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## Title 7—AGRICULTURE

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

[Valencia Orange Reg. 175, Amdt. 1]

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

##### Limitation of Handling

*Findings.* 1. 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 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 922.475 (Valencia Orange Regulation 175, 24 F.R.

5963) are hereby amended to read as follows:

(ii) District 2: 877,800 cartons.

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

Dated: July 31, 1959.

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

[F.R. Doc. 59-6409; Filed, Aug. 4, 1959;  
8:45 a.m.]

#### PART 938—IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

##### Limitation of Shipments

*Findings.* (a) Marketing Agreement No. 135, and Order No. 38 (7 CFR Part 938), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provide methods for limiting the handling of potatoes grown in the areas defined therein through the issuance of regulations authorized in §§ 938.1 through 938.86 inclusive of the said order. The Red River Valley Potato Committee, pursuant to § 938.51 of the said marketing agreement and order, has recommended that regulations limiting the handling of 1959 crop potatoes, as authorized by said marketing agreement and order, should be issued. The recommendations of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this section is based became avail-

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able and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

**§ 938.301 Limitation of shipments.**

During the period of August 16, 1959, through June 30, 1960, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f) and (g) of this section. The requirements of paragraph (b) shall terminate on November 1, 1959.

(a) *Minimum grade and size requirements*—(1) *Round varieties*. U.S. No. 2, or better, grade, 2 inches minimum diameter.

(2) *Long varieties*. U.S. No. 2, or better, grade, 2 inches minimum diameter, or 4 ounces minimum weight.

(3) *All varieties*. Size B, if U.S. No. 1, or better, grade, and packed separately.

(b) *Minimum maturity requirements*—*All varieties*. "Moderately skinned."

(c) *Special purpose shipments—Chipping*. U.S. No. 2, or better, grade, 2 inches minimum diameter. Prior to September 15, 1959, shipments failing to meet the maturity requirements of paragraph (b) may be handled without regard to such requirements: *Provided*, The handler complies with the safeguard requirements of paragraph (e). On and after September 15, 1959, shipments shall meet the maturity requirements of paragraph (b).

(d) *Exempted shipments*. The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed, if a copy of the applicable certified seed inspection certificate is furnished the committee.

(2) Canning or freezing.

(e) *Safeguards*. (1) Each handler making shipments of potatoes for chipping prior to September 15, 1959 that fail to meet the maturity requirements of paragraph (b), and each handler making shipments at any time for canning or freezing shall, prior to shipment, (i) apply for and obtain an approved Certificate of Privilege from the Committee pursuant to the provisions of § 938.120; (ii) obtain inspection of, and pay assessments on such shipments, except shipments for canning or freezing; (iii) furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes; and (iv) bill each shipment directly to the applicable processor or receiver.

(2) Compliance with the requirements of this paragraph shall not excuse failure to comply with State laws or regulations requiring inspection of potatoes handled for canning or freezing and the payment of State taxes or assessments thereon.

(f) *Minimum quantities*. Pursuant to § 938.53, each handler may handle up to, but not to exceed, 30 hundredweight of tablestock potatoes, in the aggregate, per shipment free from requirements, effective pursuant to § 938.42 (assessments) and § 938.60 (inspection). This exemption shall not apply to any portion of a shipment of over 30 hundredweight of such potatoes.

(g) *Inspection*. (1) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part, each inspection certificate is hereby determined, pursuant to paragraph (d) of § 938.60, to be valid for a period not to exceed 5 days following completion of inspection as shown in the certificate. (2) Except as provided in paragraph (f) of this section, no handler shall transport or cause the transportation of any shipment of tablestock potatoes by motor vehicle, unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(h) *Definitions*. The terms "moderately skinned", "U.S. No. 1", "U.S. No. 2", and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 135 and Order No. 38.

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

Dated: July 31, 1959, to become effective August 16, 1959.

S. R. SMITH,  
Director,

Fruit and Vegetable Division.

[F.R. Doc. 59-6457; Filed, Aug. 4, 1959; 8:50 a.m.]

**PART 940—PEACHES GROWN IN MESA COUNTY, COLO.**

**Determination Relative to Expenses and Fixing of Rate of Assessment for 1959-60 Fiscal Year**

Pursuant to the amended marketing agreement and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order, as amended), it is hereby found and determined that:

**§ 940.211 Expenses and rate of assessment for the 1959-60 fiscal year.**

(a) *Expenses*. Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning March 1, 1959, and ending February 29, 1960, will amount to \$11,800.00.

(b) *Rate of assessment*. The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at one and two-tenths cents (\$.012) per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

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

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) shipments of the current crop of peaches from Mesa County, Colorado, are now being made; (2) the rate of assessment is, in accordance with the amended marketing agreement and order, applicable to all fresh peaches shipped during the 1959-60 fiscal year; and (3) it is essential that the specification of assessment rate be issued immediately so as to enable the said Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

Dated July 31, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 59-6456; Filed, Aug. 4, 1959;  
8:50 a.m.]

## PART 989 — RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

### Modified Minimum Grade Standards for Packed Raisins; Extension of Time

Notice was published in the July 10, 1959, issue of the FEDERAL REGISTER (24 F.R. 5577) that consideration was being given to a proposal to extend through October 5, 1959, the modified minimum grade standards for certain packed raisins (24 F.R. 1408), which are to expire on August 31, 1959. The current modification, effective for the period from February 26, 1959, through August 31, 1959, and the proposed extension thereof, are in accordance with the applicable provisions of Marketing Agreement No. 109, as amended, and Order No. 39, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California. The said amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed extension was recommended by the Raisin Administrative Committee, established under the marketing agreement and order.

The notice published on July 10, 1959, afforded interested persons an opportunity to file written data, views or arguments pertaining to the extension; and some were filed within the period specified.

As set forth in the notice, the proposal was to extend the current modification of the minimum grade standards (providing less severe restrictions for mechanical injury) from August 31, 1959, through October 5, 1959, a total extension of five weeks. One of the purposes of the proposed extension was to enable handlers to continue the reconditioning and shipment of rain damaged raisins of the 1958 production until 1959 crop raisins become available in substantial volume for shipment. When the notice was issued, 1959 crop raisins were not expected to be available in substantial volume until approximately October 5, 1959. Since issuance of the notice, development of the 1959 raisin variety grape crop indicates that production of raisins this season will be as much as two weeks earlier than previously anticipated. In view of this development, 1959 crop raisins may be available in substantial volume for shipment on and after September 22, 1959, and a total extension of three weeks (through September 21, 1959), rather than the proposed five-week extension, of the current modifica-

tion of the minimum grade standards would appear adequate for such purpose.

After consideration of all relevant matters presented pertaining to the proposal, including the recommendation of the Raisin Administrative Committee, other available information, and the data, views, and arguments which were filed in connection with the aforesaid notice, it is hereby found that to extend from August 31, 1959, through September 21, 1959, the current modification (24 F.R. 1408) of the minimum grade standards for certain packed raisins will tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That the order (24 F.R. 1408) further modifying until September 1, 1959, the minimum grade standards prescribed in § 989.59(a)(2), as modified (23 F.R. 6374), is, pursuant to the authority contained in § 989.59(b), amended by deleting therefrom the words "continuing in effect until September 1, 1959" and inserting in lieu thereof the words "continuing in effect until September 22, 1959".

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that: (1) This amendment extends beyond August 31, 1959, until September 22, 1959, the less restrictive current minimum grade standards for certain packed raisins in order to facilitate the recovery and shipment of raisins suitable for human consumption; (2) it has no regulatory effect on the handling of raisins in any event until September 1, 1959, when the more restrictive modified minimum grade standards in effect prior to February 26, 1959, otherwise would become effective; (3) it relieves restrictions on the handling of raisins; and (4) in these circumstances, this amendment should be made effective on the date of its publication in the FEDERAL REGISTER.

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

Dated, July 31, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,  
Director,  
Fruit and Vegetable Division.

[F.R. Doc. 59-6458; Filed, Aug. 4, 1959;  
8:51 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter I—Farm Credit Administration

#### SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM PART 10—FEDERAL LAND BANKS GENERALLY

#### Interest Rates on Loans Made Through Associations

The interest rate on loans made through national farm loan associations has been increased from 5½ percent to

6 percent per annum by the Federal Land Bank of Baltimore on applications accepted on and after September 1, 1959, and closed after December 31, 1959; and by the Federal Land Bank of Spokane on applications taken on or after August 1, 1959. The interest rate on loans made through national farm loan associations has been increased from 5 percent to 5½ percent per annum by the Federal Land of Berkeley on applications taken on and after August 1, 1959. In order to reflect such changes, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (23 F.R. 2137, 3029, 6976, 8651; 24 F.R. 845, 2267, 3181, 3559, 4296, 5329), is amended by substituting "6" for "5½" in the lines with "Baltimore" and "Spokane", and "5½" for "5" in the line with "Berkeley".

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665. Interprets or applies secs. 12 "Second", 17(b), 39 Stat. 370, 375, as amended; 12 U.S.C. 771 "Second", 881(b))

R. B. TOOTELL,  
Governor,  
Farm Credit Administration.

[F.R. Doc. 59-6432; Filed, Aug. 4, 1959;  
8:47 a.m.]

## Chapter III—Farmers Home Adminis- tration, Department of Agriculture

### SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[Administration Letter 648 (444)]

## PART 383—FARM HOUSING LOANS

### Definition of Farm Eligible for Farm Housing Loan

Section 383.3(b), Title 6, Code of Federal Regulations (23 F.R. 2549), is amended to redefine a farm eligible for the purposes of Title V of the Housing Act of 1949, and to read as follows:

#### § 383.3 Qualifications for Farm Hous- ing loan.

\* \* \* \* \*

(b) *Farm.* For the purposes of this part, a farm as defined in Title V of the Housing Act of 1949 includes the total acreage of one or more tracts of land owned by the applicant and operated as an individual farm or ranch. In addition, as to applications received on or after July 15, 1959, the applicant's farm must be in agricultural production and be of such size and productive capacity that it (1) will produce agricultural commodities in sufficient quantities that the proceeds from their sale will be a substantial portion of the operator's total cash income, and (2) is recognized in the community as a farm rather than a rural residence.

(Secs. 501, 510, 63 Stat. 432, 437; 42 U.S.C. 1471, 1480; Order of Acting Sec. of Agric., 19 F.R. 74; 77, 22 F.R. 8188)

Dated: July 30, 1959.

K. H. HANSEN,  
Administrator,  
Farmers Home Administration.

[F.R. Doc. 59-6459; Filed, Aug. 4, 1959;  
8:51 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service

### PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

#### Determination Relative to Budget of Expenses and Fixing Rates of Assessment for 1959

On July 11, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5615) regarding the budget of expenses and the fixing of the rates of assessment for the calendar year 1959, under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus. This regulatory program is effective pursuant to Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 851 et seq.).

The notice provided a period of 15 days for interested parties to file data, views or arguments with the Hearing Clerk. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that:

a. Section 131.159 is added to read as follows:

#### § 131.159 Budget of expenses and rates of assessment for the calendar year 1959.

(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order (§§ 131.1 to 131.113), for the maintenance and functioning of said Agency during the calendar year 1959, will amount to \$44,615.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of \$11,847.02 on hand with said Control Agency on January 1, 1959, from assessments collected during the calendar year 1958, leaving a balance of \$32,767.98 to be collected during the calendar year 1959.

(b) *Rates of assessment.* Of the amount of \$32,767.98 to be collected during the calendar year 1959, the sum of \$25,001.97 shall be assessed against handlers who are manufacturers, and \$7,766.01 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1959 by each handler who is a manufacturer shall be \$14.54 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1958 and the pro rata share of such expenses to be paid for the calendar year 1959 by each handler who is a wholesaler shall be \$25.00 for the first ten thousand dollars or fraction thereof and \$4.70 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with

the applicable provisions of the marketing agreement and order (§§ 131.1 to 131.113).

(c) *Terms.* As used in this section, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order (§§ 131.1 to 131.113).

*Findings relative to effective date.* It is hereby further found that (1) the fiscal year of the Control Agency established pursuant to the provisions of the marketing agreement and the marketing order corresponds to the calendar year, and the current calendar year 1959 is already well advanced; (2) the expenses of operating this regulatory program since January 1, 1959, have been paid with funds representing assessments collected in excess of expenses incurred during the calendar year 1958 and prepayments of a portion of their 1959 assessments by manufacturer and wholesaler handlers; (3) nearly all such funds have now been expended; (4) in order for the administrative assessments to be collected, it is essential that the specification of the assessment rates be effective immediately so as to enable the Control Agency to perform its respective duties and functions under the aforesaid marketing agreement and marketing order; and (5) no preparation with respect to this determination is required of persons regulated which cannot be com-

pleted prior to the effective date hereof. Wherefore, it is hereby determined that good cause exists for making this determination effective upon its publication in the FEDERAL REGISTER. (Sec. 60, 49 Stat. 782; 7 U.S.C. 855.)

Done at Washington, D.C., this 30th day of July 1959, to become effective upon publication in the FEDERAL REGISTER.

M. R. CLARKSON,  
Acting Administrator,  
Agricultural Research Service.

[F.R. Doc. 59-6410; Filed, Aug. 4, 1959; 8:45 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of Foreign Commerce, Department of Commerce

### SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 20]

### PART 382—DENIAL OF EXPORT PRIVILEGES

#### Table of Denial and Probation Orders

In § 382.51 *Supplement 1; Table of denial and probation orders currently in effect*, paragraph (b) *Table of denial and probation orders* is amended by adding the following entries:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Abou Hadid Freres, Rue Hamidie—Souk Nasrie—No. 49, Damascus, Syria.	7-21-59	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 5946, 7-24-59
Bertling, F. H., Monckebergstrasse 11, Hamburg 1, Federal Republic of Germany.	7-16-59	Duration.....	do.....	24 F.R. 5810, 7-21-59
Hadid, Rizqallah Abou, Rue Hamidie—Souk Nasrie—No. 49, Damascus, Syria.	7-21-59	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Abou Hadid Freres, which see.)	24 F.R. 5946, 7-24-59
Toyo Koeki, Room 603-4 Fukoku Bldg., Uchisaiwai-cho, 2 Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Levee and Company, which see.)	21 F.R. 775-777, 2-3-56
Schwarzinger & Co., Internationale Spedition G.m.b.H., Vienna 1, Stallburggasse 4.	5-29-59	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 5480, 7-7-59
Wilson, James Besil, 2 Doughty St., London, W.C. 2, England.	9-23-58	do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bakanowski Corporation Ltd., which see.)	23 F.R. 7536, 9-27-58

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

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

[F.R. Doc. 59-6423; Filed, Aug. 4, 1959; 8:46 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

### PART 3—RADIO BROADCAST SERVICES

#### Miscellaneous Amendments

1. The Commission has under consideration the desirability of making certain

editorial changes in Part 3 of its rules and regulations.

2. Upon review of the provisions of Part 3, the Commission believes that the editorial changes set forth below should be adopted. In general, these editorial changes eliminate provisions covered by Subpart D of Part 1 of the rules "Broadcast Applications and Proceedings"; add new provisions cross-referencing each Subpart of Part 3 to Subpart D of Part 1; correct typographical errors; delete obsolete notes and provisions; and bring other provisions up to date.

3. The amendments adopted herein are editorial in nature and, therefore, prior publication of notice of proposed rule making pursuant to the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the

amendments may become effective immediately.

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

5. In view of the foregoing: *It is ordered*, This 30th day of June 1959, that effective August 6, 1959, Part 3 "Radio Broadcast Services" of the Commission's rules and regulations is amended as set forth below.

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

Released: July 30, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

The principal editorial changes set forth below consist of the following:

1. Four notes in Part 3, which appear in Title 47 of The Code of Federal Regulations, are based on public notices released by the Commission and published in the FEDERAL REGISTER. a. The note preceding Subpart A, appearing on page 137 of the Code of Federal Regulations, which concerns the issuance of tax certificates, has been deleted since the section of the Internal Revenue Code to which it relates has been amended. b. Note 3 following § 3.25(d), appearing on page 142 of the Code of Federal Regulations, which concerns applications for construction permits for standard broadcast stations requesting power of 5 kw during daytime hours on Mexican Clear Channels pending ratification of the U.S./Mexican Agreement, has not been changed. c. The note following § 3.626, appearing on page 287 of the Code of Federal Regulations, which concerns the August 1, 1956, policy statement of the Commission with respect to petitions for extension of time to construct UHF stations, has been deleted, since § 3.626, to which it relates, has been deleted. d. The note following § 3.682(b)(6) and beginning on page 303 of the Code of Federal Regulations, concerns the use of TV test signals. This note has been revised to conform to the Commission's latest public notice in the matter.

2. New provisions have been added cross-referencing each Subpart of Part 3 governing a particular broadcast service to Subpart D of Part 1, which is applicable to all broadcast services listed in Part 3. Sections of Part 3 which are covered by provisions in Subpart D of Part 1 have been deleted. They are the following:

§ 3.24(a) (covered by §§ 1.322, 1.325, and 1.328).  
§ 3.34(b) (covered by § 1.315).  
§ 3.94 (covered by § 1.314).  
§ 3.211(a) (covered by §§ 1.322, 1.325, and 1.328).  
§ 3.212 (covered by § 1.304).  
§ 3.213 (covered by § 1.322(b)).  
§ 3.214 (covered by § 1.314).  
§ 3.215 (paragraph (a) covered by § 1.313; paragraphs (b) and (c) by § 1.323).

§ 3.219 (covered by § 1.315).  
§ 3.220 (covered by § 1.328).  
§ 3.222 (covered by § 1.309).  
§ 3.223 (covered by §§ 1.329 and 1.330).  
§ 3.511(a) (covered by §§ 1.322 and 1.325).  
§ 3.512 (covered by § 1.304).  
§ 3.513 (covered by § 1.322(b)).  
§ 3.514 (covered by § 1.314).  
§ 3.515 (paragraph (a) covered by § 1.313; paragraphs (b) and (c) by § 1.323).  
§ 3.519 (covered by § 1.315).  
§ 3.520 (covered by § 1.328).  
§ 3.522 (covered by § 1.309).  
§ 3.523 (covered by §§ 1.329 and 1.330).  
§ 3.622(a) (first sentence) (covered by §§ 1.322, 1.325, and 1.328).  
§ 3.623 (covered by § 1.304).  
§ 3.624 (covered by § 1.309).  
§ 3.625 (covered by § 1.322(b)).  
§ 3.626 (covered by § 1.314).  
§ 3.627 (paragraph (a) covered by § 1.313; paragraphs (b) and (c) by § 1.323).  
§ 3.631 (covered by § 1.328).  
§ 3.633 (covered by § 1.315).  
§ 3.634 (covered by §§ 1.329 and 1.330).  
§ 3.712 (covered by § 1.304).  
§ 3.713 (covered by § 1.322(b)).  
§ 3.714 (covered by § 1.314).  
§ 3.715 (paragraph (a) covered by § 1.313; paragraphs (b) and (c) by § 1.323).  
§ 3.719 (covered by § 1.315).  
§ 3.720 (covered by § 1.328).  
§ 3.722 (covered by § 1.309).  
§ 3.723 (covered by §§ 1.329 and 1.330).

3. Certain provisions of Part 3 have been revised to bring them up-to-date principally to correct references to Part 1, to Alaska, and other references. The following obsolete provisions have been deleted:

§ 3.139(b)  
§ 3.241(b)  
§ 3.659(b)  
§ 3.752(a)

4. Other provisions have been redesignated or added as new sections:

Subpart A		Subpart E	
Old	New	Old	New
-----	§ 3.17	-----	§ 3.620
§ 3.24(c)	§ 3.18	§ 3.622(b)	§ 3.623
Subpart B		Subpart F	
-----	§ 3.214	-----	§ 3.710
§ 3.211(b)	§ 3.215	§ 3.711(d)	§ 3.712
Subpart C			
-----	§ 3.514		
§ 3.511(b)	§ 3.515		

Part 3—Radio Broadcast Services is amended as follows:

1. The Note appearing in the Code of Federal Regulations preceding Subpart A is deleted. This note, based on a public notice (FCC 56-919) released September 27, 1956, by the Commission and published in the FEDERAL REGISTER on October 13, 1956 (21 F.R. 7831), related to the Commission's policy on issuance of tax certificates pursuant to section 1071 of the Internal Revenue Code (26 U.S.C. 1071) prior to its amendment (Pub. Law 85-866, sec. 48, 72 Stat. 1606).

Subpart A is amended as follows:

2. Section 3.4 is amended to add a comma after the reference to § 3.22, as follows:

#### § 3.4 Dominant station.

The term "dominant station" means a Class I station, as defined in § 3.22, operating on a clear channel.

3. A new center headnote and a new § 3.17 are added to read as follows:

#### ADMINISTRATIVE PROCEDURE

#### § 3.17 Cross reference.

See §§ 1.300 to 1.364, Subpart D of Part 1 of this Chapter, for general requirements as to applications, filing of applications and description of application forms, other forms and information to be filed with the Commission, the manner in which applications are processed, and provisions applying to action on applications.

4. A new § 3.18 (derived from § 3.24(c)) is added to read as follows:

#### § 3.18 Notification of filing of applications.

In order to minimize harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, West Virginia, an applicant for authority to construct a new standard broadcast station or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15' N. on the north, 78°30' W. on the east, 37°30' N. on the south, and 80°30' W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, West Virginia, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

5. Section 3.22(a) is amended by changing, in the second sentence, "except from stations on the adjacent channel," to "except from stations on adjacent channels," as follows:

#### § 3.22 Classes and power of standard broadcast stations.

(a) *Class I station.* A Class I station is a dominant station operating on a clear channel and designed to render primary and secondary service over an extended area and at relatively long distances. Its primary service area is free from objectionable interference from other stations on the same and adjacent channels, and its secondary service area free from interference ex-

cept from stations on adjacent channels, and from stations on the same channel in accordance with the channel designation in § 3.25 or § 3.182. The operating power shall be not less than 10 kilowatts nor more than 50 kilowatts. (Also see § 3.25(a) for further power limitation.)

6. Section 3.24 is revised by deleting paragraph (a), revising paragraph (b), and redesignating paragraph (c) as § 3.18; as revised, § 3.24 reads as follows:

§ 3.24 Broadcast facilities; showing required.

An authorization for a new standard broadcast station or increase in facilities of an existing station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(a) That the proposed assignment will tend to effect a fair, efficient, and equitable distribution of radio service among the several states and communities.

(b) That objectionable interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweighs the need for the service which will be lost by reason of such interference. That the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree. (For determining objectionable interference, see §§ 3.182 and 3.186.)

(c) That the applicant is financially qualified to construct and operate the proposed station.

(d) That the applicant is legally qualified. That the applicant (or the person or persons in control of an applicant corporation or other organization) is of good character and possesses other qualifications sufficient to provide a satisfactory public service.

(e) That the technical equipment proposed, the location of the transmitter, and other technical phases of operation comply with the regulations governing the same, and the requirements of good engineering practice. (See technical regulations of this subpart and § 3.188.)

(f) That the facilities sought are subject to assignments as requested under existing international agreements and the rules and regulations of the Commission.

(g) That the population within the 1 v/m contour does not exceed 1.0 percent of the population within the 25 mv/m contour: *Provided, however,* That where the number of persons within the 1 v/m contour is 300 or less the provisions of this subparagraph are not applicable.

(h) That the public interest, convenience, and necessity will be served through the operation under the proposed assignment.

7. Section 3.25 is amended to add the text of paragraph (e) as a note to paragraph (a) and to delete paragraph (e), as follows:

§ 3.25 Clear channels; Classes I and II stations.

(a) To each of the channels below, except as provided in the note to this

paragraph, there will be assigned one Class I station and there may be assigned one or more Class II stations, within the continental limits of the United States operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kc. There also may be assigned to these frequencies Class II stations operating unlimited time in Alaska, Hawaii, Virgin Islands, and Puerto Rico which will not deliver over 5 microvolts per meter groundwave day or night or 25 microvolts per meter 10 percent time skywave at night at any point within the continental limits of the United States, excluding Alaska. The power of the Class I stations on these channels shall not be less than 50 kw.

NOTE: On the frequency 770 kilocycles, two Class I stations may be assigned.

(e) [Deleted].

8. Section 3.34(b) is deleted, as follows:

§ 3.34 Normal license period.

(b) [Deleted].

9. Section 3.35 preceding paragraph (a) is amended to delete the period in the parenthetical expression, as follows:

§ 3.35 Multiple ownership.

No license for a standard broadcast station shall be granted to any party (including all parties under common control) if:

10. Section 3.40 is amended to delete subdivision designator "(i)" in paragraph (a) (10); paragraph (b) preceding subparagraph (1) is amended to insert "(section 8192(a), (b), and (c))" after "National Electrical Code" and to delete Note 2; paragraph (e) is amended to change "are" to "is" in the second sentence; and paragraph (f) (1) (ii) is amended by changing the reference "Section 8191" to "Section 8192"; as follows:

§ 3.40 Transmitter; design, construction, and safety of life requirements.

(a) *Design.* \* \* \*

(10) Means are provided for connection and continuous operation of approved modulation monitor and approved frequency monitor. The radio frequency energy for operation of the approved frequency monitor shall be obtained from a radio-frequency stage prior to the modulated stage unless the monitor is of such design as to permit satisfactory operation when otherwise connected and the monitor circuits shall be such that the carrier is not heterodyned thereby.

(b) *Construction.* In general, the transmitter shall be constructed either on racks and panels or in totally enclosed frames protected as required by article 810 of the National Electrical Code (section 8192 (a), (b), and (c)), and as set forth in this paragraph and paragraph (c) of this section.

NOTE: The final stages of high power transmitters may be assembled in open frames provided the equipment is enclosed by a protective fence.

(e) *Spare tubes.* A spare tube of every type employed in the transmitter and frequency and modulation monitors shall be kept on hand. When more than one tube of any type is employed, the following table determines the number of spares of that type required:

Number of each type employed:	Spares required
1 or 2	1
3 to 5	2
6 to 8	3
9 or more	4

(f) *Studio equipment.* (1) \* \* \* (ii) Section 8192 of article 810 of the National Electrical Code shall apply for voltages only when in excess of 500 volts.

11. Section 3.45(d) is amended to insert a comma in the title of Part 17, as follows:

§ 3.45 Radiating system.

(d) The antenna and/or supporting structure shall be painted and illuminated in accordance with the specifications supplied by the Commission pursuant to section 303(q) of the Communications Act of 1934 as amended. (See Part 17 of this chapter; rules concerning the Construction, Marking, and Lighting of Antenna Structures.)

12. Paragraph (a) (1) and (2) of § 3.48 are amended to read as follows:

§ 3.48 Acceptability of broadcast transmitters for licensing.

(1) A transmitter may be type-accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2 of this chapter, provided that the data and information submitted indicate that the transmitter meets the requirements of § 3.40. If accepted, such transmitter will be included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Applicants specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, provided that the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D.C., and at each of its field offices.

(2) An application specifying a transmitter not included on the Radio Equipment List, Part B, may be accepted upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power

supply voltage variations. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file". Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

13. Section 3.56(c) is amended to insert "in accordance with § 1.337 of this chapter" following "informal request" as follows:

**§ 3.56 Modulation monitors.**

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the above allowed period, informal request in accordance with § 1.337 of this chapter may be filed with the Engineer in Charge of the radio district in which the station is operating for such additional time as may be required to complete repairs of the defective instrument.

14. Paragraph (b) (3) and paragraph (d) of § 3.58 are amended to read as follows:

**§ 3.58 Indicating instruments.**

(b) \* \* \*  
(3) If the defective instrument is the antenna current meter of a nondirectional station which does not employ a remote antenna ammeter, or if the defective instrument is the common point meter of a station which employs a directional antenna, and does not employ a remote common point meter, the operating power shall be determined by the indirect method in accordance with § 3.52 during the entire time the station is operated without the antenna current meter or common point meter. However, if a remote antenna ammeter or a remote common point meter is employed and the antenna current meter or common point meter becomes defective, the remote meter may be used in determining operating power by the direct method pending the return to service of the regular meter, provided other meters are maintained at same value previously employed.

(d) Remote antenna ammeters and remote common point meters are not required; therefore, authority to operate without them is not necessary. However, if a remote antenna ammeter or common point meter is employed and becomes defective, the antenna base currents may be read and logged once daily for each mode of operation, pending the return to service of the regular remote meter.

15. Subparagraphs (3) and (4) of § 3.66(c) are amended to read as follows:

**§ 3.66 Remote control authorization.**

(c) \* \* \*  
(3) The transmitter, if the power rating is in excess of 10 kw, is reliable and

capable of being operated by remote control.

(4) The station, if authorized to operate with a directional antenna and/or with power in excess of 10 kw, will be equipped so that it can be satisfactorily operated in accordance with Subpart G of this part, on a CONELRAD frequency with a power of 5 kw or not less than 50 percent of the maximum licensed power, whichever is the lesser, and that the necessary switching from the licensed frequency to the CONELRAD frequency can be accomplished from the remote control position: *Provided, however,* That the power may be less than 50 percent upon certification by the CONELRAD Field Supervisor that such a power will provide satisfactory service under CONELRAD.

16. Paragraph (a) (5) of § 3.67 is amended to read as follows:

**§ 3.67 Remote control operation.**

(a) \* \* \*  
(5) The indications at the remote control point of the antenna current meter or, for directional antennas, the common point current meter and remote base current meters, shall be read and entered in the operating log each half hour.

17. Subparagraphs (2) and (3) of § 3.87(a) are amended to read as follows:

**§ 3.87 Program transmissions prior to local sunrise.**

(a) \* \* \*  
(2) Any Class II station causing interference, as determined by the standard broadcast Technical Standards of this subpart, by use of its daytime facilities within the 0.5 mv/m 50 percent skywave contour of any Class I station of the United States, Mexico, or of any country party to the North American Regional Broadcasting Agreement, except (i) where the Class I station is located east of the Class II station in which case operation may begin at local sunrise at the Class I station; (ii) where an agreement has been reached with the Class I station to begin operation prior to local sunrise.

(3) Operation by use of its daytime facilities of any Class II station on any Class I-A channel not assigned to the United States under the North American Regional Broadcasting Agreement or under the U.S./Mexican Agreement.

18. Section 3.93(b) is amended to read as follows:

**§ 3.93 Operator requirements.**

(b) A station which is authorized for non-directional operation with power of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radio-telephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1) through (4) of this paragraph, necessary to be performed

during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation. (A person holding any class of radio operator license or permit who is authorized thereunder to perform limited operation of a standard broadcast station may, when a CONELRAD Radio Alert is called, make adjustments necessary to effect operation on a CONELRAD authorization: *Provided,* That the station's full-time radiotelephone first-class operator shall have previously instructed such person in the adjustments to the transmitter which are necessary to accomplish CONELRAD operation.) Adjustments of transmitting equipment by such operators, except when under the immediate supervision of a radio-telephone first-class operator, shall be limited to the following:

(1) Those necessary to commence or terminate transmitter emissions as a routine matter.

(2) Those external adjustments that may be required as a result of variations of primary power supply.

(3) Those external adjustments which may be necessary to insure modulation within the limits required.

(4) Those adjustments necessary to effect any change in operating power which may be required by the station's instrument of authorization.

Should the transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing it into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of a radiotelephone first-class operator shall be required to terminate the station's emissions.

19. Delete § 3.94 and insert the following:

**§ 3.94 [Reserved]**

**§ 3.121 [Amendment]**

20. Section 3.121(f) is amended to change the reference "§ 1.327" in the parenthetical matter at the end of the paragraph to "§ 1.334".

**§ 3.139 [Amendment]**

21. Section 3.139 is amended by deleting paragraph (b) and paragraph designator "(a)".

**§ 3.181 [Amendment]**

22. Section 3.181(b) is amended by changing "for operation in public interest" in the first sentence to "for operation in the public interest".

**§ 3.182 [Amendment]**

23. Section 3.182 is amended as follows:

a. Paragraph (a) (1) (i) is amended to read as follows:

(i) The Class I stations in Group I-A are those assigned to the channels allocated by § 3.25(a), on which, except to the extent therein provided, duplicate nighttime operation is not permitted; that is, no other station is permitted to operate on a channel with a Class I

station of this group within the limits of the continental United States, excluding Alaska (the Class II stations assigned the channels operate limited time or daytime only), and during daytime the Class I station is protected to the 100 uv/m groundwave contour. Protection is given this class of station to the 500 uv/m groundwave contour from adjacent channel stations for both day and nighttime operations. The power of each such Class I station shall not be less than 50 kw.

b. Paragraph (v) is amended to add footnote designator 7 after "Not duplicated" in the first line of the fifth column of the table, to delete the note following the table, and to add the following footnote 7 to the table:

<sup>7</sup>On the frequency 770 kc, two Class I stations may be assigned.

c. The text of paragraph (w), except for the table, is amended to read as follows:

(w) The following table is to be used for determining the minimum ratio of the field intensity of a desired to an undesired signal for interference free service. In the case of a desired groundwave signal interfered with by two or more skywave signals on the same frequency, the RSS value of the latter is used. From the table, it is apparent that in many cases stations operating on channels 10 and 20 kilocycles apart may be operated with antenna systems side by side or otherwise in proximity without any indications of interference if the interference is defined only in terms of permissible ratios listed in this paragraph. As a practical matter, serious interference problems may arise when two or more stations with the same general service area are operated on channels 10, 20, and 30 kilocycles apart.

24. Section 3.184 is amended by the addition of the following new paragraph:

**§ 3.184 Groundwave field intensity charts.**

(f) This paragraph consists of the following Graphs 1-19, 19A, and 20, and a "slider for use with graphs."

25. Section 3.188(a) (4) is amended to read as follows:

**§ 3.188 Location of transmitters.**

(a) \* \* \*  
(4) To fulfill certain other requirements given in the following paragraphs of this section.

26. Section 3.190 is amended by adding the following text:

**§ 3.190 Engineering charts.**

This section consists of the following Figures 1, 2, R3, 5, 6, 6a, 7, and 8.

Subpart B is amended as follows:

27. Section 3.203 is amended by deleting "the Territory of" in two places in paragraphs (c) and (d), as follows:

**§ 3.203 Class A stations.**

(c) In Hawaii, the frequency band 98-103 Mc is allocated for nonbroadcast

use. The frequencies 98.1 through 107.9 Mc, inclusive (Channels 251 through 300, inclusive) will not be assigned in Hawaii for use by FM broadcast stations.

(d) In Alaska, the frequency band 88-100 Mc is allocated to Government radio services and the non-Government fixed service only. The frequencies 88.1 Mc through 99.9 Mc (Channels 201 through 260, inclusive) will not be assigned in Alaska for use by FM broadcast stations.

28. Section 3.204 is amended by deleting "the Territory of" in two places in paragraphs (c) and (d), as follows:

**§ 3.204 Class B stations.**

(c) In Hawaii, the frequency band 98-108 Mc is allocated for nonbroadcast use. The frequencies 98.1 through 107.9 Mc, inclusive (Channels 251 through 300, inclusive) will not be assigned in Hawaii for use by FM broadcast stations.

(d) In Alaska, the frequency band 88-100 Mc is allocated exclusively to Government radio services and the non-Government fixed service. The frequencies 88.1 Mc through 99.9 Mc (Channels 201 through 260, inclusive) will not be assigned in Alaska for use by FM broadcast stations.

**§§ 3.211-3.213 [Deletion]**

29. Sections 3.211, 3.212, and 3.213 are deleted.

30. The present text of § 3.214 is deleted and the following substituted:

**§ 3.214 Cross reference.**

See §§ 1.300 to 1.364, Subpart D of Part 1 of this chapter, for general requirements as to applications, filing of applications and description of application forms, other forms and information to be filed with the Commission, the manner in which applications are processed, and provisions applying to action on applications.

31. The present text of § 3.215 is deleted and new § 3.215 is inserted (deleted from former § 3.211(b)) to read as follows:

**§ 3.215 Notification of filing of applications.**

In order to minimize harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, West Virginia, an applicant for authority to construct a new FM broadcast station or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15' N on the north, 78°30' W on the east, 37°30' N on the south, and 80°30' W on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box #2, Green Bank, West Virginia, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his

application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

**§§ 3.219-3.223 [Deletion]**

32. Sections 3.219 to 3.223, inclusive, are deleted.

**§ 3.241 [Amendment]**

33. Section 3.241 is amended to delete paragraph (b) and paragraph designator "(a)".

**§ 3.255 [Amendment]**

34. Section 3.255(c) (2) is amended to change the reference "§ 1.324" in the last sentence of the parenthetical matter to read "§ 1.331".

35. Section 3.257(c) is amended to read as follows:

**§ 3.257 Changes in equipment and antenna system.**

(c) Other changes, except as above provided for in this section or in the Technical Standards of this subpart, may be made at any time without the authority of the Commission: *Provided*, That the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

36. In § 3.317, paragraph (b) preceding subparagraph (1) is amended to insert "(section 8192(a), (b), and (c))" after "National Electrical Code", to add "as" preceding "set forth below", and to delete the Note; and subdivision (g) (1) (ii) is amended by changing the reference "Section 8191" to "Section 8192"; as follows:

**§ 3.317 Transmitters and associated equipment.**

(b) *Construction.* In general, the transmitter shall be constructed either on racks and panels or in totally enclosed frames protected as required by article 810 of the National Electrical Code (section 8192(a), (b), and (c)), and as set forth below:

(g) *Studio equipment.* (1) \* \* \*  
(ii) Section 8192 of article 810 of the National Electrical Code shall apply for voltages only in excess of 500 volts.

37. Section 3.333 is amended by adding the following text:

**§ 3.333 Engineering charts.**

This section consists of the following Figures 1 and 2.

Subpart C is amended as follows:  
38. In § 3.501, the footnote to the table in paragraph (a), and paragraph (b) are amended to read as follows:

### § 3.501 Channels available for assignment.

(a) \* \* \*

<sup>1</sup>The frequency 89.1 Mc, Channel No. 206 in the New York City metropolitan area, is reserved for the use of the United Nations with the equivalent of an antenna height of 500 feet above average terrain and effective radiated power of 20 kw, and the Commission will make no assignments which would cause objectionable interference with such use.

(b) In Alaska, the frequency band 88-100 Mc is allocated exclusively to Government radio services and the non-Government fixed service. The frequencies 88.1 Mc through 91.9 Mc (Channels 201 through 220, inclusive) will not be assigned in Alaska for use by noncommercial educational FM broadcast stations; however, the frequencies 100.1-107.9 Mc (Channels 261 through 300, inclusive) are available for such use.

### §§ 3.511-3.513 [Deletion]

39. Sections 3.511, 3.512, and 3.513 are deleted.

40. The present text of § 3.514 is deleted and the following text substituted:

### § 3.514 Cross reference.

See §§ 1.300 to 1.364, Subpart D of Part 1 of this chapter, for general requirements as to applications, filing of applications and description of application forms, other forms and information to be filed with the Commission, the manner in which applications are processed, and provisions applying to action on applications.

41. The present text of § 3.515 is deleted and new § 3.515 (derived from former § 3.211(b)) is added, as follows:

### § 3.515 Notification of filing of applications.

In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia, an applicant for authority to construct a new non-commercial educational FM broadcast station or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15' N. on the north, 78°30' W. on the east, 37°30' N. on the south, and 80°30' W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box #2, Green Bank, West Virginia, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the

proposed operation is received during the twenty-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

### § 3.518 [Amendment]

42. Section 3.518 is amended by deleting the note following paragraph (a) (18).

### §§ 3.519-3.523 [Deletion]

43. Sections 3.519 to 3.523 are deleted.

### § 3.557 [Amendment]

44. Section 3.557 is amended by changing the first word of the text from "Licenses" to "Licensees".

Subpart E is amended as follows:

45. Section 3.602 is amended to read as follows:

### § 3.602 Other pertinent rules.

Other pertinent provisions of the Commission's rules and regulations relating to the television broadcast service are included in the following parts of this chapter:

Part 1—Practice and Procedure.

Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations.

Part 4—Experimental, Auxiliary, and Special Broadcast Services.

Part 17—Construction, Marking, and Lighting of Antenna Structures.

46. Section 3.603(b) is amended by deleting "the Territories of" in two places, as follows:

### § 3.603 Numerical designation of television channels.

\* \* \* \* \*

(b) In Alaska and Hawaii, the frequency bands 76-82 Mc and 82-88 Mc are allocated for nonbroadcast use. These frequency bands (Channels 5 and 6) will not be assigned in Alaska or Hawaii for use by television broadcast stations.

### § 3.606 [Amendment]

47. Section 3.606(b) is amended by transferring the entries for Alaska from "U.S. Territories" to the alphabetical listing by States, and by changing the entries for High Point, N.C. and Winston-Salem, N.C. to read as follows:

High Point (also see Greensboro-High Point-Winston-Salem) -----	15+
Winston-Salem (also see Greensboro-High Point-Winston-Salem) 12, 26+, *32-	

48. In § 3.611, the note following paragraph (d) (3) is amended to read as follows:

### § 3.611 Reference points and distance computations.

\* \* \* \* \*

(d) \* \* \*

(3) \* \* \*

NOTE: In determining necessary distance computations for Alaska and the Territories, the appropriate mileage per degree may be obtained by linear interpolation of the data given on pages 1246 and 1247 of the tables in publication H.O. No. 9 (Bowditch-American Practical Navigator—1958 Edition)

of the U.S. Navy Department, Hydrographic Office. This publication may be purchased from the Government Printing Office, Washington 25, D.C.

49. The following new section is added preceding § 3.621:

### § 3.620 Cross reference.

See §§ 1.300 to 1.364, Subpart D of Part 1 of this chapter, for general requirements as to applications, filing of applications and description of application forms, other forms and information to be filed with the Commission, the manner in which applications are processed, and provisions applying to action on applications.

50. Section 3.622 is revised to read as follows:

### § 3.622 Applications for sharing of television channels.

Separate applications shall be filed by each applicant for the voluntary sharing of television channels. Such applications shall be accompanied by copies of the time-sharing agreements under which the applicants propose to operate.

51. The present text of § 3.623 is deleted and new § 3.623 (derived from former § 3.622(b)) is added, as follows:

### § 3.623 Notification of filing of applications.

In order to minimize harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, West Virginia, an applicant for authority to construct a new television broadcast station or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15' N. on the north, 78°30' W. on the east, 37°30' N. on the south, and 80°30' W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box #2, Green Bank, West Virginia, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operations is received during the twenty-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

52. Sections 3.624 to 3.627 are deleted and the following is inserted:

### §§ 3.624-3.627 [Reserved]

**§ 3.630 [Amendment]**

53. Section 3.630 is amended by the deletion of the note following paragraph (a) (18).

54. Section 3.631 is deleted and the following is inserted:

**§ 3.631 [Reserved]**

55. Section 3.632 is amended to read as follows:

**§ 3.632 Emergency weather warnings.**

Upon receipt of notification of an Emergency Weather Warning of a condition of immediate danger to life and property from the United States Weather Bureau, all television broadcast stations may, at their option, broadcast CONELRAD Attention Signals (two five-second carrier breaks and fifteen seconds of 1,000 CPS tone sound carrier only) followed by the emergency Weather Warning as outlined in CONELRAD Manual BC-3 (Revised), Appendix A.

56. Sections 3.633 and 3.634 are deleted and the following is inserted:

**§§ 3.633-3.634 [Reserved]**

**§ 3.638 [Amendment]**

57. Section 3.638(c) (2) is amended by changing the reference "§ 1.324" in the note to "§ 1.331".

**§ 3.651 [Amendment]**

58. Section 3.651(a) is amended by changing "special temporary authority" in the third sentence to "temporary authorization".

**§ 3.655 [Amendment]**

59. Section 3.655(a) is amended by changing "as used below" to "as used in this section".

**§ 3.659 [Amendment]**

60. Section 3.659 is amended by the deletion of paragraph (b) and the deletion of paragraph designator "(a)".

61. Section 3.682(b) is amended to delete the text following the first sentence of subparagraph (6) and to insert as a note following subparagraph (4), and by revising the note appearing in the Code of Federal Regulations following the section, as follows:

**§ 3.682 Transmission standards and changes.**

(b) *Changes in transmission standards.* \* \* \*

(4) The effect of the proposed change or modification in the adopted standards upon operation and obsolescence of receivers;

NOTE: Should a change or modification in the transmission standards be adopted by the Commission, the effective date thereof will be determined in the light of the considerations mentioned in this subparagraph.

(6) The facts and reasons upon which the petitioner bases his conclusion that the proposed change or modification would be in the public interest, convenience, and necessity.

NOTE: *Use of Television Test Signals.* Under consideration in an outstanding rule making proceeding (Docket 11986) is the adoption of a standard test signal to be transmitted by television broadcast stations.

When the Commission instituted rule making in Docket No. 11986, it issued a Public Notice (FCC 57-342, 22 F.R. 2507) on April 4, 1957, pointing out that it would be helpful if, during the course of the proceeding, television stations were authorized, without further specific authority to transmit test signals during programing. Such test transmissions could be employed for the purpose of developing and testing the feasibility of the method used and would be helpful in the preparation of comments and data in the rule making proceeding. Station licenses were cautioned, however, that the specifications of any test signal which may be adopted would be determined after rule making, and that equipment employed under the test authorization may become obsolete as a result of the final specifications adopted. The Commission also stated that the transmission of test signals during program transmissions shall not interfere with synchronization nor significantly degrade the picture reception.

Pending a final decision in Docket No. 11986, television broadcast stations are authorized to continue to conduct test transmissions in accordance with the foregoing for the period ending October 3, 1959. Stations originating test signals pursuant to this authorization are requested to notify the Commission.

**§ 3.685 [Amendment]**

62. Section 3.685(c) is amended by changing, in the third sentence, "hereafter described" to "in § 3.686".

**§ 3.686 [Amendment]**

63. Section 3.686 is amended by changing the last word of paragraph (a) from "below" to "in the following paragraphs of this section".

64. In § 3.687, paragraph (d) preceding subparagraph (1) is amended to insert "(section 8192 (a), (b), and (c))" after "National Electrical Code" and to delete the Note; and paragraph (j) (2) is amended to change the reference "Section 8191" to "Section 8192", as follows:

**§ 3.687 Transmitters and associated equipment.**

(d) *Construction.* In general, the transmitters shall be mounted either on racks and panels or in totally enclosed frames protected as required by article 810 of the National Electrical Code (section 8192(a), (b), and (c)), and as set forth below:

(j) *Studio equipment.* \* \* \*

(2) Section 8192 of article 810 of the National Electrical Code shall apply for voltages only in excess of 500 volts.

65. Section 3.694(b) (2) is amended to read as follows:

**§ 3.694 Requirements for type approval of aural modulation monitors.**

(b) \* \* \*

(2) A modulation peak indicating device shall be provided that can be set at any pre-determined value from 50 to 120 percent modulation ( $\pm 25$  kc swing is defined as 100 percent modulation) and for either positive or negative swings (i.e., either above or below transmitter center frequency).

66. Section 3.699 is amended by the addition of the following text:

**§ 3.699 Engineering charts.**

This section consists of the following Figures 1-12 and "slider for use with Figures 9 and 10".

Subpart F is amended as follows:

**§ 3.704 [Amendment]**

67. Section 3.704 is amended by deleting from the first column "15 \* \* \*" opposite "June \* \* \*" in the second column.

68. New § 3.710 is added preceding § 3.711, as follows:

**§ 3.710 Cross reference.**

See §§ 1.300 to 1.364, Subpart D of Part 1 of this chapter, for general requirements as to applications, filing of applications and description of application forms, other forms and information to be filed with the Commission, the manner in which applications are processed, and provisions applying to action on applications.

**§ 3.711 [Amendment]**

69. Section 3.711 is amended by the deletion of paragraph (d) which is redesignated as § 3.712.

70. The present text of § 3.712 is deleted and new § 3.712 (derived from former § 3.711(d)) is added, as follows:

**§ 3.712 Notification of filing of applications.**

In order to minimize harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, West Virginia, an applicant for authority to construct a new international broadcast station or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15' N on the north, 78°30' W on the east, 37°30' N on the south, and 80°30' W on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box #2, Green Bank, West Virginia, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

71. Sections 3.713 to 3.715 are deleted and the following is inserted:

§§ 3.713-3.715 [Reserved]

§§ 3.719-3.723 [Deletion]

72. Sections 3.719 to 3.723 are deleted.

73. Section 3.752 is revised to read as follows:

§ 3.752 Frequency control.

The transmitter of each international broadcast station shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating frequency within 0.003 percent of the assigned frequency.

§ 3.757 [Amendment]

74. Section 3.757(c) (2) is amended by changing the reference to "§ 1.324" to "§ 1.331".

Subpart G is amended as follows:

§ 3.970 [Amendment]

75. Section 3.970 is amended by changing "the Office of Defense Mobilization," to "the Office of Civil and Defense Mobilization,".

Subpart H is amended as follows:

§ 3.1003 [Amendment]

76. Section 3.1003 is amended by changing "Office of Defense Mobilization," to "Office of Civil and Defense Mobilization,".

[F.R. Doc. 59-6399; Filed, Aug. 4, 1959; 8:45 a.m.]

[FCC 59-850]

### PART 3—RADIO BROADCAST SERVICES

#### Remote Control Operation

In the matter of amendment of § 3.66 (Broadcast Service) of the Commission's rules and regulations.

1. The Commission has before it for consideration its order in the above-entitled proceeding, released on April 25, 1958, and a petition for reconsideration thereof filed on May 26, 1958, by the International Brotherhood of Electrical Workers.

2. The April 25th order amended § 3.66(c) (4) of the rules relating to the remote control operation of Broadcast stations with directional antennae and/or power in excess of 10 kw to permit lower power than that required by the rule on certification by a CONELRAD Field Supervisor that the lower power is satisfactory for CONELRAD service.

3. Petitioner contends that insofar as the order provided for the lowering of the minimum power requirement, it is substantive in nature, and is therefore defective in that it does not meet the requirements of section 4 of the Administrative Procedure Act because it neither was preceded by a rule making proceeding, nor included a finding that notice and public procedure thereon were impracticable, unnecessary or contrary to the public interest. Petitioner requests that upon reconsideration the Commission vacate the order complained of and

conduct such further proceedings, in accordance with law, as the Commission deems just and appropriate.

4. A review of this petition and the order to which it is directed indicates that the amendment to § 3.66(c) (4) of the rules is in fact substantive in nature, and that the requirements of section 4 of the Administrative Procedure Act have not been fully met. We have, accordingly, decided to vacate the order, and to issue, concurrently with this decision, a Notice of Proposed Rule Making looking toward the same substantive amendment to this rule, but affording interested parties an opportunity to comment on this proposed amendment. In view of the fact that petitioner has not attacked the substance of this amendment; and in view of the fact that a number of authorizations for remote control operation have been issued to stations participating in the CONELRAD program which would not meet the minimum power requirements of § 3.66(c) (4) but for the amendment; and in view of the importance of the CONELRAD program to the defense of this nation, we are of the opinion that the public interest would be served by our staying the effective date of this vacating order until the Commission has had an opportunity to evaluate such comments as may be filed in response to the Notice of Proposed Rule Making.

5. In view of the foregoing: *It is ordered*, That the petition filed on May 26, 1958, by the International Brotherhood of Electrical Workers for reconsideration of the Commission's Memorandum Opinion and Order of April 25, 1958, is hereby granted and that order is hereby vacated. *And it is further ordered*, That the effective date of the vacating of this order is hereby stayed, on the Commission's own motion, pending its action on a Notice of Proposed Rule Making issued on July 29, 1959, in the matter of amendment of § 3.66 (Broadcast Service) of the Commission's Rules Relating to Remote Control Authorizations.

Adopted: July 29, 1959.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-6437; Filed Aug. 4, 1959; 8:48 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 7477 c.o.]

#### PART 13—DIGEST OF CEASE AND DESIST ORDERS

##### Forbes & Wallace, Inc., et al.

Subpart—*Advertising falsely or misleadingly*: § 13.155 Prices: Exaggerated as regular and customary; fictitious marking.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Forbes

& Wallace, Inc., et al., Springfield, Mass.; Docket 7477, July 9, 1959]

*In the matter of Forbes & Wallace, Inc., a Corporation, Norman Wallace, Louis B. Howland, Laurence R. Wallace, Ralph Little, and Samuel R. Page, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging operators of a department store in Springfield, Mass., with making fictitious pricing and savings claims in advertising, by such practices as designating excessive amounts as "list" and "regularly" and representing the offering price as a reduction therefrom.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 9 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondents Forbes & Wallace, Inc., a corporation, and its officers, and Norman Wallace, Louis B. Howland, Laurence R. Wallace, Ralph Little, and Samuel R. Page, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That any amount is the price of merchandise in respondents' trade area when it is in excess of the price at which said merchandise is usually and customarily sold in said trade area;

2. That any amount is respondents' usual and regular price of merchandise when it is in excess of the price at which said merchandise has been usually and regularly sold by respondents in the recent regular course of their business;

3. That any saving is afforded in the purchase of merchandise from the price in respondents' trade area unless the price at which it is offered constitutes a reduction from the price at which said merchandise is usually and customarily sold in said trade area;

4. That any saving is afforded in the purchase of merchandise from respondents' price unless the price at which it is offered constitutes a reduction from the price at which the merchandise is usually and customarily sold by respondents in the recent regular course of their business.

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

*It is ordered*, That respondents Forbes & Wallace, Inc., a corporation, and Norman Wallace, Louis B. Howland, Laurence R. Wallace, Ralph Little, and Samuel R. Page, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have

complied with the order to cease and desist.

Issued: June 11, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 59-6417; Filed, Aug. 4, 1959;  
8:45 a.m.]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers,  
Department of the Army

### PART 203—BRIDGE REGULATIONS

Bayou Chico, Fla.

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), § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required, is hereby amended prescribing a new paragraph (i) (15-a) to govern the operation of the Escambia County bridge across Bayou Chico in Pensacola, Florida, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* \* \* \* (15-a) Bayou Chico, Florida. Escambia County bridge in Pensacola.

Between 7:30 a.m. and 8:30 a.m., 3:30 p.m. and 4:30 p.m., and 5:00 p.m. and 5:30 p.m., except Saturdays, Sundays and national holidays, the draw need not be opened for the passage of vessels: *Provided*, That the draw shall be opened at any time for the passage of a tow: *And provided further*, That the draw shall be opened at any time for the passage of a vessel in an emergency involving danger to life or property which shall be indicated by four blasts of the signalling device.

[Regs., July 20, 1959, 285/91 (Bayou Chico, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

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

[F.R. Doc. 59-6411; Filed, Aug. 4, 1959;  
8:45 a.m.]

## Title 39—POSTAL SERVICE

Chapter I—Post Office Department

### PART 41—SERVICES IN POST OFFICES

#### Closing of Post Office Boxes Used for Unlawful or Improper Purposes

In Federal Register Document 59-903, appearing at page 732 of the issue for Tuesday, February 3, 1959, the introductory sentence amending § 41.3 *Post office boxes*, which reads "In § 41.3 *Post office boxes*, amend paragraph (g) by adding thereto a subparagraph (4) to read as follows" is corrected to read "In § 41.3 *Post office boxes*, amend paragraph (h) by adding thereto a subparagraph (4) to read as follows:".

[SEAL] HERBERT B. WARBURTON,  
General Counsel.

[F.R. Doc. 59-6420; Filed, Aug. 4, 1959;  
8:46 a.m.]

The only change from present wording is that \$20,000 is substituted for \$15,000.

2. Prior to 1948, Annual Report Form O (as well as similar schedules in Form R for radiotelegraph companies and Form M for telephone companies) required the carriers to list under Schedule 3, compensation paid to all elected officers, irrespective of their compensation, and to other employees with an annual salary rate of \$10,000 or more. Since 1948 the salary dividing line in this requirement has been fixed at \$15,000 per year.

3. Western Union in support of its proposal contends that in 1948 there were only 22 listings by it required under Schedule 3, "General Officers and Executives." However, as a result of the steeply rising wage trend during the last decade the number of listings has increased to 79 for the year 1958. The carrier believes the 1958 annual report includes many supervisory titles below the top-management level contemplated by Schedule 3 of Annual Report Form O.

4. The Commission has made inquiries of the reporting requirements of other Federal regulatory authorities and determined that (a) Interstate Commerce Commission requires the disclosure by the larger railroads and motor carriers of salaries paid in excess of \$20,000 per year, (b) Federal Power Commission in its annual reports for large electric and gas utilities requires the reporting of salaries paid in excess of \$25,000 per year, and (c) Civil Aeronautics Board requires its reporting companies to list in the annual reports salaries paid in excess of \$10,000 per year.

5. An indication, beyond the Western Union example, of how increasing salary scales have required the reporting of many more names and salaries than we had in mind when the presently effective requirements were adopted in 1948 is found in a comparison of representative annual reports for 1948 and 1958. In 1948 American Telephone and Telegraph Company, New York Telephone Company and The Pacific Telephone and Telegraph Company listed 128, 59 and 43 names, respectively. Comparable figures for 1958 are 409, 268 and 254.

6. We believe the salary reporting requirements for all reporting common carriers should be kept uniform. Consequently, it is proposed that any dollar amount changes ordered in Annual Report Form O as a result of this proceeding will also be made in the appropriate schedules of Annual Report Form M and R.

7. Whether or not a change is made in the annual salary amount below which names and salaries of non-officer employees need not be reported, there is another change the Commission proposes to make in the Compensation schedules in Forms O and R. It proposes to strike the word "elected" from Instruction 1 in Schedule 3, "General Officers and Executives," in each of these Forms. The present wording of Instruction 1 of this Schedule 3 will be found in paragraph 1 above. The purpose of this proposed change is to make it clear beyond all doubt that all officers are to be listed,

## PROPOSED RULE MAKING

### FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 1 ]

[Docket No. 13081; FCC 59-837]

#### COMPENSATION PAID TO INDIVIDUAL EMPLOYEES

#### Change of Form for Reporting Requirements

In the matter of amendment of Annual Reports Form O, for Wire-telegraph and Ocean-cable Carriers; Form R, for Radiotelegraph Carriers; and Form M, for Class A and Class B Telephone Companies, to change the reporting requirements for compensation paid to individual employees; Docket No. 13081.

1. The Western Union Telegraph Company (Western Union), by letter dated July 2, 1959 requested the Commission to amend the reporting requirements of Annual Report Form O for Wire-telegraph and Ocean-cable Carriers, by revising the instructions of Schedule 3, "General Officers and Executives," to require the reporting of all employees, other than officers, who receive \$20,000 or more a year in lieu of the present requirement of those receiving \$15,000 or more annually. The change suggested by the carrier would revise Instruction 1 of Schedule 3, Annual Report Form O, to read as follows:

1. Include all elected officers, irrespective of their compensation, and all other persons having an annual salary rate of \$20,000 or more at any time during the year or to whom the respondent paid \$20,000 or more during the year as compensation for services.

whether or not they are elected by the stockholders or board of directors or whether they are appointed to office by some other officer.

8. This Notice of Proposed Rule Making is issued under authority of sections 4(i) and 219 of the Communications Act of 1934, as amended.

9. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form proposed herein, may file with the Commission on or before September 14, 1959, a statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within twenty days of the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

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

Adopted: July 29, 1959.

Released: July 31, 1959.

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

[F.R. Doc. 59-6438; Filed, Aug. 4, 1959;  
8:48 a.m.]

### [ 47 CFR Part 3 ]

[Docket No. 13084; FCC 59-851]

## REMOTE CONTROL AUTHORIZATIONS

### Notice of Proposed Rule Making

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

2. The Commission has before it for consideration its Memorandum Opinion and Order of July 29, 1959, which grants a petition filed on May 26, 1958, by the International Brotherhood of Electrical Workers, requesting the Commission to reconsider and vacate its Order of April 25, 1958, pertaining to the remote control operation of broadcast stations, and conduct such further proceedings, in accordance with law, as the Commission deems just and appropriate.

3. For the procedural reasons set forth in the Memorandum Opinion and Order of July 29, 1959, the order complained of has been vacated, and the effective date of the vacating order stayed pending the conclusion of a rule making proceeding proposing the same

substantive amendment. It is now therefore proposed that § 3.66(c) of the rules, which provides that:

An authorization for remote control will be issued only after satisfactory showing has been made in regard to the following, among others:

(4) The station, if authorized to operate with a directional antenna and/or with a power in excess of 10 kw. will be equipped so that it can be satisfactorily operated \* \* \* on a CONELRAD frequency with a power of 5 kw or not less than 50 percent of the maximum licensed power whichever is the lesser and that the necessary switching from the licensed frequency to the CONELRAD frequency can be accomplished from the remote control position.

be amended by adding to subparagraph (4) thereof, the following: "Provided, however, That the power may be less than 50 percent upon certification by the CONELRAD Field Supervisor that such a power will provide satisfactory service under CONELRAD."

4. The Commission is of the view that rule making should be instituted in order that interested parties may submit views and relevant data.

5. Authority for the adoption of the proposed amendment is contained in sections 4(1) and 303(r) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 8, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

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

Adopted: July 29, 1959.

Released: July 31, 1959.

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

[F.R. Doc. 59-6439; Filed, Aug. 4, 1959;  
8:48 a.m.]

### [ 47 CFR Part 3 ]

[Docket No. 13078; FCC 59-834]

## TELEVISION BROADCAST STATIONS; FORT WORTH AND DENTON, TEXAS

### Table of Assignments

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

2. The Commission has before it for consideration the proposal of Texas State Network, Inc., set forth in a petition for rule making filed December 23, 1958, to amend the television Table of Assignments, § 3.606 of the rules, so as to interchange Channel 11 at Fort Worth, Texas, with Channel \*2, the educational reservation at Denton, Texas, as follows:

City	Channel No.	
	Present	Proposed
Fort Worth, Tex.....	5+, 11-, 20-, *25-	2, 5+, 20-, *25-
Denton, Tex.....	12, 17	*11, 17

Texas State Network also requests that its license for Station KFJZ-TV be modified to specify operation on Channel 2 at Fort Worth in lieu of Channel 11.

3. For the reasons set forth in our Memorandum Opinion and Order which is being adopted and released simultaneously with this Notice, the Commission has set aside its previous action (Memorandum Opinion and Order, FCC 59-291, adopted April 8 and released April 14, 1959, RM-82) denying Texas State Network's petition for rule making on the subject proposal.

4. The Commission is of the view that a rule making proceeding should be instituted in order that interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4(i), 301, 303(c), (d), (f), and (r) and 307(b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein may file with the Commission on or before September 8, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. Since the proposed amendments, if adopted, would affect the outstanding authorization of Texas State Network, Inc., for Station KFJZ-TV at Fort Worth, pursuant to the provisions of sections 303(f) and 316 of the Communications Act of 1934, as amended, Texas State Network is ordered to show cause in this proceeding why its authorization for Station KFJZ-TV should not be modified to specify operation on Channel 2 in lieu of Channel 11 at Fort Worth. A response to the Order to Show Cause should be filed on or before September 8, 1959.

8. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, comments or re-

sponses shall be furnished the Commission.

Adopted: July 29, 1959.

Released: July 31, 1959.

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

[F.R. Doc. 59-6440; Filed, Aug. 4, 1959;  
8:48 a.m.]

[ 47 CFR Part 3 ]

[Docket No. 13079; FCC 59-835]

TELEVISION BROADCAST STATIONS;  
MUNCIE, INDIANA

Table of Assignments

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

2. The Commission has before it for consideration a petition filed on July 1, 1959, by Ball State Teachers College at Muncie, Indiana, requesting the institution of rule making to amend § 3.606 of the Table of Assignments, Television Broadcast Stations, by making the following changes in assignments to Muncie, Indiana:

City	Channel No.	
	Present	Proposed
Muncie, Ind.-----	49, 55, *71	49, *55, 71

3. In support of its request, petitioner alleges that Station WLBC-TV, Muncie, has been in operation on Channel 49 since 1953; that no applications are pending for either Channel 55 or \*71; that an educational reservation on the lower UHF channel would make possible a more extensive and dependable service than on the higher UHF channel; that the college is currently completing its third year of experience in producing some television programs over the local commercial station and has specific plans and funds for the construction of a new building which will include a closed circuit system as well as space for a television broadcast transmitter; that it is expected that funds for the college to construct an educational television station will become available through a bill now before the state legislature or from other sources now being investigated, and that the college intends to file an application for a construction permit for an educational station in the near future.

4. The Commission is of the view that rule making should be instituted in order that interested parties may submit views and relevant data.

5. Authority for the adoption of the proposed amendment is contained in sections 4(i), 301, 303(c), (d), (f) and (r) and 307(b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be

adopted in the form set forth herein, may file with the Commission on or before September 8, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

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

Adopted: July 29, 1959.

Released: July 31, 1959.

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

[F.R. Doc. 59-6441; Filed, Aug. 4, 1959;  
8:48 a.m.]

[ 47 CFR Part 3 ]

[Docket No. 12778; FCC 59-831]

TELEVISION BROADCAST STATIONS;  
PANAMA CITY, FLORIDA

Table of Assignments

1. The Commission has before it for consideration the proposal set out in its Notice of Proposed Rule Making (FCC 59-134) released in this proceeding on February 20, 1959, to amend the television Table of Assignments so as to change the educational reservation at Panama City, Florida, from Channel 30 to Channel 13, in response to requests of the Florida Educational Television Commission and the Joint Council on Educational Television.

2. Formal comments supporting the proposal were filed by JCET. The petitioner, Florida Educational Television Commission, filed no comments. Attached to the JCET comments, and also to its reply comments, were letters supporting the reservation of Channel 13 at Panama City from the Mayor of Panama City,<sup>1</sup> the Superintendent of the Board of Public Instruction for Bay County, Florida, the President and also the Chairman of the College Advisory Committee of Rosenwald Community Junior College at Panama City, the President of the Rosenwald High School Parent-Teacher Association, the Librarian of Bay County Public Library, the Chairman of the Bay County Unit of the

<sup>1</sup>This letter is dated March 9, 1959. In a subsequent letter, dated March 23, 1959, and filed on March 24, 1959, the Honorable Frank M. Nelson, Jr., Mayor of Panama City, advises that he was hasty in endorsing the proposal for the reservation of Channel 13 at Panama City in his prior letter and that, after due consideration, he is of the view that the utilization of the channel for a commercial station would be of greater value to the area.

American Cancer Society, District 2 of the Florida Congress of Parents and Teachers, Inc., the Chairman of Bay County Council for P.T.A., the Panama City Garden Club, the Drummond Park Parent Teachers Association, the Chairman of the Bay County Unit of the American Cancer Society and several other individuals in the Panama City area. Letters supporting the proposal were also received from Dixie Radio, Inc., which operates Radio Station WDLF (AM) and WDLF-FM at Panama City, the Unitarian Fellowship at Panama City and several residents of the area.

3. Formal comments opposing the reservation of Channel 13 for education at Panama City were filed by TBC, Inc., and Bay Video, Inc., applicants for a commercial station on Channel 13, and by WKRG-TV, Inc., licensee of Station WKRG-TV at Mobile, Alabama. Numerous letters and several resolutions opposing the proposal were also received from individuals and groups in Panama City and nearby communities. Among the parties expressing opposition to the proposal were the Mayors of Panama City, Springfield, and Long Beach, the Panama City Junior Chamber of Commerce, the Woman's Club of Panama City, the principals of Cherry Street and Millville Elementary Schools at Panama City, the Business and Professional Women's Club of Panama City, the Panama City Junior Service League, St. Andrew's Men's Club, the Cherry Street Parent Teachers Associations at Panama City, the Lynn Haven Chamber of Commerce, and the Executive Board of the Bay County Council of Girl Scouts. A copy of the Minutes of a special meeting of the Advisory Committee of Gulf Coast Community College at Panama City, held on March 20, 1959, was also filed. These minutes inform that the Committee is opposed to the proposal to reserve Channel 13 for education and is of the view that the Panama City area will be better served by two VHF commercial stations than one VHF commercial and one VHF educational outlet. The minutes also inform that the Committee rescinded a prior resolution which it had passed endorsing the proposal at a time when it understood that no commercial groups planned to apply for the channel and that it hopes that at the appropriate time Channel 30 will be activated for educational purposes. Reply comments were filed by JCET, Bay Video, Inc., and TBC, Inc.

4. VHF channels 7 and 13 and UHF Channels \*30 and 36 are assigned to Panama City, with Channel \*30 reserved for noncommercial educational use. Station WJDM operates on Channel 7 but none of the other assigned channels are being utilized at the present time. There are no applications pending for the UHF assignments. At the time rule making was instituted on the subject proposal to reserve Channel 13 for education, there were no applications pending for that frequency. Two applications are now pending; one filed by TBC, Inc., on March 26, 1959, and the other by Bay Video, Inc., on May 18, 1959. WKRG-TV, Inc., also indicates

in its comments that it plans to apply for commercial use of Channel 13 in the near future.

5. Channel 13 was assigned to Panama City by our Report and Order of February 26, 1958, in Docket No. 12251 in response to a request of WKRG-TV. The assignment was made upon our determination that a second VHF commercial assignment in this community would serve the public interest and would permit the early establishment of an additional television service in the Panama City area. No comments opposing the assignment of Channel 13 to Panama City for commercial use or proposing its reservation for educational purposes were filed in that proceeding. Upon review of the subsequently filed petition of the Florida Educational Television Commission, and also that part of a petition filed on November 3, 1958, by the Joint Council on Educational Television, which requested rule making looking toward reservation of Channel 13 at Panama City for education, we were of the view that there was sufficient merit to the proposal to warrant rule making on it so that the Commission would have the benefit of all the comments filed by interested parties in deciding whether its adoption would serve the public interest.

6. We have examined the comments and letters filed. Those which support the reservation of Channel 13 for education are replete with statements that the area needs an educational station. JCET also stresses the importance of reserving channels to afford educational interests sufficient time to bring their plans for establishment of an educational station to fruition, free from competing commercial demands. We do not minimize the value and importance of an educational station to this area or the merits of our policy of reserving channels for educational use. Nor do we question that an educational station in this area would be in the public interest. The question involved in this proceeding, however, is whether the public interest would be served by reserving the VHF assignment requested for an educational outlet at the expense of depriving Panama City of the opportunity for a second VHF commercial service. In light of the evidence in the record, we believe not.

7. It is clear from the record that a demand and need exists for a second local commercial service at Panama City and that the opportunity for such a service would be eliminated if Channel 13 were to be reserved for educational use. There are no other VHF channels assigned, and while two UHF assignments would be available for commercial utilization under the subject proposal, none of the comments indicate that there is or would be any interest in their use for commercial purposes in light of the fact that one VHF station is already operating in Panama City and no UHF stations have been established in the area. The two applications now

pending for a commercial station on Channel 13 at Panama City, the indication in the record that another party will shortly file an application for the frequency also, and the statements submitted by the Mayor of Panama City and other civic, business and educational leaders and groups in the area demonstrate, we believe, the present demand and need for a second local commercial service in this area and the lack of merit to JCET's unsubstantiated contention that there is no real need or possibility of economic support for a second commercial station at Panama City.

8. The showing made by JCET and others in support of the reservation of Channel 13 for education is devoid of any facts or reasons from which we could conclude that the reservation of the channel would be warranted. There is no indication in the record that there is more than an interest in establishing an educational station in the locality or that there is more than a possibility that Channel 13 would be activated for an educational station at some unforeseeable time in the future. To reserve Channel 13 for education under such circumstances in the face of evidence which indicates that its retention as an unreserved channel will lead to the establishment of a station at an early date which will meet the amply demonstrated present need for a second commercial service in this locality and also provide local educational groups and institutions with an outlet for their educational programs would, we believe, be a waste of valuable and scarce frequency space and not in the public interest. Moreover, at such time as the educators in the area are ready to establish an educational station in the Panama City area to interconnect with the state-wide educational television network for the instruction of students planned by the Florida Educational Television Commission, there is no reason why the present educational reservation, albeit a UHF channel, cannot be used just as effectively as a VHF channel for this purpose, even though the lack of UHF receivers in the area would admittedly make it difficult initially to acquire an audience among the general public.

9. In view of the foregoing: *It is ordered*, That the petition filed by the Florida Educational Television Commission on July 3, 1958, and the petition filed by the Joint Council on Educational Television on November 3, 1958, insofar as it requests that the educational reservation in Panama City, Florida, be changed from Channel 30 to Channel 13, are denied, and this proceeding is terminated.

Adopted: July 29, 1959.

Released: July 31, 1959.

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

[F.R. Doc. 59-6442; Filed, Aug. 4, 1959;  
8:48 a.m.]

[ 47 CFR Parts 7, 8 ]

[Docket No. 13082; FCC 59-841]

## TRANSMISSION OF RADIO- TELEPHONE ALARM SIGNAL

### Notice of Proposed Rule Making

In the matter of amendment of Parts 7 and 8 of the Commission's rules to provide for the transmission of the radiotelephone alarm signal preceding transmission of the distress call or distress message by radiotelephony; Docket No. 13082.

1. Notice is hereby given of proposed rule making in the above-entitled matter. The rules proposed to be adopted are set forth below.

2. This proposal is being issued on the Commission's own motion to provide for the voluntary use in distress situations of the internationally recommended radiotelephone alarm signal by stations of the United States operating in the maritime radiotelephone service. Foreign ship stations in the maritime radiotelephone service would be permitted also to use this special signal in accordance with the proposed rules when within the territorial waters of the United States.

3. The purpose of the proposed radiotelephone alarm signal, when transmitted on the international distress frequency 2182 kc, would be to attract the immediate attention of mobile and coast stations of the United States (and possibly those of other countries) listening thereon, and to alert such stations to the distress call, distress message, or cyclone warning that would follow immediately. The distinctive combination of tones comprising the alarm signal should be distinguishable through voice communications and atmospheric noise and should facilitate aural recognition, when received on a loudspeaker or head receiver, beyond the range at which speech transmission is capable of satisfactorily attracting initial attention. The alarm signal, as recommended by the International Radio Consultative Committee (C.C.I.R.)<sup>1</sup> consists of two audio-frequency tones transmitted alternately. One tone would have a frequency of 2,200 cycles per second and the other a frequency of 1,300 cycles per second. These tone frequencies may be generated by automatic or other means, and are used to modulate the radio-frequency carrier by amplitude modulation. Reception of the alarm signal may be by an aural method or by an automatic device which responds to the alarm signal.

4. The essential characteristics of the radiotelephone alarm signal specified in the proposed rules conform to the standards recommended by the C.C.I.R.,<sup>1</sup> and subsequently proposed by the United States for establishing an alarm signal for use internationally on the maritime radiotelephone distress frequency 2182

<sup>1</sup>Recommendation No. 219 of the International Radio Consultative Committee, (C.C.I.R.), an organ of the International Telecommunication Union.



an alarm signal and the repetition of a distress call or distress message.

(4) Transmission of the radiotelephone alarm signal as prescribed in subparagraph (1) of this paragraph shall conform to the following procedure. When generated by automatic means, the radiotelephone alarm signal shall be transmitted continuously for a period of at least 30 seconds, but not exceeding one minute without a manual restart operation; when generated by other means, the signal shall be sent as continuously as practicable over a minimum period of approximately one minute.

B. Part 8 is proposed to be amended as follows:

1. Section 8.6(e) is amended to read as follows:

#### § 8.6 Operational.

(e) *Alarm signals*—(1) *Radiotelegraph alarm signal*. The international radio signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices giving warning by means of an alarm that a distress call or distress message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(2) *Radiotelephone alarm signal*. The radio signal, consisting of two substantially sinusoidal audio-frequency tones transmitted alternately for a minimum period of 6 seconds, the frequency of one tone being 2200 cycles per second and the frequency of the other being 1300 cycles per second. Each tone has a duration of 250 milliseconds. The tolerance of the frequency of each tone shall be plus or minus 1.5 per cent; the tolerance on the uninterrupted duration of each tone shall be plus or minus 50 milliseconds; any interval between successive tones shall not exceed 50 milliseconds; the ratio of the amplitude of the stronger tone to that of the weaker shall be within the range of 1 to 1.2. These tone frequencies are used to modulate the radio-frequency carrier (by means of amplitude modulation on any frequency within the band 1605–2850 kc) at a modulation percentage of not less than 70 nor more than 100 on both positive and negative modulation peaks. This special signal has for its purpose the actuation of automatic devices giving the alarm, and through its distinctive combination of tones to permit ready aural recognition of the presence of the alarm signal. It may be used solely either to announce that a distress call or distress message is about to follow or to announce the transmission of an urgent cyclone warning by a coast station authorized by the Commission to do so.

NOTE: "Automatic devices", as this term is used in § 8.6(e) (2), means such devices as may be voluntarily provided for this purpose in mobile or coast stations.

2. A new § 8.116 is added as follows:

#### § 8.116 Apparatus for generating automatically the radiotelephone alarm signal.

Except for experimental or trial operation under developmental station authorization, any apparatus for generating the radiotelephone alarm signal by automatic means, which is used or operated by a mobile station subject to this part for transmission of that signal, shall be of a type specifically approved by the Commission in respect to its accuracy, reliability, and any other relevant characteristics applicable to generating the radiotelephone alarm signal as defined in § 8.6(e) (2).

3. Section 8.177 is amended by revising paragraph (a) (1) and by deleting the Note following that subparagraph, by revising paragraph (b) (1), and by adding footnote 1, as follows:

#### § 8.177 Order of priority of communications.

(a) \* \* \*

(1) Distress calls (including the international distress signal for radiotelegraphy, the international radiotelegraph alarm signal, and the radiotelephone alarm signal),<sup>1</sup> distress messages, and distress traffic.

(b) \* \* \*

(1) Distress calls (including the international distress signals for radiotelephony, and the radiotelephone alarm signal),<sup>1</sup> distress messages, and distress traffic.

<sup>1</sup> See § 8.6 for definition of these signals.

4. Section 8.233(b) is amended to read as follows:

#### § 8.233 Form of distress call.

(b) \* \* \*

(1) The distress call, when transmitted by radiotelephony, is generally preceded by the distress signal for radiotelegraphy as designated in paragraph (a) (1) of this section. Such signal may be produced by a whistle or any other suitable means. Additionally or alternatively, the distress call may be preceded by the radiotelephone alarm signal as provided by § 8.234.

(2) The distress call transmitted by radiotelephony comprises the international distress signal "Mayday" (pronounced as the French expression "m'aider") spoken three times; the words "This is", followed by the identification of the mobile station in distress, the whole repeated three times in each instance.

5. Section 8.234 is amended to read as follows:

#### § 8.234 Alarm signals.

(a) The distress call, when transmitted by radiotelegraphy on the frequency 500 kc, should, if possible, be preceded by the radiotelegraph alarm

signal<sup>1</sup> transmitted by means of class A2 emission on 500 kc. The distress signal for radiotelegraphy as designated in § 8.233(a) (1) shall be transmitted 3 times immediately after the alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by such distress signal on 500 kc. When circumstances permit, an interval of 2 minutes shall be observed after transmission of the alarm signal and distress signal, before transmitting the distress call on 500 kc, to allow time for operators alerted by these signals to go on watch.

(b) The distress call, when transmitted by radiotelephony on the frequency 2182 kc, should, if possible, be preceded by the radiotelephone alarm signal<sup>1</sup> transmitted on 2182 kc.

<sup>1</sup> See § 8.6 for definition of these signals.

6. Section 8.241 is amended to read as follows:

#### § 8.241 Supplemental transmissions.

(a) When a distress call has been transmitted which was not preceded by the appropriate alarm signal, or when the appropriate alarm signal as transmitted appears upon audible reception to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive frequency deviation, a mobile station located in the general vicinity of the vessel, aircraft, or other unit in distress may, if possible and when considered necessary, upon authorization of the master or person responsible for the station, transmit:

(1) The radiotelegraph alarm signal on the frequency 500 kc, using the maximum available power and class A2 emission, or

(2) The radiotelephone alarm signal on the frequency 2182 kc, and on such other frequencies authorized for telephony as may be considered necessary or helpful, using the maximum available power.

(b) When a mobile station has heard a distress call or distress message which has not been promptly acknowledged, and when such mobile station is not itself in a position to render assistance, it shall, subject to the authority of the master, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call and the distress message may be repeated. In telegraphy, such repetition shall be made, if possible, on the frequency 500 kc using the maximum available power and, if possible, class A2 emission, and/or such other frequency and with such other class of emission as may be deemed necessary or helpful. In telephony, such repetition shall be made, if possible, on the frequency 2182 kc using the maximum available power and class A3 emission, and/or on such other frequency as may be deemed necessary or helpful. At the same time all necessary steps shall

be taken to notify the authorities who may be able to intervene usefully.

(c) A mobile station which repeats a distress call or distress message shall follow it with the words "transmitted for (insert identity of mobile craft in distress) by", and thereafter its own call sign repeated three times. The repetition of a distress call or distress message on 500 kc or 2182 kc should, whenever practicable, be preceded by transmission of the appropriate alarm signal. An interval of not more than two minutes shall, if circumstances permit, be allowed between transmission of an alarm signal and the repetition of a distress call or distress message.

(d) Transmission of the radiotelephone alarm signal as prescribed in this subpart shall conform to the following procedure. When generated by automatic means, the radiotelephone alarm signal shall be transmitted continuously for a period of at least 30 seconds, but not exceeding one minute without a manual restart operation; when generated by other means, the signal shall be sent as continuously as practicable over a minimum period of approximately one minute.

[F.R. Doc. 59-6443; Filed, Aug. 4, 1959; 8:49 a.m.]

[ 47 CFR Parts 45, 46 ]

[Docket No. 13080; FCC 59-836]

**PRESERVATION OF CERTAIN RECORDS**

**Notice of Proposed Rule Making**

In the matter of amendment of Parts 45, Preservation of Records of Telephone Carriers, and 46, Preservation of Records of Wire-Telegraph, Ocean-Cable and Radiotelegraph Carriers, of the Commission's rules and regulations to reduce the retention periods for payroll, employee service, mortality, and related records, and to combine into one part the present two parts; Docket No. 13080.

1. The American Telephone and Telegraph Company (AT&T), on behalf of itself and the Bell System companies, by a letter dated September 16, 1958, has requested that the Commission make certain changes in Part 45 (Preservation of Records of Telephone Carriers) of its rules and regulations pertaining to payroll and employee records covered by item 21 of § 45.8.

2. A summary of the proposed changes follows:

In item No. 21a, change the retention period from 10 years (M) to 6 years (M).

In item No. 21b, add the words "and pension or other pay-rolls" at the end of the text under description of records. (These records are now covered by item 21-1.) The effect of the change proposed is to reduce the required period of retention for pension or other pay-rolls from permanently to three years.

In item No. 21d-1, 2, 3 and 4, delete the present text and the "permanent" retention period for these items and substitute the following two new items:

21d. Service records of individual employees consisting of names, sex, salary and wage rates, occupational classifications, and similar data together with changes therein. (See item 22-b.) Period to be retained—6 years after termination of employment (M).

22j. Annual employee census summaries, and supplemental summaries in connection therewith, not used in the computation of annual pension accrual rates. (See item 19j.) Period to be retained—10 years (M).

In items 21j and k delete the parenthetical cross-reference to item 21d and in each item, under the "Period to be

retained," delete the word "Permanently (M)" and substitute the following:

Item No.	Period to be retained
21 j(1)-----	6 years after termination of employment (M).
21 j(2)-----	6 years (M).
21 k-----	6 years (M).

In item 21-1, delete the words "reports of changes therein and related authorizations (see item 21-d)" and change the retention period from "Permanently (M)" to "6 years (M)."

3. The above changes would make the items affected read as follows:

Item No.	Description of records	Period to be retained
21a-----	Payroll sheets, registers, lists, ledgers, and other basic records of salaries and wages earned by and payments to individual employees for each payroll period.	6 years (M).
21b-----	Payroll change reports or other approved applications or authorities for establishing and changing salary and wage rates of individual employees and for making other changes in employees' service records and pension or other pay-rolls.	3 years (M).
21d-----	Service records of individual employees consisting of names, sex, salary and wage rates, occupational classifications, and similar data together with changes therein. (See item 22b.)	6 years after termination of employment (M).
21j-----	Cards, lists, or other records of earnings for individual employees: (1) Used in computing pensions or annuities-----	6 years after termination of employment (M).
21k-----	(2) Used for current payroll record purposes----- Authorizations, case records, special payrolls, or other records of sickness and accident disability and other benefits to employees and their beneficiaries. (See items 13a and 22i.)	6 years (M). Do.
21l-----	Pension or annuity payrolls-----	Do.
22j-----	Annual employee census summaries, and supplemental summaries in connection therewith, not used in the computation of annual pension accrual rates. (See item 19j.)	10 years (M).

4. In connection with its proposal to reduce the retention period for item 21-a from 10 years to 6 years, AT&T feels that the establishment of a 6 year period of retention for payroll sheets, registers, lists, ledgers, etc., would leave a sufficient margin of precaution for records that are seldom referred to after 2 or 3 years and generally never referred to after 4 or 5 years. Any significant data shown on these records which are useful as source data for studies, etc., are also shown on other records which are retained for various periods of time sufficient to reasonably insure that the data will be available as long as needed or useful.

5. AT&T believes that the permanent retention period prescribed for reports of changes in pension or annuity payrolls and related authorizations in item 21-1 is inconsistent with the provisions of items 19-g and 21-b which have a 3 year retention period for the same and similar records. It proposes that the words "reports of changes therein and related authorizations" be deleted from item 21-1 and the words "and pension or other payrolls" be added to item 21-b. However, it appears that if this proposal is adopted that it would clarify the intent if the words added in 21-b read "and in pension or other payrolls." It is also believed that the intent of item 21-d would be clarified if a comma were to be inserted before the phrase "together with changes therein." These clarifications are proposed to be made.

6. In support of the proposals in connection with items 21-d, j, k and l, AT&T states that the permanent retention of the records covered by these items appears unnecessary since the retention of pension accrual data is covered

by item 19-j. Also, the last sentence of paragraph (b) of § 31.672, "Relief and pensions;" of Part 31 (Uniform System of Accounts for Class A and Class B. Telephone Companies) states that "The company shall maintain a complete record of the actuarial computations through which the accrual each month of its pension liabilities is established." It is pointed out by AT&T that any important data covered by item 21-k which might possibly be useful beyond 6 years may be obtained from the minutes of meetings of the Employees' Benefit Committee which are retained permanently in accordance with item 3-c. AT&T points out further that the retention periods proposed for records used in connection with calculating pension accrual rates or charges are in every case as long or longer than the corresponding periods required under the former regulations of Part 42, which was the forerunner of Part 45. Under Part 42, the system of personnel records and retention practices followed by the Bell System companies had proven adequate and satisfactory for actuarial and accounting purposes. AT&T also feels that the proposed changes will make § 45.8 more comparable with the provisions in this regard contained in § 46.9 of Part 46, "Preservation of Records of Wire-Telegraph, Ocean-Cable, and Radiotelegraph Carriers, which provide for various retention periods not exceeding 10 years and have proven fully adequate and satisfactory. In this connection AT&T states that no requests for the pension data retained under these items have been made since Part 45 was adopted and that the permanent retention of these records is unnecessary, uneconomic, burdensome and re-

sults in voluminous files of records which are seldom, if ever, referred to and which are retained at a substantial expense.

7. In 1950, at the time of adoption of the above-referred-to provisions of § 45.8, the Commission stated in its Memorandum Opinion (15 F.R. 5734) as follows:

The Commission desires to give this matter further consideration as it is believed that the inadequacies pointed out by the Public Counsellor of the State of Indiana apply primarily to current pension determinations which, when settled, may remove the need for permanent retention of all these data \* \* \*. At such time hereafter as it may appear that permanent retention of these records is no longer necessary, we will entertain a proposal to shorten such retention period accordingly.

It now appears that there may be no longer justification for requiring the permanent retention of these records and that the requirement of such permanent retention should be removed from Part 45 of our rules and regulations.

8. It is proposed generally that any amendments adopted for Part 45 as a result of this proceeding will also be adopted for Part 46. Specifically, it is proposed to make sub-items b, d and l of item 21 in Part 46 read exactly as proposed for Part 45, including a reduction in the retention period for sub-item l from 10 to 6 years, and with the option to substitute microfilm at any time rather than after 3 years, but not including an increase in the retention period for sub-item d from 3 to 6 years after termination of employment. The retention period for sub-item a of item 21 in Part 46 would be reduced from 10 years to 6 years with no change in the option to substitute microfilm at any time. A new sub-item j is proposed to be inserted under item 22 in Part 46 reading exactly the same as the new sub-item j proposed under item 22 of Part 45.

9. Parts 45 and 46 of our rules and regulations are substantially identical in their treatment of records common to telephone, wire and radio telegraph and ocean-cable carriers. Further, most of the records kept are common to all these carriers. Identity of treatment will be more complete if the amendments proposed hereinabove are made effective. As a consequence of this situation, the Commission proposes to consolidate Parts 45 and 46 into a single Part of its rules and regulations without change in any substantive requirement. In its Public Notice of August 18, 1950 (54024), announcing the adoption of Parts 45 and 46 to replace Part 42 of the rules, the Commission in effect stated that it was separating the rules for telephone and telegraph company records because the records maintained by telephone and telegraph carriers preclude uniform descriptions and retention periods. It is believed these reasons will no longer be valid, assuming adoption of the amendments proposed herein. It is planned that the consolidation will be accomplished physically in the course of the reissuance of all the Commission's

rules and regulations in a limited number of volumes, each containing several Parts, in loose leaf form so that amendments can be incorporated by page substitution, which is now in progress. The proposed consolidation, being merely one of form, is not required by the Administrative Procedure Act to be made the subject of proposed rule making proceedings. The Commission, however, will appreciate comments and suggestions on the proposal.

10. This Notice of Proposed Rule Making is issued under authority of sections 4(i) and 220 of the Communications Act of 1934, as amended.

11. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form proposed herein, may file with the Commission on or before September 14, 1959, a statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 20 days of the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

12. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: July 29, 1959.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-6444; Filed, Aug. 4, 1959;  
8:49 a.m.]

## FEDERAL HOME LOAN BANK BOARD

[ 12 CFR Parts 541, 545 ]

[No. 12673]

### DEFINITIONS; OPERATIONS

#### Loans and Participations in Loans

JULY 30, 1959.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1); it is proposed that Parts 541 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 541 and 545) be amended by amendments the substance of which is as follows:

1. Part 541 aforesaid is hereby amended by adding thereto, immediately after § 541.16, the following new section:

#### § 541.17 Without recourse.

As used in §§ 545.6-4a and 545.11, the term "without recourse" means without recourse and without any agreement or arrangement under which the purchaser is to be entitled to receive from the seller any sum of money or thing of value, whether tangible or intangible (including any substitution), upon default in payment of any loan involved or any part thereof or to withhold or to have withheld from the seller any sum of money or any such thing of value by way of security against any such default.

#### § 545.6-4a [Amendment]

2. Section 545.6-4a of said Part 545 is hereby amended by adding thereto at the end thereof the following new sentence: "Any sale by a Federal association of a participating interest in any loan shall be without recourse."

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue, NW., Washington 25, D.C., not later than September 8, 1959, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,  
Secretary.

[F.R. Doc. 59-6455; Filed, Aug. 4, 1959;  
8:50 a.m.]

[ 12 CFR Parts 561, 563 ]

[No. FSLIC-682]

### DEFINITIONS; OPERATIONS

#### Loans and Participations in Loans

JULY 30, 1959.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is proposed that Parts 561 and 563 of the rules and regulations for Insurance of Accounts (12 CFR Parts 561 and 563) be amended by amend-

ments the substance of which is as follows:

1. Part 561 aforesaid is hereby amended by adding thereto, immediately after § 561.7, the following new section:

**§ 561.8 Without recourse.**

As used in §§ 563.9-1 and 563.23, the term "without recourse" means without recourse and without any agreement or arrangement under which the purchaser is to be entitled to receive from the seller any sum of money or thing of value, whether tangible or intangible (including any substitution), upon default in payment of any loan or mortgage involved or any part thereof or to withhold or to have withheld from the seller any sum of money or any such thing of value by way of security against any such default.

**§ 563.9-1 [Amendment]**

2. a. Paragraph (b) of § 563.9-1 of said Part 563 is hereby amended by adding to said paragraph, at the end thereof, the following new sentence: "An insured institution which is another lender within the meaning of the first sentence of this paragraph or a seller within the meaning of the second sentence thereof shall not, without the prior written approval of the Corporation, sell or dispose of its participating interest or any part thereof (except to a Federal Home Loan Bank by way of security only) unless, at the close of such sale or other disposition, it has a participation of at least fifty percent in such loan."

b. Paragraph (d) of said § 563.9-1 is hereby amended by adding to said paragraph, at the end thereof, the following new sentence: "Any purchase by an insured institution of a participation in any loan pursuant to the approval granted by this section shall be upon a sale without recourse."

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than September 8, 1959, to be entitled to be considered but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,  
Secretary.

[F.R. Doc. 59-6453; Filed, Aug. 4, 1959; 8:50 a.m.]

**[ 12 CFR Part 563 ]**

[No. FSLIC-683]

**OPERATIONS**

**Charges and Credits for Fees, Commissions, Premiums, Discounts, Profit on Real Estate Sold, and Related Items**

JULY 31, 1959.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) be amended by an amendment the substance of which is as follows:

After § 563.23, insert a new section to be numbered § 563.23-1 and to read as follows:

**§ 563.23-1 Charges and credits for premiums, discounts, profit on real estate sold, and related items.**

(a) *Charges.* All finder's fees, commissions and other similar costs to an insured institution of mortgage loans made or acquired by it shall be charged to such institution's expense for the accounting period in which such costs are incurred and shall not be deferred beyond the end of such accounting period. A premium paid by an insured institution for an installment mortgage loan purchased shall be amortized at a level rate semiannually over the life of the individual loan or over the average period of repayment of installment mortgage loans of the institution. A premium paid by an insured institution for a non-installment mortgage loan purchased shall be amortized at a level rate over the life of the individual loan.

(b) *Credits.* Any fee, commission, discount, or other similar consideration, other than interest as provided by the loan contract, charged or received by an insured institution for or in connection with the making or acquisition of any mortgage loan or the making of a commitment to make or acquire any mortgage loan shall be deferred and shall be credited to such institution's income semiannually at a level rate over a period of not less than 7 years from the date of making or acquisition of such loan: *Provided,* That of the aggregate amount of fees, commissions, discounts, or other similar consideration so charged or received in connection with any loan, including any commitment with respect to such loan, an amount equal to not more than 2 percent of the amount of the loan if the loan is made by such institution for the purpose of construction, and an amount equal to not more than 1 percent of the amount of the loan if the loan is made by such institution for any other purpose, may be credited to such institution's income for the period in which such loan is made: *And provided further,* That if a mortgage loan is repaid in full with funds derived from sources other than a loan made by such insured insti-

tution, or if a mortgage loan is sold in full without loss to such institution, the balance of the fee, commission, discount, or other similar consideration, if any, remaining deferred in respect to such loan at the time of such repayment or sale may be credited to such institution's income: *And provided further,* That, if an insured institution makes a mortgage loan for the purpose of construction and if such loan is repaid or refinanced in whole or in part by a mortgage loan made by such institution on the security of property which was security for the construction loan, the deferred portion of any fee, commission, discount, or other similar consideration charged or received for or in connection with that part of the construction loan so repaid or refinanced shall continue as a credit to deferred income on such institution's books, and shall continue to be credited to such institution's income semiannually at a level rate over a period of not less than 7 years from the date of the construction loan. When an insured institution sells real estate owned by it, such institution's records shall disclose the book value of such real estate at the time of such sale and the price at which it is sold. If such price is in excess of such book value, such part of the excess as is not received by the institution in cash at the time of sale shall be deferred and credited to an account descriptive of unearned profit on real estate sold; at the end of each accounting period thereafter, until the excess applicable to the transaction has been eliminated, such account may be charged an amount not greater than the reduction in the unpaid balance of the contract or purchase money mortgage loan during such period and an amount equal to such charge may concurrently be credited to such institution's income or to its reserves for losses.

(c) *Loss or discount on mortgage loans sold.* The loss or discount on mortgage loans sold by an insured institution shall be charged to the balance of the fees, commissions, discounts, and similar consideration, if any, which were charged or received when such loans were made or acquired and which remains deferred at the time of the sale. Any loss in excess of such balance shall be charged to such institution's net income for such period, to undivided profits, or to reserves.

(d) *Definition of terms.* For the purposes of this section the term "mortgage loans" means any loan on the security of real estate; the term "installment mortgage loan" means any mortgage loan that is repayable in regular periodic payments, equal or unequal, sufficient to retire the debt, interest and principal, within the contract period; and the term "non-installment mortgage loan" means any mortgage loan that is not an installment mortgage loan.

(e) *Effective date.* This section shall become effective January 1, 1960.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity

to submit written data, views, or arguments as to whether said proposed amendment should be adopted, should be modified and adopted as modified, or should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., not later than the close of business on September

8, 1959, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,  
*Secretary.*

[F.R. Doc. 59-6454; Filed, Aug. 4, 1959;  
8:50 a.m.]

## NOTICES

### DEPARTMENT OF THE TREASURY

#### Foreign Assets Control

#### IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

#### Available Certifications by Government of Hong Kong

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Foreign Assets Control are available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodity:

Tiger Balm.

[SEAL] ELTING ARNOLD,  
*Acting Director,*  
*Foreign Assets Control.*

[F.R. Doc. 59-6391; Filed, Aug. 4, 1959;  
8:45 a.m.]

#### Office of the Secretary

[AA 643.3]

#### ALUMINUM FOIL FROM UNITED KINGDOM

#### Determination of No Sales at Less Than Fair Value

JULY 29, 1959.

A complaint was received that aluminum foil from the United Kingdom was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that aluminum foil from the United Kingdom is not being, nor is likely to be, sold at less than fair value within the meaning of section 210(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons:* Aluminum foil identical or similar to that exported to the United States is sold in the home market. Accordingly, for the purpose of fair value comparison, purchase price was compared with home market price. In calculating home market price, appropriate adjustments were made for

cost differences due to quality, quantity discount, and for circumstances of sale peculiar in the home market but not involved in export sales to the United States. Allowance was also made for the difference in the amount of commission paid on sales for export to the United States and on sales in the home market.

It was found that purchase price was not less than home market price, except as to certain narrower widths of capacitor foil and as to certain sales of converter foil. However, the quantities involved in those sales and the margin of difference between the purchase price and home market price are not more than insignificant. The manufacturer has since adjusted his prices to the United States upward to eliminate any margin of difference. There have been no sales since the price revision in which the purchase price was less than the home market price.

This determination and the statement of reasons therefore are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,  
*Acting Secretary of the Treasury.*

[F.R. Doc. 59-6433; Filed, Aug. 4, 1959;  
8:47 a.m.]

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

#### WASHINGTON

#### Notice of Proposed Withdrawal and Reservation of Lands

JULY 28, 1959.

The Bureau of Sport Fisheries and Wildlife, U.S. Fish and Wildlife Service has filed an application, Serial No. Washington-03380, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, subject to valid existing claims in accordance with authority vested in the Secretary of the Interior by Executive Order 10355 of May 26, 1952. The applicant desires the land for the Department of Game of the State of Washington, for the protection, development and management of the wildlife resources. The grazing and forestry resources will continue to

be managed by the Bureau of Land Management.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Washington.

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

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

The lands involved in the application are:

WILLAMETTE MERIDIAN, WASHINGTON

T. 15 N., R. 19 E.,

Sec. 4: E $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 16 N., R. 19 E.,

Sec. 6: Lots 6, 7, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 8: S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 18: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{8}$ ;

Sec. 20: W $\frac{1}{2}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .

The area described contains 850.75 acres.

FRED J. WEILER,  
*State Supervisor.*

[F.R. Doc. 59-6418; Filed, Aug. 4, 1959;  
8:46 a.m.]

### DEPARTMENT OF COMMERCE

#### Bureau of Foreign Commerce

[File 23-655]

#### ORIENTAL TRADING CO., LTD., ET AL.

#### Order Temporarily Denying Export Privileges

In the matter of Oriental Trading Company, Ltd., sometimes known as Toyo Boeki K.K. or Toyo Trading Company, 15 Akasaka Tameike-cho, Minato-ku, Toyko, Japan and Koji Kitahara, Kazushige Masatsugo, 15 Akasaka Tameike-cho, Minato-ku, Tokyo, Japan, Respondents; File 23-655.

The Director, Investigation Staff, Bureau of Foreign Commerce, U.S. Department of Commerce, pursuant to the provisions of § 382.11 of the Bureau of Foreign Commerce Export Regulations (Title 15 Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying to Oriental Trading Company, Ltd., sometimes known as Toyo Boeki K.K. or Toyo Trading Company, and Koji Kitahara and Kazushige Masatsugo, the respondents herein, all United States export privileges pending completion of an investigation for the purpose of bringing an administrative proceeding against the respondents and thereafter until the determination of that proceeding, with the ultimate purpose of obtaining a finding of violation and consequent order revoking all export privileges.

The Compliance Commissioner, having considered the evidence submitted in support of said application, has reported the facts upon which the application is

based and has recommended that the application be granted to the extent hereinafter provided. After careful consideration of the report and the evidence submitted together therewith, it is found that the evidence reasonably supports the conclusion that, with knowledge that an export permit for the shipment to Soviet Russia of an electron microscope might not be issued, the respondents led their American supplier to believe that their intention was to import the said microscope into Japan and thereafter, despite formal warning against transshipment and respondents' promise to the American Consul not to transship (made in order to obtain possession of the microscope), they did transship it to Soviet Russia. This conduct on the part of the respondents leads to the belief that, unless an order is entered and published denying temporarily to them all privileges of receiving goods exported from the United States, they may attempt, through middlemen or intermediaries, to obtain such commodities for the purpose of transshipping them in violation of the regulations controlling their exportation. Now, having concluded that the protection of the public interest requires and that it is necessary to achieve effective enforcement of the law that the respondents be denied all export privileges, at least for the period hereinafter provided, during which they may have an opportunity to contest the findings herein: *It is ordered*, As follows:

(1) The respondents, Oriental Trading Company, Ltd., sometimes known as Toyo Boeki K.K. or Toyo Trading Company, and Koji Kitahara and Kazushige Masatsugo, their officers, agents, servants, and employees, and all persons and firms associated with them, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondents' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(2) Such denial of export privileges shall apply not only to the said respondents, but also to any other person, firm, corporation, or business organization with which the respondents may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith;

(3) This order shall take effect forthwith and shall remain in effect for a

period of forty-five days from the date hereof unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the Export Regulations;

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of Foreign Commerce, shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a re-exportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect;

(5) A certified copy of this order shall be served upon the respondents.

(6) In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: July 31, 1959.

JOHN C. BORTON,  
Director,  
Office of Export Supply.

[F.R. Doc. 59-6424; Filed, Aug. 4, 1959; 8:46 a.m.]

**Federal Maritime Board**

[Docket No. S-89]

**AMERICAN MAIL LINE LTD. ET AL.**

**Amended Notice of Hearing**

The notice published in the FEDERAL REGISTER on May 1, 1959, concerning a public hearing to be held in San Francisco, California, on October 19, 1959, at 10:00 a.m. (location of hearing room to be announced later) under section 605(c) of the Merchant Marine Act of 1936 (46 U.S.C. 1175), upon applications of American Mail Line Ltd., American President Lines, Ltd., and Pacific Far East Line, Inc., for modification of subsidized service now provided by each operator is hereby amended in so far as the following Company is concerned:

American Mail Line requests the privilege of making 11 to 23 calls a year at California ports to load and discharge cargo, without limitation as to type or

commodity for and from ports in the Far East, Indonesia-Malaya and the Bay of Bengal Area (including Burma, East Coast India, East Pakistan and Ceylon).

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) desiring to intervene in this proceeding are required to notify the Secretary of the Federal Maritime Board, Washington 25, D.C., by close of business on August 17, 1959, and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

Dated: July 31, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 59-6435; Filed, Aug. 4, 1959; 8:48 a.m.]

**Office of the Secretary**

**JOHN S. VANDER HEIDE**

**Statement of Changes in Financial Interests**

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

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

This statement is made as of July 23, 1959.

JOHN S. VANDER HEIDE.

JULY 28, 1959.

[F.R. Doc. 59-6460; Filed, Aug. 4, 1959; 8:51 a.m.]

**FEDERAL COMMUNICATIONS COMMISSION**

[FCC 59-852]

**BOARD OF COMMISSIONERS**

**Delegation of Authority To Institute Investigations**

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration its announcement of April 29, 1959, regarding its plans for one meeting and no hearings or oral arguments in August 1959; planned summer absences of its members; and the limitation on the delegation of authority to a Board of Commissioners, contained in § 0.213 of the Commission's Statement of Organization, Delegations of Authority and Other Information, whereby such Board cannot institute investigations;

It appearing that a quorum of the Commission may not be present at times

during the period from August 3, 1959, to September 9, 1959, inclusive;

It further appearing that it is necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business, that a Board of Commissioners be authorized to institute investigations whenever a quorum of the Commission is not present during the above-described period;

*It is ordered*, That, pursuant to section 5(d) (1) of the Communications Act of 1934, as amended, during the period from August 3, 1959, to September 9, 1959, inclusive, there is delegated to a Board to be composed of the Commissioner or Commissioners present and able to act during said period, authority to institute investigations whenever a quorum of the Commission is not present.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
*Secretary.*

[F.R. Doc. 59-6445; Filed, Aug. 4, 1959;  
8:49 a.m.]

[Docket No. 12988]

### HARRY EUGENE ALTLAND

#### Order To Show Cause

In the matter of Harry Eugene Altland, York, Pennsylvania, Docket No. 12988; order to show cause why the license for citizens radio station 3AO896 should not be revoked.

There being under consideration the matter of an alleged violation of the Communications Act of 1934, as amended, by Harry Eugene Altland, 247 West Philadelphia Street, York, Pennsylvania; and

It appearing that at various times between September 13, 1958, and October 4, 1958, and particularly on September 13, 14, 15, 18, 20, 21, 22, 23, 25, 26, 27, 28, 29, and 30, 1958, October 2, 3, and 4, 1958, the above-named licensee operated a radio transmitter in the 144 to 148 megacycle amateur band without a license therefor issued by this Commission, in violation of section 301 of the Communications Act of 1934, as amended; and

It further appearing that while engaged in the above-mentioned unlicensed operation, the licensee named herein identified the station being operated as W 3 BRK and falsely identified himself as Harold G. Wacker, the licensee of Amateur Radio Station W 3 BRK; and

It further appearing that in view of the foregoing, the above-named licensee wilfully and repeatedly violated section 301 of the Communications Act of 1934, as amended;

*It is ordered*, This 31st day of July 1959, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(h) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked and appear and give

evidence in respect thereto at a hearing<sup>1</sup> to be held at a time and place to be specified by subsequent order; and

*It is further ordered*, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
*Secretary.*

[F.R. Doc. 59-6446; Filed, Aug. 4, 1959;  
8:49 a.m.]

[Docket No. 12615 etc.; FCC 59M-976]

### COOKEVILLE BROADCASTING CO. ET AL.

#### Order Scheduling Hearing

In re applications of Hamilton Parks, tr/as Cookeville Broadcasting Company, Cookeville, Tennessee, Docket No. 12615, File No. BP-11518; et al., Docket Nos. 12960, 12961, 12962, 12963, 12964, 12965, 12966, 12967, 12968, 12969, 12970, 12971, 12972, 12973, 12974, 12975, 12976, 12977, 12978, 12979, 12980, 12981, 12982, 12983, 12984; for construction permits.

*It is ordered*, This 29th day of July 1959, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 5, 1959, in Washington, D.C.

Released: July 30, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
*Secretary.*

[F.R. Doc. 59-6447; Filed, Aug. 4, 1959;  
8:49 a.m.]

<sup>1</sup>Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket Nos. 12985, 12986; FCC 59M-983]

### EASTERN IDAHO BROADCASTING AND TELEVISION CO. AND SAM H. BENNION

#### Notice of Conference

In re applications of Eastern Idaho Broadcasting and Television Company, Idaho Falls, Idaho, Docket No. 12985, File No. BPCT-2390; Sam H. Bennion, Idaho Falls, Idaho, Docket No. 12986, File No. BPCT-2597; for construction permits for new television broadcast stations (Channel 8).

Notice is hereby given that a pre-hearing conference will be held in the above-entitled proceeding at 10:00 a.m. on Tuesday, September 22, 1959, in Washington, D.C.

Dated: July 31, 1959.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
*Secretary.*

[F.R. Doc. 59-6448; Filed, Aug. 4, 1959;  
8:49 a.m.]

[Docket Nos. 12985, 12986; FCC 59M-975]

### EASTERN IDAHO BROADCASTING AND TELEVISION CO. AND SAM H. BENNION

#### Order Scheduling Hearing

In re applications of Eastern Idaho Broadcasting and Television Company, Idaho Falls, Idaho, Docket No. 12985, File No. BPCT-2390; Sam H. Bennion, Idaho Falls, Idaho, Docket No. 12986, File No. BPCT-2597; for construction permits for new television broadcast stations (Channel 8).

*It is ordered*, This 29th day of July 1959, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1959, in Washington, D.C.

Released: July 30, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
*Secretary.*

[F.R. Doc. 59-6448; Filed, Aug. 4, 1959;  
8:49 a.m.]

[Docket No. 12894; FCC 59M-981]

### HIGH FIDELITY STATIONS, INC. (KPAP)

#### Order Continuing Hearing and Scheduling Prehearing Conference

In re application of High Fidelity Stations, Inc. (KPAP), Redding, California, Docket No. 12894, File No. BMP-8115, for construction permit for standard broadcast station.

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which

is scheduled for hearing on September 9, 1959; now therefore,

*It is ordered,* This 30th day of July 1959, pursuant to § 1.111 of the Commission's rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D.C., at 10:00 a.m. on Wednesday, September 9, 1959, for a prehearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;
  2. The possibility of stipulating with respect to facts;
  3. The procedures to be followed prior to and at the hearing;
  4. The limitation of the number of witnesses;
  5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and
  6. Such other matters as may aid in the disposition of this proceeding; and
- It is further ordered,* That the hearing now scheduled to be commenced on September 9, 1959, is continued to a date to be fixed by subsequent order.

Released: July 30, 1959.

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

[F.R. Doc. 59-6450; Filed, Aug. 4, 1959;  
8:49 a.m.]

[Docket No. 12990; FCC 59M-978]

**MASSACHUSETTS STEEL TREATING  
CORP.**

**Order Scheduling Hearing**

In the matter of cease and desist order to be directed to Massachusetts Steel Treating Corporation, 118 Harding Street, Worcester, Massachusetts, Docket No. 12990.

*It is ordered,* This 30th day of July 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is scheduled to commence on October 2, 1959, in Worcester, Massachusetts.

Released: July 30, 1959.

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

[F.R. Doc. 59-6451; Filed, Aug. 4, 1959;  
8:49 a.m.]

[Docket No. 12989; FCC 59M-979]

**STYLEMASTER LEATHERCRAFT CORP.**

**Order Scheduling Hearing**

In the matter of cease and desist order to be directed to Stylemaster Leathercraft Corp., 520 West Broadway, New York 12, New York, Docket No. 12989.

*It is ordered,* This 30th day of July 1959, that Isadore A. Honig will preside at the hearing in the above-entitled pro-

No. 152—4

ceeding which is scheduled to commence at 2:00 p.m. on September 30, 1959, in New York, New York.

Released: July 30, 1959.

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

[F.R. Doc. 59-6452; Filed, Aug. 4, 1959;  
8:49 a.m.]

**FEDERAL POWER COMMISSION**

[Docket No. G-13238]

**EL PASO NATURAL GAS CO.**

**Notice of Application and Date of  
Hearing**

JULY 29, 1959.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation, with principal office at El Paso, Texas, filed on September 9, 1957, an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity to construct and operate certain facilities. On December 20, 1957, and again on May 15, 1959, supplements amending said application were filed. The application as amended proposes construction of approximately 6.2 miles of 4½-inch pipeline extending from a gas well in the Mesclero Field in Lea County, New Mexico, owned and operated by Sunray Mid-Continent Oil Company, to a point of connection with Applicant's 30-inch main Permian-San Juan transmission pipeline, together with metering and dehydration facilities necessary for the purpose of taking an average of 900 Mcf of natural gas daily from the said gas well into the natural gas transmission system of Applicant now in operation.

Sunray Mid-Continent Oil Company was authorized in Docket No. G-12900 to sell the subject gas to Applicant.

The estimated cost of the proposed facilities, which will become an integral part of Applicant's natural gas transmission system when constructed is \$106,000.

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

Take further notice, that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 31, 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 to 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 August 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.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-6415; Filed, Aug. 4, 1959;  
8:45 a.m.]

[Docket No. G-18633]

**NORTHERN NATURAL GAS CO.**

**Notice of Application and Date of  
Hearing**

JULY 29, 1959.

Take notice that on May 26, 1959, Northern Natural Gas Company (Applicant) filed in Docket No. G-18633 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 2.6 miles of 8-inch lateral pipeline, and necessary appended metering facilities, extending from a point on Applicant's 16-inch main line "B" north of Paulina, Iowa, to a new electric generating plant being built by Corn Belt Power Cooperative (Corn Belt) near Spencer, Clay County, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to serve natural gas to Corn Belt's power plant through Applicant's distributing Peoples Division, under a contract dated January 20, 1959. Maximum day deliveries to the power plant are estimated at 12,000 Mcf on an interruptible basis, plus 50 Mcf on a firm basis.

The total estimated cost of the facilities for which authorization is sought herein is \$93,100, including interest and overheads, which will be financed from funds on hand.

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 September 10, 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 to be represented at the hearing.

essary 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 August 28, 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.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-6416; Filed, Aug. 4, 1959;  
8:45 a.m.]

[Docket No. E-6890]

## NIAGARA MOHAWK POWER CORP.

### Order To Show Cause

JULY 30, 1959.

The Niagara Mohawk Power Corporation (Niagara), a New York corporation, on May 1, 1959, filed its annual report for the year ended December 31, 1958, on F.P.C. Form No. 1, prescribed by the Commission for that purpose. Niagara is a public utility and licensee under the Federal Power Act, and subject to the Commission's jurisdiction.

Pursuant to authorization under Certificates of Necessity prescribed under present section 168 of the Internal Revenue Code, Niagara was permitted for Federal income tax purposes to accelerate the amortization of approximately \$49,000,000 of construction costs over various five year periods in lieu of depreciation over longer periods. Under Niagara's system of accounting, the temporary tax reduction is charged to income, apparently as a tax deferral, and credited to unrestricted earned surplus. The income account is indicated on page 16 of Niagara's 1958 annual report to be "Account 502.1—Special Charge" which account is not prescribed under the Commission's Uniform System of Accounts. For the year ended December 31, 1958, the income charge was \$2,900,000, and the accumulated deferrals resulting from the accelerated amortization was \$18,840,000 or approximately 22 percent of Niagara's reported surplus. The effect of crediting the accumulated deferrals to unrestricted earned surplus was to substantially increase the amount for the equity of the common stockholders as stated in Niagara's annual report over the amount which should be stated under the Commission's accounting requirements.

Under the Uniform System of Accounts for Public Utilities and Licensees promulgated by the Commission, the income charge of \$2,900,000 should have been included in Account 507-A, Provision for Deferred Taxes on Income, and the accumulated deferrals of \$18,840,000 should have been classified in Account 266.1. By Order No. 204 the Commission held such deferrals not to be includible in earned surplus account.

In addition to failing to file its 1958 Annual Report in the manner and form

prescribed by the Commission, it appears that Niagara is not presently maintaining its accounts in such manner and form as the Commission has prescribed. By letter dated May 18, 1959, Niagara advised the Commission that it intends to charge Account 538, Miscellaneous Income Deductions, with future annual accruals of deferred taxes and to credit Account 271, Earned Surplus—Restricted, with the accumulated deferrals. The Commission has prescribed that Account 507-A must be charged with annual accruals of deferred taxes, and Account 266.1 must be credited with the accumulated deferrals.

Further, in the letter dated May 18, 1959, Niagara advised that it "does not contemplate any ultimate reverse accruals." The Commission has prescribed Account 507-B, Taxes on Income Deferred in Prior Years—Credit, to reflect a credit to income for the period after Niagara obtains the tax benefits of accelerated amortization. Such a system equalizes net income by debiting income with an amount equal to the temporary tax reduction during the initial five-year period of accelerated amortization and by crediting income in the subsequent period, with an amount equal to the increase in taxes attributable to the reduced depreciation deduction allowable for tax purposes. It appears that Niagara has failed to maintain its accounts in the manner and form prescribed by the Commission.

Niagara has failed to remedy the above deficiencies which were brought to its attention by Commission staff.

The Commission orders: Niagara shall show cause in writing, under oath, if any there be, within sixty (60) days from the date of issuance of this order, why the Commission should not:

(1) Find and determine that F.P.C. Form No. 1 as submitted by Niagara on May 1, 1959, for the year ended December 31, 1958, does not comply with the requirements of such form as prescribed by the Commission;

(2) Find and determine that Niagara in submitting F.P.C. Form No. 1 for the year ended December 31, 1958, in manner other than that prescribed for such form and in continuing to decline to submit it in the prescribed manner has willfully and knowingly violated the Federal Power Act;

(3) Order Niagara to file such substitute pages of F.P.C. Form No. 1 for the year ended December 31, 1958, to make its report comply with the requirements of such form as prescribed by the Commission;

(4) Find and determine that Niagara is not making, keeping, and preserving its accounts in the manner prescribed by the Commission in the Uniform System of Accounts for Public Utilities and Licensees;

(5) Find and determine that Niagara, in failing to make, keep, and preserve its accounts in the manner prescribed by the Commission in the Uniform System of Accounts for Public Utilities and Licensees, has willfully and knowingly violated the Federal Power Act; and

(6) Order Niagara to make, keep, and preserve its accounts in the manner pre-

scribed by the Commission in the Uniform System of Accounts for Public Utilities and Licensees.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-6431; Filed, Aug. 4, 1959;  
8:47 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2275]

### TEN PIN BOWL, INC.

#### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 30, 1959.

I. Ten Pin Bowl, Incorporated (issuer), a Virginia corporation, 823 South Oakland Street, Arlington, Virginia, filed with the Commission on July 7, 1959, a notification on Form 1-A and an offering circular relating to an offering of 20,000 shares of its \$10 par value common stock, at \$10 per share, for an aggregate amount of \$200,000, 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.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer offered securities prior to the expiration of the 10-day waiting period without authorization, contrary to Rule 255(a);

2. A written advertisement was published before the commencement of the public offering, contrary to Rule 256(c).

B. The offering circular contains untrue statements of material facts and omits 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:

1. The statement that "Ten Pin Bowl Incorporated (the company) has filed with the Securities and Exchange Commission, Washington, D.C., a Registration Statement under the Securities Act of 1933, \* \* \*";

2. The failure to set forth a reasonably itemized statement of the purposes for which the net cash proceeds to the issuer from the sale of the securities are to be used;

3. The failure to disclose all material transactions of directors, officers, and controlling persons with the issuer, its predecessor, or affiliate;

4. The failure to disclose the terms of a construction contract entered into by Tenpins, Inc., the issuer's predecessor and affiliate, to have a building erected to house the issuer's bowling facilities;

5. The failure to disclose litigation currently pending against the issuer's

affiliate involving the property to be used to house the issuer's bowling facilities;

6. The inclusion of appraisal values;  
7. The projection of future income, future expenses, and future operating profits;

8. The failure to furnish any financial statements for the issuer and its predecessor, as required by Item 11 of Schedule I.

C. The offering is being and would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-6421; Filed, Aug. 4, 1959; 8:46 a.m.]

[File No. 1-2645]

**F. L. JACOBS CO.**

**Order Summarily Suspending Trading  
JULY 30, 1959.**

I. The common stock, \$1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959, issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959 whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with Section 13 of the Act and the rules and regulations thereunder.

On July 20, 1959, the Commission issued its order summarily suspending trading of said securities on the ex-

changes pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending July 30, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

*It is ordered*, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 31, 1959, to August 9, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-6422; Filed, Aug. 4, 1959; 8:46 a.m.]

**INTERSTATE COMMERCE  
COMMISSION**

[Notice 15]

**APPLICATIONS FOR MOTOR CARRIER  
CERTIFICATE OR PERMIT COVER-  
ING OPERATIONS COMMENCED  
DURING "INTERIM" PERIOD**

JULY 31, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "interim" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy

of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

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

No. MC 114019 (Sub No. 24), (RE-PUBLICATION), filed December 10, 1958, published issue of FEDERAL REGISTER June 24, 1959. Applicant: EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, tea, cocoa beans, coffee beans, bananas and hemp*, in straight and in mixed loads with *certain exempt commodities*, between points in Arkansas, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Applicant states that *crude rubber and liquid latex* were transported.

NOTE: The purpose of this republication is to add "tea" to the commodities proposed to be transported as substantiated in the representative list of shipments attached to the application, and to include the transportation of "certain exempt commodities" in straight and mixed shipments.

By the Commission.

[SEAL] HAROLD D. McCox,  
Secretary.

[F.R. Doc. 59-6426; Filed, Aug. 4, 1959; 8:47 a.m.]

[Notice 28]

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

JULY 31, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative

(or applicant, if no practitioner representing him is named in the notice of filing).

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

No. MC 114019 (Sub No. 23), (REPUBLICATIION), filed December 10, 1958, published issue of FEDERAL REGISTER June 25, 1959. Applicant: EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, and hemp*, in straight and in mixed loads with *certain exempt commodities*, between points in Arkansas, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Applicant states that *crude rubber and liquid latex* were transported.

NOTE: The purpose of this republication is to add "tea" to the commodities proposed to be transported as substantiated in the representative list of shipments attached to the application, and to include the transportation of "certain exempt commodities" in straight and mixed shipments.

No. MC 119107, filed November 25, 1958. Applicant: CENTRAL BANANA COMPANY, INC., 1302 Revere Street, Flint, Mich. Applicant's representative: C. L. Athanson, 2262 National Bank Building, Detroit 26, Mich. Grandfather authority sought under Section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, bananas, and certain exempt commodities* in straight or mixed shipments, between New York, N.Y., Baltimore, Md., Norfolk and Richmond, Va., New Orleans, La., Lake Wales, Tampa, Miami, and Hastings, Fla., Birmingham, Loxley, and Mobile, Ala., Flint, Detroit, Cadillac, and Parma, Mich., Philadelphia, Pa., Charleston, S.C., Toledo, Ohio, Indianapolis, Ind., and Atlanta, Ga. Applicant states that it transported *wheat germ* in mixed shipments with the above commodities.

By the Commission.

[SEAL] HAROLD D. McCoy,

[F. R. Doc. 59-6427; Filed, Aug. 4, 1959; 8:47 a. m.]

[Notice 95]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 31, 1959.

The following letter-notices of proposals to operate over deviation routes for

operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c) (8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC 40858 (Deviation No. 2), DANCE FREIGHT LINES, INC., 920 Dance Court, Cincinnati 3, Ohio, filed July 22, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from Morristown, Tenn., over U.S. Highway 11E to junction Tennessee Highway 70, thence over Tennessee Highway 70 to the Tennessee-North Carolina State line, thence over North Carolina Highway 208 to junction U.S. Highways 25 and 70, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent route, as follows: from junction U.S. Highways 25E and 11W at or near Bean Station, Tenn., over U.S. Highway 25E to junction U.S. Highways 25 and 70 at or near Newport, Tenn., and thence over U.S. Highways 25 and 70 to Asheville, N.C., and return over the same route.

No. MC 71478 (Deviation No. 6), THE CHIEF FREIGHT LINES COMPANY, 1229½ Union Avenue, P.O. Box 4049, Station A, Kansas City, Mo., filed July 22, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, as follows: from Tulsa, Okla., over U.S. Highway 64 to junction Oklahoma Highway 72, thence over Oklahoma Highway 72 to junction U.S. Highway 266, thence over U.S. Highway 266 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 75, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent route between Tulsa and Dallas, Tex., over U.S. Highway 75.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-6428; Filed, Aug. 4, 1959; 8:47 a.m.]

[Notice 281]

### MOTOR CARRIER APPLICATIONS

JULY 31, 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 or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings 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 1184 (Sub. No. 16), filed July 13, 1959. Applicant: GEORGE F. BURNETT COMPANY, INC., West Ireland Road, P.O. Box 2538, South Bend, Ind. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats*, and *parts thereof* when accompanying the boats, (2) *trailers* designed to transport boats, from points in Indiana to points in the United States. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: September 25, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 7155 (Sub No. 7), filed January 12, 1959. Applicant: GEORGE WILLIAMS, ROY WILLIAMS, WARREN LITTLEJOHN AND WARREN HIGGENBOTHAM, doing business as WILLIAMS TRUCKING SERVICE, 1060½ McLoughlin Boulevard, Gladstone, Ore. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest, Fifth Avenue, Portland 1, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, dry, from Garfield and Salt Lake City, Utah, and points within ten (10) miles of each, and Pocatello and Bannock (Powers County), Idaho, and points within ten (10) miles of each, to points in Oregon and Washington; and (3) *Salt and salt products*, from points in Davis, Salt Lake, and Tooele Counties, Utah, to points in Oregon and Washington. Applicant is authorized to conduct operations in Idaho, Oregon, Utah, and Washington.

NOTE: Applicants state they seek no duplicating authority.

HEARING: September 30, 1959, at the Interstate Commerce Commission Hear-

ing Room, 410 Southwest 10th Ave., Portland, Oreg., before Examiner Lucian A. Jackson.

No. MC 17094 (Sub No. 2), filed July 1, 1959. Applicant: NEBRASKA ILLINOIS COLORADO EXPRESS, INC., doing business as N.I.C.E., INC., and NATE'S TRUCK LINE, INC., 780 East 51st Avenue, Denver 16, Colo. Applicant's attorney: Robert H. Shertz, 811-819 Lewis Tower Building, 225 S. Fifteenth Street, Philadelphia 2, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products, equipment and supplies*, between Denver, Colo., on the one hand, and, on the other, Detroit, Mich., Cincinnati, Cleveland, Toledo, and Youngstown, Ohio, Indianapolis, Ind., and Pittsburgh, Pa. Applicant is authorized to conduct operations in Illinois, Colorado, Nebraska, and Iowa.

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 common or contract carrier in No. MC 17094 (Sub No. 1).

HEARING: September 25, 1959, at the New Customs House, Denver, Colo., before Examiner Mack Myers.

No. MC 28769 (Sub No. 2), filed June 1, 1959. Applicant: MAGIC EMPIRE EXPRESS, an Oklahoma corporation, 5 South Boulder, Tulsa, Okla. Applicant's attorney: George F. Short, 1366 First National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including those of unusual value*, but excluding Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, moving in express service, between the following specified points, serving all intermediate points:

(1) From Coffeyville, Kans., over U.S. Highway 169 to Nowata, Okla., thence over U.S. Highway 60 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Dewey, thence over U.S. Highway 75B to Bartlesville, thence over unmarked route through Ochelata to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Tulsa, and return over the same route;

(2) From Tulsa over U.S. Highway 66 to Sapulpa, thence over U.S. Highway 75 to Henryetta, thence over U.S. Highway 62 to Okemah, thence over Oklahoma Highway 56 to Wewoka, thence over U.S. Highway 270 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Kiefer, thence over Oklahoma Highway 67 and unmarked route through Jenks to Tulsa;

(3) From Tulsa over U.S. Highway 66 to Stroud, thence over Oklahoma Highway 99 to Seminole, thence over U.S. Highway 270 and Oklahoma Highway 3 to Shawnee, thence over Oklahoma Highway 18 to Chandler, thence over U.S. Highway 66 to Tulsa;

(4) From Tulsa over U.S. Highway 66 to Claremore, thence over Oklahoma Highway 20 to Pryor, thence over Oklahoma Highway 20 to Salina, thence over

Oklahoma Highway 82 to Locust Grove, thence over Oklahoma Highway 33 to Chouteau, thence over Oklahoma Highway 33 to its junction with Oklahoma Highway 88, thence over Oklahoma Highway 88 to Inola, thence over Oklahoma Highway 88 to its junction with Oklahoma Highway 33, thence over Oklahoma Highway 33 to Tulsa;

(5) From Pryor over Oklahoma Highway 30 to Salina, thence over Oklahoma Highway 82 to Langley, thence over Oklahoma Highway 82 to its junction with Oklahoma Highway 85, thence over Oklahoma Highway 85 to Ketchum, thence over Oklahoma Highway 85 to its junction with Oklahoma Highway 82, thence over Oklahoma Highway 82 to its junction with Oklahoma Highway 28, thence over Oklahoma Highway 28 to its junction with Oklahoma Highway 20, thence over Oklahoma Highway 20 to Jay, thence over U.S. Highway 59 to Grove, thence over U.S. Highway 59 to Jay, thence over Oklahoma Highway 20 to its junction with Oklahoma Highway 82, thence over Oklahoma Highway 82 to its junction with Oklahoma Highway 28, thence over Oklahoma Highway 28 to Adair, (also from the junction of Oklahoma Highway 20 and Oklahoma Highway 82 over unmarked route through Strang to Oklahoma Highway 28, serving Strang, thence over Oklahoma Highway 28 to Pensacola, thence over Oklahoma Highway 28 to Adair), thence over U.S. Highway 69 to Pryor;

(6) From Tulsa over Oklahoma Highway 11 to Pawhuska, thence over Oklahoma Highway 11 and U.S. Highway 60 to Ponca City, thence over Oklahoma Highway 11 and U.S. Highway 77 to junction with Oklahoma Highway 119, thence over Oklahoma Highway 119 to Kaw City, thence over unmarked route through Webb City and Lep to Shidler, thence over Oklahoma Highway 18 to its junction with Oklahoma Highway 11, thence over Oklahoma Highway 11 to Pawhuska, thence over Oklahoma Highway 99 to Hominy, thence over Oklahoma Highway 20 to Skiatook, thence over Oklahoma Highway 11 to Tulsa;

(7) From Tulsa over U.S. Highway 66 to its northern junction with U.S. Highway 60, thence over U.S. Highway 60 to Fairland, thence over U.S. Highway 60 to its junction with U.S. Highway 66, thence over U.S. Highway 66 to Miami, thence over U.S. Highway 59 to Welch, thence over Oklahoma Highway 2 to Vinita, thence over U.S. Highway 60 and Oklahoma Highway 2 to Pryor, thence over Oklahoma Highway 20 to Claremore, thence over U.S. Highway 66 to Tulsa;

(8) From Miami over U.S. Highway 66 to Quapaw, thence over U.S. Highway 66 to Commerce, thence over U.S. Highway 69 to Picher, and return over the same route;

(9) From Tulsa over Oklahoma Highway 51 to Oilton, thence over Oklahoma Highway 99 to Drumright, thence over Oklahoma Highway 33 to its junction with Oklahoma Highway 108, thence over Oklahoma Highway 108 to Ripley, thence over Oklahoma Highway 108 to its junction with Oklahoma Highway 33, thence over Oklahoma Highway 33 to its junction with Oklahoma Highway 40,

thence over Oklahoma Highway 40 to Perkins, thence over Oklahoma Highway 40 to Stillwater, thence over Oklahoma Highway 51 to Oilton, thence over Oklahoma Highway 99 to its junction with U.S. Highway 64; thence over U.S. Highway 64 to Tulsa;

(10) From Keystone over U.S. Highway 64 to Cleveland, thence over unmarked route to Osage, thence over unmarked route to Cleveland, thence over Oklahoma Highway 99 to Hominy, thence over Oklahoma Highway 20 to its junction with Oklahoma Highway 18, thence over Oklahoma Highway 18 to Fairfax, thence over Oklahoma Highway 18 to Pawnee, thence over U.S. Highway 64 to Cleveland, and return over the same route;

(11) From Tulsa over U.S. Highway 75 to Collinsville, thence over U.S. Highway 169 to Nowata, thence over U.S. Highway 169 to Coffeyville, Kans.;

(12) From Tulsa over Oklahoma Highway 11 to Skiatook, thence over Oklahoma Highway 20 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Bartlesville, thence over U.S. Highway 60 to Pawhuska, thence over Oklahoma Highway 11 to Tulsa;

(13) From Nowata over U.S. Highway 60 to Bartlesville, thence return over U.S. Highway 60 to Nowata;

(14) From Tulsa over U.S. Highway 64 to Muskogee, thence over U.S. Highway 62 to Tahlequah, thence over Oklahoma Highway 51 to Tulsa;

(15) From Muskogee over U.S. Highway 64 to Sallisaw, thence over U.S. Highway 59 to its junction with Oklahoma Highway 9, thence over Oklahoma Highway 9 to Whitefield, thence over Oklahoma Highway 2 to Muskogee, thence over U.S. Highway 62 to its junction with Oklahoma Highway 10, thence over Oklahoma Highway 10 to Braggs, thence over Oklahoma Highway 10 to its junction with U.S. Highway 62, thence over U.S. Highway 62 to Muskogee;

(16) From Tahlequah over U.S. Highway 62 to Westville, thence over U.S. Highway 59 to Stilwell, thence over Oklahoma Highway 51 to Tahlequah;

(17) From Heavener over U.S. Highway 59 to its northern junction with Oklahoma Highway 9, thence over Oklahoma Highway 9 to Spiro; thence over U.S. Highway 271 to Wister, thence over U.S. Highway 270 to Heavener;

(18) From McAlester over U.S. Highway 69A to its junction with U.S. Highway 69, thence over U.S. Highway 69 to Muskogee, thence over U.S. Highway 69 to its junction with U.S. Highway 69A, thence over U.S. Highway 69A to McAlester;

(19) From Tulsa over Oklahoma Highway 51 to Wagoner, thence over U.S. Highway 69 to Muskogee, thence over U.S. Highway 62 to Tahlequah, thence over Oklahoma Highway 51 to Wagoner, thence over unmarked route to Ikay, thence over Oklahoma Highway 16 to Tulsa;

(20) From Tulsa over U.S. Highway 66 to Turner Turnpike, thence over the Turner Turnpike to its junction with U.S. Highway 66, thence over U.S. Highway 66 to Oklahoma City, and return over the same route;

(21) From Oklahoma City over U.S. Highway 66 to the Turner Turnpike, thence over the Turner Turnpike to its junction with U.S. Highway 66, thence over U.S. Highway 66 to Tulsa, thence over U.S. Highway 66 to Oklahoma City. Applicant is authorized to conduct operations in Oklahoma under the second proviso of section 206(a) (1) in No. MC 28769 (Sub No. 1).

NOTE: Applicant states that if and when the above operations are granted, the operations under the second proviso will be cancelled.

HEARING: September 8, 1959, at the Mayo Hotel, Tulsa, Okla., before Joint Board No. 39, or, if the Joint Board waives its right to participate, before Examiner Jair S. Kaplan.

No. MC 37203 (Sub No. 8), filed October 10, 1958. Applicant: STELLA LOUIS MILLSTEAD & HARRY LEE MILLSTEAD, doing business as MILLSTEAD TRANSFER & STORAGE, 122 West Park Avenue, Bartlesville, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points on the international boundary line between the United States and Canada located in Montana and North Dakota; (3) between points in Alaska, on the one hand, and, on the other, points in Oklahoma, Kansas, Colorado, Texas, and New Mexico. Applicant is authorized to conduct operations in Oklahoma, Arkansas, Kansas, Texas, Colorado, Illinois, Indiana, Iowa, Kentucky, Nebraska, New Mexico, Maine, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, West Virginia, Montana, and Wyoming.

HEARING: September 14, 1959, at the Mayo Hotel, Tulsa, Okla., before Examiner Jair S. Kaplan.

No. MC 55581 (Sub No. 10), filed June 1, 1959. Applicant: UTAH PACIFIC LUMBER TRANSPORT CO., an Oregon corporation, 5609 Northeast 77th Avenue, Portland, Ore. Applicant's attorney: Wm. G. Southwell, 2130 Southwest Fifth Avenue, Portland 1, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in Oregon to points in New Mexico; (2) from points in Washington to points in Colorado and New Mexico. Applicant is authorized to conduct operations in Oregon, Washington, Idaho, Utah, Montana, Wyoming, Colorado, and Arizona.

HEARING: October 1, 1959, at the Interstate Commerce Commission Hearing Room, 410 SW. 10th Avenue, Portland, Ore., before Examiner Lucian A. Jackson.

No. MC 59117 (Sub No. 12), filed April 6, 1959. Applicant: ELLIOTT TRUCK LINE, INC., P.O. Box 1, Vinita, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Dry fertilizer, feed, and feed ingredients, including urea compounds*, in bulk and in bags, from the plant site of the Grand River Chemical Division of Deere & Company, near Pryor, Okla., to points in Missouri, Arkansas, Texas and Louisiana, and *Dry fertilizer*, in bulk and in bags, from Tulsa, Okla., to points in Missouri, Arkansas, Texas and Louisiana. Applicant is authorized to conduct operations in Missouri, Oklahoma, Kansas, Arkansas, Texas, Louisiana, and Mississippi.

HEARING: September 22, 1959, at the Mayo Hotel, Tulsa, Okla., before Examiner Jair S. Kaplan.

No. MC 64932 (Sub No. 259), filed June 15, 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 Elwood, Ill., and points within ten (10) miles thereof, to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin. 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: September 22, 1959, at the U.S. Custom House, 610 South Canal Street, Room 852, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 66990 (Sub No. 7), filed May 14, 1959. Applicant: DON EATON TRANSFER & STORAGE, INCORPORATED, 119 South Frisco, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission in Ex Parte No. MC 19, 176.1 as amended, between points in Oklahoma, Texas, New Mexico, Colorado, Nebraska, Kansas, Missouri, Arkansas, Louisiana, Iowa, Minnesota, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Ohio, Michigan, Pennsylvania, New York, New Jersey, and points in Alaska. Applicant is authorized to conduct operations in the above-named States except Alaska.

HEARING: September 15, 1959 at the Mayo Hotel, Tulsa, Okla., before Examiner Jair S. Kaplan.

No. MC 68100 (Sub No. 9), filed April 30, 1959. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Box 1250, Bartlesville, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Well-pumping units, and materials, equipment, and supplies used in the installation, operation, and maintenance of such units*, (1) between Bartlesville, Okla., on the one hand, and, on the other, points in the Upper Peninsula of Michigan, and (2) between Bartlesville, Okla., on the one hand, and, on the other,

points in Alaska, Alabama, Arizona, California, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia and Wisconsin. Applicant is authorized to conduct operations in Arkansas, Kansas, Michigan, Missouri, New Mexico, Oklahoma, and Texas.

HEARING: September 18, 1959, at the Mayo Hotel, Tulsa, Okla., before Examiner Jair S. Kaplan.

No. MC 69365 (Sub No. 9), filed May 22, 1959. Applicant: CONTRACT CARRIER SERVICE, INC., P.O. Box 3083, Eugene, Ore. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Ore. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated wood products, prefabricated wooden timbers and trusses*, from Longview, Wash., to points in Montana and Wyoming, and to points in Nebraska in and west of Sheridan, Garden, and Deuel Counties; and (2) *Lumber*, from Livingston, Mont., to Portland, Ore., Seattle, Wash., and Phoenix, Ariz., and to points in California. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

HEARING: October 2, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Ore., before Examiner Lucian A. Jackson.

No. MC 69365 (Sub No. 10), filed June 1, 1959. Applicant: CONTRACT CARRIER SERVICE, INC., P.O. Box 3083, Eugene, Ore. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Ore. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt cake, soda ash, lime, potash, and fertilizer*, from Trona, Calif., and points within 20 miles thereof, to points in Oregon, Washington and Idaho. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming.

HEARING: October 2, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Ore., before Examiner Lucian A. Jackson.

No. MC 72227 (Sub No. 4), filed May 11, 1959. Applicant: D. M. LAYMAN, 100 East Court Street, Goldendale, Wash. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Klickitat and Yakima Counties, Wash., to points in Oregon, Idaho, Montana, Utah, Arizona, and Colorado, and *exempt commodities* on return. Ap-

plicant is authorized to conduct operations in California, Idaho, Montana, Oregon, and Washington.

**HEARING:** September 30, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Lucian A. Jackson.

No. MC 75320 (Sub No. 91), filed June 18, 1959. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 390, 2333 East Mill Street, Springfield, Mo. Applicant's attorney: John C. Bradley, 618 Perpetual Building, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, 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 Chicago, Ill., and Tuscaloosa, Ala., from Chicago over Illinois Highway 1-A to junction Illinois Highway 1, thence over Illinois Highway 1 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41-A to Nashville, Tenn., thence over U.S. Highway 31 to Cullman, Ala., thence over Alabama Highway 69 to Tuscaloosa, 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 Chicago, Ill., and Tuscaloosa, Ala. Applicant is authorized to transport general commodities in Alabama, Arkansas, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

**HEARING:** September 23, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 82861 (Sub No. 8), filed June 17, 1959. Applicant: BROOKS TRUCK LINE, INC., 609 Southeast 14th Street, Puyallup, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Clay brick, clay tile, clay pipe and clay flue lining*, (1) between Newcastle, Wash., on the one hand, and, on the other, points in Oregon, (2) from Newcastle, Wash., to Eatonville and Seattle, Wash., and (3) from Newcastle, Wash., to points in Idaho and Montana. (B) *High temperature bonding mortar, fire clay*, in packages, dampers, brick ties and other materials and supplies incidental to the manufacture and use of these commodities, between points on the International Boundary line between the United States and Canada at or near Blaine, Wash., and points in Washington (restricted to traffic moving to or from points in British Columbia, Canada). (C) *Empty pallets, corner boards and containers* used in transporting the clay products enumerated in (A) and (B) above, in the reverse direction. Applicant is authorized to conduct operations in Montana, Oregon, and Washington.

**HEARING:** September 24, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Lucian A. Jackson.

No. MC 92983 (Sub No. 361), filed June 25, 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: *Acid and chemicals*, in bulk, from Elwood, Ill., and points within 10 miles thereof, to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

**HEARING:** September 22, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 96812 (Sub No. 1), filed May 11, 1959. Applicant: FRANK HALL TRUCKING COMPANY, INC., P.O. Box 1234, Seminole, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, between points in Kansas, Oklahoma, and Texas.

Note: Applicant is authorized to conduct similar operations in Oklahoma under the Second Proviso of section 206(a)(1), No. MC 96812. Applicant states that if the authority sought herein is granted, it will request cancellation of the second proviso filing.

**HEARING:** September 10, 1959, at the Mayo Hotel, Tulsa, Okla., before Joint Board No. 170, or, if the Joint Board waives its right to participate, before Examiner Jair S. Kaplan.

No. MC 100662 (Sub No. 12), filed July 2, 1959. Applicant: KENNETH K. ZECHMAN AND HARRY E. ZECHMAN, a partnership, doing business as BLUE DIAMOND COMPANY, 4401 East Fairmount Avenue, Baltimore, Md. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers, fertilizer materials, insecticides, herbicides, fungicides, sprayers, applicators or distributors or parts thereof* for applying fertilizers, insecticides, herbicides and fungicides, and *advertising paraphernalia or displays* used in promoting the sales of these commodities, limited to the above commodities when shipped with fertilizers and fertilizer materials, (1) from Baltimore, Md., to points in Delaware, except Wilmington, Del., points in Penn-

sylvania beyond 200 miles of Baltimore, points in New Jersey, points in New York east of New York Highway 14, and points in Ohio on and east of U.S. Highway 21; and (2) from Whiteford, Md., to points in Delaware; and *rejected and damaged shipments* of the above-described commodities, on return. Applicant is authorized to conduct contract carrier operations in Maryland, Delaware, the District of Columbia, Pennsylvania, Virginia, New York, New Jersey, Ohio, and West Virginia.

Note: Applicant is also authorized to conduct common carrier operations in Certificate No. MC 113106 Sub No. 2; therefore dual operations under section 210 may be involved. A proceeding has been instituted under section 212(c), No. MC 100662 Sub 8, to determine whether applicant's status is that of a contract or common carrier.

**HEARING:** September 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry Ross, Jr.

No. MC 102616 (Sub No. 681), filed June 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: *Portland, hydraulic and masonry cement*, in bulk, in tank and hopper-type vehicles, bags, packages, or other container, palletized and unpalletized, from points in Berks, Bucks, Delaware, Lehigh, Montgomery, Northampton, Philadelphia and York Counties, Pa., Carroll, Frederick, Prince Georges, and Washington Counties, Md., and points in the Baltimore, Md., Commercial Zone, and points in the District of Columbia north of the Potomac River, to points in Maryland and Pennsylvania and the District of Columbia north of the Potomac River. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

**HEARING:** October 5, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 200.

No. MC 104128 (Sub No. 80), filed May 22, 1959. Applicant: CAMPBELL'S SERVICE, a corporation, 2720 River Avenue, South San Gabriel, Calif. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, boat molds, boat trailers, marine equipment, and parts and accessories* thereto, in truckaway service, from points in Washington, to points in California, Idaho, Montana, Nevada, Oregon, and Arizona. Applicant is authorized to conduct operations in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, Arkansas, Colorado, Florida, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Okla-

homa, South Dakota, Texas, Wisconsin, and Wyoming.

**HEARING:** September 10, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Lucian A. Jackson.

No. MC 105813 (Sub No. 39), filed June 11, 1959. Applicant: BELFORD TRUCKING CO., INC., 1299 North West 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, Suite 713-17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products and articles distributed by meat packinghouses*, as defined by the Commission in Appendix I to *Ex Parte MC-45, Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272), from Danville, Ill., to points in Florida. Applicant is authorized to conduct operations in Delaware, the District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, and Wisconsin.

**HEARING:** September 23, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 107227 (Sub No. 75), filed May 13, 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, between points in Washington, on the one hand, and, on the other, points in Idaho, Montana, and Wyoming. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** September 17, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Lucian A. Jackson.

No. MC 107227 (Sub No. 76), filed June 29, 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: *Trucks*, in initial movements, in drive-away service, from Seattle and Renton, Wash., to points in the United States, including Alaska, except points in Montana, Washington, that part of Idaho in and north of Idaho County, Idaho, and that part of Oregon, in and north of Lane, Deschutes, Crook, Grant, and Baker Counties, Ore. Applicant is authorized to conduct operations throughout the United States, except Alaska.

**HEARING:** September 9, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107227 (Sub No. 77), filed July 24, 1959. Applicant: INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Fran-

cisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in driveaway and truckaway service, between points in California and Alaska. Applicant is authorized to conduct operations throughout the United States, except points in Alaska.

**HEARING:** October 15, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 108121 (Sub No. 4), filed May 14, 1959. Applicant: TRANSPORT STORAGE & DISTRIBUTING CO., a corporation, 74 Jackson Street, Seattle 4, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. 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, from Seattle, Tacoma, Olympia, Vancouver, Everett and Bellingham, Wash., to points in Idaho, Montana, Oregon, and Washington. Applicant is authorized to conduct operations in Washington, Oregon, and Idaho.

**NOTE:** Applicant states the proposed operations be restricted to the transportation of vehicles having had a prior movement by water.

**HEARING:** September 15, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Lucian A. Jackson.

No. MC 108302 (Sub No. 2), filed June 30, 1959. Applicant: G. & S. CITY TRUCKING CO., INC., 345 West 38th Street, New York 18, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments, piece goods, cut or in the original piece, trimming, buttons, notions, fasteners*, between points in the New York, N.Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Cleveland, Ohio. Applicant is authorized to conduct operations in New Jersey and New York.

**HEARING:** September 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy.

No. MC 108448 (Sub No. 5), filed June 23, 1959. Applicant: JAMES LACASSE, doing business as NITEHAWK EXPRESS, 343 Eighth Avenue NW, New Brighton, Minn. Applicant's attorney: W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, *materials, equipment and supplies* incidental and necessary to the proper conduct of the business of the dairy industry, other products normally distributed at retail by the dairy industry (as more fully set forth in the application), and *empty containers or other such incidental facilities* used in transporting the above-described commodities, between Cedar Rapids,

Clinton, Waterloo, Iowa City, Maquoketa, and Dubuque, Iowa, St. Paul, and Minneapolis, Minn., and Chicago, Rock Falls, Moline, and Streator, Ill. Applicant is authorized to conduct operations in Minnesota, Nebraska, Wisconsin, and Iowa.

**NOTE:** Applicant states the proposed operations shall be between any and all of said cities in both directions, for Sanitary Farm Dairies, Inc., at St. Paul, Minn., Cedar Rapids and Clinton, Iowa. Applicant further states it owns one-third of the common stock of Hines Transfer, Inc., Certificate MC 36165 and sub numbers thereunder, and 29½ percent interest in Interstate Express, Inc. (MC-FC 61485); therefore, common control may be involved.

**HEARING:** September 18, 1959, at the Metropolitan Building, Room 926, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 109030 (Sub No. 8), filed July 10, 1959. Applicant: SECURITY TRUCK LINE, 1600 South First Street, San Jose, Calif. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except articles of unusual value and Class A and B explosives, when loaded in sea vans, restricted to shipments having a prior or subsequent haul by water, and *empty sea vans*, between points in California on, and north and west of a line beginning at the Pacific Ocean at Gaviota and extending along U.S. Highway 101 to California Highway 178 at Santa Margarita, thence along California Highway 178 to U.S. Highway 6 at Freeman Junction, thence along U.S. Highway 6 to the California-Nevada State line, including the cities of St. Luis Obispo and Bakersfield, Calif., and points within seven miles of said cities. Applicant is authorized to conduct operations in California.

**HEARING:** September 16, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 109211 (Sub No. 5), filed June 3, 1959. Applicant: SMITH'S INC., Cottonwood, Minn. Applicant's attorney: Hoyt Crooks, 842 Raymond Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank-trailers and tank vehicles, from Marshall, Minn., to points in Iowa, North Dakota, South Dakota, and Minnesota. Applicant is authorized to conduct common carrier operations in Minnesota and South Dakota.

**NOTE:** Applicant has a contract carrier application pending before the Commission in Docket No. MC 115805 Sub No. 1, section 210, dual operations, may be involved.

**HEARING:** September 11, 1959, at the Metropolitan Building, Room 926, Second Avenue South and Third Streets, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 109385 (Sub No. 24), filed June 29, 1959. Applicant: **SUBLER TRANSFER, INC.**, East Main Street, Box 5, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Boston, Mass., to (a) points in Ohio, (b) points in West Virginia, and (c) points in Michigan on and south of a line beginning at Muskegon, Mich., and extending along Michigan Highway 20 to Bay City, Mich., and thence along Michigan Highway 25 to Port Huron, Mich. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia.

**NOTE:** A proceeding has been instituted under section 212(c) in No. MC 109385 (Sub No. 16) to determine whether applicant's status is that of a common or contract carrier.

**HEARING:** September 25, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 109462 (Sub No. 8), filed May 7, 1959. Applicant: **LUMBER TRANSPORT, INC.**, P.O. Box 414, Shawnee, 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: *Lumber and lumber mill products*, (1) from Vicksburg, Miss., to points in Colorado and New Mexico; (2) from points in Arizona and Colorado to points in Texas, Oklahoma, New Mexico, and Kansas; (3) from points in New Mexico to points in Colorado and Arizona; (4) from points in New Mexico to points in Texas and Kansas; (5) from points in Louisiana on and north of U.S. Highway 84 to points in New Mexico; (6) from points within 5 miles of Alexandria, La., to points in New Mexico. Applicant is authorized to conduct operations in Arkansas, Oklahoma, New Mexico, Texas, Missouri, Kansas, Tennessee, and Louisiana.

**NOTE:** Applicant states that the purpose of this application is to eliminate any gateway problems. Duplication of authority is not sought and appropriate restrictions may be imposed if necessary to prevent same.

**HEARING:** September 24, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Jair S. Kaplan.

No. MC 109584 (Sub No. 68), filed July 1, 1959. Applicant: **ARIZONA-PACIFIC TANK LINES**, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin and varnish*, in bulk, in tank vehicles, from Anaheim, Calif., to Tulsa and Oklahoma City, Okla., and Dallas and Houston, Tex., and points within 25 miles of each,

and *rejected and contaminated shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Utah, California, Colorado, Idaho, Oregon, Washington, Nevada, Arizona, Texas, and New Mexico.

**HEARING:** September 21, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 109689 (Sub No. 90), filed May 18, 1959. Applicant: **W. S. HATCH CO.**, a Utah corporation, 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, from points in McKinley and Valencia Counties, N. Mex., to Moab, Utah, and points within 5 miles thereof and *rejected and contaminated shipments* of Sulphuric acid on return. Applicant is authorized to conduct operations in Colorado, Idaho, Montana, Nevada, Oregon, and Utah.

**HEARING:** September 16, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 212, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 110212 (Sub No. 11), filed July 2, 1959. Applicant: **MICHAEL KALNASH**, 526 Arlington Street, Tamaqua, Pa. Applicant's attorney: William J. Wilcox, Sixth Floor Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from Scranton, Lackawanna County, Pa., and points within 15 miles thereof in Lackawanna County, and Wilkes-Barre, Luzerne County, Pa., and points within 15 miles thereof in Luzerne County, to points in Fairfield, New Haven, Middlesex, Litchfield, and Hartford Counties, Conn., except Lakeville, Washington Depot, Norfolk, Bantam, Litchfield, Woodbury, and Roxbury, located in Litchfield County, and except Southbury, located in New Haven County; (2) from Hazleton, Luzerne County, Pa., and Mahanoy City, Schuylkill County, Pa., and points within 10 miles of each to points in Middlesex County, Conn. Applicant is authorized to conduct operations in Connecticut, New York, and Pennsylvania.

**HEARING:** September 9, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Alton R. Smith.

No. MC 110525 (Sub No. 393), filed June 30, 1959. Applicant: **CHEMICAL TANK LINES, INC.**, 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: V. Baker Smith, Munsey Building, Washington 4, D.C., and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Bridgeville, Pa., to points in Florida and Vermont and *rejected shipments* on return. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Con-

necticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

**HEARING:** September 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 110525 (Sub No. 394), filed July 9, 1959. Applicant: **CHEMICAL TANK LINES, INC.**, 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C., and Chester A. Zyblut, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*: (1) from Bainbridge, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and West Virginia and (2) from Leominster, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia and *rejected shipments* on return. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

**HEARING:** October 1, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 110698 (Sub No. 124), filed July 8, 1959. Applicant: **RYDER TANK LINE, INC.**, P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue and synthetic resins*, in bulk, in tank vehicles, from Thomasville, N.C., to points in Indiana and Kentucky. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

**HEARING:** September 4, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry Ross, Jr.

No. MC 111717 (Sub No. 17), filed June 22, 1959. Applicant: **TRACTOR TRANSPORT, INC.**, 535 South 84th

Street, Milwaukee, Wis. Applicant's attorney: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and farm machinery*, and *attachments and parts* for both, from Milwaukee, Wis., to points in Washington, Oregon, California, Arizona, Nevada, Idaho, Utah, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Louisiana, Florida, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, and the District of Columbia, and *returned, damaged, and rejected shipments* of the above commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

**HEARING:** September 24, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 112020 (Sub No. 71), filed June 9, 1959. Applicant: COMMERCIAL OIL TRANSPORT, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils and fats, vegetable oils and fats, blends and products thereof*, in bulk, in specialized equipment, between points in Nebraska, Kansas, Oklahoma, Texas, Colorado, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, 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, and Wisconsin.

**HEARING:** September 28, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 112713 (Sub No. 86), filed July 6, 1959. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. Applicant's attorney: John M. Records (same address as applicant). 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, between Guthrie, Okla., and Kingfisher, Okla., over Oklahoma Highway 33, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan, and Ohio.

**HEARING:** September 23, 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 Jair S. Kaplan.

No. MC 113255 (Sub No. 15), filed June 29, 1959. Applicant: MILK TRANSPORT, INC., P.O. Box 398, New Brighton, Minn. Applicant's attorney: Clay R. Moore, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus juice*, in bulk, in insulated tank vehicles with mechanical refrigeration, from points in Florida to points in Illinois, Wisconsin, Minnesota, and Iowa, and *rejected shipments* of the above-specified commodity on return. Applicant is authorized to conduct operations in Arkansas, Colorado, Florida, Illinois, Louisiana, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, Ohio, Pennsylvania, New Mexico, New York, Oklahoma, and Texas.

**HEARING:** September 21, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 113533 (Sub No. 23), filed June 4, 1959. Applicant: WARREN F. KURTZ, doing business as LAKE REFRIGERATED SERVICE, 3445 Paterson Plank Road, 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: *Meat, meat products and meat by-products*, from St. Cloud, Minn., to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maryland, Pennsylvania, Ohio, Indiana, Illinois, Michigan, and the District of Columbia, and *rejected and damaged shipments* of the above commodities on return. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin.

**HEARING:** September 16, 1959, at the Metropolitan Building, Room 926, Second Avenue South and Third Streets, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 113678 (Sub No. 7), filed June 26, 1959. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Robert H. Shertz, 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, transporting: *Meats, packing-house products and commodities used by packinghouses, and empty containers or other such incidental facilities*, used in transporting the above-described commodities, between Greeley, Colo., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New

Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Applicant is authorized to conduct operations in Colorado, the District of Columbia, New York, and Massachusetts.

**HEARING:** September 24, 1959, at the New Customs House, Denver, Colo., before Examiner Mack Myers.

No. MC 114015 (Sub No. 11) (RE-PUBLICATION), filed June 16, 1959, published issue of Federal Register July 22, 1959. Applicant: HUSS, INCORPORATED, Chase City, Va. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shooks, pallets and pallet material*, from Chase City and Keysville, Va., to Charleston, S.C., Detroit, Mich., Wheeling, W. Va., and points in New York, and *refused and damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Indiana, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia and West Virginia, and the District of Columbia.

**NOTE:** The purpose of this republication is to correct the spelling of applicant's name to HUSS, INCORPORATED, instead of RUSS, INCORPORATED.

**HEARING:** Remains as assigned September 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 115512 (Sub No. 2), filed June 24, 1959. Applicant: ARMIN BUEHLER, 721 North Second Street, Medford, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slat cribbing*, wood and wire combined, from Medford, Wis., to points in Illinois, Iowa, and Minnesota.

**HEARING:** September 17, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 115601 (Sub No. 10), filed June 29, 1959. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Delaware Trust Building, Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., Bank of Delaware Building, Wilmington 1, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Negotiable and non-negotiable securities and other negotiable and non-negotiable instruments, coin and currency*, in armored vehicles, and cash letters (checks for collection) in armored or unarmored vehicles, to and from banks and stock brokerage houses, between Baltimore, Md., points in Delaware, Philadelphia, Pa., and New York City, N.Y. Applicant is authorized to conduct operations in Delaware, New York, and Pennsylvania.

NOTE: Applicant states, it already has authority to transport negotiable and non-negotiable securities and cash letters (checks for collection) between points in Delaware and Philadelphia, Pa., and between Wilmington, Del., and New York City, N.Y., it proposes to transport same commodities between Baltimore, Md., and Wilmington, Del., and at Wilmington, Del., to tie in the transportation to and from Philadelphia, Pa., with its presently authorized transportation between Philadelphia, Pa., and points in Delaware. Applicant proposes to tie in the transportation to and from New York City, N.Y., with its present proposed transportation to and from Philadelphia, Pa.

HEARING: September 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 115724 (Sub No. 5), filed April 6, 1959. Applicant: J. W. PHILLIPS, Box 201, Harrah, Okla. Applicant's attorney: C. F. Hanely, 2860 Northwest 20, Oklahoma City, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats and parts thereof*, which because of size or weight require special handling, from points in Virginia, New Jersey, New York, Indiana, Louisiana, Wisconsin, and Arkansas, to Harrah, Okla., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations throughout the United States, except points in Idaho, Iowa, Kansas, Maine, Minnesota, Montana, Nebraska, New Hampshire, North Dakota, Oregon, South Dakota, Vermont, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states the above operation will be transported as a return movement in connection with his authority in MC 115724 Subs 2 and 3.

HEARING: September 23, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Jair S. Kaplan.

No. MC 115824 (Sub No. 5), filed June 5, 1959. Applicant: LESTER PETERSEN, 410 Malin Street, Mankato, Minn. Applicant's representative: Hoyt Crooks, 842 Raymond Avenue, St. Paul 14, Minn. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and ingredients thereof, including soybean meal*, in sacks and in bulk, from Mankato, Minn., to points in Iowa, North Dakota, South Dakota, Wisconsin, Montana, Wyoming, and Nebraska, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, and *exempt commodities* on return. Applicant is authorized to conduct operations in Minnesota, South Dakota, Iowa, North Dakota, and Wisconsin.

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 115824 (Sub No. 3).

HEARING: September 14, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 115841 (Sub No. 60), filed June 29, 1959. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and fresh or frozen meats*, from points in New Jersey on and south of New Jersey Highway 33, points in Pennsylvania on and east of U.S. Highway 202, and points in Maryland, to points in Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations to all points in the United States except to points in Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming.

HEARING: September 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 118621 (Sub No. 3), filed June 18, 1959. Applicant: BLACK DIAMOND TRANSPORT COMPANY, a corporation, 112 Poinier Street, Newark, N.J. Applicant's attorney: Richard D. Lalanne, Lehigh Valley Railroad Company, Law Department, 143 Liberty Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including household goods as defined by the Commission and those requiring special equipment*, but excluding articles of unusual value, Class A and B explosives, and commodities in bulk, between Wilkes-Barre, Pa., on the one hand, and, on the other, Ashley, Avoca, Beaver Meadows, Court-dale, Coxtown, Crestwood, Dallas, Dallas Township, Dunmore, Dupont, Duryea, Edwardsville, Exeter, Exeter Township, Forty Fort, Foster Township, Freeland, Green Ridge, Harding, Hanover Township, Hazleton, Hazle Township, Hudson, Hughestown, Jackson Township, Jeddo, Jenkins Township, Kingston, Kingston Township, Laffin, Larksville, Lattimer Mines, Laurel Run, Luzerne, McAdoo, Minooka, Moosic, Mountaintop, Nanticoke, Noxen, Old Forge, Olivers Mills, Pittston, Pittston Township, Plains, Plains Township, Plymouth, Providence, Pringle, Ransom, Scranton, Shavertown, Stanton, Swoyersville, Sugar Notch, Taylor, Trucksville, Virginia, Warriar Run, West Hazleton, West Nanticoke, West Pittston, Weatherly, Wilkes-Barre, Wilkes-Barre Township, West Wyoming, White Haven, Wright Township, Wyoming, and Yatesville, Pa.

NOTE: Applicant states the proposed service is to be conducted in conjunction with trailer-on-flat-car service of Lehigh Valley Railroad Company to be limited to that which is auxiliary to, or supplemental of, rail service of the Lehigh Valley Railroad Company.

HEARING: September 3, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 118782 (Sub No. 2), filed July 10, 1959. Applicant: KERN L. SMITH, P.O. Box 1101, York, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, edible; icing powder; corn sugar mix*, prepared; and *sugar*, from Ellicott City, Md., to Jacksonville and Miami, Fla., Birmingham, Ala., Memphis, Tenn., and New Orleans, La.

NOTE: Common control may be involved.

HEARING: September 28, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 118863 (Sub No. 2), filed June 4, 1959. Applicant: VERL HARVEY, INC., 241 West 56th Avenue, Denver, Colo. Applicant's attorney: Peter J. Crouse, Equitable Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from Portland and Botcher, Colo., to points in Laramie, Goshen, Platte, Niobrara, Converse, Weston, Albany, Natrona, Carbon, Fremont, and Hot Springs Counties, Wyo., and *rejected shipments and empty containers or other such incidental facilities* used in transporting cement, on return, and (2) *crushed limestone and all limestone products and by-products and rejected shipments and empty containers or other such incidental facilities*, used in transporting the above-mentioned commodities, between points in Colorado, Wyoming, Nebraska, and Kansas.

HEARING: September 23, 1959, at the New Customs House, Denver, Colo., before Examiner Mack Myers.

No. MC 118904, filed April 27, 1959. Applicant: LONNIE WOOD, 1707 Irwin Street, Lawton, Okla. Applicant's attorney: John F. Butler, 2320 First National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used mobile homes or house trailers and furnishings thereof*, in secondary movements, in tow-away service, between points in Oklahoma, on the one hand, and, on the other, points in the United States, including the new State of Alaska and the District of Columbia.

NOTE: Applicant states that the proposed service will originate from other than places of manufacture or original storage.

HEARING: September 23, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Jair S. Kaplan.

No. MC 118966, filed June 1, 1959. Applicant: PARKINSON TRANSPORT COMPANY, a Minnesota corporation, East 1006 First National Bank Building, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as more fully described in the application, between St. Paul, Minn., and points in Minnesota, North Dakota, South Dakota, Montana, Wyoming, Wisconsin, Illinois, Iowa, Kansas, Nebraska, and Michigan.

**HEARING:** September 15, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 118978, filed June 5, 1959. Applicant: MERCURY PRODUCE EXPRESS, LTD., 2256 Kingsway, Vancouver, British Columbia, Canada. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, shingles, shakes, and natural wood products*, from the ports of entry on the International Boundary line between the United States and Canada at or near Eastport, Idaho and Blaine, Wash., to points in California; (2) *Canned goods and frozen foods*, from points in California to ports of entry on the International Boundary line between the United States and Canada at or near Eastport, Idaho and Blaine, Wash.

**HEARING:** September 21, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Lucian A. Jackson.

No. MC 119041, filed July 6, 1959. Applicant: RUSSELL A. KARCHNER, Box 20, Sybertsville, Pa. Applicant's attorney: Charles L. Casper, Miners National Bank Building, Wilkes-Barre, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel articles*, from Danville, Pa., to Elizabeth and Newark, N.J., Bridgeport, Conn., Wilmington, Del., Medina and New York, N.Y., and Baltimore, Salisbury, and Chestertown, Md.; (2) *groceries and canned goods*, from Camden and Swedesboro, N.J., points in that part of New York bounded by a line beginning at Rochester, N.Y., and extending along New York Highway 35 to Mumford, N.Y., thence along New York Highway 36 to Canistota, N.Y., thence along New York Highway 248 to Whitesville, N.Y., thence along unnumbered highway to the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to New York Highway 26, thence along New York Highway 26 to Whitney Point, N.Y., thence along U.S. Highway 11 to Pulaski, N.Y., thence along the Salmon River to the confluence of Lake Ontario, and thence along the shore of Lake Ontario to point of beginning, and points in that part of Maryland beginning at the Maryland-Pennsylvania State line and extending along Maryland Highway 81 to junction U.S. Highway 15, thence along U.S. Highway 15 to Frederick, Md., thence along U.S. Highway 40 to Baltimore, Md., thence along the west shore of the Chesapeake Bay to the confluence of the Susquehanna River, thence along the west bank of the Susquehanna River to the Maryland-Pennsylvania State line, and thence along the Maryland-Pennsylvania State line to point of beginning, including points on the indicated portions of the highways specified, to Danville and Hazleton, Pa.

**HEARING:** September 18, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

#### MOTOR CARRIER OF PASSENGERS

No. MC 116755 (Sub No. 11), filed July 2, 1959. Applicant: D.C. TRANSIT SYSTEM, INC., 3600 M Street NW., Washington 7, D.C. Applicant's attorney: John R. Sims, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between the U.S. Naval Receiving Station, Anacostia, Washington, D.C., and the U.S. Naval Radio Receiving Station, Cheltenham, Md. Applicant is authorized to conduct common carrier operations in Maryland, Virginia, and the District of Columbia.

**HEARING:** September 21, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 120.

#### APPLICATION FOR BROKERAGE LICENSE

##### MOTOR CARRIER OF PASSENGERS

No. MC 12706 (REPUBLICATION), filed April 20, 1959, published FEDERAL REGISTER issue of July 22, 1959. Applicant: ANTHONY A. COSTA, doing business as WORLDWIDE TRAVEL BUREAU, 1094 Flatbush Avenue, Brooklyn 26, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, in the same vehicle with passengers, in round-trip, special and charter, all-expense tours, beginning and ending at New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and extending to points in the United States, foreign countries and possessions and territories of the United States.

**HEARING:** Remains as assigned September 24, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

##### MOTOR CARRIERS OF PROPERTY

No. MC 1942 (Sub No. 5), filed July 13, 1959. Applicant: MARVIN STROBEL AND MERRITT McDONALD, doing business as RICHMOND TRUCK LINE, Richmond, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Commodities in bulk*, (1) between Richmond, Kans., and Kansas City, Mo., from Richmond over U.S. Highway 59 to Lawrence, Kans., thence over Kansas Highway 10 to Kansas City, Kans., thence over city streets to Kansas City, Mo., and return over the same route, serving the intermediate and off-route points to North Kansas City, Mo., Kansas City, Kans., and those within 20 miles of Richmond, Kans.; (2) between junction U.S. Highways 50 and 59, four miles west of Baldwin City, Kans., and junction U.S. Highway 50 and Kansas Highway 10, near Merriam, Kans., over U.S. Highway 50, serving no intermediate points, as an alternate route for operat-

ing convenience only, serving the termini for purpose of joinder only.

**Note:** Applicant is authorized to transport General commodities, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, over the above-specified routes. The purpose of this application is to remove the restriction against the transportation of commodities in bulk.

No. MC 29555 (Sub No. 32), filed July 10, 1959. Applicant: BRIGGS TRANSPORTATION CO., a corporation, 2360 West County Road C, St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (except those requiring temperature control), (1) Between Eau Claire, Wis., and Cornell, Wis., (a) from Eau Claire over U.S. Highway 53 to Chippewa Falls, Wis., thence over Wisconsin Highway 178 to Jim Falls, Wis., thence continue over Wisconsin Highway 178 to Cornell, and return over the same route, serving no intermediate points; and (b) from Eau Claire over U.S. Highway 53 to Chippewa Falls, thence over Wisconsin Highway 29 to Cadott, Wis., thence over Wisconsin Highway 27 to Cornell, and return over the same route, serving no intermediate points; and (2) Between Cornell, Wis., and Eau Claire, Wis., from Cornell over Wisconsin Highway 64 to junction Wisconsin Highway 27, thence over Wisconsin Highway 27 to Holcombe, Wis., thence continue over Wisconsin Highway 27 to junction Chippewa County Highway M, thence over Chippewa County Highway M to junction Chippewa County Highway G to Arnold, Wis., thence over Chippewa County Highway G to junction Rusk County Highway G, thence over Rusk County Highway G to junction Rusk County Highway D, thence over Rusk County Highway D to Sheldon, Wis., thence over Rusk County Highway D back to junction Wisconsin Highway 27, thence over Wisconsin Highway 27 to Ladysmith, Wis., thence over U.S. Highway 8 to Bruce, Wis., thence over Wisconsin Highway 40 to junction Wisconsin Highway 64, thence over Wisconsin Highway 64 to Bloomer, Wis., thence over U.S. Highway 53 to Eagleton, Wis., thence over U.S. Highway 53 to Eagle Point, Wis., thence over U.S. Highway 53 to Eau Claire, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Illinois, Minnesota, and Wisconsin.

**Note:** Applicant states that the purpose of the instant application is to obtain authority to serve the above-specified towns in a manner that will permit the most efficient and economical routing, which will reduce mileage, cost of operations, and increase the safety aspect of such operations, by virtue of the reduced mileage and the fact that the contemplated routes are less heavily traveled. Applicant further states that no new points will be served, that only those points presently included in Certificate No. MC 29555, dated July 1, 1953, will be served, and if the above extensions are approved, it will per-

mit more economical efficient service than at present. Duplication with present authority to be eliminated.

No. MC 52917 (Sub No. 29), filed July 22, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and dairy products*, as defined in Appendix I subheadings A and B, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and *perishable foods*, in vehicles equipped with temperature control devices, between New York, N.Y., and Newark, N.J., and Lorton, Va. Applicant is authorized to conduct operations in Maryland, Virginia, Delaware, New York, Pennsylvania, New Jersey, and the District of Columbia.

No. MC 52917 (Sub No. 33), filed July 27, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products* as defined in Appendix 1, subheadings A and B in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with temperature control devices, and *meat rails*, between Clarksburg, W. Va., and Baltimore, Md. Applicant is authorized to conduct operations in Maryland, Virginia, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia.

No. MC 52917 (Sub No. 34), filed July 27, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products* as defined in Appendix 1, subheading A and B in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with temperature control devices, and *meat rails*, between Cumberland, Md., and Baltimore, Md. Applicant is authorized to conduct operations in Maryland, Virginia, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia.

No. MC 66562 (Sub No. 1533), filed July 22, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Hoboken, N.J., and Hackensack, N.J., from Hoboken over unnumbered highway to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highways 1-9, thence over U.S. Highways 1-9 to junction New Jersey Highway 93, thence over New Jersey Highway 93 to junction U.S. Highway 46, thence over U.S. Highway 46 to Ridgefield Park, N.J., thence over unnumbered highway to Bogota, thence over unnumbered highway to Hackensack, and return

over the same route, serving the intermediate points of Bogota. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1534), filed July 23, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Portland, Maine, and Sanford, Maine, from Portland over U.S. Highway 1 to junction Maine Highway 109, thence over Maine Highway 109 to Sanford (also from Portland over U.S. Highway 1 to junction Maine Highway 98, thence over Maine Highway 98 to junction Maine Highway 5, thence over Maine Highway 5 to junction U.S. Highway 1, thence over U.S. Highway 1 to Wells, Maine, thence over Maine Highway 109 to Sanford); thence over Maine Highway 4-A to junction U.S. Highway 202, thence over U.S. Highway 202 to Maine Highway 22, thence over Maine Highway 22 to Portland. Return trip over the same route. Serving the intermediate points of Springvale, Wells, Kennebunk, Biddeford, Old Orchard, Old Orchard Beach, Scarborough and Oak Hill, Maine. Applicant indicates the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1535), filed July 23, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Inc. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service between Metropolis, Ill., and Paducah, Ky., from Metropolis over U.S. Highway 45 to Paducah, and return over the same route, serving the intermediate point of Brookport, Ill. Applicant states the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 76266 (Sub No. 101), filed July 23, 1959. Applicant: MERCHANTS

MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. 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, other than small arms ammunition, livestock, household goods as defined by the Commission and liquids in bulk, in tank vehicles, between Fremont, Ohio and Hobart, Ind., over U.S. Highway 6, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Minnesota, Missouri, Michigan, Nebraska, Ohio, and Wisconsin.

No. MC 78786 (Sub No. 219), filed July 27, 1959. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a California corporation, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: Wm. Meinhold, 65 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, and automobiles and trucks, (1) between Sacramento, Calif., and Antioch, Calif., over California Highway 24; (2) between Lodi, Calif., and Suisun, Calif., over California Highway 12, serving all intermediate and off-route points within five miles of the above-specified routes, which are stations on the rail lines of the Southern Pacific Company. RESTRICTIONS: The service to be performed by the said carrier shall be limited to that which is auxiliary to, or supplemental of, railroad or railway express service. The said carrier shall not serve any point not a station on the rail lines of Southern Pacific Company, except as otherwise authorized. Said carrier shall not transport shipments between Isleton, Calif., on the one hand, and, on the other, Davis, Lincoln, Rocklin, or Woodland, Calif., or through, or to, or from more than one of such points. All contractual arrangements between the said carrier and any railroad or railway express carrier to whose services its service is auxiliary or supplemental, shall be reported to this Commission and shall be subject to revision if and as this Commission may find it necessary in order that such arrangements shall be fair and equitable to the parties; and such further conditions as the Commission in the future, may find it necessary to impose in order to restrict the said carrier's operation to service which is auxiliary to or supplemental of, railroad or railway express company service. Applicant is authorized to conduct operations in Oregon, California, Arizona, and Nevada.

NOTE: Dual operations under section 210 may be involved.

No. MC 104340 (Sub No. 136), filed July 23, 1959. Applicant: LEAMAN TRANSPORTATION COMPANY, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: V. Baker Smith and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *com-*

*mon carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Bridgeport, Conn., to Carmel, N.Y., and *rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Ohio, Pennsylvania, West Virginia, New York, Massachusetts, Virginia, Connecticut, New Hampshire, and Vermont.

No. MC 108678 (Sub No. 37), filed July 24, 1959. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, oils and greases*, in bulk, in tank vehicles, from Owensboro, Ky., to Albertville, Ala. Applicant is authorized to conduct operations in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Tennessee, West Virginia, and Wisconsin.

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 108678 (Sub No. 21).

No. MC 109637 (Sub No. 131), filed July 24, 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: *Rum*, in bulk, in tank vehicles, from Boston, Mass., to points in Kentucky. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Missouri, Texas, Ohio, Minnesota, Michigan, Iowa, Indiana, Illinois, New York, Virginia, West Virginia, and Wisconsin.

No. MC 110525 (Sub No. 397), filed July 22, 1959. Applicant: CHEMICAL TANK LINES, INC., 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: *Gluconic acid*, in bulk, in tank vehicles, from Newaygo, Mich., to Cincinnati, Ohio, and *rejected shipments* thereof, on return. Applicant is authorized to conduct operations in New Jersey, New York, Maryland, Pennsylvania, Kentucky, West Virginia, Ohio, Delaware, Virginia, North Carolina, Tennessee, Kansas, Michigan, Illinois, Connecticut, Massachusetts, Indiana, Rhode Island, Minnesota, Missouri, Wisconsin, Georgia, the District of Columbia, Vermont, Texas, South Carolina, Oklahoma, New Hampshire, Nebraska, Maine, Louisiana, Iowa, Florida, California, Arkansas, and Alabama.

No. MC 113024 (Sub No. 6), filed July 23, 1959. Applicant: ARLINGTON JOHN WILLIAMS, doing business as A. J. WILLIAMS, 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press

Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clothing, dry goods, diaper liners, display stands, and liquid latex*, in drums or other containers, all when consigned for movement by water, between Dover, Del., and points within 5 miles thereof, and Philadelphia, Pa., and (2) *liquid latex*, between Dover, Del., and points within 5 miles thereof, and Quakertown, Pa., and (3) *empty drums or other containers*, from Philadelphia and Quakertown, Pa., to Dover, Del., and points within 5 miles thereof. Applicant is authorized to conduct operations in Delaware and Pennsylvania.

No. MC 115904 (Sub No. 3), filed July 23, 1959. Applicant: LOUIS GROVER, Idaho Falls, Idaho. Applicant's attorney: Kenneth G. Bell, 203 McCarty Building, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk or containers, from the Simplot Processing Plant, near Pocatello, Idaho, to points in Montana, and from the Anaconda Company plant, near Anaconda, Mont., to points in Lemhi, Custer, Blaine, Camas, Gooding, Twin Falls, Cassia, Jerome, Minidoka, Lincoln, Butte, Clark, Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Power, Bannock, Caribou, Oneida, Franklin, and Bear Lake Counties, Idaho, and *empty containers or other such incidental facilities* used in transporting fertilizer, on return. Applicant is authorized to conduct operations in Montana, Idaho, Utah, and Wyoming.

No. MC 116317 (Sub No. 8), filed July 16, 1959. Applicant: FEASTER TRUCKING SERVICE, INC., Clafin, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, except floor tile, (1) from Great Bend and Kanopolis, Kans., to points in Nebraska on and north of a line beginning at the Nebraska-Iowa State line near Union, Nebr., and extending along U.S. Highway 34 to junction U.S. Highway 281 at or near Grand Island, Nebr., thence along U.S. Highway 281 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Wyoming State line; and (2) from Great Bend and Kanopolis, Kans., to points in that part of Missouri lying on and east of a line beginning at the Missouri-Arkansas State line near Seligman, Mo., and extending northward along Missouri Highway 37 to junction U.S. Highway 60 at or near Monett, Mo., thence along U.S. Highway 60 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 69 at or near Bethany, Mo., and thence along U.S. Highway 69 to the Missouri-Iowa State line. Applicant is authorized to conduct operations in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas.

NOTE: Applicant has a pending common carrier application under MC 117651 (Sub. No. 2). Dual authority under section 210 may be involved. Any duplication with present authority to be eliminated.

No. MC 116639 (Sub No. 2), filed July 23, 1959. Applicant: JAMES BAIMA, doing business as KING KONG TRUCK LINE, 303 Hard Road, Benld, Ill. Applicant's attorney: Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria Heights, Ill., to points in Missouri (except St. Louis and Kansas City, Mo.), and *empty containers or other such incidental facilities* used in transporting malt beverages, on return. Applicant is authorized to transport malt beverages from Milwaukee, Wis. to specified points in Illinois and empty malt beverage containers on return.

No. MC 116859 (Sub No. 3), filed July 24, 1959. Applicant: CLARK TRANSFER, INC., 829 North 29th Street, Philadelphia 30, Pa. Applicant's attorney: Robert H. Shertz, 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, transporting: *Films and articles* associated with the exhibition of motion pictures, as described in the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766, between points in that part of Virginia bounded by a line beginning at Richmond and extending along U.S. Highway 60 to the Atlantic Ocean, thence along the Atlantic Ocean to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to U.S. Highway 301, thence along U.S. Highway 301 to Richmond, including points on the boundary specified. Applicant is authorized to conduct operations in Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia.

No. MC 119092, filed July 27, 1959. Applicant: ROBERT S. LAMKEY, Centre Napan, New Brunswick, Canada. Applicant's attorney: Joseph D. Ward, 20 Pemberton Square, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh fruit and bananas*, from Boston, Mass., to Ports of entry on the International Boundary line between the United States and Canada, located on the boundary line between Maine and the Province of New Brunswick.

NOTE: Applicant states that fish will be transported on return.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 50026 (Sub No. 9), filed July 27, 1959. Applicant: ARKANSAS MOTOR COACHES LIMITED, INC., 433 West Washington Avenue, North Little Rock, Ark. Applicant's attorney: Bruce T. Bullion, Union Life Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers, between Benton, Ark., and Hot Springs, Ark., from Benton over U.S. Highway 67 to the junction of Arkansas Highway 88 (designation to be changed to new U.S. Highway 70), thence over Arkansas Highway 88 to Hot

Springs, and return over the same route, serving all intermediate points including Slokum, Williams Store, Ruraldale School, County Line, Lonsdale Junction, McClendon Springs Road, Cedar Creek, C & M School, and Mill Creek Road. Applicant is authorized to conduct operations in Arkansas, Tennessee, and Texas.

No. MC 116236 (Sub No. 2), filed July 22, 1959. Applicant: MALONEY AND O'CONNOR TRANSPORTATION CO., INC., 18 West Falls Street, Niagara Falls, N.Y. 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 irregular routes, transporting: *Passengers and their baggage*, in special operations, 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, between points in Niagara County, N.Y., on the one hand, and, on the other, Ports of Entry on the boundary between the United States and Canada at Buffalo, Niagara Falls, and Lewiston, N.Y.

Note: Applicant is authorized to conduct the same operations in its Certificate No. MC 116236, but limited to the transportation of not more than seven (7) passengers in any one vehicle, etc.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

#### MOTOR CARRIERS OF PROPERTY

No. MC-F 7236 (correction) (COMMODORE STONE AND R. W. BEATTY—CONTROL; THE SQUAW TRANSIT CO. (OKLA. CORP.)—PURCHASE—THE SQUAW TRANSIT CO. (KANS. CORP.) AND PORTION—GULF SOUTHWESTERN TRANSPORTATION CO.), published in the July 8, 1959, issue of the FEDERAL REGISTER on page 5521. The operating rights of THE SQUAW TRANSIT CO. (KANS. CORP.) being transferred should have read as follows: *Oilfield commodities*, as a *common carrier* over irregular routes, between points in Oklahoma, between points in Oklahoma, on the one hand, and, on the other, points in Colorado, Kansas, and Nebraska, between Coffeyville, Kans., and Bartlesville and Tulsa, Okla., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Missouri, New Mexico, Ohio, and Texas, and between Houston, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, and Texas.

No. MC-F 7246, YALE TRANSPORT CORP.—PURCHASE (PORTION)—CHELSEA CONTRACTING & TRUCK-

ING CO., published in the July 15, 1959, issue of the FEDERAL REGISTER on page 5701. The description of the commodities being transferred is changed to read: "*General commodities*, excepting, among others, commodities in bulk but not excepting household goods."

No. MC-F 7262. Authority sought for purchase by AXMINSTER MOTOR LINES, INC., Federal and Knowles Streets, Yonkers 5, N.Y., of the operating rights of DUSOR MOTOR LINES, INC. (INTERNAL REVENUE SERVICE, SUCCESSOR IN INTEREST), 161 Washington Street, Albany, N.Y., and for acquisition by FEUER TRANSPORTATION, INC., Federal and Knowles Streets, Yonkers, N.Y., and, in turn, JORDAN LIPPNER, GRACE LIPPNER and DAVID LIPPNER, all of 28 Fanshaw Avenue, Yonkers, N.Y., of control of such rights through the purchase. Applicants' attorneys: Zelby & Burstein, 160 Broadway, New York 38, N.Y., and Henry C. Clark, 90 Church Street, New York 7, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Dutchess, Orange, Putnam, Rockland, Sullivan, and Ulster Counties, N.Y., on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., and between Newburgh, N.Y., on the one hand, and, on the other, points in Dutchess, Orange, Putnam, Rockland, Sullivan, and Ulster Counties, N.Y. Vendee holds no authority from this Commission. However, its majority stockholder, FEUER TRANSPORTATION, INC., is authorized to operate as a *common carrier* in New York, New Jersey and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7263. Authority sought for control by PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine, of CHASE TRANSFER CORPORATION, 25 Commercial Street, Portland, Maine. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. Operating rights sought to be controlled: *General commodities*, except dangerous explosives, those of unusual value, and commodities injurious or contaminating to other lading, as a *common carrier* over irregular routes, between certain points in Maine; *contractor's equipment, building and construction equipment, building and construction materials, steel, tanks, factory equipment, machinery and machine parts, and related articles*, and *commodities* requiring specialized handling or rigging because of size and weight, between points in Maine; *salt, wallboard, packing-house products, petroleum products, and advertising material*, from Portland, Me., to points in Maine other than Portland; *contractor's equipment, building and construction equipment and materials, steel, tanks, factory equipment, machinery and machine parts, and boats* which because of size or weight require special equipment or specialized handling, and *supplies and materials* as are necessary to the in-

stallation of the described commodities, between points in Maine and New Hampshire, and between points in Maine and New Hampshire, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, and Vermont. PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., is authorized to operate as a *common carrier* in Maine, New Hampshire, Massachusetts, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7264. Authority sought for control and merger by M & M TRUCKING CO., 1240 Emmett Road, Akron, Ohio, of the operating rights and property of GATEWAY EXPRESS, INC., 11 Plum Street, Cincinnati, Ohio, and for acquisition by A. H. WHITE, also of Akron, of control of such rights and property through the transaction. Applicants' attorney: James M. Burtch, Jr., 44 East Broad Street, Columbus, Ohio. Operating rights sought to be controlled and merged: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act covering transportation of *property*, as a *common carrier* over irregular routes, from and to Cincinnati, Ohio, also from and to any point in Hamilton County, Ohio, for the transportation of *household goods, office furniture and fixtures*, restricted against service from or to points where certificated van service is available other than Cincinnati, Ohio. M & M TRUCKING CO. is authorized to operate under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act as a *common carrier* in the State of Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7266. Authority sought for control and merger by GORDONS TRANSPORTS, INC., 185 West McLemore, Memphis, Tenn., of the operating rights and property of ENGLAND BROS. TRUCK LINE, INC., 300 North Second Street, Fort Smith, Ark., and for acquisition by A. W. GORDON, SR., 185 West McLemore, Memphis, Tenn., of control of such rights and property through the transaction. Applicants' attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Operating rights sought to be controlled and merged: *General commodities*, as a *common carrier* over regular routes, between Alma, Ark., and Fort Smith, Ark., serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Conway, Ark., and Alma, Ark., between Fort Smith, Ark., and Kansas City, Mo., between Fort Smith, Ark., and Memphis, Tenn., between Fort Smith, Ark., and St. Louis, Mo., between Levy, Ark., and Camp Joseph T. Robinson, Ark., between Palarm, Ark., and Camp Joseph T. Robinson, Ark., between Fort Smith, Ark., and Hugo, Okla., and between Texarkana, Tex., and Idabel, Okla., serving certain intermediate and off-route points; alternate route for operating convenience only between junction U.S. Highway 71 and Missouri Highway 7 (formerly Missouri Highway 35) near Harrisonville, Mo., and Memphis, Tenn., serving no intermediate points,

and serving said junction for purpose of joinder only; *general commodities*, excepting, among others, household goods but not excepting commodities in bulk, between Dallas, Tex., and Broken Bow, Okla., between Durant, Okla., and Ardmore, Okla., between Madill, Okla., and Nida, Okla., and between Arthur City, Tex., and Hugo, Okla., serving certain intermediate and off-route points, and all points in the Dallas, Tex., Commercial Zone, as defined by the Commission, except Grand Prairie, Tex.; (RESTRICTION: The above-described authority is restricted against service between Texarkana, Tex.-Ark., on the one hand, and, on the other, Sherman and Dallas, Tex.); *general commodities*, except loose bulk commodities, currency, bullion, articles of virtu, commodities exceeding ordinary equipment and loading facilities, and those contaminating or injurious to other lading, over irregular routes, between Denison, Tex., and Colbert, Okla., on the one hand, and, on the other, the Denison Dam Site in Texas and Oklahoma, and Cartwright, Okla. Vendee is authorized to operate as a *common carrier* in Illinois, Tennessee, Missouri, Indiana, Mississippi, Louisiana, Alabama, Kentucky, and Arkansas. Application has not been filed for temporary authority under section 210a (b).

#### MOTOR CARRIERS OF PASSENGERS

No. MC-F 7265. Authority sought for purchase by TRAILWAYS OF NEW ENGLAND, INC., 1200 Eye Street NW., Washington 5, D.C., of the operating rights of INTERSTATE PASSENGER SERVICE, INC., doing business as INTERSTATE LINES, 261 North Main Street, Rochester, N.H., and for acquisition by SAFEWAY TRAILS, INC., WILLIAM A. ROBERTS and CHARLES B. McINNIS, all of Washington, D.C., VIRGINIA STAGE LINES, INC., CLAUDE A. JESSUP, SAMUEL A. JESSUP, VIRGINIA PEPSI-COLA BOTTLING CO., JAMES L. JESSUP, BETTY SUE JESSUP, and MARY IRVA JESSUP, all of Charlottesville, Va., and MARVIN E. WALSH, Silver Spring, Md., of control of such rights through the purchase. Applicants' attorney: William A. Roberts, 1012 14th Street NW., Washington 5, D.C. Operating rights sought to be transferred: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes, between Boston, Mass., and Wolfeboro, N.H., serving certain intermediate points, with service at Plaistow, N.H., and Haverhill, Mass., and intermediate points between Plaistow and Haverhill restricted to traffic moving to or from points north of Plaistow or south of Haverhill; between Manchester, N.H., and Portsmouth, N.H., serving the intermediate points of Epping, Raymond, Candia, Exeter and Portsmouth, N.H., however express shall not be transported over that portion of the route between Manchester and Exeter, N.H., including authorized points of service; between Berlin, N.H., and Sanbornville, N.H., serving all intermediate points; between Conway, N.H., and Chocorua, N.H., serving all intermediate points; between

junction New Hampshire Highway 16 and New Hampshire Highway 28, and junction New Hampshire Highway 154 and New Hampshire Highway 16 (near North Wakefield, N.H.), serving all intermediate points; between Chocorua, N.H., and Laconia, N.H., serving all intermediate points; between junction New Hampshire Highway 113 and New Hampshire Highway 25 (near South Tamworth, N.H.), and Moultonboro, N.H., serving all intermediate points; between Alton Bay, N.H., and Laconia, N.H., serving all intermediate points; between Dover, N.H., and the Portsmouth Navy Yard, Kittery, Maine, serving all intermediate points; between Manchester, N.H., and Portland, Maine, serving all intermediate points; between Derry, N.H., and Chester, N.H., serving all intermediate points; *passengers and their baggage*, and *newspapers*, in the same vehicle with passengers, between South Berwick, Maine, and Dover, N.H., serving certain intermediate points; *passengers and their baggage*, between Dover, N.H., and Kittery, Maine, serving the intermediate points of Jewett, Gould Corner, and Eliot, Maine, with the restriction that no passengers shall be accepted for transportation in either direction between Dover, N.H., on the one hand, and, on the other, points between Kennard Corner and Kittery, Maine; *passengers and their baggage*, and *express, newspapers and mail*, in the same vehicle with passengers, during the period from April 1 to November 30, inclusive, of each year, between Rochester, N.H., and the Lincoln Downs Race Track, Lincoln, R.I., between Rochester, N.H., and the Narragansett Race Track, Pawtucket, R.I., between Rochester, N.H., and the Suffolk Downs Race Track, East Boston, Mass., and between Rochester, N.H., and Scarborough Downs Race Track, at or near Scarborough, Maine, serving certain intermediate points; *passengers and their baggage*, in seasonal operations during the season extending from the 15th of June to the 15th of September, both inclusive, of each year, between Manchester, N.H., and Hampton Beach, N.H., and between Manchester, N.H., and Bedford Grove (Bedford), N.H., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Connecticut, New Hampshire, and Rhode Island. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-6429; Filed, Aug. 4, 1959;  
8:47 a.m.]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 31, 1959.

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

#### LONG-AND-SHORT HAUL

FSA No. 35597: *TOFC service*—Rates between southwestern and Missouri points. Filed by Southwestern Freight Bureau, Agent (No. B-7605), for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in trailers and transported on railroad flat cars between points in Missouri and points in southwestern territory, also between points in southwestern territory.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 32 to Southwestern Freight Bureau tariff I.C.C. 4315. Supplement 67 to Southwestern Freight Bureau tariff I.C.C. 4285.

FSA No. 35598: *Lime*—Eastern points to points in the south. Filed by O. W. South, Jr., Agent (SFA No. A3830), for interested rail carriers. Rates on lime, carloads, as described in the application from specified points in Maryland, Pennsylvania, Virginia and West Virginia and points grouped therewith to base points in southern territory and points grouped therewith.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 116 to Southern Freight Association tariff I.C.C. 1345.

FSA No. 35599: *Anhydrous ammonia*—West Lake Charles, La., to Memphis, Tenn., and Rexburg, Miss. Filed by Southwestern Freight Bureau, Agent (No. B-7602), for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from West Lake Charles, La., to Memphis, Tenn., and Rexburg, Miss.

Grounds for relief: Competition of unregulated carriers by water and highway.

Tariff: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4290.

#### AGGREGATE OF INTERMEDIATES

FSA No. 35600: *Anhydrous ammonia*—West Lake Charles, La., to Memphis, Tenn., and Rexburg, Miss. Filed by Southwestern Freight Bureau, Agent (No. B-7603), for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from West Lake Charles, La., to Memphis, Tenn., and Rexburg, Miss.

Grounds for relief: Maintenance of through one-factor rates from or to points beyond the named points not depressed by same competitive condition.

Tariff: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4290.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-6425; Filed, Aug. 4, 1959;  
8:46 a.m.]

## DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT  
CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended,

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

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

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

Bestform Foundations of Pa., Inc., Cherry and Baumer Streets, Johnstown, Pa.; effective 8-3-59 to 8-2-60 (foundation garments).

Carbon Hill Manufacturing Corp., Carbon Hill, Ala.; effective 7-28-59 to 7-27-60 (boys' dress slacks).

Clayburne Manufacturing Co., Inc., Clayton, Ga.; effective 8-5-59 to 8-4-60 (men's sport shirts).

Frackville Pajamas, Inc., Broad Mt. Avenue, Frackville, Pa.; effective 7-21-59 to 7-20-60 (men's and boys' pajamas, night-shirts).

Gary Co., Inc., Gallatin, Tenn.; effective 7-23-59 to 7-22-60 (men's dress shirts).

Edward Hyman Co., Prentiss, Miss.; effective 7-24-59 to 7-23-60 (doctors' and technicians' coats and smocks; men's dress, semi-dress and work shirts).

Laurens Shirt Co., Hillcrest Drive, Laurens, S.C.; effective 7-23-59 to 7-22-60 (men's dress and sport shirts).

Samuel Meltzer d/b/a The Liberty Company, East Front Street, Dyer, Tenn.; effective 7-23-59 to 7-22-60 (men's and boys' pajamas and robes).

Top-Notch Manufacturing Co., Inc., 400 South Kansas Street, El Paso, Tex.; effective 7-24-59 to 7-23-60 (denim overalls).

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

Helena Garment Co., Lepanto Division, Lepanto, Ark.; effective 7-23-59 to 7-22-60; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (junior dresses).

Locust Dale Manufacturing Co., Locust Dale, Pa.; effective 7-27-59 to 7-26-60; 5 learners (misses' and juniors' dresses).

Perfect Brassiere Co., Inc., 521 East Fourth Street, Bethlehem, Pa.; effective 7-23-59 to 7-22-60; 7 learners (brassieres).

Pickenbrock Co., Dyersville, Iowa; effective 8-4-59 to 8-3-60; 7 learners (women's cotton pajamas, uniforms).

Texas Infants Dress Co., 410 South Main Avenue, San Antonio, Tex.; effective 7-23-59

to 7-22-60; 5 learners (infants' and children's apparel).

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

Barblizon of Utah, Inc., 150 West 12th North, Provo, Utah; effective 7-27-59 to 1-26-60; 15 learners (ladies' lingerie).

Samuel Meltzer d/b/a The Liberty Company, East Front Street, Dyer, Tenn.; effective 7-23-59 to 1-22-60; 10 learners (men's and boys' pajamas and robes).

**Glove Industry Learner Regulations** (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Indianapolis Glove Co., Inc., Coshocton, Ohio; effective 8-3-59 to 8-2-60; 10 percent of the total number of machine stitchers for normal labor turnover purposes (canton flannel work gloves).

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

Bear Brand Hosiery Co., Henderson, Ky.; effective 7-20-59 to 1-19-60; 75 high school students only for part time employment in the occupation of looping only for a learning period of 816 hours at the rates of 85¢ an hour for the first 432 hours of employment, and not less than 92½¢ an hour for the remaining 384 hours of the 816 hour learning period (seamless).

Clayson Knitting Co., Star, N.C.; effective 7-22-59 to 7-21-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Pittsburg Knitting Mills, Inc., 212 East First Street, South Pittsburg, Tenn.; effective 7-27-59 to 7-26-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Se-Ling Mills, A Division of Prestige, Inc., 505 North Third Street, Quincy, Ill.; effective 7-23-59 to 1-22-60; 15 learners for plant expansion purposes (seamless).

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

Chatham Knitting Mills, Inc., Chatham, Va.; effective 7-28-59 to 7-27-60; 3 learners for normal labor turnover purposes (sweater, jackets).

Ellwood Knitting Mills, Inc., 1110 Mecklen Lane, 911 Lawrence Avenue, Ellwood City, Pa.; effective 7-23-59 to 1-22-60; 30 learners for plant expansion purposes (men's and boys' knitted outerwear).

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

Alco Canning Co., Inc., Water Street, Lubec, Maine; effective 7-23-59 to 1-22-60; 10 learners for normal labor turnover purposes in the occupation of sardine packer for a learning period of 160 hours at the rates of at least 85 cents an hour for the first 80 hours and not less than 90 cents an hour for the remaining 80 hours (sardines).

Haspel, Inc., Tylertown, Miss.; effective 7-23-59 to 1-22-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewing, and finishing operations involving hand sewing each for a learning period of 480 hours at the rates of at least 90 cents an hour

for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's summer clothing).

Oglebay Glass Co., 414 Bond Street, Cumberland, Md.; effective 7-27-59 to 1-26-60; 3 learners for normal labor turnover purposes in the occupation of glass cutter for a learning period of 240 hours at the rate of 85 cents an hour (glass cutting).

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

The Carib Co., Inc., Aibonito, P.R.; effective 7-13-59 to 1-12-60; 30 learners for plant expansion purposes in the occupations of machine sewing and laying off each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (women's gloves).

Caribe General Electric, Inc., Palmer, P.R.; effective 7-6-59 to 12-9-59; 66 learners for plant expansion purposes in the occupations of: (1) welders, power press operators, callibrators, and molders each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours; (2) assemblers, inspectors, plastic finishers, platers, stampers, and drillers each for a learning period of 240 hours at the rate of 80 cents an hour; (3) grinders for a learning period of 160 hours at the rate of 80 cents an hour (replacement certificate) (electrical products).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 7-13-59 to 7-12-60; 15 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 7-13-59 to 10-7-59; 30 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

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

Signed at Washington, D.C., this 29th day of July 1959.

ROBERT G. GRONEWALD,  
Authorized Representative  
of the Administrator.

[F.R. Doc. 59-6419; Filed, Aug. 4, 1959; 8:46 a.m.]

## CUMULATIVE CODIFICATION GUIDE—AUGUST

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