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Title 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Lemons

DEFINITION

In F.R. Doc. 59-1178, beginning on page 961 of the issue for Tuesday, February 10, 1959, the following correction has been made:

In § 51.2806, substitute the word "reasonably" for the word "fairly".

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Dated: March 31, 1959.

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

[F.R. Doc. 59-2816; Filed, Apr. 2, 1959; 8:50 a.m.]

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

[Valencia Orange Reg. 158]

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

Limitation of Handling

§ 922.458 Valencia Orange Regulation 158.

(a) *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 Market-

ing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations 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 section 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 section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

- Title 26, Parts 80-169 (\$0.20)
- Parts 170-182 (\$0.20)
- Title 32A (\$0.40)

Previously announced: Title 3, 1958 Supp. (\$0.35); Title 8 (\$0.35); Title 9, Rev. Jan. 1, 1959 (\$4.75); Titles 22-23. (\$0.35); Title 24, Rev. Jan. 1, 1959 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Titles 35-37 (\$1.25); Title 38 (\$0.55); Titles 40-42 (\$0.35); Title 46, Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Part 30 to end (\$0.30); Title 49, Parts 71-90 (\$0.70); Parts 91-164 (\$0.40)

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

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

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special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) Order. (1) During the period beginning at 12:01 a.m., P.s.t., April 5, 1959, and ending at 12:01 a.m., P.s.t., February 1, 1960, no handler shall handle any Valencia oranges, grown in District 2, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges contained in any type container may measure smaller than 2.32 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 2" shall have the same meaning as when used in the said marketing agreement and order.

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

Dated: March 30, 1959.

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

[F.R. Doc. 59-2808; Filed, Apr. 2, 1959; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 101—PRESUMPTION OF LAWFUL ADMISSION

Paragraphs (g) and (j) of § 101.1 are amended so that when taken with the introductory material they will read as follows:

§ 101.1 Presumption of lawful admission.

A member of the following classes shall be presumed to have been lawfully admitted for permanent residence even though a record of his admission cannot be found, except as otherwise provided in this section, unless he abandoned his lawful permanent resident status or subsequently lost that status by operation of law:

(g) *Temporarily admitted aliens.* The following aliens who when admitted expressed an intention to remain in the United States temporarily or to pass in transit through the United States, for whom records of admission exist, but who remained in the United States: An alien admitted prior to June 3, 1921, except if admitted temporarily under the 9th proviso to section 3 of the Immigration Act of 1917, or as an accredited official of a foreign government, his suite, family, or guest, or as a seaman in pursuit of his calling; an alien admitted under the Act of May 19, 1921, as amended, who was admissible for permanent residence under that Act notwithstanding the quota limitations thereof and his accompanying wife or unmarried son or daughter under 21 who was admissible for permanent residence under that Act notwithstanding the quota limitations thereof; and an alien admitted under the Act of May 19, 1921, as amended, who was charged under that Act to the proper quota at the time of his admission or subsequently and who remained so charged.

(j) *Erroneous admission as United States citizens or as children of citizens.* (1) An alien for whom there exists a record of admission prior to September 11, 1957, as a United States citizen who establishes that at the time of such admission he was the child of a United States citizen parent; he was erroneously issued a United States passport or included in the United States passport of his citizen parent accompanying him or to whom he was destined; no fraud or misrepresentation was practiced by him in the issuance of the passport or in gaining admission; he was otherwise admissible at the time of entry except for

failure to meet visa or passport requirements; and he has maintained a residence in the United States since the date of admission. For the purposes of the foregoing, the terms "child" and "parent" shall be defined as in section 101(b) of the Immigration and Nationality Act as amended by the Act of September 11, 1957.

(2) An alien admitted to the United States before July 1, 1948, in possession of a section 4(a) 1924 Act nonquota immigration visa issued in accordance with State Department regulations, including a child of a United States citizen after he reached the age of 21, in the absence of fraud or misrepresentation; a member of a naturalized person's family who was admitted to the United States as a United States citizen or as a section 4(a) 1924 Act nonquota immigrant on the basis of that naturalization, unless he knowingly participated in the unlawful naturalization of the parent or spouse rendered void by cancellation, or knew at any time prior to his admission to the United States of the cancellation; and a member of a naturalized person's family who knew at any time prior to his admission to the United States of the cancellation of the naturalization of his parent or spouse but was admitted to the United States as a United States citizen pursuant to a State Department or Service determination based upon a then prevailing administrative view, provided the State Department or Service knew of the cancellation.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

Section 103.1 is amended by:

- a. Adding amended paragraph (e).
- b. Adding new paragraph (i).

§ 103.1 Delegation of authority.

(e) *Regional commissioners.* The activities of the Service within their respective regional areas, including all appellate jurisdiction specified in this chapter not reserved to the Board of Immigration Appeals or to district directors outside the United States.

(i) *Immigration officer.* Any employee designated as an immigration officer under the provisions of these regulations in effect on November 25, 1958, is an immigration officer under the Act and regulations pursuant thereto until the effective date of this paragraph. On and after the effective date of this paragraph, any immigrant inspector, immigration patrol inspector, pilot, detention officer, investigator, naturalization examiner or supervisory officer of such employees is hereby designated as an immigration officer authorized to exercise the powers and duties of such officer as specified by the Act, or this chapter.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Sections 211.1 and 211.2 are amended to read as follows:

§ 211.1 Visas.

A valid unexpired immigrant visa shall be presented by each arriving immigrant alien except an immigrant who (a) was born subsequent to the issuance of an immigrant visa to his accompanying parent and applies for admission during the validity of such a visa, or (b) is returning to an unrelinquished lawful permanent residence after a temporary absence abroad (1) not exceeding one year and presents a Form I-151 alien registration receipt card duly issued to him, or (2) and presents a valid unexpired reentry permit duly issued to him, or (3) and is the spouse or child of, and has been residing abroad with, a member of the Armed Forces of the United States stationed abroad pursuant to official orders, or (4) and satisfies the district director in charge of the port of entry that there is good cause for the failure to present the required document, in which case an application for waiver shall be made on Form I-193.

§ 211.2 Passports.

A passport valid for the bearer's entry into a foreign country at least 60 days beyond the expiration date of his immigrant visa shall be presented by each immigrant except an immigrant who (a) is the parent, spouse or unmarried son or daughter of a United States citizen or of an alien lawful permanent resident of the United States, or (b) is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, or (c) is a stateless person or a person who because of his opposition to Communism is unwilling or unable to obtain a passport from the country of his nationality or is the accompanying spouse or unmarried son or daughter of such immigrant, or (d) is a first-preference quota immigrant, or (e) is an immigrant who has been preexamined in the United States, or (f) is a member of the Armed Forces of the United States, or (g) satisfies the district director in charge of the port of entry that there is good cause for failure to present the required document, in which case an application for waiver shall be made on Form I-193.

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

The headnote to § 235.5 *Preexamination*, the first sentence of paragraph (a), and paragraph (b) are amended to read as follows:

§ 235.5 Preinspection.

(a) *In United States territories and possessions.* In the case of any aircraft proceeding from Guam, Puerto Rico, or the Virgin Islands of the United States destined directly and without touching at a foreign port or place to any other of such places or to one of the States of the United States or the District of Columbia, the examination required by the act of the passengers and crew may be made prior to the departure of the aircraft, and in such event, final determination of admissibility shall be made immediately prior to such departure. * * *

(b) *In contiguous territory and adjacent islands.* On and after December 24, 1952, in the case of any aircraft or vessel proceeding directly from a port or place in foreign contiguous territory or adjacent islands to a port of entry in the United States, the examination and inspection of passengers and crew required by the act and final determination of admissibility may be made immediately prior to such departure at the port or place in foreign contiguous territory or adjacent islands and shall have the same effect under the act as though made at the destined port of entry in the United States.

PART 236—EXCLUSION OF ALIENS

§ 236.5 [Amendment]

Paragraph (a) *In general* of § 236.5 *Appeals* is amended by deleting the reference "Part 6" and inserting in lieu thereof the reference "Part 3".

PART 239—SPECIAL PROVISIONS RELATING TO AIRCRAFT: DESIGNATION OF PORTS OF ENTRY FOR ALIENS ARRIVING BY CIVIL AIRCRAFT

§ 239.1 [Amendment]

Section 239.1 *Definitions* is amended by deleting "Civil Aeronautics Act of 1938" and inserting in lieu thereof "Federal Aviation Act of 1958 (72 Stat. 731)".

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

§ 245.1 [Amendment]

The first sentence of § 245.1 *Application* is amended by deleting the words "Form I-507" and inserting in lieu thereof the words "Form I-485".

PART 249—CREATION OF RECORD OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE

§ 249.1 [Amendment]

The first sentence of § 249.1 *Application* is amended by deleting the words "Form N-105" and inserting in lieu thereof the words "Form I-485".

PART 299—IMMIGRATION FORMS

§ 299.1 [Amendment]

Section 299.1 *Prescribed forms* is amended in the following respects:

1. The following form is added in numerical sequence to the list of forms:

Form No.	Title and description
I-485	Application for status as permanent resident.

2. The following forms and references thereto are deleted from the list of forms:

Form No.	Title and description
I-507	Application for status as permanent resident.

Form No.	Title and description
N-105	Application to create record of admission for permanent residence.

PART 328—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WITH THREE YEARS SERVICE IN ARMED FORCES OF THE UNITED STATES

Section 328.1 is amended to read as follows:

§ 328.1 Continuous service.

A person of a class described in section 328(a) of the act, whose service in the armed forces of the United States aggregating three years has been continuous, shall establish that he is in the United States pursuant to a lawful admission for permanent residence, whether or not such admission occurred before or after service in the armed forces, if the petition is filed within six months after termination of such service. Such person shall establish his good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States, from the date of termination to the date of his admission to citizenship.

PART 333—PHOTOGRAPHS

§ 333.1 [Amendment]

The fifth sentence of § 333.1 *Description of required photographs* is amended to read as follows: "If a child is unable to sign his name, the photographs shall be signed by a parent or guardian, the signature reading '(name of child) by (name of parent or guardian)'."

PART 335—PRELIMINARY EXAMINATION ON PETITIONS FOR NATURALIZATION

§ 335.13 [Amendment]

Section 335.13 *Notice of recommendation of designated examiner* is amended by adding paragraph (d) to read as follows:

(d) *Briefs.* If the petitioner intends to file a brief or memorandum at the final hearing, he shall furnish a copy thereof to the Service office from which the notice on Form N-425 emanated at least 10 days prior to the date of the final hearing. Failure to do so will result in a motion for a continuance if deemed essential for the proper presentation of the Government's case.

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

§ 336.16 [Amendment]

Section 336.16 *Final hearing; waiver of 30-day period* is amended by deleting the last sentence thereof.

PART 337—OATH OF ALLEGIANCE

§ 337.1 [Amendment]

Paragraph (a) *Form of oath* of § 337.1 *Oath of allegiance* is amended by deleting the word "thereafter".

PART 338—CERTIFICATE OF NATURALIZATION

§ 338.16 [Amendment]

Section 338.16 *Correction of certificates* is amended in the following respects:

1. The sixth and seventh sentences are amended to read as follows: "When a correction would or does result in mutilation of a certificate, the district director may authorize the clerk of court, with the consent of the naturalized person, to issue without fee a new certificate from his supply, upon surrender of the incorrect certificate and submission of photographs: The surrendered certificate shall be marked "Spoiled" and transmitted to the district director with the duplicate copy of the new certificate attached to the monthly report of the clerk on Form N-4."

2. The last sentence is deleted.

PART 499—NATIONALITY FORMS

§ 499.1 [Amendment]

Section 499.1 *Prescribed forms* is amended by deleting the following form and reference thereto from the list of forms:

Form No.	Title and description
N-452	Statement of Witness.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those which are editorial or clarifying in nature or relieve restrictions and are clearly advantageous to persons affected thereby, relate to agency procedure and management. The amendment to § 101.1(j), which clarifies an existing rule, is designed to express the exact intention of this regulation as originally published on November 26, 1958, in 23 F.R. 9119.

Dated: March 30, 1959.

J. M. SWING,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 59-2817; Filed, Apr. 2, 1959; 8:50 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

Finding of Industry To Be of a Seasonal Nature

The Administrator of the Wage and Hour and Public Contracts Divisions has found and determined that (1) the storing of grain including flaxseed, buckwheat, and soy beans by country grain elevators, public terminal and sub-ter-

minal grain elevators, and wheat flour mill elevators (6 F.R. 2889, June 13, 1941; as corrected 9 F.R. 10593, August 25, 1944), (2) the flat warehousing of grain in sacks, including rough or paddy rice, in the states of California, Oregon, Washington, and Idaho (6 F.R. 6778, December 17, 1941), and (3) the drying or storing or drying and storing, including receiving, of rough southern rice in the states of Texas, Arkansas, Louisiana and other southern states (15 F.R. 6197, September 12, 1950), are each an industry of a seasonal nature within the meaning of section 7(b)(3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063, 29 U.S.C. 207), and 29 CFR, Part 526. As industries of a seasonal nature, each is partially excepted from the overtime provisions of section 7(a) of the Fair Labor Standards Act (52 Stat. 1063, 29 U.S.C. 207) for a period or periods of not more than fourteen workweeks in the aggregate in any calendar year.

On February 3, 1959, notice was published in the FEDERAL REGISTER (24 F.R. 740) that the Administrator had made a preliminary determination pursuant to §§ 526.5(b) and 526.6(b)(2) of 29 CFR, Part 526, and section 7(b)(3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063, 29 U.S.C. 207), that a prima facie case had been shown for amending the aforementioned determinations of seasonal industries by (a) including the bulk storage of grain in non-elevator type establishments as well as in elevators and flat warehouses, (b) consolidation of the determinations into one determination, and (c) defining in more detail the industry to which the determination shall apply. The proposed amendment was based on a recognition that storage practices in the industry had changed to include types of storage establishments other than those listed in the determinations, and that storage in these establishments is a seasonal industry within § 526.3(b) of 29 CFR, Part 526.

The notice of preliminary determination provided a period of 15 days within which interested persons might file objections or requests for a hearing under § 526.6(b) of 29 CFR, Part 526. No such objections or requests for a hearing were received within the prescribed period. Accordingly, the preliminary determination is made final.

Therefore, under the authority of section 7(b)(3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063, 29 U.S.C. 207), and pursuant to §§ 526.5(b) and 526.6(b) of 29 CFR, Part 526, the aforementioned seasonal industry determinations are hereby revoked and a final seasonal industry determination is hereby issued as follows:

(1) The storing, and drying before storage, of grain including flaxseed, buckwheat, soy beans, and rough rice in country grain elevators, public terminal and sub-terminal grain elevators, wheat flour mill elevators, non-elevator type bulk grain storing establishments, and flat warehouses constitute an industry of a seasonal nature within the meaning of section 7(b)(3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063, 29 U.S.C. 207) and Part 526 of the regulations issued thereunder (29 CFR, Part 526).

(2) For purposes of this determination, the industry engaged in the storing, and drying before storage, of grain includes the operations of storing and drying prior to storage of grain, flaxseed, buckwheat, soy beans and rough rice, and any operations necessary or incident to such storing and drying, including: receiving, unloading, weighing, testing, cleaning, mixing, fumigating, shelling corn, sacking, and removing these commodities from storage, during the period or periods when the commodities are being received, dried or stored.

(3) The term "non-elevator type bulk grain storing establishments" includes warehouses, quonset huts, barns, steel tanks, tents, and other similar storage facilities which are used to store grain, whether operated in conjunction with an elevator to supplement the elevator's storage space or operated as independent establishments. "Flat warehousing" means the storing of grain in sacks. (Sec. 7, 52 Stat. 1063, as amended; 29 U.S.C. 207)

Since this determination creates a partial exemption from the overtime provisions of section 7(a) of the Fair Labor Standards Act, and extends a former exemption, it shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 30th day of March 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-2827; Filed, Apr. 2, 1959; 9:08 a.m.]

PART 681—HOME WORKERS IN CERTAIN INDUSTRIES IN PUERTO RICO

On February 28, 1959, notice was published in the FEDERAL REGISTER (24 F.R. 1533), that the Administrator of the Wage and Hour and Public Contracts Divisions, proposed to amend 29 CFR, Part 681 for the purpose of: (1) Varying the authority for the issuance of Part 681; and (2) prescribing requirements which an employer shall satisfy in adopting a piece rate for each home worker who is to perform an operation for which no minimum piece rate has been prescribed by regulation or order of the Administrator, or his authorized representative.

The notice provided a period of fifteen days within which interested persons might submit data, views, or arguments pertaining to the proposed amendments. The time for such filing expired on March 15, 1959, and no responses have been received. Accordingly, the proposed amendments are made final.

In accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) and pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F.R. 3290), 29 CFR, Part 681 is hereby amended as follows:

1. The authority for issuance of Part 681 is changed to read as follows:

AUTHORITY: §§ 681.1 to 681.12 issued under secs. 6, 11, 52 Stat. 1062, 1066, as amended; 29 U.S.C. 206, 211.

2. A new section designated as § 681.10 is added, to read as follows:

§ 681.10 Piece rates adopted by employers.

(a) Pursuant to the provisions of section 6(a)(2) of the Act, in the event that a homemaker performs an operation for which no minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid a piece rate adopted by the employer which shall yield to homeworkers of ordinary skill, under prevalent operating conditions and with equipment ordinarily found in homes, an amount not less than the applicable minimum hourly wage rate established by wage order. This piece rate must be the result of production time studies conducted in Puerto Rico with a representative group of homeworkers. Such piece rate shall be lawful only if it actually satisfies the requirements of this section, and such a rate shall remain in effect only until such time as the Administrator or his authorized representative, by regulation or order, establishes a minimum piece rate for the operations.

(b) Piece rates adopted under this section shall be filed with the Wage and Hour Division in Puerto Rico, accompanied by a record of the time tests showing a full description of the operation tested, the date of the test, measures taken to insure a representative sample of homeworkers, the starting and stopping time of each worker tested together with the number of units produced in that time, the total number of workers tested, the total number of hours worked, and the total number of units produced.

This amendment shall become effective day of March 1959.

Signed at Washington, D.C., this 30th day of March 1959.

CLARENCE T. LUNDQUIST,
Administrator

[F.R. Doc. 59-2829; Filed, Apr. 2, 1959; 9:08 a.m.]

Title 50—WILDLIFE

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

PART 33—CENTRAL REGION

Subpart—Seney National Wildlife Refuge, Michigan

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F.R. 8126), I have determined that hunting on the Seney National Wildlife Refuge, Michigan, would be consistent with the management of the refuge.

By notice of proposed rule making published in the FEDERAL REGISTER OF

February 21, 1959 (24 F.R. 1347), the public was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit hunting on the Seney National Wildlife Refuge by submitting written data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within a period of 30 days from the date of publication. No comments, suggestions, or objections having been received within the 30-day period, the regulations constituting Part 33 are amended by deleting §§ 33.198 and 33.199 and revising § 33.197 of Subpart—Seney National Wildlife Refuge, Michigan, as follows:

§ 33.197 Hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter,

the hunting of deer, bear, and coyotes is permitted on the following described lands of the Seney National Wildlife Refuge, Michigan, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Access.* Hunters shall follow such routes of travel and park in such areas of the refuge as may be designated.

(c) *Hunting area.* All of the lands of the refuge are open to hunting except that part of the refuge bounded as follows:

On the north by a line commencing at the junction of the Pine Creek Road with the section line common to sections 11 and 14, T. 45 N., R. 14 W., and extending eastward along the section lines common to sections 12 and 13, T. 45 N., R. 14 W., and sections

7 and 18, 8 and 17, 9 and 16, T. 45 N., R. 13 W., to State Highway No. 77; on the east by State Highway No. 77; and the south by the Manistique River west to the mouth of Pine Creek; on the west by the Pine Creek Road. (Sec. 10, 45 Stat. 1224; 16 U.S.C. 7151)

In accordance with the requirements imposed by section 4(c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U.S.C. 1003(c), the foregoing amendment shall become effective on the 31st day following publication in the FEDERAL REGISTER.

Dated: March 27, 1959.

D. H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

[F.R. Doc. 59-2814; Filed, Apr. 2, 1959; 8:49 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 244]

RIGHTS-OF-WAY FOR PIPELINE PURPOSES

Notice of Proposed Rule Making.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 32 of the act of February 25, 1920 (41 Stat. 450; 30 U.S.C. 189), as amended, and section 2478 of the Revised Statutes (43 U.S.C. 1201), it is proposed to amend 43 CFR 244.60(a) and 244.62 as set forth below. The purpose of this amendment is to show that the law specifies that the Secretary may grant rights-of-way for pipeline purposes for the transportation of oil or natural gas under section 28 only upon the express condition that such pipeline be constructed, operated, and maintained as a common carrier, even though the pipeline may be exempted from such common carrier provisions by the act of August 12, 1953 (67 Stat. 557; 30 U.S.C. 185). The amendment is proposed merely to perfect the language of the regulations and does not represent any change in the Department's interpretation of the applicability of these common carrier provisions to oil and gas pipelines.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the

date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

MARCH 27, 1959.

Paragraph (a) of § 244.60 and all of § 244.62 are revised to read as follows:

§ 244.60 Statutory authority.

(a) Section 28 of the act of February 25, 1920 (41 Stat. 449), as amended August 21, 1935, and August 12, 1953 (49 Stat. 678; 67 Stat. 557; 30 U.S.C. 185), authorizes the Secretary to grant rights-of-way through public lands, including the forest reserves of the United States, but not including acquired lands (40 Op. Atty. Gen. 9 and Departmental Decision A-23988), for pipeline purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of the act (41 Stat. 437; 30 U.S.C. 181) to the extent of the ground occupied by the said pipeline and 25 feet on each side of the same under such regulations and conditions as to survey, location, application, and use as may be prescribed by him, and upon the express condition that such pipeline shall be constructed, operated and maintained as a common carrier and that every pipeline holder shall accept, convey, transport, or purchase without discrimination oil or natural gas produced from Government lands in the vicinity of the pipeline in such proportionate amount as the Secretary of the Interior may, after a full hearing, with due notice thereof to the interested parties, and a proper finding of facts, determine to be reasonable.

§ 244.62 Common carrier stipulation.

Each application for a pipeline right-of-way under the regulations of this part must include the following stipulation:

The applicant agrees to operate the pipeline as a common carrier to the extent required by the provisions of the Mineral Leasing Act, and, within 30 days after the request

of the Secretary of the Interior, or his delegate, to file rate schedule and tariff for the transportation of oil or gas, as the case may be, as such common carrier, with any regularity agency having jurisdiction over such transportation as the Secretary or his delegate may prescribe.

[F.R. Doc. 59-2793; Filed, Apr. 2, 1959; 8:46 a.m.]

Fish and Wildlife Service

[50 CFR Part 33]

VALENTINE NATIONAL WILDLIFE REFUGE, NEBRASKA

Sport Fishing Permitted

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise § 33.341 of Subpart—Valentine National Wildlife Refuge, Nebraska, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to include bait restrictions to conform with existing laws and regulations of the State of Nebraska.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revision to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: March 30, 1959.

D. H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

§ 33.341 Sport fishing permitted.

Subject to the applicable provisions contained in Parts 18 and 21 of this chapter, sport or noncommercial fishing

is permitted during the daylight hours in accordance with the laws of the State of Nebraska, during the period March 16 to December 14, inclusive, in the waters of Clear, Dewey, Hackberry, Pelican, Watts, and Willow Lakes within the Valentine National Wildlife Refuge: *Provided*, That no person at any time, while on any part of the refuge, shall use for bait any minnows, fish, or parts thereof, either alive or dead, or have in his possession any such bait, or any seine or net that may be used for capturing minnows: *Provided further*, That fishing is prohibited during the open season for the hunting of migratory waterfowl.

[F.R. Doc. 59-2792; Filed, Apr. 2, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

I 7 CFR Part 52 I

CANNED RIPE OLIVES¹

U.S. Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Canned Ripe Olives pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

PRODUCT DESCRIPTION, TYPES, STYLES, GRADES

Sec.	
52.3751	Product description.
52.3752	Types of canned ripe olives.
52.3753	Styles of canned ripe olives.
52.3754	Grades of canned ripe olives.

SIZE DESIGNATIONS

52.3755	Size designations for whole style.
52.3756	Size designations for pitted style.

RECOMMENDED MINIMUM DRAINED WEIGHTS

52.3757	Recommended minimum drained weights.
52.3758	Compliance with recommended minimum drained weights.

FACTORS OF QUALITY

52.3759	Ascertaining the grade of a sample unit.
52.3760	Ascertaining the rating for the factors which are scored.
52.3761	Color.
52.3762	Uniformity of size.
52.3763	Absence of defects.
52.3764	Character.

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

LOT INSPECTION AND CERTIFICATION

Sec.	
52.3765	Ascertaining the grade of a lot.

SCORE SHEET

52.3766	Score sheet for canned ripe olives.
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AUTHORITY: §§ 52.3751 to 52.3766 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, TYPES, STYLES, GRADES

§ 52.3751 Product description.

Canned ripe olives are prepared from properly matured olives which have first been properly treated to remove the characteristic bitterness; are packed in a solution of sodium chloride, with or without spices, and are sufficiently processed by heat to assure preservation of the product in hermetically-sealed containers. Canned olives which are not oxidized in processing and which possess a tan to light bronze color indicative of preparation from olives of advanced maturity and commonly referred to as "tree-ripened" or "home-cured" are not covered by the standards in this subpart.

§ 52.3752 Types of canned ripe olives.

Canned ripe olives are processed as two distinct types. Unless a specific type is stated in this subpart, "canned ripe olives" refer to such olives of either "ripe type" or "green-ripe type."

(a) *Ripe type*. "Ripe type" olives are those which have been treated and oxidized in processing to produce a typical dark brown to black color.

(b) *Green-ripe type*. "Green-ripe type" olives are those which have not been oxidized in processing; which range in color from yellow-green, green-yellow, or other greenish casts; and which may be mottled.

§ 52.3753 Styles of canned ripe olives.

(a) *Whole*. "Whole" olives are those which have not been pitted.

(b) *Pitted*. "Pitted" olives are those from which pits have been removed.

(c) *Halved*. "Halved" olives are pitted olives in which each olive is cut lengthwise into two approximately equal parts.

(d) *Sliced*. "Sliced" olives consist of parallel slices of fairly uniform thickness prepared from pitted olives.

(e) *Chopped or Minced*. "Chopped" or "Minced" olives are random-size cut pieces or cut bits prepared from pitted olives.

(f) *Broken pitted*. "Broken pitted" olives consist substantially of large pieces that may have been broken in pitting but have not been sliced or cut.

§ 52.3754 Grades of canned ripe olives.

(a) "U.S. Grade-A" (or "U.S. Fancy") is the quality of canned ripe olives of whole, pitted, halved, sliced, and chopped or minced styles that possess a good flavor, that possess a good color, that are practically uniform in size in whole and pitted styles of single sizes, that are practically free from defects, that possess a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 90 points: *Provided*, That such canned ripe olives may possess a reasonably good

color and may be reasonably uniform in size, if the total score is not less than 90 points.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned ripe olives of whole, pitted, halved, sliced and chopped or minced styles that possess a good flavor, that possess a reasonably good color, that are reasonably uniform in size in whole and pitted styles of single sizes, that are reasonably free from defects, that possess a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of canned ripe olives of whole, pitted, halved, sliced, chopped or minced, and broken pitted styles that possess a normal flavor, that possess a fairly good color, that are fairly uniform in size in whole and pitted styles of single sizes on whole style in mixed sizes, that are fairly free from defects, that possess a fairly good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points.

(d) "Substandard" is the quality of canned ripe olives of any style that fail to meet the applicable requirements for U.S. Grade C.

SIZE DESIGNATIONS

§ 52.3755 Size designations for whole style.

(a) *General*. The "average count" for canned whole ripe olives is ascertained from all containers in the sample and is calculated on the basis of drained weight of the olives.

(b) *Ascertaining compliance*—(1) *Single size*. Canned whole ripe olives shall be considered of a single size designation if the olives are reasonably uniform in size and approximate the size illustrated in Table I² of this section for the average count of such size designation. Such olives which do not conform to the average count for the size illustrated shall be considered of the size designation of the next smaller size.

(2) *Blended sizes*—(i) *Family; King; Royal*. Canned whole ripe olives shall be considered of the blended size designation of "Family", "King", or "Royal" when the olives conform visually to the illustrations in Table I² of this section for the single sizes which compose the blend and conform to the average count for such size designation (See Table II).

(ii) *Other blends*. Canned whole ripe olives shall be considered "Other blends" (other than "Family", "King", or "Royal") when the olives in the blend consist of two or three adjacent sizes which conform visually to the illustrations in Table I² of this section: *Provided*, That not more than 15 percent,

² Table I has been filed with the original document and is available for inspection in the Division of the Federal Register or in the Fruit and Vegetable Division, United States Department of Agriculture, South Building, Washington 25, D.C. A printed copy of this table is attached to each copy of these standards issued by the United States Department of Agriculture.

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by count, may be definitely of a size or sizes smaller than the two or three sizes in the blend.

(3) *Mixed sizes.* Canned whole ripe olives shall be considered "Mixed sizes" when the olives are not classifiable as a single size or as blended sizes.

§52.3756 Size designations for pitted style.

The size designations for canned pitted ripe olives shall be that of the single size or blended size designation which conforms most closely to the size or sizes illustrated in Table I² of this section.

TABLE II

Blended sizes		Average count (per pound of drained olives)
Designation	Composition of blend	
Family	Medium, Large, and Extra Large and no more than 15 percent, by count, of Standard(s).	91 to 105 inclusive.
King	Giant, Jumbo, and the smaller half of Colossal and no more than 15 percent, by count, of Mammoth.	45 to 53 inclusive.
Royal	Larger half of Colossal; and Super Colossal.	Not to exceed 34.
Other blends	Two or three adjacent sizes, as in Table I, and no more than 15 percent, by count, of smaller size(s).	Not applicable.

RECOMMENDED MINIMUM DRAINED WEIGHTS

§ 52.3757 Recommended minimum drained weights.

(a) *General.* The minimum drained weight recommendations for the various applicable styles in Table III and Table IV are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining drained weight.* The drained weight of canned ripe olives is determined by emptying the contents of the container upon a United States Standards No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and olives less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404×414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

§ 52.3758 Compliance with recommended minimum drained weights.

Compliance with the recommended minimum drained weights for canned ripe olives is determined by averaging the drained weights from all the con-

² Table I has been filed with the original document and is available for inspection in the Division of the Federal Register or in the Fruit and Vegetable Division, United States Department of Agriculture, South Building, Washington 25, D.C. A printed copy of this table is attached to each copy of these standards issued by the United States Department of Agriculture.

tainers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(a) The average of the drained weights from all of the containers meets the recommended minimum drained weight;

(b) One-half or more of the containers meet the recommended minimum drained weight; and

(c) The drained weights from the containers which do not meet the minimum recommended drained weight are within the range of variability for good commercial practice.

TABLE III—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED RIPE OLIVES (WHOLE AND PITTED STYLES)

Container sizes (metal) (overall measurements: width x height)	Buffet or 8 ounce Tall (2 1/16 x 3 1/16 inches)		No. 1 Tall (3 1/16 x 4 1/16 inches)		No. 10 (6 3/16 x 7 inches)
	Whole	Pitted	Whole	Pitted	Whole
<i>Size designations</i>	<i>Ounces</i>	<i>Ounces</i>	<i>Ounces</i>	<i>Ounces</i>	<i>Ounces</i>
Small (or) Select (or) Standards (s)	4 1/2	3 3/4	9	7	66
Medium	4 1/2	3 3/4	9	7	66
Large	4 1/2	3 3/4	9	7 1/2	66
Extra Large	4 1/2	3 3/4	9	7 1/2	66
Mammoth	4 1/2	3 3/4	9	7 1/2	66
Giant	4	3 3/4	8 1/2	7	64
Jumbo	4	3 3/4	8 1/2	7	64
Colossal	4	3 3/4	8 1/2	7	64
Super Colossal or Special Super Colossal	4	3 3/4	8 1/2	7	64
Family	4 1/2	3 3/4	9	7 1/2	66
King	4	3 3/4	8 1/2	6 3/4	64
Royal	4	3 3/4	8	7 1/2	64
Other blends	4 1/2	3 3/4	9	7 1/2	66
Mixed sizes	4 1/2	3 3/4	9	7 1/2	66

TABLE IV—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED RIPE OLIVES (HALVED, CHOPPED, SLICED, AND BROKEN PITTED STYLES)

Container sizes (metal) (overall measurements: width x height)	211 x 200 can (2 1/16 x 2 inches)	No. 1 Tall (3 1/16 x 4 1/16 inches)	No. 10 (6 3/16 x 7 inches)
	(Ounces)	(Ounces)	(Ounces)
Halved	3 1/2	7 1/2	
Chopped	4 1/2		
Sliced	2 3/4		
Broken pitted		7	55

FACTORS OF QUALITY

§ 52.3759 Ascertaining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factor not rated by score points.* (i) Flavor.

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

	<i>Points</i>
(i) Color	20
(ii) Uniformity of size	20
(iii) Absence of defects	30
(iv) Character	30

Total score..... 100

(b) *Definition of flavor*—(1) *Good flavor.* (i) "Good flavor" in ripe type means a distinctive nut-like flavor characteristic of ripe type olives (including that of properly spiced olives) which have been properly prepared and processed and which are free from objectionable flavors of any kind.

(ii) "Good flavor" in green-ripe type means a distinctive sweet and mellow flavor characteristic of green-ripe type olives which have been properly prepared and processed and which are free from objectionable flavors of any kind.

(2) *Normal flavor.* "Normal flavor" in either ripe type (including that of properly spiced olives) or green-ripe type

means that the flavor may be slightly lacking in a distinctly characteristic flavor for the respective type but the olives are free from objectionable flavors of any kind.

§ 52.3760 Ascertaining the rating for the factors which are scored.

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

§ 52.3761 Color.

(a) *General.* The evaluation of color shall be determined approximately 5 minutes after the container has been opened and, as applicable for the type, is based upon the uniformity of the exterior color or general appearance as to color of the olives within the container. The evaluation of color in "halved" style is based on the uncut surfaces.

(b) *Color measurement of ripe type.* The color of ripe type is ascertained by comparison with a spinning disc of variations in percentages of the following Munsell color discs: Red (5R 4/14), Yellow (2.5Y 8/12), and Black (N/1 Glossy).

(c) *Color appearance of green-ripe type.* Normal color for green-ripe type olives is yellow-green, green-yellow, or other greenish casts, any of which may possess a mottled appearance that is typical of green-ripe type olives.

(d) (A) *Classification*. Canned ripe olives that possess a good color may be given a score of 18 to 20 points. "Good color" has the following meanings with respect to the applicable types and styles:

(1) *Ripe type*—(i) *Whole; pitted; halved*. The olives or units possess a practically uniform black color or dark rich brown color. Not less than 90 percent, by count, of the olives or units possess a color equal to or darker than that produced by spinning the Munsell color discs specified in paragraph (b) of this section in the following combinations: 3½ percent Red, 3½ percent Yellow, and 93 percent Black.

(ii) *Sliced; chopped or minced*. The general color impression of the olives as a mass is normal and typical of these styles prepared from olives of at least reasonably good color.

(2) *Green-ripe type*. The general color appearance of the olives shall be normal and practically uniform in such normal color for the type.

(e) (B) *classification*. If the canned ripe olives possess a reasonably good color, a score of 16 or 17 points may be given. "Reasonably good color" has the following meanings with respect to the applicable types and styles:

(1) *Ripe type*—(i) *Whole; pitted; halved*. The olives or units possess a reasonably uniform black color or dark brown color. Not less than 80 percent, by count, of the olives or units possess a color equal to or better than that produced by spinning the Munsell color discs specified in paragraph (b) of this section in the following combinations: 6 percent Red, 6 percent Yellow, and 88 percent Black.

(ii) *Sliced; chopped or minced*. The general color impression of the olives as a mass is normal and typical of these styles prepared from olives of at least fairly good color.

(2) *Green-ripe type*. The general color appearance of the olives shall be normal and reasonably uniform in such normal color for the type.

(f) (C) *classification*. If the canned ripe olives possess a fairly good color, a score of 14 or 15 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" has the following meanings with respect to the applicable types and styles:

(1) *Ripe type*—(i) *Whole; pitted; halved*. The olives may vary in color but not less than 60 percent, by count, of the olives or units possess black color or a dark brown color or a reddish-brown color not lighter than that produced by spinning the Munsell color discs specified in paragraph (b) of this section in the following combinations: 6 percent Red, 6 percent Yellow, and 88 percent Black.

(ii) *Sliced; chopped or minced*. The general color impression of the olives as a mass is normal and varies more markedly than these styles prepared from olives of fairly good color.

(iii) *Broken pitted*. The general color impression of the olives as a mass is normal and may be variable, but is typical for this style prepared from olives of good, reasonably good, or fairly good color.

(2) *Green-ripe*. The general color impression of the olives shall be normal but may vary markedly for the type.

(g) (SStd) *classification*. Canned ripe olives that are abnormal in color for any reason or that fail to meet the requirements of paragraph (f) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3762 Uniformity of size.

(a) *General*. (1) Uniformity of size refers to the variation in diameters of whole and pitted styles. "Diameter" means the shortest measurement of the greatest thickness of the diameter of an olive measured at right angles to the pit or pit cavity.

(2) The factor of uniformity of size for halved, sliced, chopped or minced, or broken pitted styles is not based on any detailed requirements and is not scored, the other three factors (color, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) (A) *classification*. Canned whole and pitted ripe olives of a single size or blended sizes that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" means that in 90 percent, by count, of the olives with the most uniform diameters the olives do not vary by more than 1/16 inch in diameter; and in all the olives the variation in diameters does not exceed 1/8 inch.

(c) (B) *classification*. If the canned whole and pitted ripe olives of a single size or blended sizes are reasonably uniform in size, a score of 16 or 17 points may be given. "Reasonably uniform in size" means that in 80 percent, by count, of the olives with the most uniform diameters the olives do not vary by more than 1/16 inch in diameter; and in all the olives the variation in diameters do not exceed 3/16 inch.

(d) (C) *classification*. If the canned whole and pitted ripe olives of a single size or blended sizes are fairly uniform in size or if canned whole ripe olives are of mixed sizes, a score of 14 or 15 points may be given. Canned ripe olives of other than blended sizes that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score (this is a partial limiting rule). "Fairly uniform in size" means that in 60 percent, by count, of the olives with the most uniform diameters the olives do not vary by more than 1/16 inch in diameter.

(e) (SStd) *classification*. Canned whole ripe olives that have an average count of more than 140 per pound or canned whole and pitted ripe olives that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of

the total score for the product (this is a limiting rule).

§ 52.3763 Absence of defects.

(a) *General*. The factor of absence of defects refers to the degree of freedom from harmless extraneous material, pit material, stems and portions thereof, blemishes, wrinkles, mutilated olives, and from any other defects which affect the appearance or edibility of the product.

(b) *Definitions of defects*—(1) *Harmless extraneous material*. "Harmless extraneous material" means any vegetable substance that is harmless.

(2) *Pit material*. Pit material is classified as follows:

(i) "Pit" means any whole pit in other than whole olives, whether loose or partially attached to the flesh.

(ii) "Piece of pit" means any portion of pit regardless of size in pitted, halved, sliced, or broken pitted styles.

(iii) "Fragments of pit" means any portion of pit in chopped or minced style that weighs more than 5 milligrams.

(3) *Stem*. A stem or any portion thereof that measures 3/32 inch or less from the shoulder of the olive is not considered a defect. Stems are classified as follows:

(i) A "minor stem" is a stem or portion thereof that measures more than 3/32 inch, but not more than 1/32 inch, from the shoulder of the olive.

(ii) A "major stem" is a stem or portion thereof that measures more than 1/32 inch from the shoulder of the olive.

(4) *Blemishes*. "Blemishes" mean dark-colored surface marks in either ripe type or green-ripe type which may or may not penetrate into the flesh. Blemishes are classified as follows:

(i) "Insignificant blemishes" are surface marks which do not penetrate perceptibly into the flesh and which individually or collectively do not more than slightly affect the appearance of the olive or unit.

(ii) "Minor blemishes" are surface marks which do not penetrate perceptibly into the flesh and which individually or collectively materially affect the appearance of the olive or unit.

(iii) "Major blemishes" include:

(a) Surface marks or similar injury may or may not be associated with a soft texture below the skin and which individually or collectively seriously affect the appearance or edibility, or both, of the olive or unit; and

(b) Surface marks or bruises or similar injury which penetrate perceptibly into the flesh and which individually or collectively seriously affect the appearance or edibility, or both, of the olive or unit.

(5) *Wrinkles*. Classification of wrinkles shall be determined while olives are moist and any increase in wrinkling due to dehydration after opening the container shall not be considered. Wrinkles are classified as follows:

(i) "Insignificant wrinkles" are those which are hairline in appearance and approximate less than 1/64 inch in width and, regardless of area covered, are not considered as defects.

(ii) "Minor wrinkles" are those which approximate 1/64 inch but not more than

$\frac{1}{32}$ inch in width and cover not more than approximately one-sixth of the area on the olive.

(iii) "Major wrinkles" are: (a) Minor wrinkles which cover more than one-sixth of the area on the olive; or (b) are wrinkles which are more than $\frac{1}{32}$ inch in width and cover not more than approximately one-third of the area on the olive.

(iv) "Serious wrinkles" are wrinkles which are more than $\frac{1}{32}$ inch in width and cover more than one-third of the area on the olive.

(6) *Mutilated*. A "mutilated" olive in whole or pitted styles means an olive that is so pitter-torn or damaged by other means that the entire pit cavity is exposed or the appearance of the olive is seriously affected to the same degree.

(c) (A) *classification*. Canned ripe olives of whole, pitted, halved, sliced, and chopped styles that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the canned ripe olives are practically free from any defects not specifically mentioned and that these defects may affect no more than slightly the appearance or edibility of the olives; that the over-all appearance of the product is not materially affected by olives or units with insignificant blemishes; and, in addition, has the following meanings for the applicable styles:

(1) *Whole; pitted; halved*. (i) There may be present, on an average, per 100 whole or pitted olives or per 200 units in halved style:

Not more than one piece of harmless extraneous material;

Not more than one pit or one piece of pit in pitted style;

Not more than 3 minor and major stems of which not more than 1 stem may be a major stem; and

(ii) Not more than a total of 10 percent, by count, of the olives or units may possess minor and major blemishes; minor, major, and serious wrinkles; and may be mutilated olives: *Provided*, That not more than 5 percent, by count, of the olives or units may possess major blemishes, major wrinkles, and serious wrinkles; and not more than 2 percent, by count, of the olives may be mutilated or one olive may be mutilated if there are less than 50 olives in the container.

(2) *Sliced; chopped or minced*. Harmless extraneous material, stems or pieces thereof of any size, pieces of pit or fragments of pit, or any other defects not specifically mentioned may be present provided such defects do not more than slightly affect the appearance or edibility of the product.

(d) (B) *classification*. If canned ripe olives of whole, pitted, halved, sliced, and chopped styles are reasonably free from defects, a score of 24 to 26 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned ripe olives are reasonably free from any defects not specifically mentioned and that these defects may affect more than slightly but not

materially the appearance or edibility of the olives; that the over-all appearance of the product may be materially affected by olives or units with insignificant blemishes; and, in addition, has the following meanings for the applicable styles:

(1) *Whole; pitted; halved*. (i) There may be present, on an average, per 100 whole or pitted olives or per 200 units in halved style:

Not more than 2 pieces of harmless extraneous material;

Not more than a total of 2 pits and pieces of pit in pitted style;

Not more than 6 minor and major stems of which not more than 3 stems may be major stems; and

(ii) Not more than a total of 20 percent, by count, of the olives or units may possess minor and major blemishes; minor, major, and serious wrinkles; and may be mutilated olives: *Provided*, That not more than 10 percent, by count, of the olives or units may possess major blemishes, major wrinkles, and serious wrinkles; and not more than 5 percent, by count, of the olives may be mutilated.

(2) *Sliced; chopped or minced*. Harmless extraneous material, stems or pieces thereof of any size, pieces of pit or fragments of pit, or any other defects not specifically mentioned may be present provided such defects do not affect materially the appearance or edibility of the product.

(c) (C) *classification*. If canned ripe olives of whole, pitted, halved, sliced, chopped, and broken pitted styles are fairly free from defects, a score of 21 to 23 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned ripe olives are fairly free from any defects not specifically mentioned and that these defects may materially but not seriously affect the appearance and edibility of the olives; that the over-all appearance of the product may be seriously affected by olives or units with insignificant blemishes; and, in addition, has the following meanings for the applicable styles:

(1) *Whole; pitted; halved*. (i) There may be present, on an average, per 100 whole or pitted olives or per 200 units in halved style:

Not more than 2 pieces of harmless extraneous material;

Not more than a total of 2 pits and pieces of pit in pitted styles;

Not more than 8 minor and major stems of which not more than 4 stems may be major stems; and

(iii) Not more than a total of 30 percent, by count, of the olives or units may possess minor and major blemishes; minor, major, and serious wrinkles; and may be mutilated olives: *Provided*, That not more than 15 percent, by count, of the olives or units may possess major blemishes, major wrinkles, and serious wrinkles; and not more than 10 percent, by count, of the olives may be mutilated.

(2) *Sliced; chopped or minced*. Harmless extraneous material, stems or pieces thereof of any size, pieces of pit or

fragments of pit, or any other defects not specifically mentioned may be present provided such defects do not seriously affect the appearance or edibility of the product.

(3) *Broken pitted*. (i) There may be present, on an average, per one pound of drained olives:

Not more than 2 pieces of harmless extraneous material;

Not more than 2 pits and pieces of pit;

Not more than 4 stems or pieces of stem, regardless of size; and

(ii) Not more than 10 percent, by weight, of the drained olives may be pieces affected by minor and major blemishes.

(d) (SStd) *classification*. Canned ripe olives that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3764 Character.

(a) *General*. The factor of character refers to the firmness, tenderness, and texture characteristic for the variety and type.

(b) (A) *classification*. Canned ripe olives of whole, pitted, halved, sliced, and chopped styles that possess a good character may be given a score of 27 to 30 points. "Good character" means that for the type the olives have a fleshy texture characteristic for the variety and size; that not less than 95 percent, by count, of the olives are practically uniform in texture; and that of the remainder not more than 2 percent, by count, of the olives (or one olive if there are less than 50 olives in a container) may be excessively soft.

(c) (B) *classification*. If canned ripe olives of whole, pitted, halved, sliced, and chopped styles possess a reasonably good character, a score of 24 to 26 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice, regardless of the total score for the variety (this is a limiting rule). "Reasonably good character" means that for the type the olives may vary moderately in texture or may be lacking in tenderness or fleshy texture for the variety and size but the olives are not tough in texture; and that not less than 90 percent, by count, of the olives are practically uniform in texture and of the remainder not more than 5 percent, by count, of the olives may be excessively soft.

(d) (C) *classification*. If canned ripe olives of whole, pitted, halved, sliced, chopped, and broken pitted styles possess a fairly good character, a score of 21 to 23 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C or U.S. Standards, regardless of the total score for the variety (this is a limiting rule). "Fairly good character" means that the olives may vary considerably in texture, varying from fairly soft to slightly tough and firm but the olives are not excessively soft nor excessively firm; and that not less than 80 percent, by count, of the olives are practically uniform in texture and of the remainder

not more than 10 percent, by count, of the olives may be excessively soft.

(e) (SStd) classification. Canned ripe olives that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the variety (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.3765 Ascertaining the grade of a lot.

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

SCORE SHEET

§ 52.3766 Score sheet for canned ripe olives.

Number, size, and kind of container.....
Label (including size declaration).....
Container mark or identification.....
Net weight (ounces).....
Vacuum (inches).....
Drained weight (ounces).....
Style.....
Average count per pound (whole style).....

Factors	Score points
Color.....	(A) 18-20
	(B) 16-17
	(C) 14-15
	(SStd) 10-13
Uniformity of size.....	(A) 18-20
	(B) 16-17
	(C) 14-15
	(SStd) 10-13
Absence of defects.....	(A) 27-30
	(B) 24-26
	(C) 21-23
	(SStd) 10-20
Character.....	(A) 27-30
	(B) 24-26
	(C) 21-23
	(SStd) 10-20
Total score.....	100

¹ Limiting rule.
² Limiting rule for "fairly uniform" in single sizes or blended sizes; and mixed sizes.
³ Limiting rule on count.

Dated: March 31, 1959.

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

[F.R. Doc. 59-2809; Filed, Apr. 2, 1959; 8:49 a.m.]

[9 CFR Part 201]

REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

Extension of Time for Filing Comments on Proposed Amendments

On February 27, 1959, notice of proposed amendments of the regulations (9 CFR Part 201, as amended) under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), was published in the FEDERAL REGISTER (24 F.R. 1473) and a period of 30 days was allowed for filing written data, views or

arguments on the amendments with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C. Certain interested persons have requested that the time for filing such data, views or arguments be extended 15 days.

Therefore, notice is hereby given that the time for such filing has been extended to include April 13, 1959.

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

[SEAL] F. R. BURKE,
 Acting Deputy Administrator,
 Agricultural Marketing Service.

[F.R. Doc. 59-2810; Filed, Apr. 2, 1959; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS

Shoe Manufacturing Industry

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U.S.C. 214), the Administrator has heretofore issued regulations (Title 29, Code of Federal Regulations, Part 522, §§ 522.50 through 522.55), for the employment of learners in the Shoe Manufacturing Industry under special certificates at wages lower than the minimum wage applicable under section 6 of the Act.

These regulations have been re-examined in the light of economic developments and administrative experience in their various applications since the promulgation of the \$1.00 statutory minimum. Major interested parties in the industry have been consulted. All available relevant information indicates a need to amend the regulations applicable to the Shoe Manufacturing Industry.

The amendments proposed herein involve the following changes: (1) An increase in the subminimum rates which may be authorized in special certificates issued by the Administrator in the Shoe Manufacturing Industry to 92 cents and 98 cents, respectively, presently provided; (2) deletion of the occupation "Niggerhead machine operator" from the list of occupations set forth in § 522.53(b) (1) because this term describes a machine lasting operation which is subsumed by another of the occupations listed, to wit, "Lasting, including side lasting by hand, but excluding slip lasting"; (3) the addition of a new section of this Part amending all outstanding learner certificates for the Shoe Manufacturing Industry as well as expired certificates under which learners are currently employed in the industry pursuant to § 522.6(c) of 29 CFR Part 522 so that the limitations contained in such certificates conform to the limitation contained in the amendment specified in (1) above; (4) the references contained in §§ 522.50 and 522.51 to the regulations, §§ 522.50 through 522.55 will

be changed so as to reflect the addition of the new section described in (3) above.

Accordingly, notice is hereby given in accordance with the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1001 et seq.), that pursuant to the authority provided in section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, I propose to amend Title 29, Code of Federal Regulations, Part 522, as follows:

§ 522.50 [Amendment]

1. Section 522.50 is amended as follows: The section designation "§ 522.55" presently appearing on the fourth line of this section is hereby deleted and in lieu thereof the section designation "§ 522.56" is inserted. The section designation "§ 522.55" presently appearing on the last line of this section is hereby deleted and in lieu thereof the section designation "§ 522.56" is inserted.

§ 522.51 [Amendment]

2. Section 522.51 is amended as follows: The section designation "§ 522.55" presently appearing on the second line of this section is hereby deleted and in lieu thereof the section designation "§ 522.56" is inserted. The section designation "§ 522.55" presently appearing on the third line of this section is hereby deleted and in lieu thereof the section designation "§ 522.56" is inserted.

§ 522.53 [Amendment]

3. Section 522.53(b) (1) is amended as follows: The last item in the list of occupations included in this paragraph to wit, "Niggerhead machine operator" is hereby deleted.

4. Paragraph (a) of 522.55 is amended to read as follows:

§ 522.55 Subminimum rates.

(a) The subminimum rates which may be authorized in special certificates issued in the Shoe Manufacturing Industry shall be not less than 92 cents per hour for the first 240 hours and not less than 98 cents an hour for the second 240 hours.

5. A new section designated § 522.56 is added to read as follows:

§ 522.56 Amendment to certificates previously issued.

Pursuant to § 522.8, learner certificates heretofore issued in the Shoe Manufacturing Industry shall be amended to restrict the employment of learners under such certificates to the limitations on their employment under new certificates which are expressed in § 522.55.

(Sec. 14, 52 Stat. 1068, as amended; 29 U.S.C. 214)

Prior to final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D.C., within 15 days of the publication of this notice in the FEDERAL REGISTER.

PROPOSED RULE MAKING

Signed at Washington, D.C., this 30th day of March 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-2828; Filed, Apr. 2, 1959;
9:08 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 2]

RULES OF PRACTICE

Intermediate Decisions

Recent experience in regulatory proceedings pending before the Commission has indicated the advisability of amending the rules of practice with respect to the time within which briefs should be filed with the Commission in such matters. The following proposed amendments to the rules of practice would provide that, unless some longer time is provided in an intermediate decision, (1) briefs in support of exceptions to the decision shall be filed at the same time as such exceptions are filed, and (2) briefs in opposition to such exceptions shall be filed within ten days after the service of such exceptions.

Notice is hereby given that adoption of the following amendments is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendments should send them to the U.S. Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation, within 15 days after publication of this notice in the FEDERAL REGISTER.

1. Section 2.751(c) (5) is amended to read as follows:

§ 2.751 Intermediate decisions and their effect.

(c) Each intermediate decision shall be in writing and shall contain:

(5) In the case of an intermediate decision which may become final unless exceptions are filed, the date when such decision will become final in the absence of exceptions thereto.

2. Section 2.752 is amended to read as follows:

§ 2.752 Exceptions to intermediate decisions.

(a) Within 20 days after service of any intermediate decision, or such longer period as may be fixed therein, any party to a hearing may file with the Commission exceptions to such decision and a brief in support thereof, and shall serve copies of such exceptions and supporting brief on all other parties to the hearing. Each exception shall be separately numbered, shall identify the part of the intermediate decision to which objection is made, shall designate by specific reference the portions of the record relied upon in support of the objections, and shall state the grounds for the exception including the citation of authorities in support thereof. Any objection to a ruling, finding, or conclusion which is

not made part of the exceptions shall be deemed to have been waived, and the Commission need not consider such objections.

(b) Within 10 days after service of exceptions to the intermediate decision and brief in support thereof, or such longer period as may be fixed in such decision, any party to a hearing may file with the Commission a brief in opposition to such exceptions.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 25th day of March 1959.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 59-2784; Filed, Apr. 2, 1959;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 156]

REGULATIONS GOVERNING THE REPORTING OF PROPERTY CHANGES; PIPE LINE CARRIERS

Notice of Proposed Rule Making

MARCH 25, 1959.

Notice is hereby given pursuant to provisions of section 4(a) of the Administrative Procedure Act that the Commission has under consideration the reporting requirements of Revised Supplement No. 8 to Valuation Order No. 3, Second Revised Issue, as to which certain technical amendments have been found necessary after a review of reports filed pursuant thereto. The technical amendments under consideration are explained in detail in attachments to this notice. The amendments will not change the records of property changes upon which these reports are based.

Any interested person may on or before April 30, 1959 file with the Commission's Secretary written views or suggestions to be considered in this connection, but it is not now intended that oral argument will be heard. After consideration of responses so received, and including such further changes as may be found necessary because of them, an order giving effect to the amendments will be entered under authority in sections 12 and 19a of the Interstate Commerce Act, 24 Stat. 383, as amended; 37 Stat. 701, as amended; 49 U.S.C. 12 and 19a, as amended.

[SEAL]

HAROLD D. MCCOY,
Secretary.

§ 156.2 Preparation of forms.

Detailed instructions concerning the information to be reported on the forms are set out in §§ 156.100 to 156.103, and §§ 156.200 to 156.205.

(Comment: Sections 156.204 and 156.205 have been added.)

§ 156.3 Copies required.

The prescribed forms shall be filed with the Commission in an original only

and one copy shall be retained by carriers for examination by Commission representatives. Copies of forms prepared by other than filing carriers, appropriately amended by filing carriers to indicate their identity and their designated valuation section numbers, may be filed in lieu of originals.

(Comment: The second sentence has been added.)

§ 156.7 Responsibility for filing forms:

(a) Class 1 property:

(1) ACV Forms No. 1, 2, 3 and 4 shall be filed by the owning carrier.

(2) For agent operated jointly owned and used property, ACV Forms No. 1, 2 and 4 shall be prepared for the property as a whole by the agent operator. In addition to preparing these ACV Forms No. 1, 2 and 4, agent operators shall also prepare, for jointly owned and used property, ACV Forms No. 1 and 2¹ showing the proportionate share of original cost changes for the reporting period applicable to each jointly owning and using carrier. Separate forms shall be prepared for each state and the identity of the jointly owning and using carrier shall be entered on the Report Filed by _____, Property Owned by _____, and Property Used by _____ lines of forms. The caption "Proportionate Share of the (Name of the system) Jointly Owned and Used" shall be entered in the body of the forms. Where acquisitions have occurred during the reporting period, enter the caption "Acquisitions" in column 6 of ACV Form No. 1, and in columns 6 and 13 of ACV Form No. 2. The affected primary accounts shall then be listed in column 1 of ACV Form No. 1 and in columns 1 and 11 of ACV Form No. 2. The valuation sections in which property changes have occurred shall be set out under the appropriate account numbers, and the original cost of additions and retirements applicable thereto shall be entered in the Original Cost columns of ACV Forms No. 1 and 2. Acquisitions, if any, shall be entered in the columns so headed. Totals shall be shown in these columns for each account.

(3) Agent operators shall also prepare for jointly owned and used property ACV Form No. 4 showing the proportionate share of cost of reproduction new and cost of reproduction new less depreciation, both including overhead, as of the end of the reporting period, applicable to each jointly owning and using carrier. A separate form shall be prepared for each state and the identity of the jointly owning and using carrier shall be entered on the Report Filed by _____, Property Owned by _____, and Property Used by _____ lines of the form. The caption "Proportionate Share of the (Name of the system) Jointly Owned and Used" shall be entered in the body of the form. The valuation sections of the state shall be listed in column 9 of the form and the related cost of reproduction new and cost of reproduction new less depreciation shall be recorded in columns 21 and 22, respectively.

¹ Filed as part of the original document.

(4) Agent operators shall file the ACV Forms No. 1, 2 and 4, prepared by them in accordance with the preceding paragraphs, with the Commission where they will be reviewed and retained. Upon the completion of this review agent operators will be so advised and will be provided with photocopies of all ACV Forms No. 1, 2 and 4 on which corrections are made by the Commission. Each jointly owning and using carrier shall then be provided by agent operators with two copies of ACV Forms No. 1, 2 and 4, other than those prepared for jointly owned and used property as a whole, one to be retained by the recipient carrier and the other to be filed with the Commission. Copies of ACV Forms No. 1, 2 and 4 prepared by agent operators for jointly owned and used property as a whole may be made available to jointly owning and using carriers by arrangement with agent operators.

(5) For nonagent operated jointly owned and used property, ACV Forms No. 1, 2 and 4 shall be prepared by one of the jointly owning and using carriers, and two copies of these forms shall be mailed by the carrier preparing them to each jointly owning and using carrier. The recipient carrier shall retain one copy of these forms and shall file the other with the Commission.

(6) For both agent and nonagent operated jointly owned and used property, the proportionate share of original cost changes reported on ACV Forms No. 1 and 2 shall be included in amounts reported on ACV Form No. 3, and the proportionate share of cost of reproduction new and cost of reproduction new less depreciation shall be listed on the ACV Form No. 4 summary.

(See comment following § 156.7(c) (6).)

(b) Class 2 and 3 property:

(1) ACV Forms No. 1, 2, 3 and 4 shall be filed by the owning carrier for class 2 property and by the using carrier for class 3 property. ACV Forms No. 1, 2 and 4 may be prepared by a wholly owning but not using carrier, or by a wholly using but not owning carrier. Two copies of these forms shall be mailed by the carrier preparing them to the wholly owning or to the wholly using carrier, as appropriate.

(2) For agent operated jointly owned but not used property, or for agent operated jointly used but not owned property, ACV Forms No. 1, 2 and 4 shall be prepared for the property as a whole by the agent operator. In addition to preparing these ACV Forms No. 1, 2 and 4, agent operators shall also prepare, for jointly owned but not used and jointly used but not owned property, ACV Forms No. 1 and 2 showing the proportionate share of original cost changes for the reporting period applicable to each jointly owning or jointly using carrier. Separate forms shall be prepared for each state. For Class 2 property, the identity of the jointly owning but not using carrier shall be entered on the Report Filed by _____ and Property Owned by _____ lines, and the identity of the using carrier, or carriers, shall be entered on the Property Used by _____ line. For Class 3 property, the identity of the jointly using but not

owning carrier shall be entered on the Report Filed by _____ and Property Used by _____ lines, and the identity of the owning carrier, or carriers, shall be entered on the Property Owned by _____ line. The caption "Proportionate Share of the (Name of the system) Jointly Owned but not Used, or Jointly Used but not Owned," as appropriate, shall be entered in the body of the forms. Where acquisitions have occurred during the reporting period, enter the caption "Acquisitions" in column 6 of ACV Form No. 1, and in columns 6 and 13 of ACV Form No. 2. The affected primary accounts shall then be listed in column 1 of ACV Form No. 1 and in columns 1 and 11 of ACV Form No. 2. The valuation sections in which property changes have occurred shall be set out under the appropriate account numbers, and the original cost of additions and retirements applicable thereto shall be entered in the Original Cost columns of ACV Forms No. 1 and 2. Acquisitions, if any, shall be entered in the columns so headed. Totals shall be shown in these columns for each account.

(3) Agent operators shall also prepare for jointly owned but not used, and jointly used but not owned, property ACV Form No. 4 showing the proportionate share of cost of reproduction new and cost of reproduction new less depreciation, both including overhead, as of the end of the reporting period, applicable to each jointly owning but not using, and jointly using but not owning, carrier. A separate form shall be prepared for each state. The lines Report Filed by _____, Property Owned by _____, and Property Used by _____ shall be filled in as directed in the preceding paragraph, and the caption "Proportionate Share of the (Name of the system) Jointly Owned but not Used," or "Jointly Used but not Owned," as appropriate, shall be entered in the body of the form. The valuation sections of the state shall be listed in column 9 of the form and the related cost of reproduction new and cost of reproduction new less depreciation shall be reported in columns 21 and 22, respectively.

(4) Agent operators shall file the ACV Forms No. 1, 2 and 4, prepared by them in accordance with the preceding paragraphs, with the Commission where they will be reviewed and retained. Upon the completion of this review agent operators will be so advised and will be provided with photocopies of all ACV Forms No. 1, 2 and 4 on which corrections are made by the Commission. Each jointly owning but not using, and each jointly using but not owning carrier shall then be provided by agent operators with two copies of ACV Forms No. 1, 2 and 4, other than those prepared for jointly owned but not used and jointly used but not owned property as a whole, one to be retained by the recipient carrier and the other to be filed with the Commission. Copies of ACV Forms No. 1, 2 and 4 prepared by agent operators for jointly owned but not used, or jointly used but not owned property as a whole may be made available to jointly owning or

jointly using carriers by arrangement with agent operators.

(5) For nonagent operated jointly owned but not used or jointly used but not owned property, ACV Forms No. 1, 2 and 4 shall be prepared by one of the jointly owning or jointly using carriers, and two copies of these forms shall be mailed by the carrier preparing them to each jointly owning or jointly using carrier. The recipient carrier shall retain one copy of these forms and shall file the other with the Commission.

(6) For both agent and nonagent operated jointly owned but not used, or jointly used but not owned property, the proportionate share of original cost changes reported on ACV Forms No. 1 and 2 shall be included in amounts reported on ACV Form No. 3, and the proportionate share of cost of reproduction new and cost of reproduction new less depreciation shall be listed on the ACV Form No. 4 summary.

(c) Class 4 property:

(1) ACV Forms No. 1, 2, 3 and 4 shall be filed by the using carrier.

(2) For agent operated jointly used but not owned property, ACV Forms No. 1, 2 and 4 shall be prepared for the property as a whole by the agent operator. In addition to preparing these ACV Forms No. 1, 2 and 4, agent operators shall also prepare, for jointly used but not owned property, ACV Forms No. 1 and 2 showing the proportionate share of original cost changes for the reporting period applicable to each jointly using carrier. Separate forms shall be prepared for each state. The identity of the jointly using but not owning carrier shall be entered on the Report Filed by _____ and Property used by _____ lines of forms, and the identity of the owner, or owners, of the property shall be entered on the Property Owned by _____ line of the form. The caption "Proportionate Share of the (Name of the system) Jointly Used but not Owned" shall be entered in the body of the forms. Where acquisitions have occurred during the reporting period, enter the caption "Acquisitions" in column 6 of ACV Form No. 1, and in columns 6 and 13 of ACV Form No. 2. The affected primary accounts shall then be listed in column 1 of ACV Form No. 1 and in columns 1 and 11 of ACV Form No. 2. The valuation sections in which property changes have occurred shall be set out under the appropriate account numbers, and the original cost of additions and retirements applicable thereto shall be entered in the Original Cost columns of ACV Forms No. 1 and 2. Acquisitions, if any, shall be entered in the columns so headed. Totals shall be shown in these columns for each account.

(3) Agent operators shall also prepare for jointly used but not owned property ACV Form No. 4 showing the proportionate share of cost of reproduction new and cost of reproduction new less depreciation, both including overhead, as of the end of the reporting period, applicable to each jointly using but not owning carrier. A separate form shall be prepared for each state. The identity of the jointly using but not owning carrier shall be entered on the Report Filed

by _____ and Property Used by _____ lines of the form, and the identity of the owner, or owners, of the property shall be entered on the Property Owned by _____ line of the form. The caption "Proportionate Share of the (Name of the system) Jointly Used but not Owned" shall be entered in the body of the form. The valuation sections of the state shall be listed in column 9 of the form and the related cost of reproduction new and cost of reproduction new less depreciation shall be recorded in columns 21 and 22, respectively.

(4) Agent operators shall file the ACV Forms No. 1, 2 and 4, prepared by them in accordance with the preceding paragraphs, with the Commission where they will be reviewed and retained. Upon the completion of this review agent operators will be so advised and will be provided with photocopies of all ACV Forms No. 1, 2 and 4 on which corrections are made by the Commission. Each jointly using but not owning carrier shall then be provided by agent operators with two copies of ACV Forms No. 1, 2 and 4, other than those prepared for jointly used but not owned property as a whole, one to be retained by the recipient carrier and the other to be filed with the Commission. Copies of ACV Forms No. 1, 2 and 4 prepared by agent operators for jointly used but not owned property as a whole may be made available to jointly using but not owning carriers by arrangement with agent operators.

(5) For nonagent operated jointly used but not owned property, ACV Forms No. 1, 2 and 4 shall be prepared by one of the jointly using carriers, and two copies of these forms shall be mailed by the carrier preparing them to each jointly using carrier. The recipient carrier shall retain one copy of these forms and shall file the other with the Commission.

(6) For both agent and nonagent operated jointly used but not owned property, the proportionate share of original cost changes reported on ACV Forms No. 1 and 2 shall be included in amounts reported on ACV Form No. 3, and the proportionate share of cost of reproduction new and cost of reproduction new less depreciation shall be listed on the ACV Form No. 4 summary.

(Comment: Provision is made in § 156.7 (a), (b) and (c) for the preparation by agent operators of ACV Forms No. 1, 2 and 4 to report the proportionate share of jointly owning or jointly using carriers' interests in jointly owned or jointly used systems, and for the supplying of copies of such forms to each jointly owning or jointly using carrier by agent operators, one copy to be retained and the other to be filed with the Commission. The earlier arrangement whereby the Commission was to provide photocopies of ACV Forms No. 1, 2 and 4 for the entire system to each jointly owning or jointly using carrier has been rescinded. Provision is also made for notifying agent operators when system reports filed by them have been reviewed, and for supplying them with copies of forms on which changes are made by the Commission.)

§ 156.17 Assembling and numbering forms prior to filing with the Commission.

(a) To facilitate the review and processing of ACV forms they shall be as-

sembled in the following order prior to their being filed with the Commission:

(1) ACV Form No. 1 bearing the carrier's certification and the identity of the forms filed.

(2) ACV Form No. 1 containing the narrative statement pertaining to significant changes which occurred during the reporting period.

(3) ACV Form(s) No. 1 presenting the Reconciliation Statement for carrier property.

(4) ACV Form(s) No. 1 presenting the Reconciliation Statement for noncarrier property.

(5) ACV Form No. 2 listing by state those valuation sections in which there were no property changes for the reporting period shall be placed ahead of the ACV Forms No. 2 assembled in accordance with subparagraph (7) of this paragraph.

(6) ACV Forms No. 3 followed by the ACV Form No. 4 summary shall be placed ahead of the ACV Forms No. 4, assembled in accordance with subparagraph (7) of this paragraph. ACV Forms No. 3 shall be arranged as follows:

(i) Class 1 property.

(ii) Class 2 property: Assemble alphabetically by lessee.

(iii) Class 3 and 4 property: Assemble alphabetically by lessor without regard to class of property.

(7) ACV Forms No. 1, 2 and 4 prepared by the filing carrier and those prepared by other than the filing carrier, covering property changes for the reporting period, shall be grouped together by form number in the above order, and each group of forms thus assembled shall include all classes of property in the following order:

(i) Class 1 property: For wholly owned and used property, assemble forms alphabetically by state and under each state by gathering, trunk and general valuation sections grouped separately, with each group in valuation section number order. Arrange forms so grouped by primary account number. For jointly owned and used nonagent operated property, assemble forms for each such property in the same order prescribed for wholly owned and used property, and file alphabetically by jointly owned and used property identity immediately following the forms for wholly owned and used property for the corresponding state. For jointly owned and used agent operated property, assemble forms alphabetically by state and thereunder alphabetically by system, and file immediately following the forms for jointly owned and used nonagent operated property for the corresponding state.

(ii) Class 2 property: For wholly owned but not used, and jointly owned but not used nonagent operated property, assemble forms alphabetically by lessee and thereunder alphabetically by state, the latter in the manner prescribed above for wholly owned and used Class 1 property. Interfile with these forms, alphabetically by lessee and thereunder alphabetically by state, forms for jointly owned but not used agent operated property.

(iii) Class 3 and 4 property: For wholly used but not owned, and jointly used but not owned nonagent operated property, assemble forms alphabetically by lessor, without regard to class of property, and thereunder alphabetically by state, the latter as prescribed above for wholly owned and used Class 1 property. Interfile with these forms alphabetically by lessor, also without regard to class of property, and thereunder alphabetically by state, forms for jointly used but not owned agent operated property.

(b) ACV Forms assembled in accordance with the foregoing shall be numbered consecutively beginning with ACV Form No. 1 referred to in paragraph (a)(1) of this section and ending with the last ACV Form No. 4 assembled under (a)(7) of this section. These consecutive numbers shall be shown in the top right-hand corner of the forms and shall be in addition to the numbers prescribed to be entered on the Sheet No. _____ of _____ Sheets line of the ACV forms.

(Comment: This section has been added.)

§ 156.100 Property changes other than land and rights-of-way.

Instructions for the preparation of ACV Form No. 1—"Statement of Property Changes other than Land and Rights-of-Way:"

(a) The data to be reported on this form should be typewritten. However, the form may be prepared manually where such method will assure legibility and permanency. Where the form is prepared manually, required additional horizontal lines shall be provided at the time of printing to aid in its preparation and to improve its legibility. A new sheet shall be started for each primary account. When ACV Form No. 1 is used to report changes in noncarrier property, the primary account numbers used for carrier property shall also be employed to facilitate the identification of such changes. With the exception of column 1, all entries on the form shall be double spaced. Additions and retirements shall be reported on separate lines. If there have been no property changes in a given valuation section for the reporting period, a form shall be prepared for each such valuation section bearing the statement "No Property Changes." When a major addition to, or a major replacement of a portion of, a unit of existing property occurs, report as a retirement the entire unit of property affected by the action and, in the case of a major addition, report as an addition both the property so retired and the addition made; in the case of a major replacement, report as an addition both the property retired less the replaced portion, and the replacing portion.

(Comment: The last sentence has been added.)

(b) A single copy of the form shall be used to set forth the following statement which shall be signed by a responsible officer of the carrier preparing the reports:

The forms identified hereon have been carefully examined by the undersigned who

declares that they have been prepared in accordance with regulations issued by the Interstate Commerce Commission.

(Signature)

(Title)

(Date)

There shall also be set forth on this copy the identity and the number of forms filed. To assure the receipt of such forms this information shall be presented in such manner as to permit ready verification. A single copy of the form shall also be used to present in narrative form a summary of significant changes which occurred during the reporting period.

Record the statement "No significant changes during reporting period" when appropriate.

(Comment: Signature, title, and date lines have been added to the certification, and the last sentence has been added.)

(c) Sheet No. 1 of ACV Form No. 1 of each valuation section shall be used to identify the primary accounts, by account number only, in which property changes are reported for the valuation section. Footage change totals reported for accounts 103, 153, 110, 160, 112 and 162 in accordance with paragraph (k) of this section shall also be summarized on this sheet, exclusive of screwage, as follows:

PIPELINE FOOTAGE CHANGE SUMMARY

Accounts	Line		Loops		Other		Total ¹		Gathering lines	
	Adds.	Rets.	Adds.	Rets.	Adds.	Rets.	Adds.	Rets.	Adds.	Rets.
103-153										
110-160										
112-162										
Totals ²										
Equiv. miles										

¹ Total of Line, loops, and other.

² Convert these footage totals to miles, to the nearest thousandth, record the result on the "Equiv. miles" line beneath the related footage, and enter the mileage on the "Additions" and "Retirements" lines of the Pipeline Mileage Statement.

This same sheet shall also set forth a statement of changes in pipeline mileage occurring between the current and the next previously filed statement. This information shall be presented in the following form:

PIPELINE MILEAGE STATEMENT (IN THOUSANDTHS)

	Trunk lines				Gathering lines
	Line	Loops	Other	Total	
At beginning of period					
During period:					
Additions					
Retirements					
At end of period					

(Comment: A Pipeline Footage Change Summary has been added for use in preparing the Pipeline Mileage Statement, and the "Note" following the latter has been deleted.)

(e) ACV Form No. 1 shall be executed as follows:

(6) Columns 1 and 3. Property additions described in these columns shall be expressed as prescribed in the 1947 Period Guide Prices and Annual and Period Indices. When reporting significant additions, such as additional pipeline construction, excluding loops, or newly constructed buildings, file with related ACV Forms No. 1 right-of-way maps and station plats for pipeline construction, and floor plan sketches and pictures for buildings. Property retirements need not be described in complete detail. A general description, including the carrier's property number, will suffice. Include in column 1, however, for retirements, the identity of the B.V. Form 590 which reported, as a basic inventory item, the property being retired; include also the the identity of the Statement of Property Changes which reported, as an addition, the property being retired. When reporting additions to existing property, such as an addition made to an existing building or tank, indicate this same identity for the existing property to which the addition was made. Report, also, the date of installation of the existing property in column 1. Identify secondhand property and station piping clearly as such in column 1, and indicate the applicable freight rates for accounts 103, 105, 110, 112, 153, 155, 160 and 162. Show in column 1 the computation of the factor and the quotient referred to in (8) below.

(Comment: The second sentence has been added, and the requirements that station piping identity and that freight rates for selected accounts be shown in column 1 of ACV Form No. 1 have been added.)

(7) Column 2. Enter for both additions and retirements the year, including the current year, the property was dedicated to public service. This shall be construed as the year in which the property was first placed in common-carrier service by a carrier, and this date shall also govern when reporting carrier property transactions for each successive owning or using common carrier. Record dates for additions, only, for accounts 104 and 154. When the year of dedication to public service differs from the year the property was actually installed indicate, also, the latter year in column 1. This requirement shall apply equally to property installed by previous owners. Where the precise year cannot be determined enter the best estimate. When showing these dates only the last two digits of the year need be shown. Thus, 1956 may be indicated by 56.

(Comment: The second sentence has been added.)

(12) Columns 8 and 9. The data to be entered in these columns shall be taken from the Schedule of Element Codes and Guide Service Lives. Where property is to be depreciated to a 50 percent minimum indicate an asterisk (*) after the guide service life in column 9. Service life shall not be shown in column 9 for accounts 104, 105, 154 and

155, nor for element code 124 of accounts 111 and 161.

(Comment: The last sentence has been amended.)

(13) Column 10. Enter applicable percent for additions or retirements from the Pipeline Condition Percent Table. Indicate 100 percent when appropriate. Except as may be otherwise approved by the Commission in individual cases, additions to existing property, such as an addition to an existing building or tank shall follow the condition percent of the property to which it is added. Condition percent for accounts 104 and 105, and, 154 and 155, shall not be shown in this column since the condition percent of these accounts follows the condition percent of accounts 103 and 153, respectively. Omit condition percent also for element code 124 of accounts 111 and 161, since the condition percent for this element represents a composite of the condition percents of the remaining tank elements of accounts 111 and 161.

(Comment: The last sentence has been added.)

(i) [Canceled]

(j) See §§ 156.201 to 156.205 for instructions covering purchase, sale, merger, consolidation or reorganization actions.

(Comment: §§ 156.204 and 156.205 have been added.)

(k) To facilitate the preparation and verification of the Pipeline Footage Change Summary, report additions and retirements for accounts 103, 153, 110, 160, 112 and 162 grouped separately by line, loops, and other for trunk lines, and by all gathering lines. Group separately, also, additions and retirements of service pipe if reported. Show footage totals for each grouping except service pipe.

(Comment: This paragraph has been added.)

§ 156.101 Land and rights-of-way property changes.

Instructions for the preparation of ACV Form No. 2 "Statement of Land and Rights-of-Way Property Changes."

(a) The data to be reported on this form shall be typewritten. When ACV Form No. 2 is used to report changes in noncarrier property, the primary account numbers used for carrier property shall also be employed to facilitate the identification of such changes. If there have been no property changes in a given valuation section for the reporting period, it will not be necessary to prepare ACV Form No. 2 for such valuation sections. Prepare, instead, a single copy of the form listing thereon by state the valuation sections in which there were no property changes for the reporting period. All classes of property shall be included on this copy. When the form is used to report changes affecting jointly owned or jointly used property enter on Sheet No. 1, for each valuation section, an asterisk (*) on the Property Owned by _____ and Property Used by _____ lines and, in the body of the form, the identity of both the owning and the using carriers and the percentage of their respective owning or using interest.

(Comment: The fourth and fifth sentences have been added.)

(d) In reporting land acquisitions having an original cost of \$500.00 or less per individual acquisition, group such acquisitions by county and report original cost and related areas by county total, and identify the county in column 17. It will not be necessary to file maps for acquisitions so reported. Undeveloped land having an original cost of \$500.00 or less per lease, leased to a carrier or to a noncarrier, or leased from carriers, shall not be reported. Undeveloped land leased from noncarriers having an annual rental of \$500.00 or less shall not be reported. Regardless of the original cost or annual rental amount, land shall be reported where the property leased includes improvements. When reporting undeveloped land leased from noncarriers having an annual rental in excess of \$500.00 omit original cost. Portions of land owned and no longer used for common-carrier purposes and having an original cost of \$500.00 or less per portion, shall be regarded as incidental and immaterial with respect to its noncarrier category, and such portions shall not be transferred to noncarrier property.

(Comment: The requirement has been added that county identity be entered in Column 17 of ACV Form No. 2 when reporting county totals of land acquisitions having an original cost of \$500 or less per acquisition. An addition has also been made to make it clear that regardless of the original cost or annual rental amount, land shall be reported where the property leased includes improvements.)

(e) ACV Form No. 2 shall be executed as follows:

(16) *Column 17.* Use this column to record information relevant to both land and rights-of-way not otherwise provided for on the form such as, in the case of land or rights-of-way acquired, a statement of the specific use to which such property has been put; or, in the case of land or rights-of-way retired, transferred or relinquished from carrier use, the disposition thereof, such as sales, transfers to noncarrier, reversions, etc. Record also in this column the dollar amount of land or rights-of-way sales.

(Comment: The last sentence has been added.)

(f) [Canceled.]

(g) See §§ 156.201 to 156.205 for instructions covering purchase, sale, merger, consolidation or reorganization actions.

(Comment: §§ 156.204 and 156.205 have been added.)

(h) For jointly owned or jointly-used property, the owning and the using percentages set out on Sheet No. 1 for the valuation section shall be applied to the totals prescribed to be shown in columns 7, 9, 14 and 16 for the valuation section. The percentages and resultant amounts shall be shown and identified by each owning and each using carrier.

(Comment: This paragraph has been added.)

§ 156.102 Summary of original cost.

Instructions for the preparation of ACV Form No. 3—"Summary of Changes in Original Cost and Total Original Cost at Close of Period."

(a) This form includes two identical sections of five columns each for reporting, by primary account and for the noncarrier property categories indicated, the information cited in the title of the form, for the carrier as a whole and for each state. A blank block appears at the top of each section of the form to provide this latter identity. The information required for the carrier as a whole shall be entered in the first section of Sheet No. 1 and this section shall be headed "As a Whole" in the blank block provided. The information required for the first state to be reported shall be entered in the remaining section of Sheet No. 1 of the form, and this section shall bear the name of the state being reported in the blank block provided. The sections of all such additional sheets as may be required shall be used to report the remaining states, and "Unallocated," and these sections shall also be appropriately identified in the blank blocks. Record states alphabetically, with "Unallocated" last in these blank blocks. When the form has been completed, the total of all amounts entered in similarly numbered columns in the state and "Unallocated" sections shall be balanced, by primary account and by noncarrier property category, with amounts entered in the corresponding columns of the "As a Whole" section. All totals and grand totals indicated to be shown on ACV Form No. 3 shall be crossfooted by individual sections, and state and "Unallocated" sections shall be crossfooted to balance with amounts shown in the "As a Whole" section. Since this form will not be prepared by class of property for noncarrier property, for uniformity in reporting, record the data for all noncarrier property on ACV Form No. 3 prepared for class 1 property.

(Comment: The sixth sentence has been added.)

(b) The data reported on ACV Form No. 3 shall be typewritten and the form shall be executed as follows:

(6) *Column 2.* Each state and unallocated. Record, by primary account and by noncarrier property category, for all valuation sections, the total of acquisitions recorded on ACV Forms No. 1 and 2 prepared in accordance with § 156.7 (a), (b) and (c); § 156.201(b) (2) and (3); § 156.202(b) (1); § 156.203(b); and § 156.205(c).

(See comment following § 156.102(b) (8).)

(7) *Columns 3 and 4.* Each state and unallocated. Record, by primary account and by noncarrier property category, for all valuation sections, the total of additions and retirements recorded on ACV Forms No. 1 and 2 for the reporting period, exclusive of those acquisitions referred to in (6) above.

(See comment following § 156.102(b) (8).)

(8) *Column 5.* Each state and unallocated. This column is the product of column 1 plus column 2 and 3 minus column 4.

(Comment: § 156.102(b) (6), (7) and (8) have been amended to apply to the state and Unallocated blocks of ACV Form No. 3 only and, with the discontinuance of State and As a Whole summaries, to provide for carrying the totals of property changes directly to columns 2, 3 and 4 of ACV Form No. 3.)

(9) *Columns 2, 3, 4 and 5—as a whole.* The amounts to be entered in these columns

shall represent the total of amounts entered in similarly numbered columns of the state and Unallocated blocks.

(Comment: This subsection has been added.)

§ 156.103 Summary of cost of reproduction new and cost of reproduction new less depreciation.

Instructions for the preparation of ACV Form No. 4—"Summary of Cost of Reproduction New and Cost of Reproduction New Less Depreciation."

(b) ACV Form No. 4 shall be executed as follows:

(6) *Columns 1, 2, 3, 4 and 5.* Enter in these columns, respectively, the same information appearing in columns 1, 2, 3, 11 and 12 of the form for the next previous reporting period. Omit service life and condition percent in columns 3 and 5 for accounts 104, 105, 154, and 155, and for element code 124 of accounts 111 and 161. Where property changes occur during the current reporting period and no entries appear in columns 11 and 12 for the next previous reporting period, enter account number, element code, and service life in columns 1, 2 and 3, respectively, from ACV Form No. 1.

(See comment following § 156.103(b) (8).)

(7) *Column 6.* Enter the applicable current year condition percent for each element code from the Condition Percent Table. Omit condition percent for accounts 104, 105, 154 and 155, and for element code 124 of accounts 111 and 161.

(See comment following § 156.103(b) (8).)

(8) *Columns 7, 8, 9 and 10.* The data to be entered in these columns are those set out in columns 6, 10 and 12 under "Distribution of columns 6 and 12" which appears at the end of each account on ACV Form No. 1 for which property changes are reported. Since this distribution will report no condition percent for accounts 104, 105, 154 and 155, or for element code 124 of accounts 111 and 161, none will be shown in columns 8 and 10.

(Comment: In § 156.103(b) (6), (7) and (8) provision has been made, in the preparation of ACV Form No. 4 for the omission of service life in column 3, and the condition percent in columns 5, 6, 8 and 10, for element code 124 of accounts 111 and 161.)

(iv) A weighted condition percent shall also be developed from the tank element codes of accounts 111 or 161, which shall be used for conditioning element code 124 of these accounts. This weighted condition percent shall be developed by multiplying the amount for each tank element code in column 11 by the related condition percent in column 12, adding the products and dividing the resultant sum by the total of the tank elements for account 111 or 161 appearing in column 11. This condition percent shall be entered in this column for element code 124, and shall be used to condition the amount in column 11 for this element.

(Comment: This has been added to § 156.103(b) (10).)

(f) See §§ 156.201 to 156.205 for instructions covering purchase, sale, merger, consolidation or reorganization actions.

(Comment: Sections 156.204 and 156.205 have been added.)

§ 156.200 Introduction.

(c) Cost of organization, either added or retired in connection with purchase,

sale, merger, consolidation or reorganization actions, shall be reported on ACV Form No. 1 under accounts 116, 166 or 186 as appropriate.

(Comment: The last sentence has been deleted.)

(d) In identifying actions being reported, as directed in §§ 156.201, 156.202, 156.203, 156.204, and 156.205, include vendor or vendee identity in cases of significant sales or purchases.

(Comment: This paragraph has been added.)

§ 156.201 Actions between common carriers affecting property representing one or more complete valuation sections.

(a) The releasing carrier shall:

(2) Prepare a separate ACV Form No. 1, by valuation section, identifying thereon the action being reported, showing the balances of original cost and cost of reproduction now remaining after giving effect to the property changes reported in accordance with subparagraph (1) of this paragraph. Identify the primary accounts affected in column 1, enter the appropriate element codes in column 8, and record related cost of reproduction new balances in column 12. Using the same primary account identity, enter related original cost balances in column 13.

(Comment: The last sentence has been deleted.)

(3) Prepare a separate ACV Form No. 2, by valuation section, identifying thereon the action being reported, showing the balances of original cost remaining after giving effect to the property changes reported on ACV Form No. 2 prepared in accordance with subparagraph (1) of this paragraph. Identify the primary accounts affected in column 1 and enter the balances in column 9 for land accounts, and in column 16 for rights-of-way accounts.

(Comment: The last sentence has been deleted.)

(b) Following the close of the reporting period the acquiring carrier shall:

(2) Prepare a separate ACV Form No. 1, by valuation section, identifying thereon the action being reported. List the primary accounts affected in column 1 and record as acquisitions in column 7 the retirements reported in column 13 of ACV Forms No. 1 prepared by the releasing carrier in accordance with paragraph (a)(2) of this section, and provided the acquiring carrier in accordance with paragraph (a)(5) of this section. Exclude cost of organization reported by the releasing carrier.

(See comment following § 156.201(b)(3).)

(3) Prepare a separate ACV Form No. 2, by valuation section, identifying thereon the action being reported. List the primary accounts affected in column 1 and record as acquisitions in column 7 for land accounts, and in column 14 for rights-of-way accounts, the retirements reported in columns 9 and 16 of ACV

Forms No. 2 prepared by the releasing carrier in accordance with paragraph (a)(3) of this section, and provided the acquiring carrier in accordance with paragraph (a)(5) of this section.

(Comment: Section 156.201(b)(2) and (3) has been amended to substitute the word "Acquisitions" for the word "Additions".)

(4) [Canceled].

(5) [Canceled].

(6) [Canceled].

(8) Prepare, for the carrier as a whole, a separate ACV Form No. 1 identifying differences between amounts covering acquisitions recorded in account 1, Investment in Carrier Property, and related original cost amounts recorded on ACV Forms No. 1 and 2.

(Comment: This subparagraph has been added.)

§ 156.202 Actions between common carriers affecting property representing less than a complete valuation section.

(b) The acquiring carrier shall:

(1) Identify the action and report same by account, as an acquisition on ACV Forms No. 1 and 2, including complete description, units, costs, etc., immediately following the recording of regular property changes for the reporting year. ACV Forms No. 1 and 2 received from the releasing carrier in accordance with paragraph (a)(2) of this section shall serve as the posting media for recording these data.

(Comment: The word "addition" has been changed to "acquisition".)

(2) [Canceled.]

(3) Prepare, for the carrier as a whole, a separate ACV Form No. 1 identifying differences between amounts covering acquisitions recorded in account 1, Investment in Carrier Property, and related original cost amounts recorded on ACV Forms No. 1 and 2.

(Comment: This subparagraph has been added.)

§ 156.203 Actions between common carriers and individuals, firms, corporations or others not common carriers.

(b) The acquiring carrier shall record the action as an acquisition in the same manner as outlined in § 156.202(b)(1), except that if the property represents a valuation section or more separate ACV Forms No. 1 and 2 shall be prepared, the date of the acquisition shall be the year in which the property is dedicated to public service by the acquiring carrier and the source medium shall be the inventory of the property acquired. This inventory shall state the manner in which it was determined and shall identify the installation dates of the property included therein. Where accurate installation dates cannot be determined the best possible estimate shall be used.

(Comment: The references to the word "addition" have been changed to "acquisition," and reference to canceled § 156.202(b)(2) has been deleted.)

(c) The acquiring carrier shall also prepare, for the carrier as a whole, a separate ACV Form No. 1 identifying differences between amounts covering acquisitions recorded in account 1, Investment in Carrier Property, and related purchase price amounts recorded on ACV Forms No. 1 and 2.

(Comment: This paragraph has been added.)

§ 156.204 Purchases and sales of jointly owned or jointly used agent operated property.

In cases of purchase and sale actions affecting agent operated jointly owned or jointly used property the agent operator shall:

(a) Prepare a summary on ACV Forms No. 1 and 2 for each valuation section, identifying the action being reported, listing thereon by primary account the total additions and retirements, each shown separately, from the date of the latest previously filed statements of property changes to the date of the action. Indicate the appropriate owning or using percentage in effect prior to the date of the action for each jointly owning or jointly using carrier and apply same to the additions and retirements and record the resultant amounts.

(b) Prepare ACV Forms No. 1 and 2 for each valuation section, identifying the action being reported, and showing thereon the following information by primary account:

(1) The balance of original cost at the end of the latest previous reporting period.

(2) The total of additions and retirements reported in accordance with paragraph (a) of this section.

(3) The balance of original cost as of the date of the action after giving effect to subparagraph (2) of this paragraph.

(c) Apply to the balances developed under paragraph (b)(3) of this section, the percentage representing the relationship between the original cost of the portion of the valuation section involved in the action and the total original cost of the valuation section. Identify the result by each releasing and acquiring jointly owning or jointly using carrier.

(d) Include amounts developed under paragraphs (a) and (c) of this section in totals reported on ACV Forms No. 1 and 2 prepared in accordance with § 156.7(a), (b) and (c) reporting the carrier's proportionate share of jointly owned or jointly used agent operated property.

(e) Include ACV Forms No. 1 and 2 prepared in accordance with paragraphs (a), (b) and (c) of this section with forms filed with the Commission.

(Comment: This section has been added.)

§ 156.205 Purchases and sales of jointly owned or jointly used nonagent operated property.

(a) The ACV Forms No. 1 and 2 referred to in § 156.204 (a), (b) and (c) shall be prepared by the carrier having responsibility for preparing the ACV forms for the jointly owned or jointly used property.

(b) Two copies of the ACV Forms No. 1 and 2 referred to in paragraph (a) of

this section shall be mailed to each jointly owning or jointly using carrier, one to be retained, the other to be included with reports filed with the Commission.

(Comment: This section has been added.)

[F.R. Doc. 59-2805; Filed, Apr. 2, 1959; 8:48 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1959, Supp. 203]

MANUFACTURERS CASUALTY INSURANCE CO.

Termination of Authority To Qualify as Surety on Federal Bonds

MARCH 30, 1959.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Manufacturers Casualty Insurance Company, Philadelphia, Pennsylvania, under the provisions of the Act of Congress approved July 30, 1947 (U.S. Code, title 6, secs. 6-13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, terminated effective 11:59 p.m., September 30, 1958.

Pacific National Fire Insurance Company, San Francisco, California, a California corporation, holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to the provisions of a reinsurance and assumption agreement, effective 11:59 p.m., September 30, 1958, Pacific National Fire Insurance Company, San Francisco, California, assumed all liabilities and obligations of Manufacturers Casualty Insurance Company, Philadelphia, Pennsylvania, excepting only the liabilities and obligation of Manufacturers Casualty Insurance Company to the holders of shares of its stock.

The Treasury has obtained from Pacific National Fire Insurance Company a separate indemnifying agreement dated February 5, 1959, whereby Pacific National Fire Insurance Company has assumed the liability for any losses and claims that have arisen or may arise under or in connection with any bond, undertaking or other form of obligation entered into or assumed by Manufacturers Casualty Insurance Company on or before September 30, 1958, or in its name at any time thereafter, in which the United States has or may have an interest, direct or indirect.

Copies of the agreements are on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

In view of the reinsurance agreements referred to herein, bond approving officers need take no further action with

respect to bonds or other obligations in favor of the United States, issued on or before September 30, 1958, by Manufacturers Casualty Insurance Company.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 59-2812; Filed, Apr. 2, 1959; 8:49 a.m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1959, Supp. 204]

PLANET INSURANCE CO.

Termination of Authority To Qualify as Surety on Federal Bonds

MARCH 30, 1959.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Planet Insurance Company, Detroit, Michigan, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13) to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States expires on April 30, 1959 and, upon the request of the Planet Insurance Company, will not be renewed. The company received its initial certificate of authority from the Secretary of the Treasury on December 22, 1953.

Planet Insurance Company has informed the Treasury that it has no bonds in force in favor of the United States. However, in order to provide for the possibility that a bond or bonds issued in favor of the United States may remain in force which do not appear on the records of the company, bond-approving officers are requested, upon receipt of this notice, to examine carefully the records of their offices and report promptly to the Surety Bonds Branch, Bureau of Accounts, Treasury Department, any outstanding bonds accepted by them and executed by Planet Insurance Company as surety or co-surety on which the liability of the company has not terminated.

It is also requested that the Surety Bonds Branch be advised as expeditiously as possible as to all facts, in detail, relating to any existing claim, or with respect to the occurrence of any event or the existence of any circumstance which may hereafter result in a claim against Planet Insurance Company.

In furnishing the above information bond-approving officers will please give the name of the principal of the bond, the date and penalty of the bond, and with respect to claims, the nature of the claim, the circumstances out of which it arose, and its status at the time of the report.

Bond-approving officers and other agents of the Government charged with the duty of taking bonds, recognizances, stipulations or undertakings should proceed immediately to secure new bonds, where necessary, with acceptable sureties, in lieu of bonds executed by Planet Insurance Company.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 59-2813; Filed, Apr. 2, 1959; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

PIERRE LEON GUINAND AND HARALD BARTH-BECKING

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Pierre Leon Guinand, as guardian of Harald Barth-Becking, a minor; Geneva, Switzerland; Claim No. 62430; \$12,798.94 in the Treasury of the United States; Two \$1,000.00 Hungarian Consolidated Municipal Loan 20-year Secured Sinking Fund 7% Gold Bonds, due 9-1-46, Nos. M 3443 and M 3457, with 1-1-41 and s.c.a.; and Two \$500.00 Saxon Public Works, Inc., 6½% General and Refunding Mortgage Guaranteed Gold Bonds, due 5-1-51, Nos. 1196 and 1220, with 5-1-37 and s.c.a. The above bonds are in the custody of the Office of Alien Property, Washington, D.C. Vesting Order No. 18629.

Executed at Washington, D.C., on March 25, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-2767; Filed, Apr. 1, 1959; 8:49 a.m.]

FLORENTINE ETSCHAIT

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Florentine Etschait, Wasmes-Audemetz-Briffocell, Belgium; Claim No. 40031; \$2,045.52 in the Treasury of the United States. Vesting Order No. 5518.

Executed at Washington, D.C., on March 26, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-2768; Filed, Apr. 1, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

MORLAN J. GRANDBOIS

Statement of Changes in Financial Interests

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

- A. Deletions: None.
B. Additions: None.

This statement is made as of March 26, 1959.

MORLAN J. GRANDBOIS.

MARCH 26, 1959.

[F.R. Doc. 59-2803; Filed, Apr. 2, 1959; 8:47 a.m.]

VERN I. McCARTHY, JR.

Statement of Changes in Financial Interests

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

- A. Deletions:
Bendix Aviation Corp.
Commonwealth Edison Co.
Continental Can Co.
Ford Motor Co.
Northern Illinois Gas Co.

- B. Additions:
Highway Trailer Industries.
Southwestern Steel Container Co.
Vulcan Containers (Canada) Limited.

This statement is made as of March 14, 1959.

VERN I. McCARTHY, JR.

MARCH 20, 1959.

[F.R. Doc. 59-2804; Filed, Apr. 2, 1959; 8:48 a.m.]

ALEXANDER D. THOMSON

Statement of Changes in Financial Interests

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

- A. Deletions:
American Viscose Corporation.
American Radiator & Standard Sanitary Corporation.
Minnesota Mining and Manufacturing Company.
Plymouth Cordage Company.

- B. Additions:
U.S. Gypsum Company.
Schering Corporation.
The Southern Company.
The "14 Karat", Inc.

This statement is made as of March 1, 1959.

ALEXANDER D. THOMSON.

MARCH 25, 1959.

[F.R. Doc. 59-2811; Filed, Apr. 2, 1959; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-119]

ALCO PRODUCTS, INC.

Notice of Issuance of Utilization Facility License

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division on March 9, 1959, the Atomic Energy Commission has issued License No. CX-14 authorizing Alco Products, Incorporated to possess and operate its critical experiments facility located at Schenectady, N.Y. The license issued was substantially as published in the FEDERAL REGISTER on March 10, 1959, 24 F.R. 1723, except that, pursuant to a request by the applicant dated March 10, 1959, the total quantity of special nuclear material which Alco Products, Incorporated, is authorized to possess and use under paragraph 3.B. of the license was raised from 40 kilograms to 66.4 kilograms of contained uranium-235. Since no more material will be used in the reactor at any given time than was originally described in the application, and since the additional material authorized merely represents a larger storage inventory on which the licensee may draw for use in experiments, the change in total quantity of special nuclear material authorized under paragraph 3.B. does not affect the Commission's findings with respect to health and safety in connection with the operation of this facility.

Dated at Germantown, Md., this 25th day of March 1959.

For the Atomic Energy Commission.

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

[F.R. Doc. 59-2785; Filed, Apr. 2, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12813; FCC 59-241]

SOUTHBAY BROADCASTERS

Order Designating Application for Hearing on Stated Issues

In re application of Burr Stalnaker, John B. Stodelle and Howard L. Chernoff, d/b as Southbay Broadcasters, Chula Vista, California (Req: 990 kc, 500 w, DA Day), Docket No. 12813, File

No. BP-11469; for construction permit for a new standard broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of March 1959;

The Commission having under consideration the above-captioned and described application; and

It appearing, that except as indicated by the issues specified below, the applicant is legally, financially, technically and otherwise qualified to operate the proposed station, but that the proposed operation will involve mutual interference with Station KFVB, Los Angeles, and that the interference received from Station KFVB and Station XECL, Mexicali, Mexico, may affect more than 10 percent of the population in the normally protected primary service area of this proposal in contravention of § 3.28(c) of the Commission rules; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicant and Station KFVB were advised, by letter dated December 18, 1958 of the aforementioned deficiencies, and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant filed a timely reply to the Commission's letter; and

It further appearing, that the licensee of KFVB, by letter dated October 14, 1958 requested a hearing on the instant application; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing on the application is necessary:

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation will cause objectionable interference to Station KFVB, Los Angeles, California, or any other existing standard broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to areas and populations.

3. To determine whether interference received from Station KFVB and Station XECL, Mexicali, Mexico would affect more than 10 percent of the population within the proposed normally protected primary area in contravention of the provisions of § 3.28(c) of the Commission rules; and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That KFWB Broadcasting Corporation, licensee of Station KFWB is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order.

Released: March 31, 1959.

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

[F.R. Doc. 59-2815; Filed, Apr. 2, 1959;
8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2142]

MACINAR, INC.

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

MARCH 30, 1959.

I. Macinar, Incorporated, a Delaware corporation, 734 15th Street N.W., Washington, D.C., filed with the Commission on April 14, 1958, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 160,000 shares of \$0.50 par value common stock at \$0.75 per share and 178,110 warrants exercisable at \$0.75 per share, for an aggregate offering of \$253,582.50, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

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

1. The aggregate offering price of the securities offered by the issuer and those sold in violation of section 5 of the Act by an affiliate exceed the \$300,000 limitation prescribed by Rule 254 of Regulation A.

2. The notification on Form 1-A fails to disclose that Automatic Table Co. is an affiliate of the issuer, as required by Item 2.

3. The notification on Form 1-A fails to set forth the title and amount of securities sold by Paul Gaston, an affiliate of the issuer, the consideration paid therefor, the basis of such computation, the persons to whom such securities were issued, the exemption claimed therefor, and the facts relied upon for such exemption, as required by Item 9.

4. The report of sales on Form 2-A as filed by the issuer fails to disclose:

(a) The names of all underwriters of the issuer, as required by Item 2;

(b) The number of shares held by Paul Gaston, a controlling person, officer and director of the issuer, as required by Item 11; and

(c) The use of proceeds from the offering and payments made to officers, directors, affiliates, and/or others, as required by Item 7.

B. The notification and the offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose in the offering circular that Philip Friedlander is a vice president of the issuer, as required by Item 9(a);

2. The failure to disclose in the offering circular that a note payable for the sum of \$17,400 is payable to Virginia B. Gaston, an affiliate of the issuer, and wife of its principal security holder.

3. The statement on page 12 of the offering circular with respect to the sale of 50,000 shares of the issuer's securities by Paul Gaston, in that approximately 110,000 shares were sold without an available exemption;

4. The failure to disclose in the offering circular that the issuer assumed the obligation of payment for a \$12,854.82 note of an affiliate;

5. The failure to disclose in the offering circular all material transactions of directors, officers, and controlling persons with the issuer, its predecessors, or affiliates as required by Item 9(c) (ii);

6. The statement on page 12 of the offering circular that no salaries or compensation has been paid to officers or directors, in that Paul Gaston received approximately \$12,132 during the period from September 1, 1956 to December 31, 1957;

7. The failure to disclose in the notification that Automatic Table Co. is controlled by Paul S. Gaston and is an affiliate of the issuer.

C. The offering was made in violation of section 17 of the Act.

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 hereby is, 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 herefrom; 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,

the 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 said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-2794; Filed, Apr. 2, 1959;
8:46 a.m.]

[File No. 68-175]

UNION ELECTRIC CO.

Order Permitting Declaration Regarding Solicitation of Proxies To Become Effective

MARCH 27, 1959.

The Commission having by order dated February 9, 1959 (Holding Company Act Release No. 13916) prohibited Union Electric Company ("Union"), a registered holding company, and all other persons from soliciting any proxy or other authorization regarding the voting of any security of Union in connection with the annual meeting of Union's stockholders to be held April 20, 1959, or any adjournment thereof, except pursuant to a declaration, filed under section 12(e) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 62 promulgated thereunder, which shall have been permitted by the Commission to become effective;

Union having thereafter filed a declaration in regard to its proposed solicitation of proxies in connection with such meeting and the expenditure of corporate funds in furtherance thereof;

A public hearing having been held after appropriate notice, J. Raymond Dyer, a Union stockholder, having been granted leave to participate on behalf of himself and his daughter, Nancy Corinne Dyer, also a Union stockholder; proposed findings and briefs having been filed by the Commission's Division of Corporate Regulation, Union and Dyer, and the Commission having heard oral argument;

The Commission having on March 26, 1959, issued its Findings and Opinion (Holding Company Act Release No. 13962) concluding that Union's declaration would be permitted to become effective upon the filing of an amendment making changes in such declaration in accordance with the views expressed in said Findings and Opinion;

Union having thereafter filed an amendment to its declaration, and the Commission having examined the declaration, as amended, and finding that it conforms to the views expressed in said Findings and Opinion and should be permitted to become effective forthwith, subject to the reservation of jurisdiction set forth below; on the basis of said Findings and Opinion and the amendment filed to the declaration.

It is ordered, That the declaration, as amended, of Union Electric Company be,

and it hereby is, permitted to become effective forthwith;

It is further ordered, That jurisdiction be, and it hereby is, reserved with respect to the following:

(a) To determine the appropriateness of any solicitation of proxies, other than that presently proposed, in which Union Electric Company may propose to engage in connection with its annual meeting to be held April 20, 1959, or any adjournment thereof.

(b) To pass upon any additional solicitation material proposed to be used by Union Electric Company which material shall be filed as a post-effective amendment herein and which material, unless the Commission orders a hearing thereon, may be used for solicitation after five business days have elapsed from the filing thereof or after such shorter period as the Commission may authorize upon good cause shown.

By the Commission,

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-2795; Filed, Apr. 2, 1959;
8:46 a.m.]

[File No. 70-3777]

MIDDLE SOUTH UTILITIES, INC.

Notice of Filing and Order for Hearing Regarding Proposed Amendments to Certificate of Incorporation, Issuance of Stock Options and of Stock Pursuant to Stock Option Plan, and Solicitation Material Requesting Proxies

MARCH 27, 1959.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed with this Commission a declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding a proposal by Middle South to amend its Certificate of Incorporation, to seek approval of the shareholders of such amendment, and to adopt a plan for granting stock options to certain employees of it and of its subsidiaries. The declaration specifies sections 6(a), 7, and 12(f) of the Act, and Rules 43, 44, 50(a)(5), and 62 promulgated under the Act, as applicable to the proposed transactions.

All interested persons are referred to the declaration as amended on file at the office of the Commission for a statement of the transactions therein proposed and of the provisions of the proposed stock option plan, which are summarized as follows:

Declarant proposes to adopt a plan ("Stock Option Plan") for the granting of "restricted stock options," as that term is defined in Section 421 of the Internal Revenue Code of 1954. The Stock Option Plan provides, among other things, that declarant will issue options to "key employees" (including employees who are also officers or directors) of Middle South and its subsidiary companies to purchase a certain number of shares (the exact number to be supplied by

amendment) of Middle South's common stock. The purchase price upon the exercise of the option of the shares of common stock shall be not less than 95 percent of the highest sales price of Middle South's common stock on the New York Stock Exchange on the date an option is granted, subject, however, to downward modification of the purchase price as to any outstanding option, pursuant to a formula set forth in the Stock Option Plan; that the term of each option granted shall be not more than seven years from the date of grant; that no option shall be exercisable during the first 12 months after the granting date thereof, and thereafter options shall be exercisable as to no more than one-fourth of the shares originally subject thereto for each 12-month period elapsing after the grant thereof; and that the aggregate number of shares covered by an option or options granted to any one employee shall not exceed a certain percentage (the exact percentage to be supplied by amendment) of the total number of shares reserved for purposes of the Stock Option Plan, subject to adjustments under certain specified conditions.

Middle South also proposes to amend section 6 of its Certificate of Incorporation so as to exclude from the preemptive rights privilege of its stockholders the aggregate number of shares offered pursuant to the Stock Option Plan. Authorization and approval of the proposed amendment to the Certificate of Incorporation will require the affirmative vote of the holders of two-thirds of the outstanding shares of common stock of declarant, and the adoption of the Stock Option Plan will require the affirmative vote of the holders of a majority of such stock. Declarant proposes to solicit proxies from its stockholders in favor of both the proposed amendment to its Certificate of Incorporation and the proposed Stock Option Plan.

It appearing to the Commission appropriate in the public interest and in the interest of investors and consumers that a public hearing be held in respect of the proposals, and that the declaration as amended not be permitted to become effective, except pursuant to the further order of the Commission:

It is ordered, Pursuant to the applicable provisions of the Act and rules thereunder, that a public hearing be held in respect of the amended declaration and the transactions therein proposed, at the office of the Commission, 425 Second Street NW., Washington 25, D.C., on April 28, 1959. On said date the Hearing Room Clerk in Room 193 will advise as to the room in which the hearing will be held. Any person desiring to be heard, or otherwise to participate in this proceeding, shall file with the Secretary of the Commission, on or before April 24, 1959, a request in writing in respect thereof, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer of the Commission, designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise

all of the powers granted the Commission under section 18(c) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the declaration as amended and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed stock option is a security within the meaning of section 2(a)(16) of the Act and, if so—

(a) Whether it is one of the types of securities specified in paragraph (1) of section 7(c) of the Act; and, if not, whether the issuance of the stock option is for a necessary and urgent corporate purpose of the declarant where the requirements of paragraph (1) of section 7(c) would impose an unreasonable financial burden upon the declarant and are not necessary or appropriate in the public interest or for the protection of investors or consumers.

(b) Whether the issuance of any of the stock options pursuant to the Stock Option Plan is contrary to the standards of section 7(d) of the Act.

2. Whether the issue and sale by declarant of its common stock upon the exercise of the options by the holders thereof is contrary to any of the standards of section 7(d) of the Act.

3. Whether the proposed alteration of the preemptive subscription rights of the holders of the common stock of declarant is detrimental to the public interest or the interest of investors.

4. Whether the proposed Stock Option Plan, the stock options to be issued thereunder, and the common stock to be issued upon the exercise of the stock options satisfy the provisions of section 12(f) of the Act and Rule 43 thereunder.

5. Whether the proposed proxy solicitation material is in all respects in accordance with the provisions of section 12(e) of the Act and Rule 62 thereunder and whether the proposed solicitation material contains any statement which, at the time and in the light of the circumstances under which it is proposed to be made, is false or misleading with respect to any material fact, or which omits to state any material fact necessary to make the statements therein not false or misleading; and, if so, in what respects the solicitation material should be amended, modified, or supplemented.

6. Whether it is appropriate that the granting of the stock option and the issue and sale of the stock covered thereby be not subject to the competitive bidding requirements of Rule 50 under the Act.

7. Generally, whether the proposed transactions are in all respects in accordance with the applicable standards of the Act and the rules thereunder, and whether, in the event the declaration is permitted to become effective, it is necessary or appropriate to impose any terms or conditions for the protection of the public interest or the interest of investors or consumers; and, if so, the nature of such terms and conditions.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary shall give notice of the hearing herein ordered by mailing copies of this notice and order, by registered mail with return receipt requested, to declarant and to its subsidiaries, Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc.; that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of the Commission in respect of the declaration shall be given to the press and mailed to all persons appearing on the mailing list of the Commission for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-2796; Filed, Apr. 2, 1959;
8:47 a.m.]

[File No. 7-1981]

COLUMBIA BROADCASTING SYSTEM, INC.

Notice of Application for Unlisted Trading Privileges, and of Oppor- tunity for Hearing

MARCH 30, 1959.

In the matter of application by the Detroit Stock Exchange, for unlisted trading privileges in Columbia Broadcasting System, Incorporated, common stock; File No. 7-1981.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Pacific Coast Stock Exchange.

Upon receipt of a request, on or before April 14, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-2797; Filed, Apr. 2, 1959;
8:47 a.m.]

[File No. 1-233]

AUTOMATIC WASHER CO.

Notice of Application to Strike From Listing and Registration, and of Opportunity for Hearing

MARCH 30, 1959.

In the matter of Automatic Washer Company, common stock; File No. 1-433.

Midwest Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Following the adoption of a trustee plan, at the order of the United States District Court, the Trustee determined that the assets of the company were not sufficient to allocate any of the proceeds to common stockholders. The stock has been suspended from trading on the Exchange since September 30, 1957.

Upon receipt of a request, on or before April 14, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-2798; Filed, Apr. 2, 1959;
8:47 a.m.]

[File No. 1-760]

TRUNZ, INC.

Notice of Application to Strike From Listing and Registration, and of Opportunity for Hearing

MARCH 30, 1959.

In the matter of Trunz, Inc., capital stock; File No. 1-760.

American Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Of the 100,000 outstanding shares, 90,598 are owned by officers, directors, and persons associated with the management of the company; leaving 9,402 shares publicly held by 214 stockholders. The stock has been suspended from trading on the Exchange since February 12, 1959, due to this limited distribution.

Upon receipt of a request, on or before April 14, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-2799; Filed, Apr. 2, 1959;
8:47 a.m.]

[File No. 1-775]

SPEAR & CO.

Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing

MARCH 30, 1959.

In the matter of Spear & Company, \$5.50 cumulative preferred stock; File No. 1-775.

New York Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Only 409 shares remain outstanding the remainder having been surrendered in exchange for common stock pursuant to an offer made by the company by notice dated January 20, 1959. Dealings in the stock on the Exchange have been suspended since February 16, 1959.

Upon receipt of a request, on or before April 14, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit

his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-2800; Filed, Apr. 2, 1959;
8:47 a.m.]

[File No. 1-1311]

INDUSTRIAL DEVELOPMENT CORP.

Notice of Application to Strike From Listing and Registration, and of Opportunity for Hearing

MARCH 30, 1959.

In the matter of Industrial Development Corporation, common stock; File No. 1-1311.

Midwest Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Under a plan of complete liquidation, all stock was surrendered to a Trustee upon payment of an initial liquidating dividend during 1958. Any further payments will be distributed to holders of Units of Beneficial Interest. The stock has been suspended from trading on the Exchange since May 29, 1958.

Upon receipt of a request, on or before April 14, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-2801; Filed, Apr. 2, 1959;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13811 etc.]

UNION PRODUCING CO.

Notice of Consolidation of Proceedings and Date of Hearing

MARCH 30, 1959.

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

The above-entitled proceedings relate to proposed changes in rates which heretofore have been suspended, by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that, pursuant to the prior orders of the Commission in each of the above-entitled proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on June 23, 1959, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in these proceedings.

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

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2786; Filed, Apr. 2, 1959;
8:45 a.m.]

[Docket No. G-17231]

WESTERN KENTUCKY GAS CO.

Notice of Application

MARCH 30, 1959.

Take notice that Western Kentucky Gas Company (Western) (Applicant), filed an application on December 11, 1958, pursuant to section 7(a) of the Natural Gas Act for an order directing Texas Gas Transmission Corporation (Texas) to establish physical connection of its facilities with those which Applicant proposes to construct, and to sell and deliver to Applicant volumes of natural gas for distribution and resale in the community of Hardinsburg, Kentucky, as hereinafter described and as more fully represented in the application, which is on file with the Commission and open to public inspection.

The application states that there is presently no gas distribution system in Hardinsburg. Applicant is an existing customer of Texas Gas, retailing gas in numerous towns in Kentucky.

Applicant proposes to construct and operate approximately 6,000 feet of 2½-inch lateral pipeline extending from a connection with Texas Gas' 26-inch main line just west of Hardinsburg, southeasterly to Hardinsburg. In addition, Applicant will construct and operate the necessary distribution facilities.

Applicant estimates the natural gas requirements in Hardinsburg as follows:

Year of service	Number of customers	Requirements in Mcf at 14.73 psia	
		Peak day	Annual
1-----	175	297	27,597
2-----	230	402	36,809
3-----	275	483	44,088
4-----	320	555	51,315
5-----	347	621	56,183

Applicant estimates the total cost of constructing its facilities to be \$82,000, which it proposes to finance through short-term bank loans and retained earnings.

On February 16, 1959, Texas Gas advised the Commission by its answer to Western Kentucky's proposal that it had no objection to rendering the service upon the terms and conditions set forth in the answer.

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 April 22, 1959.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2787; Filed, Apr. 2, 1959;
8:45 a.m.]

[Docket Nos. G-16653, G-16517]

ARKANSAS FUEL OIL CORP., ET AL.

Order for Hearing and Suspending Proposed Changes in Rates¹

MARCH 27, 1959.

In the matters of Arkansas Fuel Oil Corporation (operator) et al., Docket No. G-16653; Arkansas Fuel Oil Corporation, Docket No. G-16517.

On February 25, 1959, Arkansas Fuel Oil Corporation (operator) et al. and Arkansas Fuel Oil Corporation (both hereinafter designated Arkansas Fuel) tendered the following designated filings proposing tax changes in the corporation's previously filed rates.

Description: Two notices of change, dated February 24, 1959.

Purchasers: (1) Texas Eastern Transmission Corporation. (2) United Fuel Gas Company.

Rate schedule designation: (1) Supplement No. 1 to Supplement No. 8 to Arkansas Fuel's FPC Gas Rate Schedule No. 48. (2) Supplement No. 1 to Supplement No. 6 to Arkansas Fuel's FPC Gas Rate Schedule No. 49.

Effective date: March 28, 1959 (stated effective date is the first day following expiration of statutory notice).

¹This order does not provide for consolidation of the matters covered herein, nor should it be so construed.

Arkansas Fuel proposes to change rates now under suspension in these proceedings so as to reflect the recent changes in the Louisiana tax statutes. The present tenders appear to be consistent with the tax reimbursement provisions of the rate schedules.

The Commission finds:

(1) It is necessary and in the public interest that the aforementioned supplements be permitted to be filed.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that the aforesaid supplements be suspended and the use of each be deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 1 to Supplement No. 8 to Arkansas Fuel's FPC Gas Rate Schedule No. 48 and Supplement No. 1 to Supplement No. 6 to Arkansas Fuel's FPC Gas Rate Schedule No. 49 are hereby accepted for filing.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rates and charges contained in the supplements herein accepted for filing.

(C) Pending such hearing and decision thereon, Supplement No. 1 to Supplement No. 8 to Arkansas Fuel's FPC Gas Rate Schedule No. 48 is hereby suspended until April 1, 1959, and thereafter until such further time as Supplement No. 8 to Arkansas Fuel's FPC Gas Rate Schedule No. 48 is made effective in the manner prescribed by the Natural Gas Act, and Supplement No. 1 to Supplement No. 6 to Arkansas Fuel's FPC Gas Rate Schedule No. 49 is hereby suspended until April 1, 1959 and thereafter until such further time as Supplement No. 6 to Arkansas Fuel's FPC Gas Rate Schedule No. 49 is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) The issuance of this order shall constitute full notice of the filing and publication of the proposed changes in rates insofar as such relate to effective dates.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2788; Filed, Apr. 2, 1959; 8:45 a.m.]

[Docket No. G-17930]

PURE OIL CO.

Order Designating Issues To Be Heard and Fixing Date of Hearing

MARCH 27, 1959.

The Pure Oil Company (Pure Oil), on January 30, 1959, tendered for filing certain proposed changes in its then effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission, to El Paso Natural Gas Company (El Paso). The proposed changes, which constitute increased rates and charges, are contained in the following designated filings: Supplement No. 6 to Pure Oil's FPC Gas Rate Schedule No. 1; Supplement No. 8 to Pure Oil's FPC Gas Rate Schedule No. 3; and Supplement No. 2 to Pure Oil's FPC Gas Rate Schedule No. 28.

In support of the proposed increased rates, Pure Oil states that, on December 26, 1958, El Paso began purchasing gas produced from "gas distillate" wells from West Texas Gathering Company (West Texas), in Winkler County, Texas, at a base rate of 16.0 cents per Mcf plus 2.0 cents per Mcf gathering and delivery charge. Pure Oil alleges that, in consequence of this purchase by El Paso, the contractual covenants filed as rate schedule provisions in the above-identified Pure Oil FPC Gas Rate Schedules require Pure Oil to charge and El Paso to pay an increased price amounting to a base rate of 16.0 cents per Mcf as proposed in its afore-mentioned supplements filed on January 30, 1959.

El Paso has formally protested the increased prices on the ground that the initial rate of West Texas did not operate so as to contractually justify the higher rates proposed by Pure Oil and urged that the proposed increased rates be rejected by the Commission.

Upon the findings, and pursuant to the authority cited in the order issued on February 27, 1959, in this proceeding, the Commission ordered that a public hearing be held concerning the lawfulness of the proposed increased rates and charges and that pending such hearing and decision thereon, said supplements be suspended and the use thereof deferred as described in said order.

Upon further consideration of the issues presented in this proceeding, particularly the possible extensive implications of a decision as to whether or not the sale by West Texas Gathering Company to El Paso Natural Gas Company constitutes the requisite condition precedent for the proposed increased rates under the provisions of Pure Oil's FPC Gas Rate Schedules involved herein, and in consideration of effective administration of the provisions of the Natural Gas Act in the public interest, an early hearing and decision on this question appears appropriate.

The Commission finds: Pursuant to the provisions of the Natural Gas Act, the Regulations thereunder, and in the public interest, good cause has been shown that a public hearing be held to determine whether or not the above-identified sale by West Texas Gathering Company to El Paso Natural Gas Company consti-

tutes the aforementioned condition precedent for the proposed rate increases under the provisions of Pure Oil's FPC Gas Rate Schedules Nos. 1, 3 and 28.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on April 22, 1959, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning one alleged basis of the legality of the proposed changes contained in Supplement No. 6 to Pure Oil's FPC Gas Rate Schedule No. 1, Supplement No. 8 to Pure Oil's FPC Gas Rate Schedule No. 3, and Supplement No. 2 to Pure Oil's FPC Gas Rate Schedule No. 28 as defined in paragraph (B) hereof.

(B) The question upon which evidence shall be received and decision rendered is whether or not the aforementioned sales of natural gas by West Texas to El Paso constitute the condition precedent which apart from other tests for legal rates and charges, would cause provisions of any or all of Pure Oil's FPC Gas Rate Schedules Nos. 1, 3 and 28 to become legal justification for the tender and acceptance for filing of any or all of Pure Oil's above-identified proposed increased rates and charges.

(C) With respect to the order of procedure, said hearing involves the "suspended rates" of Pure Oil. The appropriate provisions of § 1.20(f) of the Commission's rules of practice and procedure shall apply to the submission of evidence by the parties, including those who may be permitted to intervene (18 CFR 1.20(f) and 1.8). However, in a limited-issue proceeding of this nature it is to be expected that the hearing can be continued to its conclusion without recess.

(D) Any further hearings upon other issues concerning the lawfulness of Pure Oil's proposed increased rates and any remaining issues will be held pursuant to further order of the Commission, or upon notice from the Secretary.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2789; Filed, Apr. 2, 1959; 8:45 a.m.]

[Docket No. G-18108]

MAGNOLIA PETROLEUM CO.

Order for Hearing and Suspending Proposed Change in Rate

MARCH 27, 1959.

Magnolia Petroleum Company (Magnolia), on February 27, 1959, tendered

for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Kansas-Nebraska Natural Gas Company, Inc.

Rate schedule designation: Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 15.

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

In support of its proposed redetermined rate increase, Magnolia submits a Decision of Arbitrator, arrived at pursuant to Magnolia's contract.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change and that Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 15 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 15.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until August 30, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2791; Filed, Apr. 2, 1959; 8:46 a.m.]

No. 65—4

[Docket Nos. G-18106, G-18107]

**PAN AMERICAN PETROLEUM CORP.
ET AL.**

**Order for Hearings and Suspending
Proposed Changes in Rates¹**

MARCH 27, 1959.

In the matters of Pan American Petroleum Corporation (operator) et al., Docket No. G-18106; Gulf Oil Corporation (operator) et al., Docket No. G-18107.

On February 27, 1959, Pan American Petroleum Corporation (operator) et al. (Pan American) and Gulf Oil Corporation (operator) et al. (Gulf) tendered for filing proposed changes in their presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

[Docket No. G-18106]

Description: Notice of Change, dated February 16, 1959.

Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 173.²

Effective date: April 1, 1959 (stated effective date is that proposed by Pan American).

[Docket No. G-18107]

Description: Notice of Change, dated February 25, 1959.

Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 11 to Gulf's FPC Gas Rate Schedule No. 74.

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

In support of its proposed periodic rate increase, Pan American states that the contract was negotiated at arm's length in a competitive market; the proposed rate is an integral part of the initial rate schedule and is below the prices of competing fuels; the BLS Wholesale Price Index and U.S. Steel Statistics on the cost of tubular goods show that gas production costs have increased substantially in recent years; the average depths of wells keep increasing with a resulting higher drilling cost; and the proposed price is below the rates provided by currently negotiated contracts in the area.

In support of its proposed renegotiated rate increase, Gulf states that the contract and subsequent amendments were negotiated at arm's length; and that in consideration of the renegotiated rate Gulf agreed to various contract changes. Gulf also submitted data showing increasing costs and showing the diminution of its reserves.

¹ This order does not provide and should not be construed to provide for the consolidation for hearing or disposition of the separately docketed matters covered herein.

² The present rate is in effect subject to refund in Docket Nos. G-15780, G-14730, G-12285, G-10144 and G-8614.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes and that Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 173 and Supplement No. 11 to Gulf's FPC Gas Rate Schedule No. 74 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly section 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 173 and Supplement No. 11 to Gulf's FPC Gas Rate Schedule No. 74.

(B) Pending such hearings and decisions thereon, Pan American's proposed supplement is hereby suspended until September 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act, and Gulf's proposed supplement is hereby suspended until August 30, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2790; Filed, Apr. 2, 1959; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 219]

OHIO

Declaration of Disaster Area

Whereas, it has been reported that during the month of February, 1959, because of the effects of certain disasters, damage resulted to residences and busi-

ness property located in certain areas in the State of Ohio;

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

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

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

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

County: Wayne (Heavy rains and Flooding of Rivers and Creeks occurring on or about February 2, 1959).

Office: Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1959.

Dated: March 24, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-2302; Filed, Apr. 2, 1959;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 103]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 31, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61860. By order of March 23, 1959, the Transfer Board approved the transfer to H. J. Erskine & Son, Inc., 4 Linden Street, Winchester, Mass., of the operating rights in Certificate No. MC 71665, issued December 10, 1940, to Hugh Joseph Erskine, doing business as

H. J. Erskine & Son, 4 Linden Street, Winchester, Mass., authorizing the transportation of household goods, over irregular routes, between Winchester, Mass., and points in Massachusetts within 10 miles of Winchester, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

No. MC-FC 61870. By order of March 25, 1959, the Transfer Board approved the transfer to Joseph Dringenburg, doing business as Heile Brothers Company, 803 Scott Street, Covington, Ky., of the operating rights in Certificate No. MC 7929, issued December 3, 1958, to Joseph Dringenburg and John Conrad, a Partnership, doing business as Heile Brothers Company, 803 Scott Street, Covington, Kentucky, authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, over irregular routes, between Covington, Ky., on the one hand, and, on the other, Cincinnati, Ohio, and between points in Covington, Ky., and Cincinnati, Ohio.

No. MC-FC 61886. By order of March 23, 1959, the Transfer Board approved the transfer to William R. Brumfield and Olivet Atwood Brumfield, doing business as Atwood Truck Line, Fort Morgan, Colo., of a portion of Certificates Nos. MC 59030 Sub 2 and MC 59030 Sub 3, issued May 5, 1942 and January 26, 1948, respectively, to Clarence Shaw, doing business as Saratoga Truck Line, Saratoga, Wyo., authorizing the transportation of: Cement, from Boettcher, Colo., to points in Wyoming within a specified territory including Laramie, Walcott, and Encampment, Wyo.; and cement and cement products, from Boettcher, Colo., to Rawlins, Wyo., and points within 40 miles of Rawlins. Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo., for applicants.

No. MC-FC 61899. By order of March 24, 1959, the Transfer Board approved the transfer to Gary Intercity Lines, Inc., Gary, Ind., of a portion of Certificate No. MC 8159, issued April 3, 1956, to Calumet Bus Service, Inc., Gary, Indiana, authorizing the transportation of: Passengers and their baggage, in charter operations, restricted to traffic originating in the territory indicated, from points in Cook County, Ill., and Lake County, Ind., to points in Illinois, Indiana, Wisconsin, Michigan, and Ohio, Louisville, Ky., and St. Louis, Mo., and return. Fred F. Eichhorn, Gary Natl. Bank Building, Gary, Ind., for applicants.

No. MC-FC 61932. By order of March 24, 1959, the Transfer Board approved the transfer to Cormett Forwarding Co., Inc., Hackensack, N.J., of permits in Nos. MC 113545, MC 113545 Sub 2, and MC 113545 Sub 4, issued January 27, 1953, April 25, 1957, and March 3, 1959, respectively, to Andrew W. Metzger, doing business as Cormett Forwarding Co., Hackensack, N.J., authorizing the transportation of: Facial tissues, paper towels, toilet tissues, textbooks, and pharmaceutical chemicals between specified points in New Jersey and New York. Bert Collins, 140 Cedar Street, New York 6, N.Y., for applicants.

No. MC-FC 62055. By order of March 24, 1959, the Transfer Board approved the transfer to Clarence Bates of Touristville, Ky., of Certificates Nos. MC 40176, MC 40176 Sub 1, and MC 40176 Sub 2, issued July 19, 1950, June 8, 1951, and December 15, 1955, respectively, in the name of Clarence Bates and Kenneth Campbell, a partnership, doing business as Wayne Truck Line of Touristville, Ky., authorizing the transportation, over irregular routes of general commodities excluding household goods, commodities in bulk, and other specified commodities, between points in Wayne County, Ky., on the one hand, and, on the other, Cincinnati, Ohio; feed, from Cincinnati, Ohio, to Science Hill, Somerset, Burnside, and Stearns, Ky.; seed, fertilizer, and grain, from Cincinnati, Ohio to Science Hill and Somerset, Ky.; and lumber, from Science Hill and Somerset, Ky., to Cincinnati, Ohio, and from Monticello, Ky., to Cleveland, Ohio, Detroit, Mich., Indianapolis, Sullivan, and New Albany, Ind. Ollie L. Merchant, 712 Louisville Trust Building, Louisville 3, Ky., for applicants.

No. MC-FC 62058. By order of March 24, 1959, the Transfer Board approved the transfer to Robert N. Mark, doing business as Mark Truck Service, Burlington, Kansas, of a certificate in No. MC 105716, issued February 14, 1950, to Jack Sullivan, doing business as Sullivan Truck Service, Lebo, Kansas, authorizing the transportation of hay and grain, processed mill feed, and livestock, from, to, and between, specified points in Kansas and Missouri. Neil L. Toedman, The Neil L. Toedman Agency, Inc., 1101 Topeka Boulevard, Topeka, Kansas.

No. MC-FC 62061. By order of March 24, 1959, the Transfer Board approved the transfer to Aragona Trucking Co., a Corporation, Jersey City, N.J., of the operating rights in Certificate No. MC 116798, issued September 13, 1957, to Curtis Rankin, doing business as Red Cap Trucking & Hauling, Kearny, New Jersey, authorizing the transportation of general commodities, excluding commodities in bulk, household goods, and other specified commodities, over irregular routes, between Hoboken, N.J., on the one hand, and, on the other, points in New Jersey within 25 miles of City Hall, New York, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J., for applicants.

No. MC-FC 62066. By order of March 24, 1959, the Transfer Board approved the transfer to Tillie Ellenberg and Abraham Ellenbert, a Partnership, doing business as Freeman Vans & Storage Co., New York, N.Y., of the operating rights in Certificate No. MC 43704, issued July 11, 1951, to Tillie Smith, doing business as Freeman Vans, New York, N.Y., authorizing the transportation of household goods, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Connecticut and New Jersey. David Brodsky, 1776 Broadway, New York 19, N.Y., for applicants.

No. MC-FC 62076. By order of March 24, 1959, the Transfer Board approved the transfer to Harold F. Cambeis, Jersey City, New Jersey, of Certificate in

No. MC 30993, issued August 27, 1957, to William L. Lubeck, Brooklyn, New York, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Newark, N.J., and New York, N.Y., serving the intermediate and off-route points of Harrison, Kearny, Jersey City, Bayonne, Hokoken and Union City, N.J. Bowes and Millner, Attorneys for transferor, 1060 Broad Street., Newark, N.J., and George A. Olsen, Practitioner for transferee, 69 Tonnele Avenue, Jersey City, N.J.

No. MC-FC 62078. By order of March 23, 1959, the Transfer Board, approved and authorized the transfer to Fillius X-Press Service, A Corporation, 14 Richmond Avenue, Mount Holly, New Jersey, of a certificate in No. MC 33118, issued February 9, 1956, to Warren S. Fillius and Peter G. Leffler, a partnership, doing business as Fillius X-Press Service, P.O. Box 407, Maple Ave., Mount Holly, New Jersey, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, commodities in bulk, and other specified commodities, over regular route, between Wrightstown, N.J., and Philadelphia, Pa., serving all intermediate points, and the off-route points of Rancocas, Lumberton, and New Lisbon, N.J., and household goods, as defined by the Commission, over irregular routes, between Mount Holly, N.J., on the one hand, and, on the other, points in Delaware, Maryland, and a specified territory in Pennsylvania.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-2806; Filed, Apr. 2, 1959;
8:48 a.m.]

Lehigh Valley Railroad Company, Agent (No. 1), for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in trailers and transported on railroad flat cars from stations in New Jersey, New York and Pennsylvania to stations in Illinois, Indiana, Kentucky, Michigan, Missouri, New Jersey, New York, Ohio and Pennsylvania, also Ontario, Canada. Grounds for relief: Motor truck competition.

Tariff: Lehigh Valley Railroad Company tariff I.C.C. C-9401.

FSA No. 35326: *Sand—Southwestern points to northern and eastern points.* Filed by Southwestern Freight Bureau, Agent (No. B-7517), for interested rail carriers. Rates on sand, carloads, as described in the application from specified points in Arkansas, Missouri, and Oklahoma to specified points in Illinois, Indiana, Massachusetts, and Michigan.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 200 to Southwestern Freight Bureau tariff I.C.C. 4135.

FSA No. 35327: *Substituted service—P.R.R. for Cook Motor Lines, Inc.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 105), for The Pennsylvania Railroad Company and interested motor carriers. Rates on property loaded in highway trailers and transported on railroad flatcars between Cincinnati or Cleveland, Ohio, and Harrisburg or Philadelphia, Pa., on traffic from or to points on motor lines interterritories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. No. A-158.

FSA No. 35328: *Substituted service—P.R.R. for Motor Carriers.* Filed by The Eastern Central Motor Carriers Association, Inc. (No. 106), for The Pennsylvania Railroad Company, and interested motor carriers. Rates on property loaded in highway trailers and transported on railroad flatcars between Columbus, Ohio, and Kearny, N.J., or Harrisburg or Philadelphia, Pa., on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. No. A-158.

FSA No. 35329: *Substituted service—P.R.R. for Atlantic Freight Lines, Inc.* Filed by the Eastern Central Motor Carriers Association, Inc. (No. 107), for The Pennsylvania Railroad Company, and interested motor carriers. Rates on property loaded in highway trailers and transported on railroad flatcars between Toledo, Ohio, and Kearny, N.J., and Philadelphia, Pa.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. No. A-158.

FSA No. 35330: *Fertilizer and materials—Anaconda, Mont., to western points.* Filed by Trans-Continental Freight Bureau, Agent (No. 358), for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from Anaconda, Mont., to points in western trunk-line and southwestern territories.

Grounds for relief: Modified short-line distance formula and exceptions thereto, and market competition.

Tariff: Supplement 32 to Trans-Continental Freight Bureau tariff I.C.C. 1604.

FSA No. 35331: *Gravel—Dickason Pit, Ind., to Arthur, Ill.* Filed by Illinois Freight Association, Agent (No. 49), for and on behalf of the Chicago & Eastern Illinois Railroad Company. Rates on road surfacing gravel, carloads, from Dickason Pit, Ind., to Arthur, Ill.

Grounds for relief: Motor truck competition from wayside pit to jobsite.

Tariff: Supplement 112 to Chicago & Eastern Illinois Railroad Company tariff I.C.C. 144.

FSA No. 35332: *Gravel—Dickason Pit, Ind., to Illinois points.* Filed by Illinois Freight Association, Agent (No. 50), for and on behalf of the Chicago & Eastern Illinois Railroad Company. Rates on road surfacing gravel, carloads from Dickason Pit, Ind., to Loogootee, St. James and St. Peter, Ill.

Grounds for relief: Motor truck competition from wayside pit to jobsites.

Tariff: Supplement 112 to Chicago & Eastern Illinois Railroad Company tariff I.C.C. 144.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-2807; Filed, Apr. 2, 1959;
8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 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. 35325: *T.O.F.C. service—Lehigh Valley Railroad rates.* Filed by

CUMULATIVE CODIFICATION GUIDE—APRIL

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during April. Proposed rules, as opposed to final actions, are identified as such.

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