following actions on certificate and rate schedule filings of independent producers, where the sales involved are not of an interstate character, or where proposed interstate sales were never made: (i) Upon request of the filing party, vacate the order previously issued granting a certificate of public convenience and necessity; and (ii) cancel the prior acceptance of and permit withdrawal of the related rate schedule upon request of the filing party or where the certificate application is concurrently being or has been previously withdrawn.

(16) Publish Notice of Land Withdrawals under section 24 of the Federal Power Act.

(17) Approve, with respect to particular parcels of land within the project area of a licensed water-power project, the conveyance by the licensee to an-

[Docket No. G-17866]

**COASTAL TRANSMISSION CORP. AND
SOUTHERN NATURAL GAS CO.****Notice of Application and Date of
Hearing**

APRIL 29, 1959.

Take notice that Coastal Transmission Corporation (Coastal), a Delaware corporation, with a principal place of business in Houston, Texas, and Southern Natural Gas Company, a Delaware corporation with a principal place of business in Birmingham, Alabama, filed a joint application pursuant to section 7 of the Natural Gas Act on February 17, 1959, and a supplement thereto on March 19, 1959, for a certificate of public convenience and necessity authorizing the construction and operation of interconnecting facilities between Southern's existing Mystic Bayou lateral and Coastal's recently completed Mystic Bayou-Bay Natchez lateral at a point in the Mystic Bayou Field, St. Martin Parish, Louisiana, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission and open to public inspection.

The facilities will be used initially for the delivery of gas by Coastal to Southern until Coastal's main line facilities (authorized in Docket No. G-9960) go into operation or until January 1, 1961, whichever is sooner. After Coastal ceases deliveries, Southern will return equivalent volumes to Coastal through the same interconnection.

The application states (1) Coastal is presently constructing its main line and associated supply line facilities from McAllen, Texas to Baton Rouge, Louisiana for delivery of up to 280,000 Mcf per day to Houston Texas Gas and Oil Corporation for resale in Florida, and that pending completion of its main line, three of Coastal's contracted suppliers, Delhi-Taylor Oil Corporation and Cities Service Production Company in the Bay Natchez Field and Shell Oil Company in the Mystic Bayou Field, face substantial shut-in payments to royalty owners and (2) in addition, drainage of Shell's reserves is possible as Southern is receiving gas from the Mystic Bayou Field.

Coastal proposes to eliminate losses to these suppliers by delivering gas to Southern through the proposed interconnecting facilities until its main line is completed. Coastal's supply lines in this area have been completed. Southern proposes to later reverse the flow through the same facilities and redeliver a volume equal to the aggregate quantity delivered by Coastal.

Coastal states it expects to put its main line facilities into operation and cease deliveries to Southern by June 1959. If, however, deliveries by Coastal to Southern continue beyond December 31, 1959, and if Southern becomes obligated under any of its contracts with its suppliers to make a minimum annual take payment in respect of any contract year any portion of which is in effect after December 31, 1959, and while deliveries of gas from Coastal to Southern continue, then Coastal will reimburse

Southern for such amounts up to a maximum amount equal to the product of the quantity of gas delivered by Coastal to Southern multiplied by the applicable price under any contract pursuant to which Southern is so obligated to make any such minimum annual take payment. If Southern exercises its make-up rights in subsequent periods as to any portion of the quantity of gas for which Coastal reimbursed Southern, Coastal will be afforded a comparable make-up right. Southern states its contract dated August 15, 1957 with C. H. Lyons, Sr., et al., for the purchase of gas in the Mystic Bayou and Bayou Long Fields (23.25 cents per Mcf) is the only contract which will be considered in determining whether receipt of gas from Coastal is responsible for any minimum take payment for which Southern may be liable.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 27, 1959, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 20, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3804; Filed, May 5, 1959;
8:45 a.m.]

[Docket No. G-17335 etc.]

**TEXAS GAS TRANSMISSION CORP.
ET AL.****Notice of Date of Hearing**

APRIL 29, 1959.

In the matters of Texas Gas Transmission Corporation, Docket No. G-17335; Texas Eastern Transmission Corporation, Docket No. G-17420; Hope Natural Gas Company, Docket No. G-17565; Texas Gas Exploration Corporation, Docket No. G-17336; J. Ray Mc-

other legal entity of an interest therein for use for a non-project purpose, subject to the right of the licensee, its successors and assigns to use the land for all project purposes contemplated by the license for the project.

b. The Chief Accountant, or in his absence the Acting Chief, to issue interpretations of the Uniform Systems of Accounts for Public Utilities, Licensees, and Natural Gas Companies.

c. Regional Engineers of the Bureau of Power, or, in the absence of a Regional Engineer, the Acting Regional Engineer, to grant 30-day extensions of time for filing Power System Statements (Forms 12, 12A, etc.).

d. The Chief Examiner, and the Examiners designated to preside at hearings, to exercise the functions and powers stated and enumerated for presiding officers in the Commission's rules of practice and procedure, particularly § 1.27 (18 CFR 1.27).

6. *Information and submittals.* a. Headquarters of the Federal Power Commission are in the General Accounting Office Building, 441 G Street NW., Washington, D.C. Information concerning matters for which the Commission is responsible may be obtained in person at that office, or by written request addressed to the Secretary, Federal Power Commission, Washington 25, D.C. All formal requests, filings, and submittals should be addressed to the Secretary, pursuant to 18 CFR 1.2(c).

b. Regional Offices of the Bureau of Power, to which should be submitted all prescribed Power System Statements, and from which may be obtained information concerning power matters assigned to them, are located as follows:

(1) New York Regional Office, at 139 Centre Street, New York 13, N.Y., serving: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, part of Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and part of Virginia.

(2) Atlanta Regional Office, at Peachtree-Seventh Building, 50 7th Street NE., Atlanta 23, Ga., serving: Alabama, Florida, Georgia, Kentucky, eastern half of Mississippi, North Carolina, South Carolina, Tennessee, and part of Virginia.

(3) Chicago Regional Office, in the United States Custom House, 610 South Canal Street, Chicago 7, Ill., serving: Illinois, Indiana, Iowa, Michigan, Minnesota, parts of Missouri and Montana, North Dakota, part of Ohio, South Dakota, Nebraska, and Wisconsin.

(4) Fort Worth Regional Office, at 300 West Vickery Boulevard, Fort Worth 4, Tex., serving: Arkansas, Colorado, Kansas, Louisiana, parts of Mississippi and Missouri, New Mexico, Oklahoma, Texas, and Wyoming.

(5) San Francisco Regional Office, in the United States Custom House, 555 Battery Street, San Francisco 11, Calif., serving: Arizona, California, Idaho, part of Montana, Nevada, Oregon, Utah, and Washington.

c. Public files and records, described in 18 CFR 1.36, are available for public inspection in the Office of Public Reference at agency headquarters.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3803; Filed, May 5, 1959;
8:45 a.m.]

Dermott & Co., Inc., Docket No. G-17337; Kilroy Properties Incorporated, et al., Docket No. G-17338; The California Company, Docket No. G-17339; Callery Properties, Inc., Docket Nos. G-17340 and G-17341; Ocean Drilling & Exploration Company, Docket Nos. G-17342 and G-17343; Humble Oil & Refining Company, Docket No. G-17391; Amerada Petroleum Corporation, Docket Nos. G-17393 and G-17407; Kerr-McGee Oil Industries, Inc., Docket No. G-17396; Bel Oil Corporation, Docket No. G-17397; Caroline Hunt Sands and Loyd B. Sands, Docket No. G-17398; Richardson & Bass (Louisiana Account), Operator, Docket No. G-17399; Magnolia Petroleum Company, Docket No. G-17401; Beck Oil Company et al., Docket No. G-17402; Phillips Petroleum Company, Docket No. G-17405; Mississippi River Fuel Corporation, Docket No. G-17413; Union Oil Company of California, Docket No. G-17457; Tidewater Oil Company, Docket Nos. G-17463, G-17474, G-17475 and G-17483; Continental Oil Company, Docket Nos. G-17554 and G-17566; Shell Oil Company, Docket No. G-17560; Pan American Petroleum Corporation, Docket No. G-17574.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 10, 1959, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications in the above listed dockets.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3805; Filed, May 5, 1959;
8:45 a.m.]

[Docket No. G-18121]

COLUMBIA GULF TRANSMISSION CO.
Notice of Application and Date of Hearing

APRIL 29, 1959.

Take notice that on March 20, 1959, Columbia Gulf Transmission Company (Applicant) filed in Docket No. G-18121 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional 4,000 horsepower compressor engine unit at Applicant's existing Compressor Station No. 4 near Hampshire, Tennessee, all as more fully set forth in the application and exhibits which are on file with the Commission and open to public inspection.

The subject proposal is for the purpose of testing the economics and feasibility of using remote-controlled, unattended, 2-cycle gas engines driving centrifugal compressors in future installations on Applicant's system.

The estimated total cost of the proposed experimental installation is \$1,659,600. Construction is to be exe-

cuted by Clark Bros. Company of Olean, New York, which firm will bear the costs of engineering, fabrication and installation estimated at \$1,559,600, while Applicant will pay the remaining cost of installing control, supervisory and communication equipment, estimated at \$100,000. Applicant has the option (but not the obligation) to purchase these facilities from Clark Bros. Company before the end of the test period, January 1, 1961, at a price to be set by Clark Bros. Company.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 27, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 20, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3806; Filed, May 5, 1959;
8:45 a.m.]

[Docket No. G-18354 etc.]

UNION PRODUCING CO. ET AL.

Order Instituting Rate Investigation, Consolidating Proceedings, and Fixing Date of Hearing

APRIL 29, 1959.

In the matters of Union Producing Company, Docket No. G-18354; Union Producing Company, Docket Nos. G-13811, G-13820, G-14114, G-14352, G-14553, G-15549, G-15661, G-15745, G-16336, G-16725, G-17589, G-17606; Union Producing Company (Operator) et al., Docket No. G-15550.

By notice dated March 30, 1959, the proceedings instituted by the Commission in Docket Nos. G-13811, through and inclusive of G-17606, and Docket No. G-15550, were consolidated and set for hearing on June 23, 1959. All of the aforementioned proceedings involve in-

creased rate proposals filed by Union Producing Company (Union), as an individual and as Operator, et al., which were suspended by orders of the Commission in accordance with the provisions of section 4 of the Natural Gas Act.

In view of the fact that suspension orders are outstanding with respect to a large number of sales by Union, raising the question of the lawfulness of the rates remaining in effect by virtue of the respective suspension orders, it is appropriate that a rate investigation be instituted herein and that such investigation be broad enough to cover all of Union's rates and charges for sales of gas, subject to the jurisdiction of the Commission. It appears that, upon the basis of data available to the Commission, the rates, charges, and classifications for or in connection with the sales or transportation of natural gas by Union, subject to the jurisdiction of the Commission, and the rules and regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds:

(1) Union Producing Company is an independent producer of natural gas and is a "natural-gas company" within the meaning of the Natural Gas Act, being engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that an investigation be instituted by the Commission, upon its own motion, into and concerning all rates, charges, or classifications demanded, observed, charged, or collected by Union Producing Company in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges, or classifications.

The Commission orders:

(A) An investigation of Union Producing Corporation is hereby instituted under the provisions of the Natural Gas Act, particularly sections 5 and 15 thereof, for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by Union Producing Company, any of the rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

(B) If the Commission, after a hearing has been had, shall find with respect to Union Producing Company that any of its rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission will thereupon determine and fix by order or orders just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15, and 16 thereof, and the Commission's rules and regulations (18 CFR Ch. I), the proceedings in the above-designated Docket Nos. G-13811, through and inclusive of G-17606, and Docket No. G-15550, and the rate investigation proceeding hereby instituted in Docket No. G-18554, are hereby consolidated for the purpose of hearing.

(D) The public hearing heretofore scheduled to commence on June 23, 1959, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., shall concern the matters involved and the issues presented in the consolidated proceedings designated in paragraph (C) above.

(E) When the said hearing commences on June 23, 1959, Union Producing Company shall go forward first and complete the presentation of evidence in its direct cases in these consolidated proceedings. The presiding examiner shall thereafter proceed as may be found appropriate under the Commission's rules of practice and procedure.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3807; Filed, May 5, 1959;
8:46 a.m.]

[Docket No. G-18353 etc.]

SUN OIL CO. ET AL.

Order Instituting Rate Investigation, Consolidating Proceedings, and Fixing Date of Hearing

APRIL 29, 1959.

In the matters of Sun Oil Company, Docket No. G-18353; Sun Oil Company, Docket Nos. G-8288, G-12841, G-12880, G-13316, G-13444, G-13585, G-13617, G-13618, G-13664, G-13937, G-15010, G-15016, G-15450, G-15633, G-15743, G-16257, G-16396, G-16410, G-16621, G-16624, G-16684, G-16686, G-16700, G-16810, G-17274, G-17346, G-17717, G-18094; Sun Oil Company (Operator) et al., Docket Nos. G-13425, G-13619, G-15011, G-15632, G-15768, G-16258, G-16622, G-16685, G-16699, G-17354, G-17923; Sun Oil Company et al., Docket No. G-13426.

The above-entitled proceedings in Docket Nos. 8288, through and inclusive of G-18094, Docket Nos. G-13425, through and inclusive of G-17923, and Docket No. G-13426, involve increase rate proposals made by Sun Oil Company (Sun), as an individual, as Sun Oil Company (Operator), et al., and as Sun Oil Company, et al., which have been suspended by orders of the Commission with the provisions that public hearings be held thereon. In order to facilitate such

hearings and to dispose of the proceedings as promptly as possible, it is considered that such related proceedings should be heard on a consolidated record.

In addition to the questions concerning the lawfulness of Sun's increase rate proposals, the large number of sales of natural gas that have been suspended by the Commission raise the question of the lawfulness of the rate remaining in effect by virtue of the respective suspension orders. In view of these questions, it is appropriate that a rate investigation be instituted herein and that such investigation be broad enough to cover all of the Sun Oil Company's rates and charges for sales of gas subject to the jurisdiction of the Commission. It appears that, upon the basis of data available to the Commission, the rates, charges, and classifications for or in connection with, the sale or transportation of natural gas by the Sun Oil Company subject to the jurisdiction of the Commission, the rules and regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds:

(1) Sun Oil Company is an independent producer of natural gas and is a "natural-gas company" within the meaning of the Natural Gas Act, being engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that an investigation be instituted by the Commission, upon its own motion, into and concerning all rates, charges, or classifications demanded, observed, charged, or collected by Sun Oil Company in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges, or classifications.

(3) The hearings ordered in the aforementioned suspension orders, as well as Sun's rate investigation proceeding, should be consolidated for hearing as hereinafter provided.

The Commission orders:

(A) An investigation of Sun Oil Company is hereby instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transaction or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by Sun Oil Company, any of the rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

(B) If the Commission, after a hearing has been had, shall find with respect to Sun that any of its rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission will thereupon determine and fix by order, or orders, just and reasonable rates, charges,

classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(C) In accordance with the Commission's prior orders for hearings in each of the above-entitled proceedings and pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15, and 16 thereof, and the Commission's rules and regulations (18 CFR Ch. I), the proceedings in the above-designated Docket Nos. G-8288, through and inclusive of G-18094, Docket Nos. G-13425, through and inclusive of G-17923, Docket No. G-13426, and G-18353, are hereby consolidated for the purpose of hearing.

(D) The public hearing will commence on Tuesday, July 21, 1959, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved and the issues presented in the consolidated proceedings designated in paragraph (C) above.

(E) When the said hearing commences on July 21, 1959, Sun Oil Company shall go forward first and complete the presentation of evidence in its direct cases in these consolidated proceedings. The presiding examiner shall thereafter proceed as may be found appropriate under the Commission's rules of practice and procedure.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3808; Filed, May 5, 1959;
8:46 a.m.]

[Docket No. G-16548 etc.]

PURE OIL CO. ET AL.

Notice of Applications and Date of Hearing

APRIL 29, 1959.

In the matters of The Pure Oil Company, Operator,¹ Docket No. G-16548; Hughes River Oil & Gas Company, Docket No. G-16549; M. B. Chastain, Operator, et al.,² Docket No. G-16554; C. G. Glasscock-Tidelands Oil Company et al.,³ Docket No. G-16558; Edwin G. Bradley, Operator,⁴ Docket No. G-16559; Mobley & Stephens,⁵ Docket No. G-16562; Kerr-McGee Oil Industries, Inc.,⁶ Docket No. G-16565; W. B. Gibson and O. M. Harris, et al., Docket No. G-16568; Woodrum Gas Company, Docket No. G-16574; Union Oil Company of California,⁷ Docket No. G-16575; Cities Service Oil Company,⁸ Docket No. G-16577; Starcher Oil & Gas Co., Docket No. G-16585.

Take notice that each of the above-designated parties, hereinafter referred to as Applicants, has filed an application for a certificate of public convenience and necessity, pursuant to section

See footnotes at end of document.

7 of the Natural Gas Act, authorizing the respective applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open to public inspection.

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

Docket No. and Date of Filing; Applicant; Field; Purchaser and Applicant's Related FPC Gas Rate Schedule

G-16548, Oct. 8, 1958; The Pure Oil Co., Operator; Keyes Field, Cimarron County, Okla.; Colorado Interstate Gas Co.; Supp. 1 to No. 36.

G-16549, Oct. 8, 1958; Hughes River Oil & Gas Co.; South West District, Doddridge County, W. Va.; Hope Natural Gas Co.; No. 2.

G-16554, Oct. 10, 1958; M. B. Chastain, Operator, et al.; South Carthage Field, Panola County, Tex.; United Gas Pipe Line Co.; Supp. 5 to No. 4.

G-16558, Oct. 9, 1958; C. G. Glasscock-Tidelands Oil Co., et al. (formerly C. G. Glasscock Oil Co.); North Mineral Field, Bee County, Tex.; Texas Eastern Transmission Corp.; No. 4.

G-16559, Oct. 9, 1958; Edwin G. Bradley, Operator; Greenwood Field, Morton County, Kans.; Colorado Interstate Gas Co.; Supp. 5 to No. 1.

G-16562, Application Oct. 9, 1958, Amendment Dec. 5, 1958; Mobley & Stephens; N. Dubberly Area, Webster Parish, Pa.; Texas Gas Transmission Corp.; No. 2.

G-16565, Oct. 9, 1958; Kerr-McGee Oil Industries, Inc.; Keyes Field, Cimarron County, Okla.; Colorado Interstate Gas Co.; Supp. 2 to No. 28.

G-16568, Oct. 10, 1958; W. B. Gibson and O. M. Harris, et al.; Sycamore Field, Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; No. 1.

G-16574, Oct. 13, 1958; Woodrum Gas Co.; Griffithsville Field, Union District, Lincoln County, W. Va.; Hope Natural Gas Co.; No. 1.

G-16575, Oct. 13, 1958; Union Oil Co. of California; Horizon Field, Hansford County, Tex.; Northern Natural Gas Co.; Supp. 2 to No. 24.

G-16577, Oct. 13, 1958; Cities Service Oil Co.; Acreage in Morton County, Kans.; Panhandle Eastern Pipe Line Co.; Supp. 3 to No. 94.

G-16585, Oct. 14, 1958; Starcher Oil & Gas Co.; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; No. 1.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 4, 1959, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington-25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 22, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

JOSÉPH H. GUTRIDE,
Secretary.

¹The Pure Oil Co., Operator, is filing for itself and, as operator, lists in the application the name and percentage of working interest of nonoperator. Application covers an amendatory agreement dated September 5, 1958, which adds additional acreage to a basic gas sales contract dated November 5, 1957. Applicant has requested authorization in (pending) Docket No. G-13961 to sell gas under the basic contract. Temporary authorization was issued by airmail letter dated January 3, 1958.

²M. B. Chastain, Operator, is filing for himself and on behalf of the following nonoperators: Vincent A. Hughes, John P. Costello and Bennett Wooley. Application covers an amendatory agreement dated August 28, 1958, to a basic gas sales contract dated June 16, 1956. Applicants were authorized in Docket No. G-10637 to sell gas under the basic contract.

³C. G. Glasscock-Tidelands Oil Co., is filing for itself and on behalf of Frank Stice and lists in the application the percentage of ownership of working interest of each party. C. G. Glasscock-Tidelands Oil Co. is the only signatory seller party to the subject gas sales contract.

⁴Edwin G. Bradley, Operator, is filing for himself and, as operator, lists in the application the nonoperators together with the percentage of working interest owned by each. Application covers an amendatory agreement dated September 3, 1958, which adds additional acreage to a basic gas sales contract dated March 1, 1956, as amended. Operator was authorized to sell gas under the basic contract in Docket No. G-10141. Application states that production is limited to a depth of 3,500 feet.

⁵Production is limited to horizons down to and including the Cotton Valley Group Formation. Amendment filed December 5, 1958, is statement acknowledging Applicant's willingness to accept a conditional certificate requiring refund to Buyer should Louisiana tax (Act No. 8 of 1958, House Bill 303) be invalidated.

⁶Application covers an amendatory agreement dated September 10, 1958, which adds additional acreage to a basic gas sales contract dated July 1, 1954. Kerr-McGee was authorized to sell gas under the basic contract in Docket No. G-6378. Production is limited to formations below the Keyes Sand of the Morrow Formation.

⁷Application covers an amendatory agreement dated September 19, 1958, which adds additional acreage to a basic gas sales contract dated December 3, 1957. Applicant has requested authorization to sell gas under the basic contract in Docket No. G-14327. Temporary authorization was issued in Docket No. G-14327.

⁸Application covers an amendatory agreement dated August 21, 1958, which adds additional acreage to a basic gas sales contract dated March 21, 1956. Production is limited to depths below the base of the Permian System. Cities Service was authorized to sell gas under the basic contract in Docket No. G-10250.

[F.R. Doc. 59-3809; Filed, May 5, 1959; 8:46 a.m.]

[Docket No. G-18406]

UNITED GAS PIPE LINE CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

APRIL 29, 1959.

United Gas Pipe Line Company (United Gas) on March 30, 1959, tendered for filing twenty-seven (27) tariff sheets as follows: Third Revised Sheets Nos. 34, 35, 44, and 45; Fourth Revised Sheets Nos. 8, 14, and 104; Fifth Revised Sheets Nos. 4, 6, 10, 12, 16, 17, 17-A, 18, 19, 20, 21, 23, 25, 27, 28, 30, 32, 100 and 103 and Sixth Revised Sheet No. 101, to its FPC Gas Tariff, First Revised Volume No. 1, proposing an annual increase in its Rates and Charges of \$7,872,462 or 7.7 percent to jurisdictional customers, based on sales for the year ended December 31, 1958.¹ The increased rates are proposed to become effective on May 1, 1959.

In support of its proposed rate increases² United Gas relies principally on the increased cost of purchased gas, its classification and allocation of costs, acquisition adjustments and the need for a 6¾ percent rate of return and associated income taxes.

Since the claimed increases in cost of purchased gas appear to be based in part on increases which have not been filed or which have been allowed to become effective subject to refund, United Gas' claimed increase in cost of purchased gas is not supported. Further, the proposed increase is not supported by the company's classification and allocation of costs, the amount claimed for acquisition adjustments and the alleged need for a 6¾ percent rate of return.

To date, comments have been received from eight city gate customers, two pipeline customers³ and two State Commissions either objecting to the proposed increase, planning to intervene or requesting an investigation to ascertain if it is justified.

The increased rates and charges provided for in the Revised Tariff Sheets tendered by United Gas on March 30, 1959, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in United Gas' FPC Gas

¹The proposed filings would increase rates presently subject to refund in Docket No. G-15360. Rate increase proceedings are also pending in Docket Nos. G-9547, G-10592, G-12801.

²Fifth Revised Sheets Nos. 16, 17, 17-A, 18, 19, and 20 relating to sales of gas for resale for industrial use only are excepted from the suspension order herein contained.

³Willmut Gas and Oil Company, one of United Gas' customers, through its counsel, has filed a petition to reject the instant proposed filing, or, in the alternative, to disallow the rate increases proposed in the previously filed cases, as follows: Docket Nos. G-15360, G-9547, G-10592, and G-12801.

Tariff, First Revised Volume No. 1, as proposed to be amended by Third Revised Sheets Nos. 34, 35, 44, 45; Fourth Revised Sheets Nos. 8, 14, and 104; Fifth Revised Sheets Nos. 4, 6, 10, 12, 16, 17, 17-A, 18, 19, 20, 21, 23, 25, 27, 28, 30, 32, 100, 103; and Sixth Revised Sheet No. 101 to its FPC Gas Tariff, First Revised Volume No. 1 and that said proposed Revised Tariff Sheets and the rates contained therein except Fifth Revised Sheets Nos. 16, 17, 17-A, 18, 19, and 20 be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in United Gas' FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Third Revised Sheets Nos. 34, 35, 44, and 45; Fourth Revised Sheets Nos. 8, 14, and 104; Fifth Revised Sheets Nos. 4, 6, 10, 12, 16, 17, 17-A, 18, 19, 20, 21, 23, 25, 27, 28, 30, 32, 100, and 103; and Sixth Revised Sheet No. 101 to its FPC Gas Tariff, First Revised Volume No. 1.

(B) Pending such hearing and decision thereon United Gas' Third Revised Sheets Nos. 34, 35, 44, 45; Fourth Revised Sheets Nos. 8, 14, and 104; Fifth Revised Sheets Nos. 4, 6, 10, 12, 21, 23, 25, 27, 28, 30, 32, 100, and 103; and Sixth Revised Sheet No. 101 to its FPC Gas Tariff, First Revised Volume No. 1 be and they are hereby suspended and the use thereof deferred until October 1, 1959, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3811; Filed, May 5, 1959;
8:46 a.m.]

[Docket No. G-18194]

LOUISIANA NEVADA TRANSIT CO.

Notice of Application and Date of Hearing

APRIL 29, 1959.

Take notice that on March 30, 1959, Louisiana Nevada Transit Company (Applicant) filed in Docket No. G-18194 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the redelivery to Arkansas Louisiana Gas Company (Arkansas Louisiana) of approximately 9,650 Mcf of natural gas which Arkansas Louisiana delivered to Applicant during the period March 16-28, 1959, all as more fully set

forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the aforesaid delivery of gas by Arkansas Louisiana was made during an emergency and that immediate redelivery is necessary. The delivery was made, and redelivery is proposed, through a temporary connection installed by Applicant at a cost of about \$1,000 on Applicant's 8-inch main pipeline in Webster Parish, Louisiana, near Lewisville.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 27, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 20, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3810; Filed, May 5, 1959;
8:46 a.m.]

[Docket No. G-12105, etc.]

HOLLANDSWORTH OIL CO. ET AL.

Notice of Applications and Date of Hearing

APRIL 29, 1959.

In the matters of Hollandsworth Oil Company,¹ Operator, et al., Docket No. G-12105; Roy H. Bettis, et al.,² Docket No. G-13410; The Atlantic Refining Company,³ Docket No. G-13635; North Louisiana Gas Company, Inc.,⁴ Docket No. G-13644; David Crow, Agent,⁵ Docket No. G-13671; C. V. Lyman, d/b/a Lyman-Damascus Operations,⁶ Docket No. G-13685; Nue-Wells Pipe Line Company,⁷ Docket No. G-13686; Louis H. Weltman, Operator,⁸ Docket No. G-13687; Edwin G. Bradley,⁹ Docket No. G-13690; C. V. Lyman, d/b/a Lyman-Damascus Opera-

See footnotes at end of document.

tions,⁷ Docket No. G-13852; Nue-Wells Pipe Line Company,⁷ Docket No. G-13853; Siboney Petroleum Corporation,⁷ Docket No. G-13854; Hamilton Brothers, Ltd.,⁹ Docket No. G-14750.

Take notice that each of the above listed parties (hereinafter collectively referred to as Applicants), has filed an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the Applicant to sell, or, in the case of Nue-Wells Pipeline Company, to transport, natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

The applications of Nue-Wells in Docket Nos. G-13686 and G-13853 request authorization to transport natural gas in interstate commerce as set forth below. Each of the other parties requests authorization to sell natural gas in interstate commerce. The natural gas will be produced from the respective fields and sold to the respective purchasers set forth below.

Docket No. (I.P.); Applicant; Field, County, State; Purchaser and Applicants' Related FPC Gas Rate Schedule

G-12105; Hollandsworth Oil Co., Operator, et al.; Woodlawn, Harrison, Tex.; Mississippi River Fuel Corp.; Supp No. 9 to No. 2, Supp No. 8 to No. 4.

G-13410; Roy H. Bettis et al.; Beasley, San Patricio, Tex.; Gas Gathering Co. (for resale to Trunkline Gas Co.); No. 3.

G-13635; The Atlantic Refining Co.; Aztec, Ballard and S. Blanco, San Juan, N. Mex.; Pacific Northwest Pipeline Corp.; No. 178.

G-13644; North Louisiana Gas Co., Inc.; Longwood, Caddo, La.; Arkansas Louisiana Gas Co.; No. 1.

G-13671; David Crow, Agent; Maxie-Pistol Ridge, Pearl River, Miss.; United Gas Pipe Line Co.; No. 7.

G-13685; C. V. Lyman d/b/a Lyman-Damascus Operations; Bailey, Nueces, Tex.; Tennessee Gas Transmission Co.; Supp. No. 7 to No. 2.

G-13686; Nue-Wells Pipe Line Co.; Bailey, Nueces, Tex.; Transportation a/c C. V. Lyman, d/b/a Lyman-Damascus Operations; No. 4.

G-13687; Louis H. Weltman, Operator; Bailey, Nueces, Tex.; C. V. Lyman, d/b/a Lyman-Damascus Operations (for resale to Tennessee Gas Transmission Co.); No. 2.

G-13852; C. V. Lyman, d/b/a Lyman-Damascus Operations; Mary (Frio Sand), Jim Wells, Tex.; Tennessee Gas Transmission Co.; Supp. No. 7 to No. 2.

G-13853; Nue-Wells Pipe Line Co.; Mary (Frio Sand), Jim Wells, Tex.; Transportation a/c C. V. Lyman, d/b/a Lyman-Damascus Operations; No. 3.

G-13854; Siboney Petroleum Corp.; Mary (Frio Sand), Jim Wells, Tex.; C. V. Lyman, d/b/a Lyman-Damascus Operations (for resale to Tennessee Gas Transmission Co.); No. 1.

G-13690; Edwin G. Bradley; Hugoton, Morton, Kans.; Cities Service Gas Co.; No. 2.

G-14750; Hamilton Brothers Ltd.; N. Hansford (Horizon-Morrow), Hansford and Ochiltree, Tex.; Northern Natural Gas Co.; No. 1.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and

15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 4, 1959 at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 22, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

¹ Hollandsworth Oil Co., Operator, is filing for its 66.62574 percent interest and on behalf of nonoperator, Clarence Keese, who owns the remaining 33.37426 percent interest in production from the M. M. Staggers No. 1 Unit. 98.23520 percent of gas produced from the subject unit is proposed to be sold pursuant to an amendatory agreement dated February 13, 1957, which dedicates additional acreage to a basic contract dated September 25, 1951, as amended, to which basic contract both Hollandsworth and Keese are signatory seller parties and were authorized to sell gas under said contract in Docket No. G-4012. The remaining 1.76480 percent of the gas produced from the subject unit is attributable to the 49.44 acre James E. Hale Lease, which lease was acquired by Hollandsworth by instrument of assignment dated January 24, 1957 from Stanolind Oil and Gas Company (now Pan American Petroleum Corporation). Said lease was previously dedicated to a gas sales contract dated April 3, 1951, as amended, between Stanolind Oil and Gas Co. (now Pan American Petroleum Corp.), et al., Sellers, and Mississippi River Fuel Corporation, buyer, to which contract Hollandsworth, by a previous assignment, became a signatory seller party and was authorized to sell gas under said contract in Docket No. G-4320. Applicants propose to sell the gas attributable to the Hale Lease pursuant to the basic gas sales contract dated April 3, 1951.

² Roy H. Bettis is filing for himself and as Attorney-in-Fact for G. Frederick Shepherd, who together are d/b/a Bettis and Shepherd. Both are signatory seller parties to the gas sales contract dated January 2, 1957. Subject contract provides that 85 percent of any price in excess of specified minimum price received by Buyer for the resale of the subject gas will be paid to Applicants.

³ The Atlantic Refining Co. is filing for its 40 percent overriding royalty interest in production from approximately 1,440 acres, which gas Applicant has elected to take in kind and to sell to Pacific Northwest Pipeline Corp. pursuant to a gas sales contract dated July 17, 1957, to which contract Applicant is the sole signatory seller party. The subject contract limits production to horizons down to and including the base of the Pictured Cliffs Formation.

⁴ North Louisiana Gas Co., Inc., is filing for authorization to sell natural gas purchased from A. M. Poynter to Arkansas Louisiana pursuant to a gas sales contract dated September 12, 1957, to which contract North Louisiana is the only signatory seller party. A. M. Poynter, in Docket No. G-14749, has filed for authorization to sell natural gas to North Louisiana. On September 5, 1958, North Louisiana filed a letter acknowledging its willingness to accept a conditioned certificate requiring refund to Purchaser should the additional one cent Louisiana tax levied pursuant to Act No. 8 of 1958 (House Bill 303) be invalidated.

⁵ David Crow, Agent, is filing for his working interest in approximately 840 acres and is the only signatory seller party to the gas sales contract dated October 29, 1957.

⁶ In Docket G-13685, C. V. Lyman, d/b/a Lyman-Damascus Operations is filing for authorization to sell natural gas, purchased from Louis H. Weltman, Operator, pursuant to an amendatory agreement dated December 31, 1957, which dedicates said gas to a basic contract dated January 1, 1949, as amended. Applicant received authorization in Docket No. G-8743 to sell gas under said basic contract. In Docket No. G-13686, Nue-Wells Pipe Line Co. is filing for authorization to transport subject gas and deliver same to Tennessee (Purchaser) pursuant to a transportation contract with C. V. Lyman dated October 24, 1957. In Docket No. G-13687, Louis H. Weltman, Operator, is filing for himself and, as operator, lists in the application, together with the percentage of working interest of each, the following non-operators: Oscar Spitz, Sinton Crossman and Arnold Well Service. All are signatory seller parties to the gas sales contract dated October 18, 1957, which contract covers aforementioned gas.

⁷ In Docket No. G-13852, C. V. Lyman, d/b/a Lyman-Damascus Operations is filing for authorization to sell natural gas, purchased from Siboney Petroleum Corp., pursuant to an amendatory agreement dated December 31, 1957, which dedicates said gas to a basic contract dated January 1, 1949, as amended. Applicant received authorization in Docket No. G-8743 covering the sale of gas under said basic contract. In Docket No. G-13853, Nue-Wells Pipe Line Company is filing for authorization to transport subject gas and deliver same to Tennessee (Purchaser) pursuant to a transportation contract with C. V. Lyman dated November 1, 1956. In Docket No. G-13854, Siboney is filing for authorization to sell subject gas to C. V. Lyman pursuant to a gas sales contract dated November 15, 1957.

⁸ Edwin G. Bradley is filing for his working interest in the Glenn Unit, production from which is proposed to be sold pursuant to a basic gas sales contract dated June 23, 1950, between Stanolind Oil and Gas Co. (predecessor in interest to Pan American Petroleum Corp.), seller, and Cities Service, buyer. Applicant acquired subject acreage by assignments from Stanolind and Champlin Refining Co. (which latter company became a signatory seller party to the above-mentioned contract by ratification) dated June 26, 1956 and July 17, 1956, respectively, and has attained signatory seller status to the aforementioned contract to the extent of such assignments.

⁹ Hamilton Brothers, Ltd., a limited partnership comprised of Ferris F. Hamilton and Frederic C. Hamilton, is filing for its 100 percent working interest in 1,920 acres and its 75 percent working interest in 1,280 acres. Both partners are signatory seller parties to the gas sales contract dated February 19, 1958.

[F.R. Doc. 59-3812; Filed, May 5, 1959; 8:46 a.m.]

[Docket No. G-18407]

EMPIRE GAS AND FUEL CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheet

APRIL 29, 1959.

Empire Gas and Fuel Company (Empire) tendered for filing Fifth Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1, on March 30, 1959, proposing increased rates and charges for sales of natural gas to be purchased from New York Natural Gas Corporation (New York Natural). The proposed increase would apply only to deliveries to Empire Gas and Fuel Company, Limited (Empire Ltd.), which is Empire's sole wholesale customer.

Empire states that the increased rates and charges contained in its proposed Fifth Revised Sheet No. 5, are based upon anticipated increased rates and charges contained in the proposed revised tariff sheets tendered by New York Natural on November 28, 1958, and suspended as described in Commission order issued December 22, 1958, in Docket No. G-17296; that Empire anticipates that New York Natural will begin collecting, subject to refund, said proposed rates and charges as of June 1, 1959; that Empire therefore designates May 1, 1959, as the effective date of Empire's filing; and that Empire "agrees to refile or amend in the event all, or a portion, of New York Natural's present filing is disallowed" in Docket No. G-17296.

The claimed increase in the cost of purchased gas rests exclusively on the effectiveness of the suspended rates of Empire's supplier, New York Natural. Empire has submitted an abbreviated cost statement, appropriate to its status as a Class B Company, showing that the cost of purchased gas amounts to approximately 99.6 percent of all costs. A review of data submitted indicates that the proposed increase would amount to about \$63,000 annually.

Since Empire's proposed increase is based on the increased rates and charges filed by its supplier, New York Natural, which have not been shown to be justified and are currently suspended, Empire's filing has a corresponding infirmity.

The increased rates and charges provided for in the revised tariff sheet tendered by Empire on March 30, 1959, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Empire's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fifth Revised Sheet No. 5 and the rates contained therein should be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Empire's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fifth Revised Sheet No. 5.

(B) Pending such hearing and decision thereon, Empire's proposed Fifth Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1 is hereby suspended and the use thereof deferred until June 1, 1959, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3813; Filed, May 5, 1959;
8:46 a.m.]

[Docket No. G-17555]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application and Date of Hearing

APRIL 29, 1959.

Take notice that on January 16, 1959, The Manufacturers Light and Heat Company (Applicant) filed in Docket No. G-17555 an application pursuant to section 7 (c) and (b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, and for permission to abandon certain other natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities proposed to be constructed hereunder consist of approximately 60.77 miles of 20-inch transmission pipeline and a 700 horsepower compressor station, all to be attached to Applicant's system in southern Pennsylvania, to enable Applicant to serve adequately and efficiently the increasing requirements of Applicant's eastern markets during the winter of 1959-60 and thereafter. The estimated total capital cost of these proposed facilities is \$5,380,000, to be financed through the issuance and sale of promissory notes and common stock to Applicant's parent company, The Columbia Gas System, Inc.

The facilities proposed to be abandoned hereunder consist of sections of five parallel 6-inch lines, totalling 135.25 miles of pipe, between Applicant's State Line Compressor Station in Bedford County, and Sideling Hill, Fulton County,

Pennsylvania, all part of Applicant's old "oil line system". Salvage value of these facilities, to be sold in place, is estimated at \$139,500, with credit to fixed capital of \$530,000, and cost of retiring estimated at \$500.

The proposed new facilities would replace the facilities to be abandoned, increasing the capacity and efficiency of Applicant's service to its eastern market customers, and providing needed line storage capacity not possible with the old oil line facilities.

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

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

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 22, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3814; Filed, May 5, 1959;
8:47 a.m.]

[Docket No. G-17208 etc.]

UNITED CITIES GAS CO. ET. AL.

Notice of Applications and Date of Hearing

APRIL 29, 1959.

In the matters of United Cities Gas Company, Docket No. G-17208; City of Kevil, Kentucky, Docket No. G-17654; City of Arlington, Kentucky, Docket No. G-17655; City of Barlow, Kentucky, Docket No. G-17656.

Take notice that United Cities Gas Company (United Cities), an Illinois corporation, and successor to Southeastern Illinois Gas Company, 938 Merchandise Mart Plaza, Chicago, Illinois, filed on December 8, 1958, an application in Docket No. G-17208, pursuant to Section 7(a) of the Natural Gas Act, for an order directing Trunkline Gas Company (Trunkline) to increase its maximum daily contract deliveries to United Cities from the presently authorized 2000 Mcf to 2680 Mcf for continued service to Metropolis, Illinois, in United Cities' Southeastern Illinois Gas Company Division.

United Cities alleges that the distribution system in Metropolis is connected with the pipeline system of Trunkline by a 4-inch transmission pipeline approximately 8½ miles in length owned by V. M. Pipeline Company, a wholly owned subsidiary of United Cities, which renders a transportation service for United Cities. United Cities also alleges that it has no other source of natural gas supply for service to Metropolis.

United Cities alleges that the present allocation of 2,000 Mcf of natural gas per day is insufficient to meet the peak day requirements of customers in Metropolis; that on its 1957-1958 peak day Metropolis took 1583 Mcf; that a direct industrial customer has contracted for 700 Mcf per day on an interruptible basis, but requested United Cities to give it firm service for the winter season of 1958-1959.

United Cities estimates the requirements of Metropolis as follows:

	Peak day requirements in Mcf, estimated			
	1958-59	1959-60	1960-61	1961-62
Firm.....	1,951	2,748	2,880	3,000
Industrial interruptible.....	688	88	88	88
Total sales at 14.65 psia.....	2,639	2,836	2,968	3,097
Total sales corrected to 14.73 psia.....	2,625	2,821	2,952	3,080
Company use and unaccounted for.....	55	64	68	70
Total requirements at 14.73 psia.....	2,680	2,885	3,020	3,150
Annual requirements in Mcf, year estimated				
	1958	1959	1960	1961
Firm.....	257,571	350,000	361,490	374,175
Industrial interruptible.....	25,000	25,000	25,000	25,000
Total sales at 14.65 psia.....	282,571	375,000	386,490	399,175
Total sales at 14.73 psia.....	281,045	372,975	384,403	397,019
Company use and unaccounted for.....	18,955	23,025	24,597	25,981
Total requirements at 14.73 psia.....	300,000	396,000	409,000	423,000

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 345, Supp. 1]

REGIONAL COMMISSIONER, REGION 3

Delegation of Authority

In addition to the authorities contained in Delegation of Authority No. 345, dated June 23, 1958, the Regional Commissioner, Region 3, is authorized to exercise the following specific authority:

To execute declarations of taking to be filed in the condemnation proceedings for the acquisition of the necessary interests in land for the access and perimeter highways to be constructed in conjunction with the Washington International Airport at Chantilly, Virginia, and to transmit said declarations of taking directly to the Department of Justice.

To enter into contracts to provide title evidence for the Government in connection with the acquisition of the aforesaid interests in land.

The authority delegated herein shall not be redelegated and shall be exercised in accordance with such applicable laws and regulations and such administrative and program directives and instructions as are in effect on the date of the exercise of such authority.

Dated: April 29, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-3818; Filed, May 5, 1959; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2142]

MACINAR, INC.

Notice of and Order for Hearing

APRIL 30, 1959.

I. Macinar, Incorporated, a Delaware corporation, 734 15th Street, NW., Washington, D.C., filed with the Commission on April 14, 1958, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 160,000 shares of \$0.50 par value common stock at \$0.75 per share and 178,110 warrants exercisable at \$0.75 per share, for an aggregate offering of \$253,582.50, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder; and

II. The Commission on March 30, 1959 issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional

In Docket No. G-17654, the City of Kevil, Kentucky (Kevil) filed on January 26, 1959 an application and on March 27, 1959 a supplement thereto, pursuant to section 7(a) of the Natural Gas Act, for an order directing Trunkline to establish physical connection of its transportation facilities with facilities proposed to be constructed by Kevil and to sell and deliver to Kevil its natural gas requirements for distribution to the public for residential and commercial uses in said City of Kevil.

Kevil proposes to construct and operate approximately 1.9 miles of 2-inch lateral transmission pipeline extending from a connection with Trunkline's facilities where the latter's main line crosses U.S. Highway No. 60 in Ballard County, Kentucky, east to the city limits of Kevil. Kevil also proposes to construct a distribution system to serve said city.

Kevil estimates its natural gas requirements as follows:

Year of service	Requirements in Mcf.	
	Peak day	Annual
1st.....	182	15,226
2d.....	246	20,475
3d.....	275	22,904
4th.....	296	24,719
5th.....	311	25,923

Kevil estimates that the cost of said proposed construction will be \$80,000, which it proposes to finance by the issuance of natural gas revenue bonds.

In Docket No. G-17655, the City of Arlington, Carlisle County, Kentucky (Arlington), filed on January 26, 1959, an application and on March 27, 1959 a supplement thereto, pursuant to section 7(a) of the Natural Gas Act, for an order directing Trunkline to establish physical connection of its transportation facilities with facilities proposed to be constructed by Arlington and to sell and deliver to Arlington its natural gas requirements for distribution to the public for residential, commercial and industrial purposes in said City of Arlington.

Arlington proposes to construct and operate approximately 1.84 miles of 2 and 2½ inch lateral transmission pipeline, extending from a connection with Trunkline's facilities at a point where said facilities cross Kentucky Highway 80, west to the city limits of Arlington. In addition, Arlington proposes to construct a distribution system to serve the residents therein.

Arlington estimates its natural gas requirements as follows:

Year of service	Requirements in Mcf.	
	Peak day	Annual
1st.....	275	28,512
2d.....	377	36,877
3d.....	424	40,689
4th.....	449	42,741
5th.....	461	43,746

Arlington estimates that the cost of the proposed construction will be \$93,000, which it proposes to finance by the issuance of natural gas revenue bonds.

In Docket No. G-17656, the City of Barlow, Ballard County, Kentucky, filed on January 26, 1959 an application and on March 27, 1959 a supplement thereto, pursuant to section 7(a) of the Natural Gas Act, for an order directing Trunkline to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Barlow and to sell and deliver to Barlow its natural gas requirements for distribution to the public for domestic and commercial purposes in said City of Barlow.

Barlow proposes to construct and operate a lateral line consisting of approximately 3.5 miles of 3-inch pipe and 2.7 miles of 2½-inch pipe extending from a connection with Trunkline's facilities at a point where said facilities cross U.S. Highway 60 west to the city limits of Barlow. Barlow also proposes to construct a distribution system to serve the residents of that city.

Barlow estimates its natural gas requirements as follows:

Year of service	Requirements in Mcf.	
	Peak day	Annual
1st.....	369	28,960
2d.....	465	36,690
3d.....	514	40,555
4th.....	547	43,275
5th.....	581	45,999

Barlow estimates the total capital cost of said project will be \$160,000, which it proposes to finance through the issuance of natural gas revenue bonds.

Each of the applications in the above numbered dockets is on file with the Commission and open for public inspection.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 29, 1959, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 10, 1959.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3815; Filed, May 5, 1959; 8:47 a.m.]

exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission, deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held in the Washington Regional Office of the Commission, 310 6th Street NW., Washington, D.C., at 10:00 a.m., June 15, 1959, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered in that:

1. The terms and conditions of Regulation A have not been complied with, in that:

a. The aggregate offering price of the securities offered by the issuer and those sold in violation of section 5 of the Act by an affiliate exceed the \$300,000 limitation prescribed by Rule 254 of Regulation A.

b. The notification on Form 1-A fails to disclose that Automatic Table Co. is an affiliate of the issuer, as required by Item 2.

c. The notification on Form 1-A fails to set forth the title and amount of securities sold by Paul Gaston, an affiliate of the issuer, the consideration paid therefor, the basis of such computation, the persons to whom such securities were issued, the exemption claimed therefor, and the facts relied upon for such exemption, as required by Item 9.

d. The report of sales on Form 2-A as filed by the issuer fails to disclose:

(1) The names of all underwriters of the issuer, as required by Item 2;

(2) The number of shares held by Paul Gaston, a controlling person, officer and director of the issuer, as required by Item 11; and

(3) The use of proceeds from the offering and payments made to officers, directors, affiliates, and/or others, as required by Item 7.

2. The notification and the offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

a. The failure to disclose in the offering circular that Philip Friedlander is a vice president of the issuer, as required by Item 9(a);

b. The failure to disclose in the offering circular that a note payable for the sum of \$17,400 is payable to Virginia B. Gaston, an affiliate of the issuer, and wife of its principal security holder.

c. The statement on page 12 of the offering circular with respect to the sale of

50,000 shares of the issuer's securities by Paul Gaston, in that approximately 110,000 shares were sold without an available exemption;

d. The failure to disclose in the offering circular that the issuer assumed the obligation of payment for a \$12,854.82 note of an affiliate;

e. The failure to disclose in the offering circular all material transactions of directors, officers, and controlling persons with the issuer, its predecessors, or affiliates as required by Item 9(c) (ii);

f. The statement on page 12 of the offering circular that no salaries or compensation has been paid to officers or directors, in that Paul Gaston received approximately \$12,132 during the period from September 1, 1956, to December 31, 1957;

g. The failure to disclose in the notification that Automatic Table Co. is controlled by Paul Gaston and is an affiliate of the issuer.

3. The offering was made in violation of section 17 of the Act.

B. Whether the order dated March 30, 1959, temporarily suspending the exemption under Regulation A should be vacated or made permanent.

III. *It is further ordered*, That Robert N. Hislop or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Macinar, Incorporated, that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before June 10, 1959 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 59-3822; Filed, May 5, 1959;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 267]

MOTOR CARRIER APPLICATIONS

MAY 1, 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 531 (Sub No. 97), filed March 27, 1959. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, and acids and chemicals*, not limited to the descriptions as defined in *Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in specialized equipment, from Good Hope, La., to points in North Carolina and Tennessee. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Utah.

HEARING: July 8, 1959, at the Federal Office Building, 600 South Street, New Orleans, La.; before Examiner Leo W. Cunningham.

No. MC 665 (Sub No. 58), filed March 30, 1959. Applicant: MISSOURI-ARKANSAS TRANSPORTATION COMPANY, A Corporation, 1505 Maiden Lane, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including commodities requiring special equipment*, but excluding commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between points in Missouri, Arkansas, Kansas, and Oklahoma as specifically set forth in Certificate No. MC 665 and Sub-numbers thereunder.

NOTE: Applicant states that it seeks an appropriate order authorizing deletion of the restriction contained in Certificate No. MC 665 and Subs thereto prohibiting applicant's handling commodities requiring special equipment and such further order or orders as may be required to authorize applicant to handle commodities requiring special equipment.

HEARING: July 3, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 1124 (Sub No. 151), filed February 6, 1959. Applicant: HERRIN TRANSPORTATION COMPANY, a Texas Corporation, 2301 McKinney Avenue, Houston, 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 regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, and commodities in bulk, (1) between Port Arthur, Tex., and Hackberry, La., from Port Arthur over Texas

Highway 87 to its junction unnumbered causeway across Sabine Lake approximately 3 miles southwest of Port Arthur, thence over unnumbered causeway across Sabine Lake to its junction with unnumbered Louisiana Highway on the East side of Sabine Lake, thence over unnumbered Louisiana Highway via Johnsons Bayou and Holly Beach to junction with Louisiana Highway 27 at Holly Beach, thence over Louisiana Highway 27 to Hackberry, and return over the same route, serving all intermediate points; (2) between Holly Beach, La., and Lake Charles, La., from Holly Beach over Louisiana Highway 27 to its junction with Louisiana Highway 14 near Holmwood, thence over Louisiana Highway 14 to its junction with U.S. Highway 90 approximately 3 miles east of Lake Charles, thence over U.S. Highway 90 to Lake Charles, and return over the same route, serving all intermediate points and serving the intersection of U.S. Highway 90 and Louisiana Highway 14 as a point of joinder. Applicant is authorized to conduct operations in Louisiana, Texas, Tennessee, Arkansas, Oklahoma, and Florida.

HEARING: July 20, 1959, at the Federal Office Building, Franklin and Fannin Streets, Houston, Texas, before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 1124 (Sub No. 154), filed March 2, 1959. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, 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: *Government-owned compressed gas trailers empty or loaded with compressed gases other than liquefied petroleum gas*, from Shreveport, La., to Eglin Air Force Base, Fla., and return. Applicant is authorized to conduct operations in Louisiana, Texas, Arkansas, Tennessee, Oklahoma, and Florida.

HEARING: July 13, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Leo W. Cunningham.

No. MC 1124 (Sub No. 155), filed March 20, 1959. Applicant: HERRIN TRANSPORTATION COMPANY, a Texas corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, 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, household goods as defined by the Commission and commodities in bulk, serving the site of the St. Francisville Paper Mill of the Crown Zellerbach Corporation, Gaylord Container Division, located approximately 18 miles north of Baton Rouge, La., on the southwest side of U.S. Highway 61, as an off-route point in connection with applicant's authorized regular route operations to and from Baton Rouge, La. Applicant is authorized to conduct operations in Louisiana, Texas, Arkansas, and Tennessee.

HEARING: July 13, 1959, at the Federal Office Building, 600 South Street,

New Orleans, La., before Joint Board No. 164, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 2202 (Sub No. 172), filed March 27, 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 regular 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, serving new plant site of the Gates Rubber Company, approximately 7½ miles north of Nashville, Tenn., as an off-route point in connection with applicant's authorized regular route operations. 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: June 30, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 2202 (Sub No. 173), filed April 28, 1959. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, 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 regular and irregular routes, transporting: *Liquid commodities; dry commodities*; in containers, including but not limited to Sealdtanks and Sealdbins when transported in standard vehicles, over the routes and in the territory, including all off-route and intermediate points authorized to be served by applicant by virtue of Certificate No. MC 2202 and Subs thereunder covering the transportation of general commodities, with certain exceptions in the States of Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, West Virginia, and the District of Columbia.

HEARING: June 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 10511 (Sub No. 4), filed April 3, 1959. Applicant: LESTER ELLSWORTH WILLSEY, doing business as WILLSEY TRANSFER, 418 Sheridan Street, Rockford, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, including Rockford, Ill., on the one hand, and, on the other, points in Arkansas, Iowa, Kentucky, Minnesota, Mis-

souri, Nebraska, Ohio, Tennessee, Pennsylvania, New York, Wisconsin, and points in the Upper Peninsula of Michigan. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Wisconsin.

NOTE: Duplication with present authority to be eliminated.

HEARING: June 29, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James H. Gaffney.

No. MC 19201 (Sub No. 107), filed April 7, 1959. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including commodities of unusual value, commodities in bulk, and commodities requiring special equipment*, but excluding Class A and B explosives, and household goods as defined by the Commission, in service auxiliary to, or supplemental of, rail service of The Pennsylvania Railroad Company, (1) between York, Pa., and Woodsboro, Md., serving all intermediate points which are stations on the line of The Pennsylvania Railroad Company, from York over U.S. Highway 30 to junction Pennsylvania Highway 116, thence over Pennsylvania Highway 116 to Hanover, Pa., thence over Pennsylvania Highway 194 to the Pennsylvania-Maryland State line, thence over Maryland Highway 194 to Woodsboro, and return over the same route. (2) Between junction Maryland Highway 194 and unnumbered highway west of Union Bridge, Md., and Union Bridge, Md., serving no intermediate points but serving said junction for purposes of joinder only, from junction Maryland Highway 194 and unnumbered highway west of Union Bridge, over said unnumbered highway to Union Bridge, and return over the same route. Applicant is authorized to conduct operations in Indiana, Ohio, Pennsylvania, and West Virginia.

NOTE: Dual operations under section 210, and common control may be involved.

HEARING: June 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 22254 (Sub No. 25), (CLARIFICATION), filed December 11, 1958, published issue of April 15, 1959. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago 20, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, *musical instruments, organs and pianos, typewriters, airplanes, or parts thereof, antiques, and motor vehicles* weighing not over 1150 pounds, between points in the Continental United States, on the one hand, and, on the other, points in the State of Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: Remains as assigned May 18, 1959, in Room 852, U.S. Custom

House, 610 South Canal Street, Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 26825 (Sub No. 5), filed April 6, 1959. Applicant: ALBERT ROY ANDREWS, doing business as ANDREWS VAN LINES, Seventh Street and Park Avenue, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the Continental United States and points in Alaska. Applicant is authorized to transport household goods between all points in the United States except Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, New Mexico, Arizona, Nevada, and California.

HEARING: July 1, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner James H. Gaffney.

No. MC 29120 (Sub No. 56), filed April 8, 1959. Applicant: WILSON STORAGE AND TRANSFER CO., a South Dakota Corporation, 110 North Reid Street, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins marketed by the U. S. Rubber Company under the trade names "Sealdtanks" or "Sealdbins", or the equivalent thereof, between all points applicant is presently authorized to serve in the transportation of General commodities, as authorized in MC 29120 and subnumbers thereunder. Applicant is authorized to transport General commodities in the States of Minnesota, South Dakota, Iowa, North Dakota, Nebraska, Illinois, and Indiana.

HEARING: June 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 29910 (Sub No. 50), filed April 2, 1959. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. Applicant's attorney: Thomas Harper, Kelley Building, P.O. Box 297, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Camden, Ark., and Shreveport, La.: from Camden over U.S. Highway 79 to Magnolia, Ark., thence over Arkansas Highway 132 to the Louisiana-Arkansas State line, thence over Louisiana Highway 7 to Sarepta, La., thence over Louisiana Highway 2 to Plain Dealing, La., thence over Louisiana Highway 3 to junction U.S. Highway 80, and thence over U.S. Highway 80 to Shreveport, and return over the same route, serving the plant and facilities of International Paper Company, at or near Springhill, La. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, Louisiana, Texas, Illinois, Tennessee, Mississippi, Ohio, Oklahoma, and Indiana.

NOTE: Applicant states it is authorized to operate over that portion of the above route between Plain Dealing and Shreveport, La., by different highway numbers, which have subsequently been changed to those above.

HEARING: July 6, 1959, at the Arkansas Commerce Commission Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 35, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 30022 (Sub No. 82), filed April 20, 1959. Applicant: PAUL S. CREBS, Ninth Street, P.O. Box 111, 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: *Kitchen sinks, and base and wall cabinets*, all crated, from Canton, Ohio, to Altoona, Pa., 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: June 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 30837 (Sub No. 255), filed April 14, 1959. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seat cabs and parts* therefor, from Moline, Ill., to the International Boundary line between the United States and Canada at Detroit, Mich. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 24, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James H. Gaffney.

No. MC 30837 (Sub No. 256), filed April 17, 1959. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 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: *Lift trucks*, from El Monte, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Texas, Utah, and Wyoming. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 11, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 30844 (Sub No. 34) (CLARIFICATION), filed October 13, 1958, published April 1, 1959, at Page 2543.

Applicant: ALLEN E. KROBLIN, INCORPORATED, doing business as

KROBLIN REFRIGERATED XPRESS, Sumner, Iowa. Applicant's attorneys: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C., and William B. Mooney, First National Bank Building, Waverly, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soap, soap products, washing compounds, lye, bleach, and toilet articles*, from points in the Chicago, Ill., Commercial Zone as defined by the Commission to points in Oklahoma, Missouri, Kansas, Colorado, Nebraska, Arkansas, Texas, Ohio, and Indiana (except Indianapolis.). 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: Applicant states that it is presently transporting this traffic under its existing authority and has filed a petition to dismiss this application on the grounds that it is presently authorized to transport said traffic under its existing authority.

HEARING: June 11, 1959, in Room 852 U.S. Custom House, 610 Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 31537 (Sub No. 5), filed April 13, 1959. Applicant: SWIFT VAN & STORAGE CO., a Corporation, 1104 Swift Avenue, North Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes. In Certificate No. MC 31537 the following service is presently authorized: *Household goods*, as defined by the Commission, between Overland, Mo., and points within 35 miles of Overland, on the one hand, and, on the other, points in Missouri, Illinois, Minnesota, Michigan, Mississippi, Indiana, Ohio, Tennessee, Pennsylvania, Arkansas, Iowa, Colorado, Kansas, Kentucky, and New Jersey. Between points in Missouri and Illinois, on the one hand, and, on the other, points in Missouri, Illinois, Kansas, Michigan, Ohio, Texas, Oklahoma, Pennsylvania, Arkansas, Iowa, Tennessee, Indiana, Wisconsin, Alabama, Kentucky, and Nebraska. Carrier may combine two or more of the above-described irregular route authorities provided the authorities have a point common to both to which the carrier may transport a given shipment under one authority and from which it may transport the same shipment under the other, and establish through service under such combination provided in each instance the shipment is transported through the common or gateway point, and provided further that this certificate does not contain any restriction or other indication that through service shall not be conducted. This application requests that the following be eliminated from the above paragraph in said certificate: "provided in each instance the shipment is transported through the common or gateway point". Applicant states this application seeks no authority to serve any additional points; that applicant is requesting that the requirement that it operate through certain specific gateways be eliminated. Applicant is au-

thorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Wisconsin, and the District of Columbia.

HEARING: July 9, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 35320 (Sub No. 62), filed February 24, 1959. Applicant: T.I.M.E. INCORPORATED, 2604 Texas Avenue, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr., Legal Dept., T.I.M.E. Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over regular and irregular routes, transporting: *General commodities*, except sand, gravel, coal, livestock and articles not suitable for transportation in standard equipment, serving the Gates Rubber Company plant located near the intersection of Two Mile Pike and Gallatin Pike (U.S. Highway 31E), approximately seven (7) miles north of the Nashville, Tenn., city limits, as an off-route point in connection with applicant's authorized regular route between Cincinnati, Ohio, and Atlanta, Ga. (Route 37), and other routes in Certificate No. MC 35320. Applicant is authorized to conduct operations in Oklahoma, Texas, New Mexico, California, Arizona, Illinois, Missouri, Indiana, Georgia, Kentucky, Ohio, Arkansas, and Tennessee.

HEARING: June 29, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 35320 (Sub No. 66), filed March 27, 1959. Applicant: T.I.M.E. INCORPORATED, 2604 Texas Avenue, Lubbock, Tex. Applicant's attorney: W. D. Benson Jr., P.O. Box 1120, Lubbock, Tex. 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, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between St. Louis, Mo., and the intersection of U.S. Highway Bypass 66 with U.S. Highway Alternate 67: from St. Louis over U.S. Highway Bypass 66 to junction U.S. Highway Bypass 66 and U.S. Highway Alternate 67, and return over the same route, serving no intermediate points, and (2) between St. Louis, Mo., and Alton, Ill.: from St. Louis over U.S. Highway 67 to Alton, and return over the same route, serving no intermediate points, as alternate routes for operating convenience only in connection with applicant's authorized regular route between St. Louis, Mo., and Decaturville, Tenn. (Route 44), and between East St. Louis, Ill., and Alton, Ill. (Route 47), in its Certificate No. MC 35320. Applicant is authorized to conduct operations in Texas, Oklahoma, New Mexico, California, Arizona, Arkansas, Tennessee, Kentucky, Ohio, Georgia, Missouri, Illinois, and Indiana.

HEARING: July 13, 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 James H. Gaffney.

No. MC 37716 (Sub No. 19), filed March 2, 1959. Applicant: THE C. & D. MOTOR DELIVERY COMPANY, a corporation, 1214 Central Parkway, Cincinnati, Ohio. Applicant's attorney: Harry McChesney, Jr., Seventh Floor, McClure Building, Frankfort, Ky. 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 site of the Gates Rubber Co., located at the intersection of U.S. Highway 31-E with Two Mile Pike approximately 7½ miles north of the city limit of Nashville, Tenn., as an off-route point in connection with applicant's authorized regular route operations to and from Nashville, Tenn. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, and West Virginia, and irregular route operations in Kentucky and Ohio.

HEARING: June 30, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 43608 (Sub No. 11), filed March 16, 1959. Applicant: SOUTHERN MOTOR EXPRESS, INCORPORATED, Box 1100, Gastonia, N.C. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Greenville, S.C., on the one hand, and, on the other, points within 15 miles of Atlanta, Ga., as the city limits of Atlanta, Ga., existed on January 17, 1950. Applicant is authorized to conduct operations in New York, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, and Georgia.

NOTE: Application is accompanied by a Motion to Dismiss on the ground that applicant is presently authorized to perform the above operations.

HEARING: June 12, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 131, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 50132 (Sub No. 57), filed February 26, 1959. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packing houses*, moving in mechanically refrigerated trucks and trailers, from

Springhill (Webster Parish), Louisiana to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC-50132 (Sub No. 38).

HEARING: July 10, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Leo W. Cunningham.

No. MC 50132 (Sub No. 60), filed March 6, 1959. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, dimensional and semi-dimensional, plywood, and wood products*, from points in Illinois, Kentucky, Mississippi, Missouri, North Carolina, Tennessee, and Helena, Ark., to points in Iowa, Missouri, and Nebraska, and *exempt commodities*, as defined by the Commission, on return.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 50132 (Sub No. 38) to determine whether applicant's status is that of common or contract carrier. Applicant has a common carrier BOR 1 application under MC 113267 (Sub No. 2). Section 210 (dual authority) may be involved. Applicant states it seeks no duplicating authority.

HEARING: July 13, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner James H. Gaffney.

No. MC 52657 (Sub No. 531), filed September 10, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glen W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *trailers*, (other than house trailers and mobile homes), in initial truckaway and driveaway service, from points in Luzerne and Lackawanna Counties, Pa., to points in the new State of Alaska; (B) *tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, as described above, from points in Luzerne and Lackawanna Counties, Pa., to points in the new State of Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 23, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James H. Gaffney.

No. MC 52657 (Sub No. 532), filed September 10, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glen W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Truck and trailer bodies, winches, containers, cargo containers, cargo container bodies, and cargo container boxes*, from points in Luzerne County, Pa., to points in the new State of Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 24, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James H. Gaffney.

No. MC 52986 (Sub No. 11), filed April 20, 1959. Applicant: NORTHWEST FREIGHT LINES, INC., 4300 State Avenue, Billings, Mont. Applicant's attorney: Jerome Anderson, Electric Building, P.O. Box 1472, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, (1) between Billings, Mont., and Sweetgrass, Mont., from Billings over U.S. Highway 87 to Great Falls, thence over U.S. Highway 91 to Sweetgrass, also, from Billings over unnumbered highway through Broadview and Lavina to the junction of Montana Highway 6, thence over Montana Highway 6 to the junction of Montana Highway 19, thence over Montana Highway 19 to the junction of U.S. Highway 87, thence over the above specified route to Sweetgrass, and return over the same routes, serving all intermediate points on U.S. Highways 91 and 87 and the intermediate points of Judith Gap and Ryegate, located on Montana Highways 19 and 6 respectively, and the off-route point of Harlowtown immediately west of the junction of Montana Highways 6 and 19; (2) between Glendive, Mont., and the junction of Montana Highway 18 and U.S. Highway 87, one mile north of Grass Range, Mont., over Montana Highway 18, serving no intermediate points. Applicant is authorized to conduct operations in Montana, North Dakota, Minnesota, Indiana, and Iowa.

NOTE: Applicant states that service to and from Sweetgrass, Mont., is intended to include service to that point as a port of entry on the international boundary line between the United States and Canada.

HEARING: June 9, 1959, at the Commercial Club, Billings, Mont., before Joint Board No. 82.

No. MC 59583 (Sub No. 77), filed February 20, 1959. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 311 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Nashville, Tenn., and Knoxville, Tenn., from Nashville over U.S. Highway 70N to Crossville, thence over U.S. Highway 70 to Knoxville, and return over the same route, serving all intermediate points, but

restricted against pick-up or delivery of west-bound traffic at Kingston and Rockwood, Tenn. Applicant is authorized to conduct operations in Tennessee, North Carolina, Georgia, South Carolina, Maryland, New York, Virginia, New Jersey, Pennsylvania, and the District of Columbia.

NOTE: Applicant states that it is authorized to perform this service at the present time, except it is restricted against picking up and/or delivering east-bound traffic at Carthage, Chestnut Mound, and Lebanon, Tenn., and the purpose of this application is to remove this restriction. No duplicating authority is sought.

HEARING: June 29, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 59613 (Sub No. 20), filed February 25, 1959. Applicant: INTER CITY TRUCKING COMPANY, a Corporation, 132 Legion Street, Johnson City, Tenn. 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, livestock, commodities in bulk, and those requiring special equipment, between Crump, Tenn., and Iuka, Miss., from Crump over Tennessee Highway 22 to the junction of Tennessee Highway 142, thence over Tennessee Highway 142 to the junction of Tennessee Highway 57, thence over Tennessee Highway 57 to the Tennessee-Mississippi State line, thence over Mississippi Highway 25 to Iuka, and return over the same route, serving the intermediate points of Counce and Pickwick Dam, Tenn. Applicant is authorized to conduct operations in Alabama, Arkansas, Mississippi, and Tennessee.

HEARING: June 17, 1959, at the Claridge Hotel, Memphis, Tenn., before Joint Board No. 4, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 59852 (Sub No. 11), filed April 28, 1959. Applicant: ALL STATES FREIGHT, INCORPORATED, 1250 Kelly 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, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to Sealdtank and Sealdbin containers in or upon ordinary vehicles, over the routes and in the territory, including all off-route and intermediate points authorized to be served by applicant by virtue of Certificate No. MC 59852 and Subs thereunder, covering the transportation of general commodities; with certain exceptions, in the States of Ohio, Indiana, Illinois, Pennsylvania, Maryland, Delaware, New York, Connecticut, Rhode Island, Massachusetts, West Virginia, New Jersey, and the District of Columbia.

HEARING: June 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 64932 (Sub No. 253), filed April 3, 1959. Applicant: ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth 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: *Acids and chemicals*, in bulk, in tank vehicles, from points in Madison, Hancock, Hamilton Counties, Ind., to points in Ohio, Kentucky, Michigan, Pennsylvania, Missouri, Wisconsin, and Illinois. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: June 22, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James H. Gaffney.

No. MC 67866 (Sub No. 12), filed March 10, 1959. Applicant: FILM TRANSIT, INC., 311 South Second Street, Memphis, Tenn. 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: *General commodities*, moving in express service, between Memphis, Tenn., on the one hand, and, on the other, points in an area beginning at the southwestern corner of Arkansas and extending north along the Arkansas-Texas State line to the intersection of Red River, thence west along Red River to the Oklahoma State line, thence north along the Arkansas-Oklahoma State line to the Arkansas-Missouri State line, thence east along the Missouri State line to a point where it intersects U.S. Highway 62, thence northeast and north along such highway to Malden, Mo., thence north along Missouri Highway 25 to junction unnumbered highway, approximately five (5) miles north of Malden, thence east along such unnumbered highway to junction U.S. Highway 62, thence over U.S. Highway 62 to the Mississippi River just south of New Madrid, Mo., thence along the Mississippi River northward to its junction with the Ohio River south of Cairo, Ill., thence along the Ohio River north and east of the point on the Indiana-Kentucky State line just north of Owensboro, Ky., and extending south along U.S. Highway 431 (formerly Kentucky Highway 75) to junction U.S. Highway 62 at Central City, thence south along U.S. Highway 62 to junction Kentucky Highway 171 at Greenville, thence south along Kentucky Highway 171 to junction Kentucky Highway 107 at Kirkmansville, thence southwest along Kentucky Highway 107 to junction U.S. Highway 68 near Hopkinsville, thence west along U.S. Highway 68 to junction U.S. Alternate Highway 41 in Hopkinsville, thence south along U.S. Alternate 41 to Clarksville, Tenn., thence south along Tennessee Highway 48 to Dickson, Tenn., thence south along Tennessee Highway 46 to junction Tennessee High-

way 100, thence along Tennessee Highway 100 to Centerville, Tenn., thence southeast along Tennessee Highway 50 to Lewisburg, Tenn., thence south along U.S. Highway 431 (formerly Tennessee Highway 50) to Fayetteville, Tenn., thence south along U.S. Highway 231 and 431 (formerly U.S. Highway 241) to the Alabama-Tennessee State line, thence west along the Alabama-Tennessee State line to U.S. Highway 43, thence south along U.S. Highway 43 to Hamilton, Ala., thence northwest along U.S. Highway 78 to the Mississippi-Alabama State line, thence south along the Mississippi-Alabama State line to U.S. Highway 80, thence west along U.S. Highway 80 to the Mississippi River, near Vicksburg, Miss., thence north along the Mississippi River to the Arkansas-Louisiana State line, and thence west along the Louisiana-Arkansas State line to point of beginning. Applicant is authorized to conduct operations in Arkansas, Missouri, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Indiana, and Illinois.

NOTE: Applicant states the proposed operations shall be subject to the restriction that no service shall be rendered in the transportation of any package or article weighing more than 100 pounds and for the purpose of this restriction, each package or article shall be considered as a separate and distinct shipment.

HEARING: June 22, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner Isadore Freidson.

No. MC 68807 (Sub No. 27), filed April 14, 1959. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Used empty steel drums*, from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, and from points in Ashtabula, Lake, Cuyahoga, Geauga, Trumbull, Portage, Mahoning, and Summit Counties, Ohio, to Philadelphia, Pa. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 68807 (Sub No. 25) to determine whether applicant's status is that of a common or contract carrier. Applicant has common carrier authority under Certificate No. MC 105461 and Subs thereunder. Dual authority under section 210 may be involved. Applicant states that the proposed operation will be limited to transportation under contract with Binder Coopersage Company, Philadelphia, Pa.

HEARING: June 25, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 69274 (Sub No. 4), filed April 30, 1959. Applicant: M & R TRANSPORTATION CO., 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 regular and irregular routes, transporting: *Liquid commodities; dry commodities*; in containers including but not limited to Sealdtanks and Sealdbins transported in standard motor vehicles, over the routes and in the territory, including all off-route and intermediate points authorized to be served by applicant by virtue of Certificate No. 69274 and Subs thereunder, covering the transportation of general commodities with certain exceptions in the States of Connecticut, New Jersey, Pennsylvania, Rhode Island, Massachusetts, and New York.

HEARING: June 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 70451 (Sub No. 212), filed April 2, 1959. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. 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 regular 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, (1) between Kansas City, Mo., and Albuquerque, N. Mex.: (a) from Kansas City over U.S. Highway 50 to Hutchinson, Kans., thence over Kansas Highway 61 to junction U.S. Highway 54, two miles east of Pratt, Kans., thence over U.S. Highway 54 to junction U.S. Highway 66, and thence over U.S. Highway 66 to Albuquerque, and return over the same route; (b) from Kansas City over U.S. Highway 50 to junction U.S. Highway 56 at Kinsley, Kans., thence over U.S. Highway 56 to Clayton, N. Mex., thence over New Mexico Highway 18 to Nara Vista, N. Mex., thence over U.S. Highway 54 to junction U.S. Highway 66, and thence over U.S. Highway 66 to Albuquerque, and return over the same route; (2) between Kansas City, Mo., and Springer, N. Mex.: from Kansas City over U.S. Highway 50 to junction U.S. Highway 56 at Kinsley, Kans., and thence over U.S. Highway 56 to Springer, and return over the same route; and (3) between St. Louis, Mo., and Albuquerque, N. Mex.: (a) from St. Louis over U.S. Highway 66 to Albuquerque, and return over the same route; (b) from St. Louis over U.S. Highway 66 to junction Will Rogers Turnpike, near Joplin, Mo., thence over Will Rogers Turnpike and necessary successive roads to junction Turner Turnpike, near Tulsa, Okla., thence over Turner Turnpike to junction U.S. Highway 66, near Oklahoma City, Okla., and thence over U.S. Highway 66 to Albuquerque, and return over the same route, serving no intermediate or off-route points in connection with the above-described routes (1), (2) and (3), and serving Springer, N. Mex., as joinder point only. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minne-

sota, Missouri, Nebraska, New Mexico, and Wyoming.

HEARING: July 6, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 71478 (Sub No. 22), filed March 23, 1959. Applicant: THE CHIEF FREIGHT LINES COMPANY, a corporation, 1229½ Union Avenue, Kansas City 1, Mo. Applicant's attorney: Tom B. Kretsinger, 1014-18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tulsa, Okla., and Muskogee, Okla., over U.S. Highway 64, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Kansas, Missouri, Oklahoma, and Texas.

HEARING: July 30, 1959, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 71902 (Sub No. 62), filed February 9, 1959. Applicant: UNITED TRANSPORTS, INC., 4900 North Santa Fe Street, Oklahoma City 18, Okla. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported motor vehicles* (except trailers), in secondary movements, in truckaway and drive-away service, from Houston, Tex., to all points in the United States including Alaska, except those in Texas, Oklahoma, Kansas, Missouri, Arizona, and New Mexico. Applicant is authorized to conduct operations in Arizona, Indiana, Kansas, Michigan, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, and Texas.

HEARING: July 14, 1959, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Leo W. Cunningham.

No. MC 74721 (Sub No. 69), filed April 28, 1959. Applicant: MOTOR CARGO, INC., 1540 West Market Street, Akron 13, 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 regular and irregular routes, transporting: *Liquid commodities; Dry commodities*; in containers, including, but not limited to, Sealdtanks and Sealdbins, in standard motor vehicles, over the routes and in the territory, including all off-route and intermediate points authorized to be served by applicant by virtue of Certificate No. MC 74721 and Subs thereunder, covering the transportation of General commodities, with certain exceptions, in the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Indiana, Illinois, Missouri, Iowa, Wisconsin, Minnesota, and the District of Columbia.

HEARING: June 9, 1959, at the Offices of the Interstate Commerce Commission,

Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 78062 (Sub No. 40), filed April 8, 1959. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing or sheathing*, steel, asbestos and asphalt coated; *roofing*, steel corrugated or not corrugated, plain, galvanized or painted (priming coat only); *ridge, corner or hip roll; flashing*, roof, steel, nested; *asphalt* (cement), natural, by-product or petroleum, liquid, other than paint stain or varnish; *shapes, rubber packing; tees or zees*, iron or steel; *building sheet metal work*, iron or steel galvanized, plain or primed; *hardware*, iron or steel; *fasteners*, roofing, steel; *plastic sheet or plate*, glass fiber reinforced, flat or corrugated; *panel or sheets*, synthetic plastic and glass fiber combined, flat or corrugated; *mineral rock wool insulation*, with binder, non-flexible with or without cloth or paper back, in solid flat blocks or solid flat sheets; and *materials, supplies or equipment* used or useful in the production and sale of such products, except bulk raw materials, from Washington, Pa., to points in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Rhode Island, and Vermont, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *pallets, binders, unused products, and materials, equipment and tools* used in the shipment and installation of the above-described commodities, on return. Applicant is authorized to conduct operations in Pennsylvania, West Virginia, Ohio, Maryland, Kentucky, Indiana, New Jersey, Delaware, Illinois, New York, the District of Columbia, Virginia, and Michigan.

NOTE: Robert C. Beatty, President of applicant, also conducts contract carrier operations as an individual, doing business as Washington Motor Express, in Permit No. MC 20640; therefore, common control may be involved. A proceeding has been instituted under section 212(c), No. MC 78062 Sub No. 30, to determine whether applicant's status is that of a contract or common carrier.

HEARING: June 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 78786 (Sub No. 216), filed April 24, 1959. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: William Meinhold, Pacific Motor Trucking Company (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Baggage, express, newspapers, milk and cream*, in service auxiliary to, or supplemental of, rail service of Southern Pacific Company and Railway Express Agency, Inc., between Road Forks, N. Mex., and Douglas, and return over the same route, serving all intermediate points and all on-rail off-route points which are stations on the line of Southern Pacific Company between said termini. Applicant is authorized to conduct

operations in Oregon, California, Arizona, and Nevada.

HEARING: June 9, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 129, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 83539 (Sub No. 45), filed March 3, 1959. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit or pipe, and attachments, parts and fittings*, for conduit or pipe, when moving in connection therewith, from Denison, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, and Wyoming. Applicant is authorized to conduct operations in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Arkansas, Wisconsin, Kansas, North Dakota, South Dakota, Colorado, Montana, Pennsylvania, Ohio, Minnesota, Michigan, Iowa, New Jersey, and New York.

HEARING: July 27, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Leo W. Cunningham.

No. MC 83835 (Sub No. 37), filed March 3, 1959. Applicant: WALES TRUCKING COMPANY, a Corporation, 3319 Cedar Crest Boulevard, P.O. Box 6186, Dallas, 3, Tex. Applicant's attorney: James W. Hightower, P.O. Box 6186, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipeline, including the stringing and picking up thereof, except in connection with main or truck pipe lines, between points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia. Applicant is authorized to conduct operations in Kansas, Oklahoma, Texas, Michigan, Ohio, Pennsylvania, West Virginia, Arkansas, Indiana, Iowa, Colorado, Illinois, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Wyoming, Utah, and West Virginia.

NOTE: Applicant states it has some duplicating authority, but seeks only one operating right.

HEARING: July 22, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Leo W. Cunningham.

No. MC 83835 (Sub No. 38), filed March 9, 1959. Applicant: WALES TRUCKING COMPANY, a corporation, 3319 Cedar

Crest Boulevard, P.O. Box 6168, Dallas 3, Tex. Applicant's attorney: James W. Hightower, P.O. Box 6168, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *Machinery, material, equipment, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines, between points in Pennsylvania, on the one hand, and, on the other, points in Mississippi. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, West Virginia, and Wyoming.

HEARING: July 22, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Leo W. Cunningham.

No. MC 92983 (Sub No. 345), filed March 9, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Keokuk, Iowa, and points within ten (10) miles thereof, to points in Illinois, Iowa, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Oklahoma, Mississippi, Georgia, Connecticut, Massachusetts, Pennsylvania, North Dakota, South Dakota, Texas, New York, Michigan, Tennessee, Florida, Louisiana, North Carolina, South Carolina, Kentucky, Arkansas, Ohio, Minnesota, Indiana, Kansas, Missouri, Wisconsin, Nebraska, Illinois, and Iowa.

HEARING: July 10, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner James H. Gaffney.

No. MC 96098 (Sub No. 21), filed April 17, 1959. Applicant: H. H. FOLLMER CONTRACT HAULING, INC., P.O. Box 389, Milton, Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: In packages or in bulk: *Salt mixtures*, from Silver Springs, N.Y., to points in Bradford, Carbon, Columbia, Lackawanna, Luzerne, Wayne, Cameron, Monroe, Pike, Schuylkill, Susquehanna, Sullivan, Wyoming, Elk, Union, Montour, Snyder, Northumberland, Lycoming, and Clinton Counties, Pa. *Salt and salt mixtures*, from Silver Springs, N.Y., to points in Adams, Bedford, Berks, Blair, Bucks, Cambria, Centre, Chester, Clearfield, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Lehigh, McKean, Mifflin, Mont-

gomery, Northampton, Perry, Potter, Philadelphia, Somerset, Tioga, and York Counties, Pa., and points in New Jersey. *Salt and salt mixtures*, from Rittman, Fairport (Lake County), Fairport Harbor (Lake County), and Mentor (Lake County), Ohio, to points in Bradford, Carbon, Columbia, Lackawanna, Luzerne, Wayne, Cameron, Monroe, Pike, Schuylkill, Susquehanna, Sullivan, Wyoming, Elk, Union, Montour, Snyder, Northumberland, Lycoming, Clinton, Adams, Bedford, Berks, Blair, Bucks, Cambria, Centre, Chester, Clearfield, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Lehigh, McKean, Mifflin, Montgomery, Northampton, Perry, Potter, Philadelphia, Somerset, Tioga, and York Counties, Pa., and points in New Jersey. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities in this application from the above-specified destination points to the above-specified origin points. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 96098 (Sub No. 20).

HEARING: June 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 97264 (Sub No. 19), (CORRECTION), filed February 24, 1959, published issue of FEDERAL REGISTER of April 22, 1959. Applicant: M AND M OIL AND TRANSPORTATION, INC., P.O. Box 2250, Denver 1, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver 20, Colo. 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 points in Mesa County, Colo., to points in San Miguel, San Juan, Dolores, Hinsdale, La Plata, Montezuma, and Archuleta Counties, Colo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct regular-route operations in Colorado, Idaho, and Wyoming, and irregular-route operations in Colorado, Kansas, Nebraska, North Dakota, South Dakota, and Wyoming.

NOTE: Applicant advises that the State of Utah will be traversed for operating convenience. Previous publication designated Joint Board No. 126, in error.

HEARING: May 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 213.

No. MC 100662 (Sub No. 10), filed April 7, 1959. Applicant: KENNETH K. ZECHMAN AND HARRY E. ZECHMAN, doing business as BLUE DIAMOND COMPANY, 4401 East Fairmount Avenue, Baltimore, Md. Applicant's attorney: Bernard N. Gingerich, Quarryville,

Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Monoammonium phosphate*, in bulk, in dump trucks, from Kearny, N.J., to Baltimore, Md., and *rejected and damaged shipments* of the above-specified commodity on return. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 100662 (Sub No. 8) to determine whether applicant's status is that of a common or contract carrier. Applicants have common carrier authority under Certificate No. MC 113106 (Sub No. 2), dated April 12, 1957. Dual authority under section 210 may be involved.

HEARING: June 25, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 102616 (Sub No. 671), (CORRECTION), filed March 5, 1959, published issue of FEDERAL REGISTER April 29, 1959. Applicant: COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from North Charleroi, Pa., to points in Chautauqua, Cattaraugus, Erie, and Allegany Counties, N.Y.; points in Ohio on and east of a line beginning at Sandusky, Ohio and extending along Ohio Highway 4 to junction U.S. Highway 23, thence along U.S. Highway 23 through Marion, Ohio to Columbus, Ohio, thence over U.S. Highway 33 to the Ohio-West Virginia State line; and to those in West Virginia and Maryland on and north of U.S. Highway 33 from the Ohio-West Virginia State line to the Virginia-West Virginia State line, and on and west of U.S. Highway 220 from the Virginia-West Virginia State line to the Maryland-Pennsylvania State line. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: Remains as assigned June 11, 1959, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 103158 (Sub No. 2), filed April 16, 1959. Applicant: CYRUS W. HAAGEN AND HARRY J. HAINES, doing business as YEAGLE'S MOVING AND STORAGE, 20 North Hampton Street, Lock Haven, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unpadded or unboxed new furniture and new furniture parts*, from the plant site or the factory site of the R. K. Griffin Company in the Borough of Lock Haven, Clinton County, Pa., to points in New Jersey, New York, Ohio, Massachusetts, Indiana, Illinois, and Pennsylvania, and *damaged or refused shipments of*

furniture and furniture parts, unboxed and unpadded, from the above-specified destination points to the plant site of the R. K. Griffin Company in the Borough of Lock Haven, Clinton County, Pa. Applicant is authorized to transport household goods as defined by the Commission in Pennsylvania, New York, New Jersey, and Maryland.

HEARING: June 8, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner William E. Messer.

No. MC 103378 (Sub No. 121), filed March 19, 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: *Petroleum products*, in bulk, in tank vehicles, from Savannah, Ga., and points within fifteen (15) miles thereof, to points in Florida beyond 175 miles from point of origin. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE: Any duplication with present authority to be eliminated.

HEARING: June 18, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 103378 (Sub No. 123), filed March 26, 1959. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, 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 Freeport, Fla., and points within five (5) miles thereof, to points in Alabama and Georgia. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

HEARING: June 18, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 103378 (Sub No. 125), filed April 15, 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: *Naphtha* (calibrating fluid), in bulk, in tank vehicles, from Atlanta, Ga., to all points in Florida. Applicant is authorized to conduct operations in Florida, Georgia, South Carolina, Alabama, and Tennessee.

HEARING: June 17, 1959, at the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 103777 (Sub No. 6), filed March 30, 1959. Applicant: EARNEST PICKETT AND HENRY PICKETT, doing

business as PICKETT BROTHERS, 224 North Sixth, Walters, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum asphalt*, in bulk, in tank vehicles, from Grandfield, Okla., to points in Texas within 350 miles of Grandfield. Applicant is authorized to conduct operations in Oklahoma and Texas.

HEARING: July 30, 1959, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 104347 (Sub No. 129), (CORRECTION), filed March 4, 1959, published issue of FEDERAL REGISTER April 29, 1959. Applicant: LEAMAN TRANSPORTATION CORPORATION, 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and V. Baker Smith, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from North Charleroi, Pa., to points in Allegany, Chautauqua, Cattaraugus, and Erie Counties, N.Y.; points in Ohio on and east of a line beginning at Sandusky, Ohio, and extending along Ohio Highway 4 to junction U.S. Highway 23, thence along U.S. Highway 23 through Marion, Ohio, to Columbus, Ohio, thence along U.S. Highway 33 to the Ohio-West Virginia State line; and to those in West Virginia and Maryland on and north of U.S. Highway 33 from the Ohio-West Virginia State line to the Virginia-West Virginia State line, and on and west of U.S. Highway 220 from the Virginia-West Virginia State line to the Maryland-Pennsylvania State line. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: Remains as assigned June 11, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 106194 (Sub No. 8), filed April 17, 1959. Applicant: O. W. HORN, doing business as HORN TRANSPORTATION, 1117 West 24th Street, Kansas City, Mo. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal or poultry feed* from Enid, Okla., to points in Arapahoe, Baca, Bent, Cheyenne, Crowley, Custer, Douglas, Elbert, El Paso, Fremont, Huerfano, Kiowa, Kit Carson, Lincoln, Las Animas, Prowers, Pueblo, Otero, Teller, Washington, and Yuma Counties, Colo. Applicant is authorized to conduct operations in Missouri, Nebraska, Colorado, and Kansas.

HEARING: July 8, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 107002 (Sub No. 140), filed March 3, 1959. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, between Evadale and Wilson, Ark., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: June 17, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner Isadore Freidson.

No. MC 107002 (Sub No. 141), filed March 3, 1959. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils and vegetable oils and blends and products thereof*, in bulk, in tank vehicles, between Memphis, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: June 16, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner Isadore Freidson.

No. MC 107227 (Sub No. 74), filed April 15, 1959. Applicant: INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in secondary movements, in truckaway service, (1) from points in Montana to points in Idaho, Montana, Oregon, and Washington, (2) from points in Wyoming to points in Idaho, Montana, Oregon, Washington, and Wyoming, and (3) from points in Utah to points in Idaho, Oregon, and Washington. Applicant is

authorized to conduct operations throughout the United States, except Alaska.

HEARING: June 19, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107272 (Sub No. 17), (RE-PUBLICATION), filed March 2, 1959, published issue of April 22, 1959. Applicant: MONKEM COMPANY, INC., 1206 East Sixth Street, Joplin, Mo. Applicant's attorney: J. F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer* (other than liquid), (1) from the site of the plant of the Spencer Chemical Company at or near Military, Kans., to points in Missouri, Arkansas, Iowa, Oklahoma, Nebraska, Minnesota, North Dakota, and South Dakota, (2) from the site of the Spencer Chemical Company plant located approximately two miles from Henderson, Ky., to the plant site of the Spencer Chemical Company at or near Military, Kans., and *empty containers or other such incidental facilities* (not specified) used in transporting commercial fertilizer on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Tennessee.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 107272 (Sub No. 14).

HEARING: Remains as assigned June 5, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James O'D. Moran.

No. MC 107353 (Sub No. 11), (RE-PUBLICATION), filed October 2, 1958, published issue of March 18, 1959. Applicant: HAROLD MORSE AND HENRY J. HOLIEN, doing business as HELPHREY MOTOR FREIGHT, 407 North Perry Street, Spokane, Wash. Applicant's attorney: Lynn S. Richards, 716 Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Portland, Oreg., and the site of the Glasgow Air Force Base, located approximately 22 miles northeast of Glasgow, Mont., from Portland over U.S. Highway 30 to Boardman, Oreg., thence over U.S. Highway 730 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction Washington Highway 11B, (approximately two (2) miles south of Connell, Wash.), thence over Washington Highway 11B to Washtucna, Wash., thence over Washington Highway 11E to Ritzville, Wash., thence over combined U.S. Highways 10 and 395 to Spokane, Wash., thence over Washington Highway 2H to Otis Richards, Wash., thence over Trent Road

No. 2 to junction Idaho Highway 53, thence over Idaho Highway 53 to Rathdrum, Idaho, thence over unnumbered highway to junction U.S. Highway 95, thence over U.S. Highway 95 to junction U.S. Highway 2, thence over U.S. Highway 2 to Glasgow, thence continue over U.S. Highway 2 to junction unnumbered highway approximately two (2) miles east of Glasgow, thence over unnumbered highway to the site of the Glasgow Air Force Base, located approximately 22 miles northeast of Glasgow, and return over the same route, serving all intermediate points between Coram, Mont., and the site of the Glasgow Air Force Base, including Glasgow, Mont., as well as the intermediate points of Rathdrum, Idaho, Kahlotus, Washtucna, Ralston, Ritzville, Sprague, and Spokane, Wash., restricted against the transportation of traffic originating at Portland, Ore., and destined to Spokane, Wash., or originating at Spokane and destined to Portland, Ore.; (2) Between Seattle, Wash., and Spokane, Wash., from Seattle over U.S. Highway 10 to Spokane, and return over the same route with service authorized at Spokane, Wash., for the purpose of joinder and interline only, restricted against the transportation of traffic originating at or destined to Spokane, with service to no intermediate points; (3) Serving points within thirty (30) miles of Seattle, Wash., including Seattle, as intermediate and off-route points in connection with applicant's authorized regular-route operations; (4) Between Browning, Mont., and Great Falls, Mont., from Browning over U.S. Highway 2 to junction U.S. Highway 89, thence over U.S. Highway 89 to Vaughn Junction, Mont., thence over combined U.S. Highways 89 and 91 to Great Falls, and return over the same route, for operating convenience only, serving no intermediate points; (5) Between Shelby, Mont., and Great Falls, Mont., from Shelby in a westerly direction over U.S. Highway 2 to junction U.S. Highway 91, thence over U.S. Highway 91 to Vaughn Junction, Mont., thence over combined U.S. Highways 89 and 91 to Great Falls, and return over the same route, for operating convenience only, serving no intermediate points; (6) Between Havre, Mont., and Great Falls, Mont., from Havre in a westerly direction over U.S. Highway 2 to junction U.S. Highway 87, thence over U.S. Highway 87 to Great Falls, and return over the same route, serving all intermediate points; and (7) Between Glasgow, Mont., and Fort Peck, Mont., and points within ten (10) miles of Fort Peck, over Montana Highway 24, serving all intermediate and off-route points. Applicant is authorized to conduct operations in Idaho, Montana, and Washington.

NOTE: Duplication with present and pending authority to be eliminated.

HEARING: May 27, 1959, at the Dav-
enport Hotel, Spokane, Wash., before
Examiner Leo A. Riegel.

No. MC 107403 (Sub No. 286), filed
April 6, 1959. Applicant: E. BROOKE
MATLACK, INC., 33d and Arch Streets,
Philadelphia 4, Pa. Applicant's at-
torney: Paul F. Barnes, 811-819 Lewis

Tower Building, 225 South 15th Street,
Philadelphia 2, Pa. Authority sought to
operate as a *common carrier*, by motor
vehicle, over irregular routes, transport-
ing: *Petroleum* and *petroleum products*,
in bulk, in tank vehicles, from Fleming-
ton, N.J., to points in Bucks, Monroe,
Northampton, Pike, and Wayne Coun-
ties, Pa. Applicant is authorized to con-
duct operations in Alabama, Connecticut,
Delaware, Georgia, Illinois, Indiana,
Kansas, Kentucky, Maryland, Massachu-
setts, Maine, Michigan, Missouri, Min-
nesota, New Hampshire, New Jersey,
New York, North Carolina, Ohio, Penn-
sylvania, Rhode Island, South Carolina,
Tennessee, Vermont, Virginia, West Vir-
ginia, Wisconsin, and the District of
Columbia.

NOTE: Dual operations under section 210,
and common control may be involved.

HEARING: June 24, 1959, at the Offices
of the Interstate Commerce Commission,
Washington, D.C., before Examiner
James H. Gaffney.

No. MC 107496 (Sub No. 131), filed
April 16, 1959. Applicant: RUAN
TRANSPORT CORPORATION, 408
Southeast 30th Street, Des Moines, Iowa.
Applicant's attorney: H. L. Fabritz, 408
Southeast 30th Street, Des Moines, Iowa.
Authority sought to operate as a *common
carrier*, by motor vehicle, over irregular
routes, transporting: *Liquid plastics* and
liquid plastic materials, in bulk, in tank
vehicles, from Milwaukee, Wis., to points
in Illinois, Indiana, Michigan, Ohio, Ken-
tucky, Iowa, Mississippi, Arkansas, Ne-
braska, Minnesota, Missouri, and Ten-
nessee. Applicant is authorized to con-
duct operations in Arkansas, Colo-
rado, Illinois, Indiana, Iowa, Kansas,
Kentucky, Louisiana, Michigan, Minne-
sota, Missouri, Nebraska, North Dakota,
Ohio, Oklahoma, Pennsylvania, South
Dakota, Texas, and Wisconsin.

NOTE: Common control may be involved.

HEARING: June 22, 1959, in Room 852,
U.S. Custom House, 610 South Canal
Street, Chicago, Ill., before Examiner
James H. Gaffney.

No. MC 107515 (Sub No. 312), filed
March 23, 1959. Applicant: REFRIG-
ERATED TRANSPORT CO., INC., 290
University Avenue SW., Atlanta, Ga.
Authority sought to operate as a *com-
mon carrier*, by motor vehicle, over ir-
regular routes, transporting: *Meats*,
meat products and *meat by-products*, in
mechanically refrigerated equipment,
from Bristol, Va., to points in Kentucky
and Illinois. Applicant is authorized to
conduct operations in Alabama, Arizona,
Arkansas, California, Colorado, Florida,
Georgia, Illinois, Indiana, Iowa, Kansas,
Kentucky, Louisiana, Michigan, Minne-
sota, Mississippi, Missouri, Nebraska,
New Mexico, North Carolina, Ohio, Okla-
homa, South Carolina, Tennessee, Texas,
Virginia, and Wisconsin.

NOTE: Common control, and section 210
dual operations may be involved.

HEARING: June 8, 1959, at the Hotel
Patrick Henry, Roanoke, Va., before Ex-
aminer Isadore Freidson.

No. MC 107515 (Sub No. 313), filed
March 23, 1959. Applicant: REFRIG-
ERATED TRANSPORT CO., INC., 290

University Avenue SW., Atlanta, Ga.
Authority sought to operate as a *com-
mon carrier*, by motor vehicle, over ir-
regular routes, transporting: *Meats*,
meat products and *meat by-products*, in
mechanically refrigerated equipment,
from Salem, Va., to points in Florida,
Georgia, North Carolina and South
Carolina. Applicant is authorized to
conduct operations in Alabama, Arizona,
Arkansas, California, Colorado, Florida,
Georgia, Illinois, Indiana, Iowa, Kansas,
Kentucky, Louisiana, Michigan, Minne-
sota, Mississippi, Missouri, Nebraska,
New Mexico, North Carolina, Ohio,
Oklahoma, South Carolina, Tennessee,
Texas, Virginia, and Wisconsin.

NOTE: Common control, and section 210
dual operations may be involved.

HEARING: June 8, 1959, at the Hotel
Patrick Henry, Roanoke, Va., before Ex-
aminer Isadore Freidson.

No. MC 107515 (Sub No. 314), filed
March 23, 1959. Applicant: REFRIG-
ERATED TRANSPORT CO., INC., 290
University Avenue SW., Atlanta, Ga.
Authority sought to operate as a *com-
mon carrier*, by motor vehicle, over ir-
regular routes, transporting: *Frozen
foods*, (1) from points in North Carolina
to points in Alabama, Florida, Louisiana
(except Chalmette and New Orleans),
Mississippi, South Carolina, and Ten-
nessee, and (2) from points in South
Carolina to points in Alabama, Florida,
Louisiana (except Chalmette and New
Orleans), Mississippi, North Carolina,
and Tennessee. Applicant is authorized
to conduct operations in Alabama, Ari-
zona, Arkansas, California, Colorado,
Florida, Georgia, Illinois, Indiana, Iowa,
Kansas, Kentucky, Louisiana, Michigan,
Minnesota, Mississippi, Missouri, Ne-
braska, New Mexico, North Carolina,
Ohio, Oklahoma, South Carolina, Ten-
nessee, Texas, Virginia, and Wisconsin.

NOTE: Common control, and section 210
dual operations, may be involved.

HEARING: June 8, 1959, at the U.S.
Court Rooms, Charlotte, N.C., before Ex-
aminer Richard H. Roberts.

No. MC 107515 (Sub No. 318), filed
April 6, 1959. Applicant: REFRIG-
ERATED TRANSPORT CO., INC., 290 Uni-
versity Avenue SW., Atlanta, Ga. Au-
thority sought to operate as a *com-
mon carrier*, by motor vehicle, over ir-
regular routes, transporting: *Frozen foods*, from
points in Texas to points in Florida,
Georgia, and Columbia, Miss. Appli-
cant is authorized to conduct operations
in Georgia, Tennessee, North Carolina,
South Carolina, Florida, Mississippi,
Louisiana, Alabama, Missouri, Kansas,
Iowa, Illinois, Indiana, Kentucky, Mich-
igan, Ohio, Wisconsin, Arkansas, Minne-
sota, Texas, Oklahoma, Nebraska, Ari-
zona, California, and New Mexico.

HEARING: June 16, 1959, at the U.S.
Court Rooms, Tampa, Fla., before Ex-
aminer Richard H. Roberts.

No. MC 108339 (Sub No. 1), filed
March 20, 1959. Applicant: MAUREEN
YOUNG WELCH AND OPAL YOUNG
McEACHIN, doing business as J. W.
YOUNG TRANSFER, 3128 Morson
Street, Charlotte, N.C. Applicant's at-
torney: Charles B. Caudle, 718 Johnston
Building, Charlotte, N.C. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard boxes* (knocked down), *paper boxes* (set up), *corrugated paper boxes* (knocked down), and *rolled paper stock*, from Lynchburg, Va., to points in North Carolina and South Carolina, 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 North Carolina, South Carolina, and Virginia.

HEARING: June 10, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Joint Board No. 196, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 108449 (Sub No. 83), (RE-PUBLICATION), filed March 23, 1959, published issued of April 15, 1959. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from Rapid City, S. Dak., and points within ten (10) miles thereof, to points in North Dakota. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE: The purpose of this republication is to remove "in specialized vehicles" which was in error.

HEARING: June 16, 1959, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 158.

No. MC 110420 (Sub No. 227), filed April 16, 1959. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, starch, and products of corn*, dry, in bulk, in vehicles especially designed for transporting bulk commodities, from Clinton, Cedar Rapids, and Keokuk, Iowa, St. Louis, Mo., and Indianapolis, and Roby, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Any duplication with present authority to be eliminated.

HEARING: June 25, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James H. Gaffney.

No. MC 111231 (Sub No. 38), filed April 30, 1959. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 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, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to Sealdtank and Sealdbin containers in or upon ordinary vehicles, over the routes and in the territory, including all off-route and intermediate points authorized to be served by applicant by virtue of Certificate No. MC 111231 and Subs thereunder covering the transportation of general commodities, with certain exceptions, in the States of Missouri, Arkansas, Oklahoma, Texas, Tennessee, Kansas, Illinois, and Mississippi.

HEARING: June 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 111812 (Sub No. 71), filed April 3, 1959. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles* as described in Appendix XI to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *woodenware items, matches, and wood pulpboard*, from points in Maine, Massachusetts, New Hampshire, New York, and Pennsylvania, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to conduct operations in California, Connecticut, Idaho, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, and Washington.

HEARING: June 17, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 111812 (Sub No. 73), filed April 13, 1959. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Michigan and Wisconsin to Aberdeen, Huron, Sioux Falls and Rapid City, S. Dak., Bismarck, Fargo, Grand Forks, Minot, and Williston, N. Dak., Brainerd and St. Cloud, Minn., Cedar Rapids, Davenport, and Waterloo, Iowa, Grand Island, Norfolk, North Platte, and Scottsbluff, Nebr., and Casper, Wyo. Applicant is authorized to conduct operations in California, Connecticut, Idaho, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, and Washington.

HEARING: July 2, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner James H. Gaffney.

No. MC 111940 (Sub No. 24), filed April 21, 1959. Applicant: SMITH'S TRUCK LINES, a Corporation, R.D. No. 2, P.O. Box 88, Muncy, Pa. Applicant's attorney:

John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Silver Springs, Watkins Glen, and Ludlowville, N.Y., to points in Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia, and from Retsof, N.Y., to points in Virginia, West Virginia, Ohio, and the District of Columbia, and *empty pallets* used in transporting salt, on return. Applicant is authorized to conduct regular route operations in Maryland and Pennsylvania, and irregular route operations in Connecticut, Delaware, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

HEARING: June 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 112020 (Sub No. 62), filed March 12, 1959. Applicant: COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives*, in bulk, in specialized equipment, from New Orleans, La., and points in Texas City, North Seadrift and Youens, Tex., and except points in Harris, Jefferson, Brazoria, and Nueces Counties, Tex., to points in Alabama, except Fox, Ala., Arizona, California, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: July 28, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Leo W. Cunningham.

No. MC 112020 (Sub No. 63), filed March 12, 1959. Applicant: COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives*, in bulk, in specialized equipment, from Cicero, Ill., and St. Louis, Mo., to points in Arkansas, Louisiana, Oklahoma, and Texas. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina,

South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: July 28, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Leo W. Cunningham.

No. MC 112020 (Sub No. 66), filed March 23, 1959. Applicant: COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats*, and *blends of animal fats and vegetable oils*, in bulk, in specialized equipment, (1) from Sioux City, Iowa, to points in Illinois, Minnesota, Nebraska, South Dakota, and Wisconsin; (2) from Omaha, Nebr., to points in South Dakota, Wisconsin, Minnesota, Oklahoma City, Okla., Sioux City, Iowa, Kansas City, Kans., St. Louis, Mo., East St. Louis, Chicago, and McCook, Ill., and points in St. Clair County, Ill. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: June 30, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner James H. Gaffney.

No. MC 112713 (Sub No. 82), filed March 26, 1959. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City 8, Mo. Applicant's attorney: Homer S. Carpenter, 618 Perpetual Building, 1111 E Street N.W., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, between all points applicant is authorized to serve in the transportation of general commodities, as contained in Certificate MC 112713 and sub numbers thereunder. Applicant is authorized to conduct operations in Ohio, Michigan, Indiana, Kentucky, Illinois, Missouri, Indiana, Oklahoma, and Texas.

NOTE: Applicant states that it seeks, if it does not already have, authority to transport both liquid and dry commodities throughout its entire scope of operations when such transportation takes place in "Sealdtanks" or "Sealdbins", marketed by the U.S. Rubber Company, or other collapsible containers of similar nature and design.

HEARING: June 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerly.

No. MC 113325 (Sub No. 4), filed April 22, 1959. Applicant: SLAY TRANSPORTATION CO., INC., 718 South Seventh Street, St. Louis, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, dry,

in bulk, in specialized vehicles and/or in shipper's specialized vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Oklahoma, Pennsylvania, and Tennessee, and transport *empty shipper's specialized vehicles*, on return. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: July 15, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner James H. Gaffney.

No. MC 113533 (Sub No. 21), filed April 15, 1959. Applicant: WARREN P. KURTZ, doing business as LAKE REFRIGERATED SERVICE, 8901 Tonnelle Avenue, North Bergen, N.J. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats*, from Covington, Ky., to points in Florida. Applicant is authorized to conduct operations in New York, Ohio, Michigan, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Jersey, New Hampshire, Illinois, and Indiana.

HEARING: June 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 113779 (Sub No. 89), filed March 9, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 LaPorte Expressway, P.O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from points in the St. Louis, Mo., Commercial Zone, to points in Texas. Applicant is authorized to conduct operations throughout the United States except Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and the District of Columbia.

HEARING: July 10, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner James H. Gaffney.

No. MC 113779 (Sub No. 90), filed March 30, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 LaPorte Expressway, P.O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Texas. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: July 17, 1959, at the Federal Office Building, Franklin and Fannin

Streets, Houston, Tex., before Examiner Leo W. Cunningham.

No. MC 113908 (Sub No. 51), filed April 3, 1959. Applicant: ERICKSON TRANSPORT CORPORATION, a Corporation, 706 West Tampa, Springfield, Mo. Mail: Coon Valley, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugars*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, between points in Missouri, Iowa, Kansas, Louisiana, Illinois, Indiana, Kentucky, Tennessee, Arkansas, Alabama, Mississippi, Georgia, Oklahoma, Nebraska, Wisconsin, Texas, and Ohio. Applicant is authorized to conduct operations in Indiana, Missouri, Florida, Ohio, Michigan, and Illinois.

HEARING: July 14, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner James H. Gaffney.

No. MC 114004 (Sub No. 24) (RE-PUBLICATION), filed August 1, 1958, published issue August 13, 1958. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, P.O. Box 1715, Little Rock, Ark. The following covers an order of the Commission entered in the subject proceeding April 10, 1959, that in effect (1) reopened the proceeding for rehearing and (2) amended the application by substituting the following for the authority originally sought: To operate as a *common carrier* by motor vehicle, over irregular routes, transporting *trailers* designed to be drawn by passenger automobiles (except utility rental trailers), in initial movements, in truckaway service, from Marysville, Kans., to points in the United States, except Flint, Detroit, and Mount Clemens, Mich., and of *damaged or refused trailers*, on return.

REHEARING: Assigned July 6, 1959, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark.

No. MC 114533 (Sub No. 11), filed April 13, 1959. Applicant: BANKER'S DISPATCH CORPORATION, 4658 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: *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, from St. Joseph, Mo., to points in (1) Richardson, Pawnee, Gage, Jefferson, Thayer, Saline, Seward, Saunders, Butler, Dodge, Washington, Rock, Furnas, Hitchcock, Clay, Franklin, Fillmore, Hall, Nuckolls, Adams, Redwillow, Webster, and Harlan Counties, Nebr., and (2) Fremont, Page, Montgomery, Mills, Pottawatomie, Taylor, Union, and Ringgold Counties, Iowa. Applicant is authorized to conduct similar operations in Illinois, Indiana, Michigan, Wisconsin, and Ohio.

HEARING: July 7, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 115491 (Sub No. 14), filed March 25, 1959. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridges Avenue, Auburndale, Fla. Applicant's attorney: William P. Tomasello, 120 East Davidson Street, P.O. Box 216, Bartow, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products* (not requiring refrigerator), from Auburndale, Fla., to Omaha, Nebr. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Carolina, Ohio, South Carolina, and Wisconsin.

HEARING: June 16, 1959, at the U.S. Court Rooms, Tampa, Fla., before Examiner Richard H. Roberts.

No. MC 115557 (Sub No. 4), filed April 15, 1959. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, Pa. Applicant's attorney: H. Ray Pope, Jr., Clarion Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Redbank Township, Clarion County, Pa., to points in Ohio, Indiana, Illinois, Minnesota, and Wisconsin, and *rejected, refused or damaged furniture*, on return. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Indiana, New York, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Vermont, Rhode Island, West Virginia, and the District of Columbia.

HEARING: June 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo W. Cunningham.

No. MC 115757 (Sub No. 18), filed April 13, 1959. Applicant: BULK MOTOR TRANSPORT, INC., 1400 Kansas Avenue, Kansas City 5, Kans. 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: *Flour and starch*, in bulk, between points in Georgia, Kentucky, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia. Applicant is authorized to conduct operations in Illinois, Michigan, Missouri, and Ohio.

NOTE: Applicant states that common control by management exists with Southwest Freight Lines, Inc. Dual authority under section 210 may be involved.

HEARING: June 25, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 115841 (Sub No. 58), filed April 2, 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: *Dairy products*, from Adams, Chateaugay, Carthage, and Cuba, N.Y., to Woodbury, Tenn. Applicant is authorized to conduct operations in all States in the United States except points in Idaho, Montana, Nevada, North Da-

kota, Oregon, South Dakota, Utah, Washington, and Wyoming.

HEARING: June 16, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 115883 (Sub No. 4), filed April 6, 1959. Applicant: ROBERT A. WELSH, White Mills, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from mines in Scranton, Carbondale and Wilkes Barre, Pa., and points within fifteen (15) miles of Scranton, and (2) from mines in Carbon, Columbia, Northumberland, and Schuylkill Counties, Pa., and those in that part of Luzerne County, Pa., more than fifteen (15) miles from Scranton, Pa., to Riverhead, Long Island, N.Y. Applicant is authorized to conduct operations in New York, Pennsylvania, and New Jersey.

NOTE: Applicant is authorized to transport coal from points in the above-named origin territory, (1) to New York (Borough of Manhattan) and Brooklyn, N.Y., and (2) to New York (Borough of Manhattan), N.Y.

HEARING: June 8, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner William E. Messer.

No. MC 116077 (Sub No. 62), filed March 11, 1959. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Thomas E. James and Charles D. Mathews, 1020 Brown Building, P.O. Box 858, Austin 65, Tex. 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 points in Pike County, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington, West Virginia, and Wisconsin.

NOTE: Applicant states that it proposes to render a call and demand service in the transportation of the above-specified commodities from and to the above-designated points.

HEARING: July 9, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Leo W. Cunningham.

No. MC 116434 (Sub No. 4), filed April 10, 1959. Applicant: HUGH MAJOR, 102 Edwardsville Road, Wood River, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick, cement, haäite blocks, clay tile, wood pallets and materials used in the manufacture of brick*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1) above, between Alton, Ill., and Maryland Heights, Mo.,

on the one hand, and, on the other, points in Iowa, Missouri, Illinois, Wisconsin, Ohio, Indiana, and Kentucky. (2) *Pipe tubing, pipe fittings and protectors; carnival and playground equipment; and steel and empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (2) above, between Centralia, Flora, Carlinsville and Olney, Ill., and Louisiana, Mo., on the one hand, and, on the other, points in Wisconsin, Indiana, Minnesota, Ohio, Iowa, Illinois, Kentucky, Tennessee, Arkansas, Nebraska, Oklahoma, and Texas. Applicant is authorized to conduct operations in Arkansas, Illinois, Kentucky, Missouri, and Tennessee.

HEARING: June 26, 1959 in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James H. Gaffney.

No. MC 117423 (Sub No. 1), filed February 16, 1959. Applicant: PAUL HAYES, 1028 Milby Street, Houston 23, Tex. Applicant's attorney: Dave McNeill, Jr., Esperson Building, Houston 2, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil and crude condensate*, in bulk, in tank vehicles, from oil field locations in Cameron Parish, Louisiana, to pipeline facilities located approximately two (2) miles southwest of Creole, La., and the Chalkley Terminal at or near Gibbstown, La.

NOTE: Applicant states the proposed operations are for the account of The Pure Oil Company.

HEARING: July 8, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 164, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 117425 (Sub No. 3), filed April 2, 1959. Applicant: FEDERAL TRUCKING COMPANY, Denton Road, Federalsburg, Md. Applicant's attorney: William J. Augello, Jr., 99 Hudson Street, New York 13, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Bridgeton, Glassboro, Gloucester, Englishtown, Seabrook, Swedesboro and Vineland, N.J., to points in Maine, New Hampshire, and Vermont, and *empty containers or other such incidental facilities* used in transporting frozen foods and *rejected or returned shipments* thereof, and *exempt commodities*, on return.

HEARING: June 19, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 117425 (Sub No. 4), filed April 2, 1959. Applicant: FEDERAL TRUCKING COMPANY, Denton Road, Federalsburg, Md. Applicant's attorney: William J. Augello, Jr., 99 Hudson Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa meal*, from points in Williams, Fulton, Wood, Ottawa, Lucas, Defiance, Henry, Erie, Putnam, Hancock, Seneca, Sandusky, Huron, and Paulding Counties, Ohio and points in Lenawee, Hills-

dale, Monroe, Jackson, Washtenaw, and Wayne Counties, Mich., to points in Delaware, Maryland and Virginia south of the Chesapeake-Delaware Canal and east of the Chesapeake Bay, and *empty containers or other such incidental facilities* used in transporting alfalfa meal, on return.

HEARING: June 19, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 117425 (Sub No. 5), filed April 2, 1959. Applicant: **FEDERAL TRUCKING COMPANY**, Denton Road, Federalsburg, Md. Applicant's attorney: William J. Augello, Jr., 99 Hudson Street, New York 13, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Morgantown, Pa., and Chadds Ford (Penbury Township), Pa., to points in Arizona, California, New Mexico, Oklahoma, and Texas, and *returned or rejected shipments* of frozen foods, and *containers*, on return movement.

HEARING: June 18, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 117894 (Sub No. 1), filed April 22, 1959. Applicant: **NATION WIDE DRIVE-AWAY AGENCIES, INC.**, 7753 East Garvey Avenue, South San Gabriel, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles*, in secondary movements, in driveway service, between points in California south of the northern boundaries of Santa Barbara, Kern, and San Bernardino Counties and those in Arizona on the one hand, and, on the other, points in the United States, including Alaska.

HEARING: June 12, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 117992 (Sub No. 1), filed March 16, 1959. Applicant: **OSCAR ST. LAURENT**, 957 St. Mary Street, New Orleans, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, in bunches or boxes*, from New Orleans, La., to points in Iowa, Minnesota, Michigan, Illinois, and Iowa.

NOTE: Applicant states on return trips applicant proposes to transport agricultural products that are exempt.

HEARING: July 10, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Leo W. Cunningham.

No. MC 118613, filed February 5, 1959. Applicant: **ROBERT D. MACE**, Box 77, Fairfield, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough Lumber*, between Buena Vista, Va., and Knoxville, Tenn., High Point, and Winston-Salem, N.C., and Laurel, Md.

HEARING: June 9, 1959, at the Hotel Patrick Henry, Roanoke, Va., before Examiner Isadore Freidson.

No. MC 118743, filed February 27, 1959. Applicant: **W. C. BONE**, P.O. Box 65, Goldsboro, N.C. Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa, Fla., Charleston, S.C., and New York, N.Y., to Goldsboro, Raleigh, Fayetteville, Burlington, and Rocky Mount, 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: June 15, 1959, at the U.S. Court Rooms, Tampa, Fla., before Examiner Richard H. Roberts.

No. MC 118760, filed March 6, 1959. Applicant: **JAMES M. BECK AND LEAH SEEMAN**, doing business as B & S TRANSPORTS, 364 South Front Street, Memphis, Tenn. Applicant's attorney: Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cotton gin and compress supplies*, used in ginning, baling, compressing or recompressing raw cotton, in mixed or straight truckloads, minimum weight 30,000 pounds, (a) from Augusta and LaGrange, Ga., New Orleans, La., Sumter, S.C., Mobile, Ala., and points in Jefferson County, Ala., to points in Mississippi, those in Tennessee west of the Tennessee River, those in Arkansas on and east of U.S. Highway 67 beginning at the Arkansas-Missouri State line, thence to Little Rock, thence via U.S. Highway 65 to Pine Bluff, thence via U.S. Highway 65 to its junction with Arkansas Highway 81, thence via Arkansas Highway 81 to the Arkansas-Louisiana State line, those in Missouri on and south of U.S. Highway 62 beginning at the Arkansas-Missouri State line, thence east to the Mississippi River; (b) from Gulfport, Miss., to points in Tennessee west of the Tennessee River, those in Arkansas on and east of U.S. Highway 67 beginning at the Arkansas-Missouri State line, thence to Little Rock, thence via U.S. Highway 65 to Pine Bluff, thence via U.S. Highway 65 to its junction with Arkansas Highway 81, thence via Arkansas Highway 81 to the Arkansas-Louisiana State line, and those in Missouri on and south of U.S. Highway 62 beginning at the Arkansas-Missouri State line, thence east to the Mississippi River; (2) *Fertilizer, fertilizer materials, fertilizer compounds* (manufactured fertilizers), manure, in straight or mixed truckloads, *feed and feed ingredients*, natural or synthetic, *animal or poultry, including basic slag*, and *grain or grain products* used for feed or feed ingredients, (a) from Harvey and New Orleans, La., Gulfport, Miss., Sheffield and Mobile, Ala., and points in Jefferson County, Ala., to points in Shelby, Fayette, Haywood, Lauderdale Counties, Tenn., and those in Mississippi, Craighead, Poinsett, Crittenden, Cross, St. Francis and Lee Counties, Ark.; (b) from Gulfport, Miss., to points in Shelby, Fayette, Haywood and Lauderdale Counties, Tenn., and those in Mississippi, Craighead, Poinsett, Crittenden, Cross, St. Francis and Lee Counties, Ark.; (c) from Harvey, La., Sheffield, Ala., and points in Jefferson

County, Ala., to points in Hardeman and McNairy Counties, Tenn., and those in Alcorn, Tippah and Benton Counties, Miss.; (d) from Gulfport and Yazoo City, Miss., to points in Tennessee west of the Tennessee River, those in Arkansas on and east of U.S. Highway 67 beginning at the Arkansas-Missouri State line, thence to Little Rock, Ark., thence via U.S. Highway 65 to Pine Bluff, thence via U.S. Highway 65 to its junction with Arkansas Highway 81, thence via Arkansas Highway 81 to the Arkansas-Louisiana State line, and those in Missouri on and south of U.S. Highway 62 beginning at the Arkansas-Missouri State line, thence east to the Mississippi River.

HEARING: June 18, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner Isadore Freidson.

No. MC 118768, filed March 9, 1959. Applicant: **CHARLES GREENE**, doing business as GREENE TRANSFER CO., Pineville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Bell, Clay, Harlan, Knox, and Leslie Counties, Ky., to points in Georgia, Indiana, Illinois, Maryland, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and Wisconsin; *feed*, for dogs, poultry, livestock and other animals and fowls, in sacks, cans or in bulk, from Cincinnati, Ohio, and St. Louis, Mo., to points in Bell and Harlan Counties, Ky., and Wise and Lee Counties, Va.; *empty soft drink bottles and cans*, packed in cases and cartons, from Chattanooga, Tenn., to points in Bell, Harlan and Whitley Counties, Ky.; *fertilizer*, in packages, bags or in bulk, from Bristol, Va., to points in Bell, Harlan, Knox, Laurel, and Whitley Counties, Ky.; *oil and grease* for machinery, motor vehicles and heavy equipment, in cans or drums, from Cincinnati, Ohio, to points in Bell, Clay, Harlan, and Whitley Counties, Ky.; and *structural steel and steel sheeting*, from Cincinnati, Ohio, and Chattanooga, Tenn., to points in Bell, Clay, Floyd, Harlan, and Leslie Counties, Ky.

HEARING: June 15, 1959, at the County Court House, Knoxville, Tenn., before Examiner Isadore Freidson.

No. MC 118772, filed March 9, 1959. Applicant: **DICK MOORE, INCORPORATED**, 1107 Union Avenue, Memphis, Tenn. Applicant's attorneys: Bullock & Bullock, Columbian Mutual Tower, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers*, designed to be drawn by passenger automobiles, or trucks, between points in Shelby County, Tenn., and points in Arkansas, Mississippi, Louisiana, Alabama, Georgia, Florida, Kentucky, Indiana, Ohio, Texas, Tennessee, Missouri, and Illinois.

HEARING: June 18, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner Isadore Freidson.

No. MC 118798, (CORRECTION), filed March 19, 1959, published issue of FEDERAL REGISTER, April 22, 1959. Applicant: **HERBERT H. GRELLNER**, Rich Fountain, Mo. Applicant's attorney: Joseph R. Nancy, 117 West High Street, Jefferson

City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria and Chicago, Ill., St. Paul, Minn., Milwaukee, Wis., and points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to Rolla, Union, Arnold, Jefferson City, and Rich Fountain, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting malt beverages on return.

NOTE: This republication corrects the spelling of the destination point of Rolla, Mo., incorrectly shown as Tolla, in the previous notice.

HEARING: Remains as assigned: June 19, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James O'D. Moran.

No. MC 118810, filed March 24, 1959. Applicant: E. J. C. FURNITURE DELIVERIES, INC., 50 Carnation Avenue, Floral Park, 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 merchandise* as are dealt in by retail furniture stores, uncrated and crated, from Philadelphia, Pa., to points in New Jersey and Delaware, and points in Berks, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Wayne, Wyoming, and York Counties, Pa., and returned, exchanged, and rejected merchandise of the above-specified commodities on return.

HEARING: June 3, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 118841, filed April 1, 1959. Applicant: A. E. WALKER, R.D. 2, Quakertown, Pa. Applicant's attorney: Harry J. Liederbach, Street Road and Willow Street, Southampton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel and crushed stone*, in dump trucks, from points in Bridgeton Township, Bucks County, Pa., to points in New Jersey, and *sand*, from points in New Jersey to points in Bridgeton Township, Bucks County, Pa.

HEARING: June 12, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Robert A. Joyner.

No. MC 118852, filed March 27, 1959. Applicant: J. T. SUGG, Main Street, Ellerbe, N.C. Applicant's attorney: J. Elsie Webb, Watson Building, Rockingham, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, and nitrate of soda*, from Charleston, S.C., to points in Richmond, Montgomery and Moore Counties, N.C., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

HEARING: June 10, 1959, at the U.S. Court Rooms, Charlotte, N.C., before

Joint Board No. 2, or if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 118890, filed April 22, 1959. Applicant: THAYNE ROBERT OLSON, doing business as THAYNE R. OLSON, 6259 West Parkview Drive, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oyster shell*, in bulk and in bags, from Houston, Tex., to points in Kansas, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *refused or rejected shipments*, on return.

HEARING: July 8, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 118899, filed April 24, 1959. Applicant: JOHN J. GERMENKO, GEORGE I. HALTER, AND LARRY GERMENKO, doing business as BALTIMORE TANK LINES, Catonsville Junction, Catonsville 28, Md. 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: *Cement*, in bulk, in tank or hopper-type vehicles, and in bags, packages, or other containers, from points in Frederick, Carroll, and Washington Counties, Md., and points in York County, Pa., to points in Delaware, Maryland, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified), used in transporting cement on return movements.

HEARING: June 1, 1959, at 9:30 o'clock a.m., United States standard time (10:30 o'clock a.m., District of Columbia daylight saving time) at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118901, filed April 24, 1959. Applicant: MOLNER TRANSPORT, INCORPORATED, 504 South Kane Street, Baltimore, Md. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper type vehicles, and in bags, packages or other containers, from points in Frederick, Carroll, Washington Counties, Md., and York County, Pa., to points in Delaware, Maryland, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-described commodities, on return.

HEARING: June 2, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

MOTOR CARRIERS OF PASSENGERS

No. MC 453 (Sub No. 14), filed April 17, 1959. Applicant: THE GRAY LINE,

INC., 1010 Eye Street NW., Washington, D.C. 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*, in special operations, during racing seasons, between Washington, D.C., and Charles Town, W. Va., (1) from Washington to the District of Columbia-Virginia boundary line, over city streets and Lincoln Memorial and/or 14th Street Trans-Potomac bridges; from the District of Columbia-Virginia boundary line to the intersection of U.S. Highway 50 and Virginia Highway 8, over U.S. Highway 50; from the intersection of Virginia Highway 7 and U.S. Highway 50 to the intersection of Virginia Highways 7 and 9 at Leesburg, Va., over Virginia Highway 7; from the intersection of Virginia Highways 7 and 9 at Leesburg, Va., to Charles Town, W. Va., over Virginia Highway 9. Return over the same route. Serving the intermediate point of Falls Church, Va. (2) From Washington, D.C., to Frederick, Md., over U.S. Highway 240; from Frederick, Md., to Charles Town, W. Va., over U.S. Highway 340. Return over the same route, serving the intermediate points of Bethesda and Rockville, Md. Applicant is authorized to conduct regular route operations in Maryland and the District of Columbia, and irregular route operations in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia.

HEARING: June 25, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 3647 (Sub No. 251) (REPUBLICATION), filed February 27, 1959, published in the FEDERAL REGISTER of April 15, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, Public Service Coordinated Transport, Law Department, 180 Boyden Avenue, Maplewood, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, (1) between Brick Township, N.J., and Dover Township, N.J., from Laurelton Circle, (junction New Jersey Highways 70 and 88) over New Jersey Highway 70 to junction New Jersey Highway 549, thence over New Jersey Highway 549 to Toms River, and return over the same route, serving all intermediate points. (2) Within Brick Township, N.J., from junction Garden State Parkway at Interchange #90 over New Jersey Highway 549 to junction New Jersey Highway 70, and return over the same route, serving all intermediate points. (3) Within Dover Township, N.J., from junction New Jersey Highway 549 and Green Island Road over Green Island Road to Green Island, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

HEARING: Remains as assigned May 19, 1959, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 3647 (Sub No. 256), (REPUBLICAN), filed March 17, 1959, published issue of April 15, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, A Corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, Law Department, 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 one-way and round-trip charter operations, beginning and ending at points in Nassau and Suffolk Counties, Long Island, N.Y., and extending to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Missouri, Ohio, Indiana, Illinois, Michigan, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

HEARING: Reassigned June 8, 1959, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 108570 (Sub No. 1), filed April 16, 1959. Applicant: LITTEN & LITTEN MOTOR LINES, INC., Box 128, Knoxville, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at Brunswick, Md., and points within 20 miles thereof and extending to points in Pennsylvania, New Jersey, Maryland, Virginia, West Virginia, and the District of Columbia. Applicant is presently authorized to transport passengers and their baggage, in charter operations, beginning and ending at Brunswick, Md., and extending to points in the above States.

NOTE: Duplication should be eliminated.

HEARING: June 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 113430 (Sub No. 6), filed April 27, 1959. Applicant: R. & H. BUS CO., INC., 70 Florence Street, East Hartford, Conn. 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 one-way and round-trip charter operations, from points in Nassau and Suffolk Counties, N.Y., to points in the United States, including points in Alaska, and return. Applicant is authorized to conduct operations in Connecticut and New York.

HEARING: June 8, 1959, at the U.S. Army Reserve Building, 30 West 44th

Street, New York, N.Y., before Examiner Allen W. Hagerty.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIER OF PASSENGERS

No. MC 12694 (CORRECTION), filed February 25, 1959, published at Page 2891, issue of April 15, 1959. Applicant: FRANK H. ALBRIGHT, doing business as MOUNTAIN VIEW TOURS, Ely Street, Coxsackie, N.Y. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *broker (BMC 5)* at Coxsackie and Albany, N.Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle of: *Passengers and their baggage*, between Coxsackie, N.Y., and points within 35 miles thereof, on the one hand, and, on the other, points in the United States.

NOTE: Applicant states it is the President and Director and principal stockholder of Mountain View Coach Lines, Inc., Coxsackie, N.Y., a common carrier of passengers, Certificate MC 47495 and sub number thereunder.

HEARING: Remains as assigned, May 20, 1959, at the Federal Building, Albany, N.Y., before Examiner Donald R. Sutherland.

MOTOR CARRIERS OF PASSENGERS

PRE-HEARING CONFERENCE

THE FOLLOWING APPLICATIONS ARE ASSIGNED FOR PRE-HEARING CONFERENCE: June 8, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., with Examiner James C. Cheselding, presiding.

No. MC 1800 (Sub No. 24), filed January 5, 1959. Applicant: ALEXANDRIA, BARCROFT WASHINGTON TRANSIT COMPANY, doing business as A.B. & W. TRANSIT CO., 600 North Royal Street, Alexandria, Va. Applicant's attorney: S. Harrison Kahn, 726-34 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, newspapers, and mail* in the same vehicle with passengers, (1) between Washington National Airport, Gravelly Point, Arlington, Va., and Washington International Airport, Chantilly, Fairfax-Loudoun Counties, Va., from the Administration Building, Washington National Airport via access roads to the Mount Vernon Memorial Boulevard, thence south on Mount Vernon Memorial Boulevard to Alexandria, Va., thence via city streets in Alexandria to the intersection with Virginia Highway 236, thence via Virginia Highway 236 to its intersection with U.S. Highway 50, thence via U.S. Highway 50 to its intersection with Virginia Highway 607, thence via Virginia Highway 607 to its intersection with access roads to the Washington International Airport, thence via access roads to the Administration Building, and return over the same, serving no intermediate points. (2) Between Washington National Airport, Gravelly Point, Arlington, and Washington International Airport, Chantilly, Fairfax-Loudoun Counties, Va., from the Administration Building,

Washington National Airport via existing roadways within the Washington National Airport to their intersection with the Mount Vernon Memorial Boulevard, thence north on the Mount Vernon Memorial Boulevard to its intersection with U.S. Highway 1, thence south on U.S. Highway 1 to its intersection with Virginia Highway 350, thence via Virginia Highway 350 to its intersection with connecting route to Columbia Pike; thence via Columbia Pike to its intersection with Virginia Highway 236, thence via Virginia Highway 236 to its intersection with U.S. Highway 50, thence via U.S. Highway 50 to its intersection with Virginia Highway 607, thence via Virginia Highway 607 to its intersection with access roads to the Washington International Airport, thence via access roads to the Administration Building, and return over the same route, serving no intermediate points. (3) Between Washington National Airport, Gravelly Point, Arlington, Va., and Washington International Airport, Chantilly, Fairfax-Loudoun Counties, Va., from the Administration Building, Washington National Airport, via existing highways within the Washington National Airport, to their intersection with Mount Vernon Memorial Boulevard, thence via the Mount Vernon Memorial Boulevard to its intersection with U.S. Highway 50, thence via U.S. Highway 50 to its intersection with Virginia Highway 607, thence via Virginia Highway 607 to its intersection with access roads to the Washington International Airport, thence via access roads to the Administration Building, and return over the same route, serving no intermediate points. (4) Between Washington, D.C., and the Washington National Airport, Gravelly Point, Arlington, Va., and Washington International Airport, Chantilly, Fairfax-Loudoun Counties, Va., (a) from Washington, D.C., via city streets to the Fourteenth Street Bridge to its intersection with U.S. Highway 1, thence via U.S. Highway 1 to its intersection with connecting route to Columbia Pike, thence via Columbia Pike to its intersection with Virginia Highway 236, thence via Virginia Highway 236 to its intersection with U.S. Highway 50, thence via U.S. Highway 50 to its intersection with Virginia Highway 607, thence via Virginia Highway 607 to its intersection with access roads to the Washington International Airport, thence via access roads to the Administration Building, and return over the same route, serving no intermediate points, (b) from Washington, D.C., via existing streets to Lincoln Memorial Bridge, thence via Lincoln Memorial Bridge to its intersection with Mount Vernon Memorial Boulevard, thence via Mount Vernon Memorial Boulevard to its intersection with U.S. Highway 50, thence via U.S. Highway 50 to its intersection with Virginia Highway 607, thence via Virginia Highway 607 to its intersection with access roads to the Washington International Airport, thence via access roads to the Administration Building, and return over the same route, serving no intermediate points, and (c) from Washington, D.C.,

via existing streets to Trans-Potomac Bridges, thence via Trans-Potomac Bridges to access roads to Interstate Route 66, thence via Interstate Route 66 to its intersection with Chantilly Airport Super Highway, thence via Chantilly Airport Super Highway to the Washington International Airport, thence via access roads to the Administration Building, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Virginia and the District of Columbia.

No. MC 68167 (Sub No. 34), filed January 26, 1959. Applicant: WASHINGTON, VIRGINIA AND, MARYLAND COACH COMPANY, INC., 707 North Randolph Street, Arlington, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers, express and mail* in the same vehicle with passengers, (1) between Washington, D.C., and the Chantilly International Airport, Chantilly, Fairfax-Loudoun Counties, Va., (a) from Washington, D.C., over city streets to Arlington Memorial Bridge, thence over Arlington Memorial Bridge to its junction with George Washington Memorial Parkway, thence over George Washington Memorial Parkway to its junction with U.S. Highway 50, thence over U.S. Highway 50 to its junction with Virginia Highway 607, thence over Virginia Highway 607 to its junction with access roads to the Chantilly International Airport, thence over access roads to the Administration Building, and return over the same route, serving no intermediate points; (b) from Washington, D.C., over city streets to Arlington Memorial Bridge, Key Bridge, and Constitution Avenue Bridge (under construction), thence over the three (3) bridges to their junction with access roads connecting the three (3) bridges with Interstate Route 66, thence over access roads to junction with Interstate Route 66, thence over Interstate Route 66 to its junction with Chantilly International Airport Express Highway, thence over Chantilly International Airport Express Highway to the Chantilly International Airport access roads, thence over access roads to the Administration Building, and return over the same route, serving no intermediate points; (c) from Washington, D.C., over city streets to 14th Street Bridge, Arlington Memorial Bridge, Key Bridge, and Constitution Avenue Bridge (under construction), thence over the four (4) bridges to their junction with George Washington Memorial Parkway, thence over George Washington Memorial Parkway to its junction with Virginia Highway 123, thence over Virginia Highway 123 to its junction with Chantilly International Airport Express Highway, thence over Chantilly International Airport Express Highway to its junction with access roads to the Chantilly International Airport, thence over access roads to the Administration Building, and return over the same route, serving no intermediate points; (d) from Washington, D.C., over city streets to Arlington Memorial Bridge, Key Bridge and Constitution Avenue Bridge (under con-

struction), thence over the three (3) bridges to their junction with access roads connecting the three (3) bridges with Interstate Route 66, thence over access roads to junction with Interstate Route 66, thence over Interstate Route 66 to its junction with U.S. Highway 50, thence over U.S. Highway 50 to its junction with Virginia Highway 607, thence over Virginia Highway 607 to its junction with access roads to Chantilly International Airport, thence over access roads to Administration Building, and return over the same route, serving no intermediate points; (2) between Washington, D.C., and the Washington National Airport, Gravelly Point, Arlington, Va., and Chantilly International Airport, Chantilly, Fairfax-Loudoun Counties, Va., from Washington, D.C., over city streets to Fourteenth Street Bridge and Arlington Memorial Bridge, thence over the two (2) bridges to their junction with George Washington Memorial Parkway, thence over George Washington Memorial Parkway to its junction with Washington National Airport access roads, thence over access roads to the Administration Building, and return over the same route, serving no intermediate points; (3) between Washington National Airport, Gravelly Point, Arlington, Va., and Chantilly International Airport, Chantilly, Fairfax-Loudoun Counties, Va., (a) from the Administration Building, Washington National Airport, over access roads to junction with George Washington Memorial Parkway, thence over George Washington Memorial Parkway to its junction with U.S. Highway 50, thence over U.S. Highway 50 to its junction with Virginia Highway 607, thence over Virginia Highway 607 to its junction with access roads to the Chantilly International Airport, thence over access roads to the Administration Building, and return over the same route, serving no intermediate points; (b) from the Administration Building, Washington National Airport, over access roads to junction with George Washington Memorial Parkway, thence over George Washington Memorial Parkway to its junction with Interstate Route 66, thence over Interstate Route 66 to its junction with Chantilly International Airport Express Highway, thence over Chantilly International Airport Express Highway to the Chantilly International Airport access roads, thence over access roads to the Administration Building, and return over the same route, serving no intermediate points; (c) from the Administration Building, Washington National Airport, over access roads to junction with George Washington Memorial Parkway, thence over George Washington Memorial Parkway to its junction with Virginia Highway 123, thence over Virginia Highway 123 to its junction with Chantilly International Airport Express Highway, thence over Chantilly International Airport Express Highway to the Chantilly International Airport access roads, thence over access roads to the Administration Building, and return over the same route, serving no intermediate points; (d) from the Administration Building, Washington National Airport,

over access roads to junction with George Washington Memorial Parkway, thence over George Washington Memorial Parkway to its junction with Interstate Route 66, thence over Interstate Route 66 to its junction with U.S. Highway 50, thence over U.S. Highway 50 to its junction with Virginia Highway 607, thence over Virginia Highway 607 to its junction with access roads to Chantilly International Airport, thence over access roads to Administration Building, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Virginia, Maryland and the District of Columbia.

No. MC 75289 (Sub No. 16), filed January 13, 1959. Applicant: D. C. TRANSIT SYSTEM, INC., 3600 M Street NW., Washington 7, D.C. Applicant's attorneys: Harvey M. Spear and John R. Sims, Jr., same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (1) between Washington National Airport, Gravelly Point, Arlington, Va., and Washington International Airport, Chantilly Fairfax-Loudoun Counties, Va., (a) from the Administration Building, Washington National Airport, via existing roads within the Washington National Airport to their intersection with Mount Vernon Memorial Boulevard, thence north on Mount Vernon Memorial Boulevard to its intersection with U.S. Highway 1, thence south on U.S. Highway 1 to its intersection with Virginia Highway 350, thence via U.S. Highway 350 to its intersection with Washington Boulevard, thence via Washington Boulevard to its intersection with U.S. Highway 50, thence via U.S. Highway 50 to its intersection with Virginia Highway 607, thence via Virginia Highway 607 to its intersection with access roads to the Washington International Airport, thence via access roads to the Administration Building, and return over the same route, serving no intermediate points; (b) from the Administration Building, Washington National Airport via existing roads within the Washington National Airport to their intersection with Mount Vernon Memorial Boulevard, thence via Mount Vernon Memorial Boulevard to its intersection with U.S. Highway 50, thence via U.S. Highway 50 to its intersection with Virginia Highway 607, thence via Virginia Highway 607 to its intersection with access roads to the Washington International Airport, thence via access roads to the Administration Building, and return over the same route, serving no intermediate points; (2) between Washington, D.C., and the Washington National Airport, Gravelly Point, Arlington, Va., and Washington International Airport, Chantilly, Fairfax-Loudoun Counties, Va., (a) from Washington, D.C. over city streets to the 14th Street Bridge, thence via the 14th Street Bridge to its intersection with U.S. Highway 1, thence via U.S. Highway 1 to its intersection with Virginia Highway 350, thence over Virginia Highway 350 to its intersection with Washington Boulevard, thence over

Washington Boulevard to its intersection with U.S. Highway 50, thence via U.S. Highway 50 to its intersection with Virginia Highway 607, thence via Virginia Highway 607 to its intersection with access roads to the Washington International Airport, thence via access roads to the Administration Building, and return over the same route, serving no intermediate points; (b) from Washington, D.C. via existing streets to the Lincoln Memorial Bridge, thence via Lincoln Memorial Bridge to its intersection with Mount Vernon Memorial Boulevard to its intersection with U.S. Highway 50, thence via U.S. Highway 50 to its intersection with Virginia Highway 607, thence via Virginia Highway 607 to its intersection with access roads to the Washington International Airport, thence via access roads to the Administration Building, and return over the same route, serving no intermediate points; (c) from Washington, D.C., over city streets to Trans-Potomac Bridges, thence via Trans-Potomac Bridges to access roads to Interstate Route 66, thence via Interstate Route 66 to its intersection with Chantilly Airport Superhighway, thence via Chantilly Airport Superhighway to the Washington International Airport, thence via access roads to the Administration Building, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Virginia, Maryland, and the District of Columbia.

No. MC 103113 (Sub No. 1), filed March 9, 1959. Applicant: AIRPORT TRANSPORT, INCORPORATED, Washington National Airport, Administration Building, Room 294, Washington, D.C. 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 regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, (1) between the Washington National Airport, Gravelly Point, Arlington, Va., and the Washington International Airport, Chantilly, Fairfax-Loudoun Counties, Va., as follows: from the Washington National Airport northward via the Mount Vernon Memorial Highway to its intersection with U.S. Highway 1 at or near the south end of the 14th Street Bridge, thence via U.S. Highway 1 to its intersection with Virginia Highway 350, thence via Virginia Highway 350 to its intersection with Washington Boulevard, thence via Washington Boulevard to its intersection with U.S. Highway 50, thence via U.S. Highway 50 to its intersection with Virginia Highway 607, thence via Virginia Highway 607 to its intersection with access roads leading into the Washington International Airport and thence via access roads to the Administration Buildings and return over the same route, serving no intermediate points; (2) between the Washington National Airport, Gravelly Point, Arlington, Va., and the Washington International Airport, Chantilly, Fairfax-Loudoun Counties, Va., as follows: from the Washington National Airport northward via the

Mount Vernon Memorial Highway to its intersection with U.S. Highway 50, at or near the south end of the Memorial Bridge, thence via U.S. Highway 50, to its intersection with Virginia Highway 607, thence via Virginia Highway 607 to its intersection with access roads leading into the Washington International Airport and thence via access roads to the Administration Buildings, and return over the same route, serving no intermediate points; (3) between Washington, D.C., and the Washington International Airport, Chantilly, Fairfax-Loudoun Counties, Va., as follows: from Washington, D.C., via the 14th Street Bridge to its intersection with U.S. Highway 1, thence via U.S. Highway 1 to its intersection with Virginia Highway 350, thence via Virginia Highway 350 to its intersection with Washington Boulevard, thence via Washington Boulevard to its intersection with U.S. Highway 50, thence via U.S. Highway 50 to its intersection with Virginia Highway 607, thence via Virginia Highway 607 to its intersection with access roads leading into the Washington International Airport and thence via access roads to the Administration Buildings, and return over the same route, serving no intermediate points; (4) between Washington, D.C., and the Washington International Airport, Chantilly, Fairfax-Loudoun Counties, Va., as follows: from Washington, D.C., via the Lincoln Memorial Bridge to its intersection with the Mount Vernon Memorial Highway, thence via the Mount Vernon Memorial Highway to its intersection with U.S. Highway 50, thence via U.S. Highway 50 to its intersection with Virginia Highway 607, thence via Virginia Highway 607 to its intersection with access roads leading into the Washington International Airport and thence via access roads to the Administration Buildings, and return over the same route, serving no intermediate points; (5) between Washington, D.C., and the Washington International Airport, Chantilly, Fairfax-Loudoun Counties, Va., as follows: from Washington, D.C., via Key Bridge to its intersection with U.S. Highways 29 and 211 at the southern entrance thereto, thence west on U.S. Highways 29 and 211 to their intersection with U.S. Highway 50, thence via U.S. Highway 50 to its intersection with Virginia Highway 607, and thence via Virginia Highway 607 to its intersection with access roads leading into the Washington International Airport and thence via access roads to the Administration Buildings, and return over the same route, serving no intermediate points; (6) between Washington, D.C., and the Washington International Airport, Chantilly, Fairfax-Loudoun Counties, Va., as follows: from Washington, D.C., via Trans-Potomac Bridge, thence via access roads to Interstate Route 66, thence via Interstate Route 66 to its intersection with the Chantilly Airport Super Highway to the Washington International Airport, and thence via access roads to the Administration Buildings, and return over the same route, serving no intermediate points; (7) between Washington, D.C., and the Washington International Air-

port, Chantilly, Fairfax-Loudoun Counties, Va., as follows: from Washington, D.C., via Chain Bridge to its intersection with Virginia Highway 123 at or near the southern entrance to said bridge, thence via Virginia Highway 123 to its junction with U.S. Highway 50 and Virginia Highway 236, at or near Germantown, Va., thence via U.S. Highway 50 to its intersection with Virginia Highway 607, thence via Virginia Highway 607 to its intersection with access roads leading into the Washington International Airport and thence via access roads to the Administration Buildings, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Maryland, Virginia, and the District of Columbia.

At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 144), filed April 27, 1959. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment, between Kearney, Nebr., and Belleville, Kans., as an alternate route for operating convenience only: from Kearney over Nebraska Highway 10, approximately four (4) miles, to junction Nebraska Highway 44, thence over Nebraska Highway 44 to junction U.S. Highway 6, thence east over U.S. Highway 6 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction Nebraska Highway 3, thence east over Nebraska Highway 3 to junction U.S. Highway 81, and thence south over U.S. Highway 81 to Belleville, and return over the same route, serving no

intermediate points, and with service at the termini points for purpose of joinder only with applicant's otherwise authorized regular routes. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Indiana, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

No. MC 9140 (Sub No. 8), filed April 20, 1959. Applicant: W. DON MAURER, doing business as DON MAURER TRUCK LINE, 523 First Avenue East, Spencer, Iowa. Applicant's attorney: Wallace W. Huff, 310-314 Security Bank Building, Sioux City 1, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts, implements and parts, farm machinery and parts*, as described in Appendix XII to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from West Bend, Wis., to points in that part of Iowa on and west of U.S. Highway 65 and on and north of U.S. Highway 30. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Nebraska, South Dakota, and Wisconsin.

NOTE: Any duplication with present authority to be eliminated.

No. MC 64828 (Sub No. 10), filed April 24, 1959. Applicant: JOHN J. GARTLAND, doing business as GARTLAND MOTOR LINES, 44 Tulip Street, Poughkeepsie, N.Y. Applicant's attorney: Edward J. Murtaugh, 25 Market Street, Poughkeepsie, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat-packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 61 M.C.C. 766, serving Middletown and Monticello, N.Y., as off-route points in connection with applicant's authorized regular route operations between Poughkeepsie and Newburgh, N.Y., and from Poughkeepsie to Walkkill and Maybrook, N.Y. Applicant is authorized to conduct operations in New York.

No. MC 65802 (Sub No. 15), filed April 20, 1959. Applicant: LYNDEN TRANSPORT, INC., P.O. Box 433, Lynden, Wash. Applicant's attorney: James T. Johnson, 1111 Northern Life Tower, Seattle 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Class A and B explosives, commodities in bulk and those requiring special equipment*, but excluding commodities of unusual value and household goods as defined by the Commission, between points in Washington and points in Alaska. Applicant is authorized to conduct operations in Idaho and Washington.

No. MC 86687 (Sub No. 51), filed April 27, 1959. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, a Corporation, 3600 West Broad Street, Richmond, Va. Applicant's attorney: Richard A. Hollander, Law Department, Seaboard Air Line Railroad Company (same address as applicant). Authority sought to operate as a *common carrier*,

by motor vehicle, over an alternate route, transporting: *General commodities*, between Louisburg, N.C., and Henderson, N.C., from Louisburg over North Carolina Highway 39 to Henderson, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Henderson and Raleigh, N.C., and between Franklinton and Louisburg, N.C. Applicant is authorized to conduct operations in Alabama, Georgia, North Carolina, South Carolina, and Virginia.

No. MC 105559 (Sub No. 4), filed April 24, 1959. Applicant: M. E. SMITH, doing business as RELIABLE TRANSPORTATION COMPANY, 231 North Madison Avenue, Ottumwa, Iowa. Applicant's representative: Kenneth F. Dudley, 106 North Court Street, P.O. Box 557, Ottumwa, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen animal food*, from Ottumwa, Iowa, to points in Wisconsin north of Wisconsin Highway 64, and points in the northern peninsula of Michigan. Applicant is authorized to conduct contract carrier operations over regular routes in Illinois, Indiana, and Iowa, and over irregular routes in Illinois, Iowa, and Wisconsin.

NOTE: Applicant holds common carrier authority in No. MC 111997 and sub numbers thereunder. Section 210, dual operations, may be involved.

No. MC 109637 (Sub No. 121), filed April 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: *Resin solvents*, in bulk, in tank vehicles, from Midland, Mich., to Birmingham, Ala., Jacksonville, Fla., Memphis, Tenn., and St. Louis, Mo., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Alabama, California, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

No. MC 111812 (Sub No. 75), filed April 23, 1959. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, 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: *Meats, packing house products, and commodities used by packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Ports of Entry on the boundary between the United States and Canada in Minnesota and North Dakota, to points in California, Idaho, Nevada, Oregon and Washington. Applicant is authorized to conduct operations in South Dakota, Washington, Oregon, Minnesota, Iowa, Utah, Cali-

fornia, Nebraska, Nevada, North Dakota, Montana, Idaho, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Delaware, Maryland, Michigan, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

No. MC 116886 (Sub No. 4), filed April 24, 1959. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 1719 South Jefferson Street, Roanoke, Va. Applicant's attorney: R. R. Rush, 511 Boxley Building, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses*, as defined by the Commission, between Asheville, N.C., and points in North Carolina, Tennessee, and South Carolina within fifty (50) miles of Asheville. Applicant is authorized to conduct operations in Virginia, North Carolina, South Carolina, and Tennessee.

No. MC 118875, filed April 16, 1959. Applicant: J. M. KELLEY, doing business as J. M. KELLEY TRUCKING, P.O. Box 94, Stigler, Okla. Applicant's attorney: John C. Buckingham, Oklahoma Corporation Commission, Oklahoma City 5, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt, feed, fertilizer, cottonseed meal, cottonseed cake, soybean oil, soybean meal, soybean cake, and cottonseed oil*, from Ft. Smith, Ark., to points in Oklahoma and Texas; and *salt and fertilizer ingredients, cotton and cottonseed*, on return.

No. MC 118894 (Sub No. 1), filed April 27, 1959. Applicant: MATERIALS TRANSPORT, INC., 2702 First Avenue, North, Fargo, N. Dak. Applicant's attorney: John S. Whittlesey, 321 Gate City Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, black dirt, earth fill, crushed rock, and other materials* ordinarily transported in dump trucks, and *ready-mixed concrete*, between points in Cass, Barnes, Stutsman, Foster, Eddy, Griggs, Steele, Traill, Nelson, Grand Forks, Walsh, LaMoure, Dickey, Ransom, Sargent, and Richland Counties, N. Dak., and points in Clay, Becker, Hubbard, Beltrami, Clearwater, Pennington, Red Lake, Marshall, Polk, Norman, Wadena, Wilkin, Traverse, Big Stone, Stevens, Grant, Pope, Douglas, Todd, Otter Tail, and Mahanomen Counties, Minn.

MOTOR CARRIERS OF PASSENGERS

No. MC 13300 (Sub No. 63), filed April 21, 1959. Applicant: CAROLINA COACH COMPANY, a Corporation, 1201 South Blount Street, Raleigh, 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 a regular route, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, in seasonal operations between approximately May 25th and approximately September 15th, inclusive, of each year, between Denton,

Md., and junction Maryland Highway 589 and U.S. Highway 50, from Denton over Maryland Highway 404 to the Maryland-Delaware State line, thence over Delaware Highway 404 to junction Delaware Highway 18, thence over Delaware Highway 18 to junction U.S. Highway 113, thence over U.S. Highway 113 to the Delaware-Maryland State line, thence continuing over U.S. Highway 113 to junction Maryland Highway 589, thence over Maryland Highway 589 to junction U.S. Highway 50, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, North Carolina, Virginia, and the District of Columbia.

No. MC 116669 (Sub No. 1), filed April 20, 1959. Applicant: ALFONSE GAVIN, doing business as NIAGARA BORDER TRANSIT CO., 1111 Walnut Avenue, Niagara Falls, N.Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vehicle, but not including the driver thereof and not including children under ten (10) years of age who do not occupy a seat or seats, in seasonal operations between May 15 and November 15, inclusive, of each year, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within six (6) miles of Niagara Falls, 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. Applicant is authorized to transport passengers in New York.

NOTE: Applicant states that his present authority restricts him to the transportation of seven passengers, resulting in his being forced to turn down numerous fares; past experience has shown that sightseeing groups are in even numbers; sightseers do not wish to be separated. Duplication with pending authority to be eliminated.

No. MC 118896, filed April 24, 1959. Applicant: HENRY C. DAUGHTREY, doing business as DAUGHTREY BUS LINE, 826 Forest Avenue, East Brewton, Ala. Applicant's attorney: J. Douglas Harris, 413-414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers, between East Brewton, Ala., and the Chemstrand plant site, near Gonzales, Fla., from East Brewton on Alabama Highway 41 south over Alabama Highway 41 to junction Escambia County, Alabama Highway 55 at or near Henley Bridge, thence southwest over Escambia County, Alabama Highway 55 to the Alabama-Florida State line, thence southwest over Florida Highway 89 to Jay, Fla., thence south over Florida Highway 197 to junction U.S. Highway 90, thence southwest over U.S. Highway 90 to junction Florida Highway 292, thence over Florida High-

way 292 to the Chemstrand plant site near Gonzales, and return over the same route, serving all intermediate points.

APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carrier 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 6822 (INTERSTATE MOTOR FREIGHT SYSTEM—CONTROL—LANCASTER TRANSPORTATION CO.), published in the January 30, 1958, (application) and December 10, 1958, (first amendment) issues of the FEDERAL REGISTER on pages 632 and 9581, respectively. Request for further amendment filed April 27, 1959. Following service of a Report and Order of the Commission, a request for amendment of the application has been filed to seek approval for INTERSTATE MOTOR FREIGHT SYSTEM to control and merge the interstate operating rights and property of the carrier it seeks to control through stock ownership, LANCASTER TRANSPORTATION CO. Operating rights of the two carriers are as summarized generally in the FEDERAL REGISTER of January 30, 1958.

No. MC-F 7167 (UNITED TRANSPORTS, INC.—PURCHASE (PORTION)—DEALERS TRANSIT, INC.). This application was erroneously shown as No. MC-F 7161 in the April 29, 1959, issue of the FEDERAL REGISTER, page 3358.

No. MC-F 7177. Authority sought for purchase by COASTAL TANK LINES, INC., Grantley Road, York, Pa., of a portion of the operating rights of WILLIAM J. LOBB, INC., 529 West Main Street, Pen Argyl, Pa., and for acquisition by K. J. EISENHARDT, also of York, of control of such rights through the purchase. Applicants' attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Operating rights sought to be transferred: *General commodities*, in bulk, except liquid commodities in bulk, as a *common carrier* over irregular routes, between certain points in Pennsylvania, on the one hand, and, on the other, certain points in New York and New Jersey. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Ohio, West Virginia, Maryland, Delaware, Virginia, New Jersey, New York, Indiana, Kentucky, Connecticut, Massachusetts, Rhode Island, Michigan, North Carolina, South Carolina, Illinois, Tennessee, Wisconsin, Kansas, Nebraska, Oklahoma, Iowa, Missouri, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7179. Authority sought for purchase by AMERICAN RED BALL TRANSIT COMPANY, INC., 1000 Illinois Building, Indianapolis 4, Ind., of a portion of the operating rights of WALTER E. FALLON, doing business as SUNVAN LINES, Boeing Field, Box 2, Seattle

8, Wash., and for acquisition by CLARENCE KISSEL, CLARENCE KISSEL, JR., and ROBERT L. HINER, all of Indianapolis, of control of such rights through the purchase. Applicants' attorneys: Rice, Carpenter and Carraway, 618 Perpetual Building, Washington 4, D.C. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Klamath County, Oregon, on the one hand, and, on the other, points in California and Washington. Vendee is authorized to operate as a *common carrier* in Arizona, California, Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7180. Authority sought for purchase by AMERICAN RED BALL TRANSIT COMPANY, INC., 1000 Illinois Building, Indianapolis 4, Ind., of a portion of the operating rights of A. L. CHIPMAN, doing business as GOODWIN MOVING AND STORAGE COMPANY, 155 South Stevens Street, Spokane, Wash., and for acquisition by CLARENCE KISSEL, CLARENCE KISSEL, JR., and ROBERT L. HINER, all of Indianapolis, of control of such rights through the purchase. Applicants' attorney: Rice, Carpenter and Carraway, 618 Perpetual Building, Washington 4, D.C. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Idaho, Washington, Montana, and Oregon. Vendee is authorized to operate as a *common carrier* in Arizona, California, Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7181. Authority sought for purchase by AMERICAN RED BALL TRANSIT COMPANY, INC., 1000 Illinois Building, Indianapolis 4, Ind., of the operating rights of JAMES C. WESTERGARD, doing business as WESTERGARD TRANSFER AND STORAGE, P.O. Box 821, Idaho Falls, Idaho, and for acquisition by CLARENCE KISSEL, CLARENCE KISSEL, JR., and ROBERT L. HINER, all of Indianapolis, of control of such rights through the purchase. Applicants' attorney: Rice, Carpenter and Carraway, 618 Perpetual Building,

Washington 4, D.C. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Lemhi, Custer, Butte, Bingham, Bonneville, Clark, Jefferson, Madison, Fremont, and Teton Counties, Idaho, on the one hand, and, on the other, points in Idaho, Montana, Wyoming, and Utah. Vendee is authorized to operate as a *common carrier* in Arizona, California, Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under section 210a.(b).

No. MC-F 7183. Authority sought for control and merger by DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago, Ill., of the operating rights and property of ROWE TRANSFER & STORAGE COMPANY, 1319 Western Avenue SW., P.O. Box 219, Knoxville, Tenn., and for acquisition by AUTOMOBILE CARRIERS, INC., and, in turn, WALTER F. CAREY and BERT B. BEVERIDGE, all of 3401 North Dort Avenue, Flint, Mich., of control of DEALERS TRANSIT, INC., and of the operating rights and property through the control and merger. Applicants' attorneys: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn., and Hugh A. Tapp, Suite 500, Burwell Building, Knoxville 2, Tenn. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between the site of the Atomic Energy Commission plant at or near Dunbarton, S.C., on the one hand, and, on the other, the sites of the Atomic Energy Commission plants at or near Kevil, Ky., and Oak Ridge, Tenn.; *household goods*, as defined by the Commission, between Knoxville, Tenn., and points in Tennessee within 100 miles of Knoxville, on the one hand, and, on the other, points in Georgia, South Carolina, North Carolina, and Kentucky; *commodities*, which because of their size or weight require the use of special equipment or handling, and *parts thereof*, or *accessories* thereto when transported with such commodities, between points in Tennessee, Kentucky, South Carolina, Georgia, Alabama, Florida, Mississippi, Arkansas, Ohio, Indiana, and those portions of Virginia and North Carolina west of a line commencing at the Virginia-West Virginia State Line, over U.S. Highway 21 to Sparta, N.C., thence over North Carolina Highway 18 to junction with North Carolina Highway 16, thence over North Carolina Highway 16 to junction with U.S. Highway 321, thence over U.S. Highway 321 to the North Carolina-South Carolina State Line, not including points on the specified highways, and

between points in the territory described immediately above, on the one hand, and, on the other, points in Virginia, West Virginia, and North Carolina; *dangerous explosives*, between points in Knox County, Tenn., on the one hand, and, on the other, points in Tennessee, Kentucky, North Carolina, South Carolina and Virginia; *generator parts, coils, turbines, and turbine runners*, all of which the transportation, because of their size or weight, requires the use of special equipment, and *related parts and accessories* when their transportation is incidental to the transportation by said carrier of generator parts, coils, turbines, and turbine runners, which by reason of size or weight require special equipment, between Waterville, N.C., on the one hand, and, on the other, East Pittsburgh, Norristown and York, Pa.; *flammable compressed gases*, in shipper-owned tank trailers, and *shipper owned empty compressed gas tank trailers*, between plants of the Atomic Energy Commission located at Dunbarton, S.C., on the one hand, and at Oak Ridge, Tenn., on the other; *radioactive semiprocessed feed material*, in granular form, in hopper type containers, from Fernald, Ohio, to Oak Ridge, Tenn. DEALERS TRANSIT, INC., is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a.(b).

No. MC-F 7184. Authority sought for purchase by ARCHIE'S MOTOR FREIGHT, INCORPORATED, 312 East Sixth Street, Richmond 24, Va., of a portion of the operating rights of C. V. DARBY, doing business as DARBY TRANSFER AND STORAGE, Locust Street, McKees Rocks, Pa., and for acquisition by J. A. THROCKMORTON, also of Richmond, of control of such rights through the purchase. Applicants' attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *Such commodities* as are dealt in by wholesale, retail, and chain grocery stores, and *materials, supplies, and equipment* used or useful in connection therewith, as a *common carrier* over irregular routes, between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio east of U.S. Highway 21. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, Virginia, Kentucky, Tennessee, West Virginia, Ohio, New Jersey, Alabama, Florida, North Carolina, Georgia, Delaware, New York, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a.(b).

No. MC-F 7185. Authority sought for control by SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., of STEFFKE FREIGHT CO., 204 South Bellis Street, Wausau, Wis., and for acquisition by W. STANHAUS and SIMON FISHER, both of Chicago, of control of STEFFKE FREIGHT CO. through the acquisition by SPECTOR FREIGHT SYSTEM, INC. Applicant's attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., Maurice P. Golden, 33

North La Salle Street, Chicago 2, Ill., and Daniel Healy, 231 South La Salle Street, Chicago 4, Ill. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Chicago, Ill., and Green Bay, Wis., between specified points in Wisconsin, between Madison, Wis., and Chicago, Ill., between Madison, Wis., and Dubuque, Iowa, between Chicago, Ill., and Stoughton, Wis., between Emerald Grove, Wis., and Belvidere, Ill., between Minneapolis, Minn., and Chicago, Ill., and between Muscatine, Iowa, and Chicago, Ill., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, between Rhinelander, Wis., and Laona, Wis., serving all intermediate points but restricted against service at Laona; *general commodities*, between specified points in Illinois, between Harvard, Ill., and Edgerton, Wis., between Richmond, Ill., and Burlington, Wis., between Harvard, Ill., and Beloit, Wis., between Darien, Wis., and Beloit, Wis., and between Clinton, Wis., and Harvard, Ill., serving all intermediate and certain off-route points; *potatoes*, in bags, between Bancroft, Wis., and junction Portage County Trunk Highway W and U.S. Highway 51, serving all intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between certain points in Illinois, on the one hand, and, on the other, certain points in Illinois; *household goods*, as defined by the Commission, between certain points in Iowa, on the one hand, and, on the other, points in Illinois; *petroleum products*, in bulk, in tank vehicles, from Sheboygan and Green Bay, Wis., to certain points in Michigan, and from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to certain points in Wisconsin; *petroleum and 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 Kewaunee, Wis., to points in the Upper Peninsula of Michigan, from Lemont, Ill., to certain points in Wisconsin, and from Blooming Grove in Dane County, Wis., to points in the Upper Peninsula of Michigan; *drain oil* (reclaimed motor oil) in bulk, in tank vehicles, from Beaver Dam, Wis., to Lyons, Ill.; *livestock*, between points in Muscatine County, Iowa, on the one hand, and, on the other, points in Illinois within 60 miles of Muscatine, Iowa; *coal*, from certain points in Illinois to points in Muscatine County, Iowa; *used petroleum oils*, in bulk, in tank vehicles, from West Allis, Wis., to McCook, Ill.; *liquid wood preserving and treating compound*, in bulk, in tank vehicles, from Oshkosh, Wis., to points in the Upper Peninsula of Michigan. SPECTOR FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Missouri, Massachusetts, Indiana, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Illinois, Ohio,

Maryland, Wisconsin, Minnesota, Kansas, Colorado, Iowa, Nebraska, Oklahoma, Texas, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7186. Authority sought for purchase by LONG TRANSPORTATION COMPANY, 3755 Central Avenue, Detroit, Mich., of the operating rights of NORTH RIVER TRANSPORTATION CO., INC., (SAM H. LIPSON, TRUSTEE), c/o Leinwand, Grossman, Mandelbaum & Maron, Attorneys for the trustee, 10 East 40th Street, New York 16, N.Y., and for acquisition by FLORENCE LONG McCALE, also of Detroit, of control of such rights through the purchase. Applicants' attorneys: Bowes & Millner, 1060 Broad Street, Newark 2, N.J., and Leinwand, Grossman, Mandelbaum & Maron, 10 East 40th Street, New York 16, N.Y. 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 the NEW YORK, N.Y., COMMERCIAL ZONE, as defined by the Commission, and those in that part of Westchester County not included in the above commercial zone, and those in that part of Connecticut on and west of Connecticut Highway 104, and between points in the above-described territory, on the one hand, and, on the other, certain points in New York and New Jersey; *general commodities*, except commodities in bulk, between Newark, N.J., and points in the NEW YORK, N.Y., COMMERCIAL ZONE, as defined by the Commission, on the one hand, and Tuxedo Park, N.Y., and points in Rockland County, N.Y., on the other. Vendee is authorized to operate as a *common carrier* in Illinois, Pennsylvania, Ohio, Indiana, Michigan, New York, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7187. Authority sought for purchase by MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak., of the operating rights of HARRIS TRUCK LINE, INCORPORATED, 3002 East Century Boulevard, Lynwood, Calif., and for acquisition by H. LAUREN LEWIS, also of Sioux Falls, of control of such rights through the purchase. Applicants' attorney: Turcotte & Goldsmith, 656 South Los Angeles Street, Los Angeles 14, 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 Omaha, Nebr., and Council Bluffs, Iowa; *household goods* as defined by the Commission, and *emigrant movables*, between Denison, Iowa, and points in Iowa within 15 miles of Denison, on the one hand, and, on the other, points in Illinois, Minnesota, Missouri, Nebraska, and South Dakota; *meats, meat products and meat by-products*, as follows: Amniotic or foetal fluid, bladders, blood, blood albumin, blood flour, blood meal, bones, bouillon cubes, canned or packaged meats, canned or packaged meat products, cracklings, chiii con carne, game,

greases, hog skins, hoofs, horns, lard, lard compounds, meats (fresh, salted, cooked, cured, or preserved), meat scraps, oils, oleo stock, pizzles, poultry, rabbits, rennets, sausage, sausage casings, skins or rinds, bacon or ham, soap stock, stearine, stomach linings, animal tallow, tankage, venison, weasands, and *dairy products*, as follows: butter, butter fat, buttermilk, cheese, cream (all kinds), eggs, milk (all kinds), oleomargarine, poultry (dead, dressed), rabbits (dead), and *articles distributed by meat packing houses*, as follows: abrasives, advertising matter, forms, racks, or signs, bristles, canned goods, chemicals, coloring or compounds, coconut oil, drugs, emulsifiers, fatty acids, feathers or quills, feed (animal, bird, or poultry), fertilizer or fertilizer materials, gelatine, glue or glue stock, glycerine, hair and padding, hides and pelts, lard substitutes, liver extract, peanut butter, pickles, preserves, relishes, condiments, and spreads, premiums when packed with the meat, meat products or meat by-products with which to be given, rennet extract, soap and soap products, tails or switches, toilet preparations, vegetable oil shortening, wool, between Chicago, Ill., and Omaha, Nebr., between Omaha, Nebr., and Denver, Colo., and between Chicago, Ill., and Denver, Colo.; *livestock, agricultural commodities, emigrant movables, and household goods* as defined by the Commission, between points in Frontier and Furnas Counties, Nebr., on the one hand, and, on the other, certain points in Colorado; *livestock*, from Denison, Iowa, and points in Iowa within 15 miles of Denison, to Omaha, Nebr.; *livestock and building materials*, from Omaha, Nebr., to the above-specified Iowa points; *feed, seed, hay, and agricultural implements and parts*, from Omaha, Nebr., to Denison, Iowa; *salt*, from Kanopolis, Kans., to Cambridge, Nebr.; *coal*, from points in Colorado to Cambridge, Nebr.; those rights claimed in an application seeking a "grandfather" certificate under section 7 of the Transportation Act of 1958 (which amended section 203(b)(6) of the Act), viz, *frozen fruits, frozen berries and frozen vegetables*, from points in California, Washington, Oregon, Idaho, Utah, Colorado, Missouri, Illinois, Michigan, and New York, to points in Minnesota, Wisconsin, Nebraska, Iowa, Missouri, Baltimore, Md., Louisville, Ky., Michigan, Indiana, Ohio, Illinois, Kansas, Colorado, New York, N.Y., California, and Utah. Vendee is authorized to operate as a *common carrier* in South Dakota, Washington, Oregon, Minnesota, Iowa, Utah, California, Nebraska, Nevada, North Dakota, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Montana, Idaho, Delaware, Maryland, Michigan, Ohio, Virginia, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 7182. Authority sought for purchase by INDIANA MOTOR BUS COMPANY, 716 South Main Street,

South Bend 18, Ind., of the operating rights of NORTHERN INDIANA TRANSIT, INC., 401 South Frances Street, South Bend 24, Ind., and for acquisition by E. E. FURRY, 612 South Michigan Street, Plymouth, Ind., of control of such rights through the purchase. Applicants' attorney: Harry J. Harman, 219 Bankers Trust Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *Passengers and their baggage*, and of *newspapers*, in the same vehicle with passengers, as a *common carrier* over a regular route between Niles, Mich., and Elkhart, Ind., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Indiana, Michigan and Illinois. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-3836; Filed, May 5, 1959; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANNA ARCHENHOLD

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Archenhold, Wuppertal, Germany; \$1,496.65 in the Treasury of the United States.

Vesting Order Nos. 3438 and 3439; Claim No. 58691.

Executed at Washington, D.C., on April 27, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-3827; Filed, May 5, 1959; 8:48 a.m.]

LEON JANET

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Leon Jantet, 16 Rue Tacon, Oyonnax, Ain, France; \$836.12 in the Treasury of the United States.

Vesting Order No. 17906; Claim No. 62412.

Executed at Washington, D.C., on April 27, 1959.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-3828; Filed, May 5, 1959; 8:48 a.m.]

PAUL MARGULIUS

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paul Margulius, Tel Aviv, Israel; \$746.92 in the Treasury of the United States.

Vesting Order Nos. 4236 and 5664; Claim No. 61267.

Executed at Washington, D.C., on April 27, 1959.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-3829; Filed, May 5, 1959; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

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