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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (1) of § 6.102 is amended as set out below.

§ 6.102 Department of State.

(a) *Office of the Secretary.* (1) Six Physical Science Administration Officers at GS-14 and above in the Office of the Science Adviser.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-2931; Filed, Apr. 7, 1959; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Rice Bulletin A]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Rice Price Support Program

Sec.
421.4326 Administration.
421.4327 Applicability of §§ 421.4326 to 421.4331.
421.4328 Definitions.
421.4329 Compliance requirements.
421.4330 Effect of unknowingly exceeding farm rice acreage allotment; method of determination.
421.4331 Application for review and request for reconsideration.

AUTHORITY: §§ 421.4326 to 421.4331 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 374, 52 Stat. 65, as amended; sec. 5, 62 Stat. 1072, secs. 101, 401, 408, 63 Stat. 1051, as amended, 1054, as amended, 1055, as amended, sec. 125, 70 Stat. 198; 15 U.S.C. 714c, 7 U.S.C. 1421, 1428, 1374, 1813.

§ 421.4326 Administration.

The price support program for rice will be administered by the Commodity Stabilization Service, under the general direction and supervision of the Executive Vice President, Commodity Credit Corporation, and will be carried out in the field by the State and County Agricultural Stabilization and Conservation Committees (hereinafter referred to as State and County Committees). State and county committees do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

§ 421.4327 Applicability of §§ 421.4326 to 421.4331.

Sections 421.4326 to 421.4331 state the eligibility requirements for producers of rice under the 1959 crop rice price support program with respect to compliance with rice acreage allotments, and are in addition to other regulations to be issued by the Commodity Credit Corporation governing eligibility for price support.

§ 421.4328 Definitions.

As used in the regulations in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires. The following words or phrases are defined in Part 719 of Title 7, Chapter VII, Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acreages (23 F.R. 6731), or are incorporated therein by reference to Part 718 of Title 7, Chapter VII, Determination of Acreage and Performance (22 F.R. 3747), as amended, and shall have the meaning assigned to them by such regulations: "State Committee," "State Administrative Officer," "County Committee," "Person," "Producer," "Operator," and "Farm."

(Continued on p. 2675)

CONTENTS

	Page
Agricultural Marketing Service	
Notices:	
Bruce Cartwright Livestock Auction et al.; proposed posting of stockyards.....	2693
Rules and regulations:	
Cucumbers grown in Florida; limitation of shipments.....	2678
Cucumbers; import restrictions..	2678
Agricultural Research Service	
Proposed rule making:	
Foreign cotton and covers; quarantine	2690
Agriculture Department	
See Agricultural Marketing Service; Agricultural Research Service; Commodity Credit Corporation; Commodity Stabilization Service.	
Army Department	
See also Engineers Corps.	
Notices:	
Robinson, Harry Shields; statement of change in financial interests.....	2693
Atomic Energy Commission	
Notices:	
Texas Agricultural and Mechanical College System; issuance of amendment to facility operating license.....	2694
Civil Service Commission	
Rules and regulations:	
Exceptions from competitive service; State Department....	2673
Commerce Department	
See Federal Maritime Board.	
Commodity Credit Corporation	
Rules and regulations:	
Rice; 1959-crop price support program.....	2673
Commodity Stabilization Service	
Rules and regulations:	
Peanuts; 1959 and subsequent crops; allotment and marketing quota regulations, amended.....	2677
Rice; 1959 and subsequent crops; determination of acreage allotments; reapportionment of released acreage.....	2677
Soil bank; conservation reserve program; miscellaneous amendments.....	2676



FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

Title 26, Parts 30-169 (\$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.

CONTENTS—Continued

Commodity Stabilization Service—Continued	Page
Rules and regulations—Continued	
Tobacco; burley, fire-cured, fire-cured, dark air-cured and Virginia sun-cured; 1959-60 marketing year; marketing quota regulations, amended	2676
Defense Department	
See Army Department.	

RULES AND REGULATIONS

CONTENTS—Continued

Employment Security Bureau	Page
Rules and regulations:	
Puerto Rico; Virgin Islands and State agencies; implementation of Temporary Unemployment Act	2679
Engineers Corps	
Rules and regulations:	
Detroit River, Michigan; navigation regulations	2680
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Alkima Broadcasting Co. et al	2694
Plains Broadcasting Corp (3 documents)	2695, 2696
Southbay Broadcasters	2696
South County Broadcasting Co.	2695
Voice of the New South, Inc. (WNSL), and Southland Broadcasting Co. (WLAU)	2696
Standard broadcast stations licensed for daytime operations; order extending time for filing comments on notice of inquiry	2695
Federal Maritime Board	
Notices:	
Farrell Shipping Co., Inc., and Exporters Forwarding Co., Inc.; agreement filed for approval	2698
Rules and regulations:	
Claims; miscellaneous amendments	2681
Federal Power Commission	
Notices:	
Hearings, etc.:	
American Petrofina Co. of Texas	2696
Champlin Oil & Refining Co. et al	2696
City of Bardstown, Ky.	2698
Hancock Oil Co.	2697
Kerr-McGee Oil Industries, Inc.	2698
McCain, M. F., et al	2697
Superior Oil Co. et al	2697
Federal Trade Commission	
Notices:	
Manifold Business Forms Industry; trade practice conference proceedings	2699
Interior Department	
See also Land Management Bureau.	
Notices:	
Statements of change in financial interests:	
Broadbuss, James S.	2692
Campbell, James H.	2692
Case, Arthur E.	2692
Custer, Charles M.	2693
Hieronymus, John W.	2692
Irwin, K. M.	2692
Keesling, Homer G.	2692
Oetinger, Herbert W.	2692
Porter, George A.	2692
Welch, Edward W.	2692
Ziegler, Edward F.	2692

CONTENTS—Continued

Internal Revenue Service	Page
Proposed rule making:	
Income tax; taxable years beginning after Dec. 31, 1953	2681
Tobacco materials, products and cigarette papers and tubes; losses caused by disaster	2688
Interstate Commerce Commission	
Notices:	
Motor carrier:	
Applications	2701
Transfer proceedings	2719
Proposed rule making:	
New York, N.Y., commercial zone; designation of hearing	2691
Labor Department	
See Employment Security Bureau; Wage and Hour Division.	
Land Management Bureau	
Notices:	
Alaska; proposed withdrawal and reservation of lands	2691
Colorado; order providing for opening of public lands	2691
Rules and regulations:	
Public land orders:	
Idaho	2680
Nevada	2681
Utah	2680
Maritime Administration	
Claims; miscellaneous amendments (see Federal Maritime Board).	
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
Equity Corp. et al	2700
National Land Co. of Arizona and Armed Forces Investment Fund, Inc.	2699
North American Exploration Co., Inc.	2701
Rules and regulations:	
Exemption of certain securities received upon surrender of similar equity securities	2679
Members and employees and former members and employees; conduct relating to securities transactions	2678
Small Business Administration	
Notices:	
Branch Manager, Pittsburgh, Pennsylvania; delegation of authority relating to financial assistance, procurement and technical assistance and administrative functions	2701
Treasury Department	
See Internal Revenue Service.	
Wage and Hour Division	
Rules and regulations:	
Puerto Rico; home workers in certain industries; miscellaneous amendments; correction	2680

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.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

5 CFR	Page
6-----	2673
6 CFR	
421-----	2673
485-----	2676
7 CFR	
725-----	2676
729-----	2677
730-----	2677
1015-----	2678
1070-----	2678
<i>Proposed rules:</i>	
319-----	2690
17 CFR	
203-----	2678
240-----	2679
20 CFR	
613-----	2679
26 (1954) CFR	
<i>Proposed rules:</i>	
1-----	2681
296-----	2688
29 CFR	
681-----	2680
33 CFR	
207-----	2680
43 CFR	
<i>Public land orders:</i>	
338 (modified and revoked in part by PLO 1828)-----	2681
1485 (modified by PLO 1828)---	2681
1826-----	2680
1827-----	2680
1828-----	2681
46 CFR	
370-----	2681
49 CFR	
<i>Proposed rules:</i>	
170-----	2691

(a) "Rice acreage allotment" means the 1959 rice acreage allotment established for the farm in accordance with Part 730 of Title 7, Chapter VII, Regulations for the Determination of Rice Acreage Allotments for the 1959 and Subsequent Crops of Rice (7 CFR 730.1010 to 730.1035, 23 F.R. 8528), and any amendments thereto.

(b) "Rice acreage" means rice acreage as defined in Part 730 of Title 7, Chapter VII, Regulations for the Determination of Rice Acreage Allotments for the 1959 and Subsequent Crops of Rice (7 CFR 730.1010 to 730.1035, 23 F.R. 8528), and any amendments thereto.

(c) "Excess rice acreage" means the rice acreage determined for the farm which is in excess of the farm rice acreage allotment.

§ 421.4329 Compliance requirements.

A producer shall not be eligible for price support on rice produced in 1959 unless the 1959 rice acreage on the farm on which such rice is produced is not in excess of the rice acreage allotment: *Provided*, That if a producer has an interest in the 1959 rice crop produced on any other farm in the same county, he must also be entitled to receive a marketing certificate for each such farm in order to be eligible for price support. Where a producer is engaged in the production of rice in more than one county (in the same State or in two or more States) and the State or county committee has determined to apply the requirements of 7 CFR 730.967(c) (23 F.R. 2897), and any amendments thereto, to such multiple farm producer, he must be entitled to receive a marketing certificate for each such farm, wherever situated, in order for the producer to be eligible for price support on his 1959 crop of rice. Rice produced in violation of a restrictive lease on federally owned land or produced on any newly irrigated or drained lands within any Federal irrigation or drainage project as provided in section 211 of the Agricultural Act of 1956 shall not be eligible for price support.

§ 421.4330 Effect of unknowingly exceeding farm rice acreage allotment; method of determination.

The rice acreage on a farm shall not be deemed to be in excess of the rice acreage allotment for the purpose of price support unless the operator knowingly exceeded such allotment. If the rice acreage allotment is in fact exceeded, such allotment shall be considered as having been knowingly exceeded unless the operator of the farm establishes to the satisfaction of the county committee in accordance with paragraph (a), (b), or (c) of this section that he has not knowingly exceeded his allotment and the determination of the county committee is approved on review by the State committee. The State administrative officer may act in behalf of the State committee with respect to review of determinations under paragraphs (a) and (b) of this section.

(a) *Erroneous notice of acreage allotment.* The rice acreage allotment for the farm will not be considered to be knowingly exceeded in any case where through error in a county or State office the farm operator was officially notified in writing of a rice acreage allotment for the 1959 crop which was larger than the finally approved acreage allotment, and farm operator or any producer on the farm acting solely on the information contained in the erroneous notice planted an acreage to rice in excess of the finally approved acreage allotment, and where the other conditions of this paragraph are satisfied. The determination of eligibility for price support for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to rice on the farm is adjusted to the allotment contained

in the erroneous notice within the time limits for disposal of excess acreages provided in 7 CFR 730.955(b) (23 F.R. 2897), and any amendments thereto, the farm will not be considered to be overplanted. Before the farm operator or any producer on the farm can be said to have relied upon the erroneous notice, the circumstances must have been such that he had no cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of rice customarily planted; and all other pertinent facts should be taken into consideration.

(b) *Erroneous notice of measured acreage.* The rice acreage allotment for the farm will not be considered to be knowingly exceeded in any case where (1) the lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued in accordance with applicable regulations; (2) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; (3) the incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the allotment crop acreage for the farm; (4) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (5) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

(c) *Failure to measure acreage or notify operator.* The rice acreage allotment for the farm will not be considered to be knowingly exceeded in any case where through no fault of the farm operator or any producer on the farm the rice acreage was not measured or the farm operator was not notified of the measured acreage in time to dispose of the excess acreage prior to the final date for the disposition of excess acreage: *Provided*, That the excess acreage was relatively small and the farm operator establishes that because of the relative smallness of the excess and the unavailability to him of any recent measurements of the field acreages on the farm, he had no reason to believe the rice acreage was in excess of the farm acreage allotment. Nothing in this paragraph (c) shall affect any producer's liability for penalties on excess rice determined under the rice marketing quota regulations for 1958 and subsequent crop years (7 CFR 730.950 to 730.995; 23 F.R. 2897), and any amendments thereto.

§ 421.4331 Application for review and request for reconsideration.

Any producer who is dissatisfied with any determination with respect to compliance with his rice acreage allotment may, within 15 days after the date of mailing to him Form MQ-24-1, "Notice of Farm Acreage Allotment and Marketing Quota," or Form MQ-93-Rice, "Notice of Farm Marketing Quota and

Farm Marketing Excess of Rice," file a written application for review of such determination by a review committee: *Provided*, That such application for review is based on a determination which the producer has the right to have reviewed under 7 CFR 711.13 (21 F.R. 9365), and any amendments thereto. Unless application for review is made within such 15-day period, such determination shall be final.

Issued this 2d day of April 1959.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-2954; Filed, Apr. 7, 1959;
8:53 a.m.]

SUBCHAPTER D—REGULATIONS UNDER SOIL
BANK ACT

[Amdt. 31]

PART 485—SOIL BANK

Subpart—Conservation Reserve
Program

MISCELLANEOUS AMENDMENTS

The regulations governing the conservation reserve part of the Soil Bank Program, 21 F.R. 6289, as amended, are hereby further amended as follows:

1. Section 485.156(b) is amended by striking out in the fifth sentence the words "or any subsequent year" immediately following "1958".

2. Section 485.185 is amended as follows:

(a) Paragraph (d) is redesignated as paragraph (e).

(b) A new paragraph (d) is inserted immediately after paragraph (c) as follows:

(d) One of the producers required to sign the contract must sign and file it at the county office within 15 days from the date of written notice by the county committee to the operator or applicant that the contract is ready for signature, but not after April 15 (or such later date as may be authorized for a State by the Administrator, CSS, which date the producer may obtain at the county office) of the first year of the contract period. All other producers required to sign the contract must sign it within 30 days after the date it is filed. However, if one of the producers required to sign the contract signs and files it with the county committee after 15 days from the date of the county committee's written notice to the operator or applicant that the contract is ready for signature (but before the established closing date) and the county committee determines that the failure of the producer to file the contract within the time prescribed was not due to his fault or negligence, and all the other producers required to sign the contract sign it within 30 days after the date it is filed, or if not within 30 days, the county committee determines that the failure to sign within the time prescribed was not due to the fault or negligence of the producers, the contract may be approved: *Provided*, That funds are available after covering the contracts of other producers in the county who, hav-

ing been notified (prior to the date of approval of the late-filed contract) that their applications are acceptable, enter into contracts within the prescribed time limits. The State committee may, however, in order to prevent undue hardship, authorize the county committee to approve a contract signed after the established closing date, if because of misinformation or misunderstanding, the producers were under the impression that they had signed and filed a contract, or did not realize that they had to sign and file a contract by the date specified: *Provided*, That funds are available after covering the contracts of other producers in the county who, having been notified (prior to the date of approval of the late-filed contract) that their applications are acceptable, enter into contracts within the prescribed time limits.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 3d day of April 1959.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-2955; Filed, Apr. 7, 1959;
8:53 a.m.]

Title 7—AGRICULTURE

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

[1023—Allotments—(Burley, Flue, Fire, Air, Sun-59)—1]

PART 725 — BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

Marketing Quota Regulations, 1959-60 Marketing Year, Amended

The changes involved in this amendment are based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311-15).

The purpose of this amendment is to grant relief to Florida farmers who have flue-cured tobacco allotments and who are prevented from planting allotment tobacco by excessive rains which have caused the flooding of the Suwannee River and other streams. It is hereby determined that (1) such excessive rains and the flooding of said river and streams have created a disastrous condition for numerous flue-cured tobacco farmers, (2) many of the farmers affected will be unable to plant any of their 1959 tobacco allotment on the farm for which they have an allotment, and irreparable damage will result to a large number of farmers unless this amendment is issued, and (3) the transfers provided herein will facilitate the operation of the flue-cured marketing quota program for 1959.

Since the normal time for planting tobacco in Florida will soon be past and since many farmers in Florida are unable to plant flue-cured tobacco on their farms for which flue-cured tobacco allotments have been determined because

of excessive rainfall, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable, and contrary to the public interest. Therefore, the amendment contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

The marketing quota regulations for burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco for the 1959-60 marketing year (23 F.R. 5329, 7878) are amended in the following respects:

Section 725.1020, including the heading thereof, as amended, is amended to read as follows:

§ 725.1020 Reallocation of allotments determined for farms acquired by an agency having right of eminent domain, and transfer of allotments for flooded farms in Florida.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 725.1022 for determining normal yields for reconstituted farms:

(b) Notwithstanding any other provision of these regulations, the county committee for any county in Florida may, upon determining excessive rain is preventing the timely planting or replanting of flue-cured tobacco on a farm in the county which has a 1959 allotment for such tobacco, transfer to another farm that part of the flue-cured tobacco allotment for the farm which is necessary to enable the operator to grow that part of the allotment he is so prevented from planting or replanting. Such transfer shall be subject to: (1) The operator using the same labor, work stock and equipment on the other farm as he uses or would have used on the farm for which the allotment was determined; and (2) the tobacco planted on that part of the allotment transferred being planted, harvested and marketed separate and apart from any other tobacco grown on the same farm. Any violation of these conditions shall render void any transfer made under this paragraph, and any tobacco not grown on the farm for which the allotment was originally established shall be excess tobacco. Upon the determination of the harvested acreage of tobacco, any allotment transferred under this paragraph and the acreage grown and harvested pursuant thereto shall be transferred back to the farm from which the allotment was transferred. The transfer of allotments provided for in this paragraph shall be made upon application by the operator desiring the transfer on a form approved by the Secretary which shall include the operator's agreement to comply with the conditions contained in this paragraph, a designation of the farm to which the allotment is to be transferred, and the operator's repre-

sentation that he is unable to plant allotment tobacco because of all available cropland on his farm being waterlogged.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; 7 U.S.C. 1313)

Done at Washington, D.C., this 3d day of April 1959. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-2956; Filed, Apr. 7, 1959; 8:54 a.m.]

[Amtd. 1]

PART 729—PEANUTS

Allotment and Marketing Quota Regulations for Peanuts of 1959 and Subsequent Crops

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of amending §§ 729.1024 (a) and (b) and 729.1053 of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515). Section 729.1024(a) is amended by eliminating an erroneous reference to § 729.1021, and § 729.1024(b) is amended to provide that any acreage allotment which is released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract, or for which an application for a Conservation Reserve Contract is pending, shall not be reapportioned by the county committee to any other farm. Section 729.1053 is amended to show a corrected date on which interest begins to accrue on certain unpaid peanut marketing quota penalties and to prescribe the order of priority of the lien for unpaid peanut marketing quota penalties.

As this amendment affects peanut farmers as of the time of preparation for the production of the 1959 crop of peanuts and as peanut farmers in the southernmost parts of the peanut-producing areas are currently making preparations for the production of the 1959 crop, such amendment should be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1001-1011) is impracticable and contrary to the public interest and the amendments specified below shall become effective upon the filing of this document with the Director, Division of the Federal Register.

The Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515) are hereby amended as follows:

§ 729.1024 Release and reapportionment.

(a) *Release of acreage allotments.* Any part of the acreage allotted for the current year to an individual farm in any county under the provisions of

§ 729.1018 on which peanuts will not be produced and which the operator of the farm voluntarily surrenders in writing to the county committee by a closing date established by the State committee, which shall not be earlier than March 1 or later than July 1 of the current year, shall be deducted from the allotment to such farm. If any part of the farm allotment is permanently released (i.e., for the current year and all subsequent years), such release shall be in writing and signed by the owner and operator of the farm. If the entire current year farm allotment is permanently released, the farm shall not thereafter during the current year be eligible for a farm allotment as either an old farm or as a new farm, and the farm peanut history acreages and farm allotments for the current year and prior years shall not be considered in establishing an allotment for the farm for any subsequent year.

(b) *Reapportionment of released acreage allotment.* The farm allotments released under paragraph (a) of this section may be reapportioned by the county committee, to other farms in the same county receiving allotments, in amounts determined by the county committee to be fair and reasonable on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts; except that, any acreage allotment released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract or for which an application is pending for a Conservation Reserve Contract, shall not be reapportioned by the county committee to any other farm. Such reapportionment shall be made on the basis of applications filed on Form MQ-30 by farm owners or operators with the county committee not later than a closing date established by the State committee, which shall not be earlier than March 1 or later than July 15 of the current year.

§ 729.1053 Payment of penalty.

(a) A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, or interest thereon, but any such draft or check shall be received subject to collection and payment at par. With respect to penalties which were due and unpaid on May 28, 1956, the person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of six percent per annum from such date until paid; with respect to other penalties the person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of six percent per annum from the date the penalty becomes due until the date of payment of such penalty. For purposes of this section such other penalties become due as follows:

(1) Within two calendar weeks following the week in which peanuts are marketed subject to penalty. If the buyer of such peanuts does not remit the penalty within this period interest shall begin to accrue on Monday of the third calendar week following the week in

which the peanuts were marketed; or, as to any other case;

(2) Two weeks from the date of written notice to the producer, or buyer of the amount of any penalty owed including but not limited to (i) penalties resulting from violation of a Form MQ-92, Agreement, and (ii) penalties determined on the basis of normal yield (cases involving failure to account for disposition or false identification of peanuts).

(b) Until any penalty is paid, a lien on the crop of peanuts with respect to which such penalty is incurred, and on any subsequent crop of peanuts subject to marketing quotas in which the person liable for payment of the penalty has an interest shall be in effect in favor of the United States. Such lien takes precedence over any other lien on the current crop and as to subsequent crops takes precedence as of the time the debt secured is entered on a county debt record in the ASC county office for the county in which the subsequent crop is grown. Each ASC county office shall maintain a list of such liens on subsequent crops which have been entered on the county debt record which list shall be available for examination upon written request by an interested person.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies secs. 358, 359, 55 Stat. 88, as amended, 90, as amended, sec. 115, 70 Stat. 196; 7 U.S.C. 1358, 1359, 1803)

Done at Washington, D.C., this 2d day of April 1959. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-2930; Filed, Apr. 7, 1959; 8:49 a.m.]

[Amtd. 3]

PART 730—RICE

Subpart—Regulations for the Determination of Rice Acreage Allotments for 1959 and Subsequent Crops of Rice

REAPPORTIONMENT OF RELEASED ACREAGE

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to provide for the use of an application in the State of California for reapportioning released rice acreage, pursuant to authority provided in § 730.1024 of the regulations for the determination of rice acreage allotments for the 1959 and subsequent crops of rice.

Since rice acreage allotments are now being released to county committees for reapportionment, it is imperative that this requirement be announced as soon as possible. Accordingly, it is hereby found that compliance with the public notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and contrary to the public interest, and this amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

Section 730.1024(b) is amended by adding to the end of such paragraph the following sentence: "Since the California State committee has determined that an application in writing is necessary before the county committee may consider re-apportioning released acreage to a farm, only those farms for which a Form MQ-30, "Application for Increase in Farm Acreage Allotments from Released Acreage" is timely filed shall be given consideration when reappportioning released acreage in the State."

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply sec. 353, 52 Stat. 61; 7 U.S.C. 1353)

Issued this 2d day of April 1959.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-2929; Filed, Apr. 7, 1959;
8:49 a.m.]

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

SUBCHAPTER A—MARKETING ORDERS

[1015.302 Amdt. 4]

PART 1015—CUCUMBERS GROWN IN FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015) regulating the handling of cucumbers grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 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 Florida Cucumber Committee, established pursuant to said Marketing Agreement and Order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date specified (5 U.S.C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cucumbers, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of the handlers which cannot be completed by the effective date, (iv) reasonable time is permitted under the circumstances for such

preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order, as amended.* The provisions of § 1015.302(b) (1), and (3) (i) (23 F.R. 7836, 8655, 9171, 9873) are hereby amended to read as follows:

(1) *Grade.* (i) During the period April 7, 1959, to July 31, 1959, no person may handle cucumbers, except for conversion into pickles or relishes, unless the cucumbers meet the requirements of the U.S. No. 1, or better, grade (which includes the U.S. Fancy, U.S. Extra No. 1, U.S. No. 1, U.S. No. 1 Small, or U.S. No. 1 Large grades); and

(ii) During the period November 10, 1958, through July 31, 1959, both dates inclusive, the requirements of this subparagraph, except for decay, shall not be applicable to cucumbers of the Kirby, MR 17, and other pickling type cucumbers of similar varietal characteristics.

(3) *Pack and marketing requirements.*

(i) No person may handle cucumbers unless the cucumbers are so packed that they meet the grade requirements of this section and one of the applicable pack specifications established in § 1015.101 (23 F.R. 1168). Each container of cucumbers in each lot, or portion of a lot, shall be marked or stamped to show the U.S. grade applicable to such lot pursuant to the pack specifications established in § 1015.101 and as certified by the Federal-State Inspection Service. The marking or stamping shall be in letters at least one-half inch and so placed on each container as to be conspicuous and legible. Any U.S. grade marks on containers that conflict with the U.S. grade applicable to the cucumbers packed therein shall be obliterated.

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

Dated: April 2, 1959, to become effective April 7, 1959.

[SEAL]

S. R. SMITH,
Director,

Fruit and Vegetable Division.

[F.R. Doc. 59-2925; Filed, Apr. 7, 1959;
8:49 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Cucumber Reg., Amdt. 3]

PART 1070—CUCUMBERS

Import Restrictions

Pursuant to the requirements contained in section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), paragraph (b) of § 1070.2 *Cucumber Regulation No. 2* (23 F.R. 8656, 9172, 9875) is hereby amended to read as follows:

(b) *Import restrictions.* (1) During the period from April 13, 1959, through July 31, 1959, no person may import cucumbers unless the cucumbers meet the requirements of the U.S. No. 1, or

better, grade (which includes the U.S. Fancy, U.S. Extra No. 1, U.S. No. 1, U.S. No. 1 Small, or U.S. No. 1 Large grades) and (2) During the period from November 10, 1958, through July 31, 1959, the requirements of this paragraph, except for decay, shall not be applicable to cucumbers of the Kirby, MR 17, and other pickling type cucumbers of similar varietal characteristics.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment beyond the date specified (5 U.S.C. 1001 et seq.) in that (i) the requirements established by this amended import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), which make such amended regulation mandatory; (ii) the regulations hereby established for cucumbers that may be imported into the United States comply with grade, size, quality and maturity restrictions imposed upon domestic cucumbers under Marketing Agreement No. 118 and Order No. 115 (7 CFR 1015.302; 23 F.R. 7836, 8655, 9171, 9873); (iii) compliance with this amended cucumber import regulation should not require any special preparation by importers which cannot be completed by the effective date hereof; and (iv) notice hereof is hereby determined to be reasonable in accordance with the requirements of the act and is in excess of the minimum period of three days specified in the act.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c. Interpret or applies sec. 401, 68 Stat. 906, 1047; 7 U.S.C. 608e)

Dated: April 2, 1959, to become effective April 13, 1959.

[SEAL]

S. R. SMITH,
Director,

Fruit and Vegetable Division.

[F.R. Doc. 59-2926; Filed, Apr. 7, 1959;
8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 203—CONDUCT OF MEMBERS AND EMPLOYEES AND FORMER MEMBERS AND EMPLOYEES OF THE COMMISSION

Securities Transactions

The Securities and Exchange Commission has revised § 203.3(o) (Rule 3(o)) of its regulation regarding conduct of members and employees and former members and employees of the Commission. The Commission deems this revision to be included within the exception in section 4(a) of the Administrative Procedure Act applicable among other things, to "rules of agency organization, procedure or practice," and deems notice and public procedures of the

character specified in that section to be unnecessary. The Commission deems that the revision is not subject to the provision of section 4(c) of the Administrative Procedure Act relating to the effective date of substantive rules.

Statutory basis. This revision is adopted pursuant to the authority conferred upon the Commission by the various statutes administered by it, particularly section 19(a) of the Securities Act of 1933, section 23(a) of the Securities Exchange Act of 1934, section 20(a) of the Public Utility Holding Company Act of 1935, section 319 of the Trust Indenture Act of 1939, section 38(a) of the Investment Company Act of 1940, and section 211(a) of the Investment Advisers Act of 1940.

The revised text of § 203.3(o) (Rule 3(o)) of the regulation regarding conduct of members and employees and former members and employees of the Commission follows:

§ 203.3 Securities transactions.

(o) Any member or employee who is a trustee or other fiduciary or a beneficiary of a trust or estate holding securities not exempted by paragraph (n) of this section shall report the existence and nature of such trust or estate to the Director of Personnel. The transactions of such trust or estate shall be subject to all the provisions of this section except in situations where the member or employee is solely a beneficiary and has no power to control, and does not in fact control or advise with respect to, the investments of the trust or estate, and except to the extent that the Commission shall otherwise direct in view of the circumstances of the particular case.

(Secs. 19, 23, 48 Stat. 85, as amended, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 77sss, 78w, 79t, 80a-37, 80b-11)

The foregoing rule shall become effective April 1, 1959.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-2915; Filed, Apr. 7, 1959; 8:48 a.m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Exemption of Certain Securities Received Upon Surrender of Similar Equity Securities

The Securities and Exchange Commission has adopted a new rule under section 16(b) of the Securities Exchange Act of 1934. This section of the Act provides that profits obtained by certain holders of the stock of a listed company from purchases and sales, or sales and purchases, of any equity securities of such company (other than exempt securities) within any 6 months period may be recovered by the company or by any security holder on its behalf.

The new rule, designated § 240.16b-8 (Rule 16b-8), exempts from section

16(b) under certain conditions the receipt from an issuer of shares of stock having general voting power and registered on a national securities exchange upon the surrender of an equal number of shares of stock of the same issuer which do not have such voting power and are not so registered, where the transaction is effected pursuant to the provisions of the issuer's certificate of incorporation for the purpose of making an immediate sale of the shares so received.

The conditions of the rule, briefly summarized, are that the transaction is not effected by an officer or director of the issuer or a person who was a beneficial owner immediately prior to the transaction of more than ten percent of a registered equity security of the issuer; that the shares surrendered and the shares received are freely transferable and entitle the holders thereof to participate equally per share in all distributions of earnings and assets; that the shares received must be registered upon issuance in the name of a person or persons other than the holder of the shares surrendered and may be issued as of right only in connection with the public offering, sale and distribution or gift of such shares; and that no shares of the class surrendered or any other shares of the class received are acquired, by the person effecting the transaction, within six months before or after the date of the transaction.

The text of the rule is as follows:

§ 240.16b-8 Exemption from section 16(b) of certain securities received upon surrender of similar equity securities.

Any receipt by a person from an issuer of shares of stock of a class having general voting power and registered on a national securities exchange, upon the surrender by such person of an equal number of shares of stock of the issuer of a class which does not have general voting power and which is not so registered, pursuant to provisions of the issuer's certificate of incorporation, for the purpose of and accompanied simultaneously or followed immediately by the sale of the shares so received, shall be exempt from the operation of section 16(b) as a transaction not comprehended within the purpose of said subsection, if the following conditions exist:

(a) The person so receiving such shares is not an officer or director, or the beneficial owner, directly or indirectly, immediately prior to such receipt, of more than ten percent of a registered equity security of the issuer;

(b) The shares surrendered and the shares issued upon such surrender shall be of classes which are freely transferable and entitle the holders thereof to participate equally per share in all distributions of earnings and assets;

(c) The surrender and issuance are made pursuant to provisions of a certificate of incorporation which require that the shares issued upon such surrender shall be registered upon issuance in the name of a person or persons other than the holder of the shares surrendered and may be required to be issued as of right only in connection with the public offer-

ing, sale and distribution of such shares and the immediate sale by such holder of such shares for that purpose, or in connection with a gift of such shares;

(d) Neither the shares so surrendered nor any shares of the same class, nor other shares of the same class as those issued upon such surrender, have been or are acquired by the person surrendering such shares within six months before or after the date of such surrender or issuance.

(Secs. 19, 23, 48 Stat. 85, as amended, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 77sss, 78w, 79t, 80a-37, 80b-11)

The foregoing action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 16(b) and 23(a) thereof. The new rule, being one granting an exemption, shall become effective immediately upon adoption Monday, March 30, 1959.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-2916; Filed, Apr. 7, 1959; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 613—REGULATIONS TO IMPLEMENT THE TEMPORARY UNEMPLOYMENT COMPENSATION ACT OF 1958; RESPONSIBILITIES OF PUERTO RICO, THE VIRGIN ISLANDS AND STATE AGENCIES

Miscellaneous Amendments

Section 101(a)(1) of the Temporary Unemployment Compensation Act of 1958 (72 Stat. 171) provided for unemployment compensation to individuals who had exhausted their regular benefits under other laws, but it further provided that no payments would be made for weeks of unemployment after April 1, 1959. This section has recently been amended by Public Law 86-7, to extend such temporary unemployment compensation for weeks of unemployment beginning before July 1, 1959. The amendment further provides that persons eligible for the extended benefits must have exhausted their regular benefits prior to April 1, 1959, and must have filed a first claim for compensation in a State, prior to certain specified dates. Accordingly, 20 CFR, Part 613, which implements the Temporary Unemployment Compensation Act of 1958, must be amended to reflect the changes effected by Public Law 86-7. An editorial change in this part is also required to designate Alaska as a State rather than as a Territory.

Therefore under the authority of section 207 of the Temporary Unemployment Compensation Act of 1958 (72 Stat. 176), and in accordance with section 3 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1002), 20 CFR Part 613 is hereby amended as follows:

RULES AND REGULATIONS

1. Paragraph (a) of § 613.1 is amended to read as follows:

(a) "Act" means the Temporary Unemployment Compensation Act of 1953, as amended by Public Law 86-7.

2. Paragraph (k) of § 613.1 is amended to read as follows:

(k) "State" includes the 49 States, the Territory of Hawaii and the District of Columbia.

3. Section 613.2 is amended by deleting the last sentence and inserting in lieu thereof the following: "Compensation under the Act shall be payable to an individual for weeks of unemployment beginning on or after April 1, 1959, only if he exhausted all rights under an unemployment compensation law prior to April 1, 1959, and if his first claim under this Act was filed prior to April 1, 1959, in a State in which unemployment compensation is paid on the basis of flexible weeks, prior to April 5, 1959, in a State in which unemployment compensation is paid on the basis of calendar weeks, or prior to April 7, 1959, in a State in which unemployment compensation is paid on the basis of statutory or payroll weeks. Compensation shall not be paid for weeks of unemployment which begin on or after July 1, 1959."

4. Subparagraph (4), paragraph (a) of § 613.7 is amended to read as follows:

(4) Has not exhausted his rights in accordance with § 613.3, or who exhausted his rights after March 31, 1959, or

5. Subparagraph (5), paragraph (a) of § 613.7 is hereby renumbered subparagraph (6).

6. A new subparagraph (5), paragraph (a) of § 613.7 is added to read as follows:

(5) Filed a first claim after March 31, 1959, in a flexible-week State, after April 4, 1959, in a calendar-week State, or after April 6, 1959, in a statutory or payroll-week State.

(Sec. 207, 72 Stat. 176. Interpret or apply sec. 101, 72 Stat. 171 as amended by Public Law 86-7)

Inasmuch as this part relates to public grants or benefits, it is excepted from section 4 of the Administrative Procedure Act, and this amendment shall take effect on publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 3d day of April 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-2997; Filed, Apr. 7, 1959; 8:55 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division,
Department of Labor

PART 681—HOME WORKERS IN CERTAIN INDUSTRIES IN PUERTO RICO

Correction

In F.R. Doc. 59-2829, appearing at page 2585 of the issue for Friday, April 3,

1959, the next to last paragraph should read:

This amendment shall become effective on May 4, 1959.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers,
Department of the Army

PART 207—NAVIGATION
REGULATIONS

Detroit River, Michigan

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.510 is hereby amended with respect to paragraphs (c) (4) and (f) (2) to permit two-way traffic in Livingstone Channel and in the channel west of Detroit River Light and to prohibit the anchoring of vessels so as to block the entrance to the Short Cut Canal to the Rouge River, Michigan, as follows:

§ 207.510 Connecting waters of the Great Lakes from Lake Huron to Lake Erie; use, administration, and navigation.

(c) Routes. * * *

(4) Lower Detroit River south of Livingstone Channel Upper-Entrance Light. Downbound vessels shall navigate the Livingstone Channel (west of Bois Blanc Island) except that downbound passenger vessels may use the Amherstburg Channel (east of Bois Blanc Island) and except as hereinafter provided. Deep laden vessels shall enter Lake Erie through the channel east of Detroit River Light, but downbound vessels of moderate draft may enter Lake Erie through the old channel west of Detroit River Light. Upbound vessels shall enter from Lake Erie by the way of the channel east of Detroit River Light and shall use the Amherstburg Channel, except that during the winter navigation season two-way traffic will be allowed in Livingstone Channel and in the Channel west of Detroit River Light. The conditions for use of these downbound channels, including the opening and closing dates for two-way traffic, will be established each year by the District Engineer, U.S. Army Engineer District, Detroit.

(f) Obstruction of traffic. * * *

(2) No vessel shall anchor within the limits of any of the improved channels or in such a position as to block the entrance to the Short Cut Canal to the Rouge River except in distress or under stress of weather. Any vessel so anchored shall be moved as quickly as possible to such anchorage as will leave the channel clear for passage of vessels.

[Regs., March 20, 1959, 285/91 (Detroit River, Mich.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

[SEAL]

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

[F.R. Doc. 59-2903; Filed, Apr. 7, 1959; 8:46 a.m.]

Title 43—PUBLIC LANDS:
INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1826]

[80081]

IDAHO

Order Opening Public Lands

In an order of September 18, 1958, published in the FEDERAL REGISTER of September 24, 1958, at page 7437, as Power Site Cancellation No. 129, the Geological Survey cancelled Power Site Classification No. 190 of November 5, 1927, so far as that order affects the following described lands, pursuant to the determination of the Federal Power Commission in DA-514-Idaho, issued August 5, 1958:

BOISE MERIDIAN

T. 2 N., R. 43 E.,
Sec. 17, E½NW¼NW¼, E½W½NW¼
NW¼ and SE¼NW¼.

The areas described aggregate 70 acres. Until further notice the lands shall be subject only to application by the State of Idaho for selection, under and pursuant to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851-852), and to application for the reservation to it, or to any of its political subdivisions, of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended. Except as to prior existing valid settlement rights and preference rights conferred by existing law other than the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C. 282) as amended, or as to equitable claims subject to allowance and confirmation, they will not be subject to application, petition, location, selection, or to any other appropriations under any other public land law, including the mining and mineral leasing laws, unless and until a further order is issued by an appropriate officer of the Bureau of Land Management.

ROGER ERNST,

Assistant Secretary of the Interior.

APRIL 2, 1959.

[F.R. Doc. 59-2910; Filed, Apr. 7, 1959; 8:47 a.m.]

[Public Land Order 1827]

[Utah 011026]

UTAH

Withdrawing Lands for Use of the
Atomic Energy Commission

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands in Utah are hereby withdrawn from all forms of appropriation under the public land laws including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Atomic Energy Commission in connection with the stockpiling of uranium-bearing ores.

SALT LAKE MERIDIAN

Unsurveyed: Beginning at a point marked by a brass cap set in concrete and scribed "AEC 1957 SW Cor" which point is located North 4,620 feet and West 330 feet from the Northwest corner of Section 16, T. 35 S., R. 15 E.; thence North 1,980 feet to a brass cap set in concrete scribed "AEC 1957 NW Cor"; thence East 2,310 feet to a brass cap set in concrete scribed "AEC 1957 NE Cor"; thence South 1,980 feet to a brass cap set in concrete scribed "AEC 1957 SE Cor"; thence West 2,310 feet to the point of beginning, being an unsurveyed area which, if surveyed, would be described approximately as follows:

- T. 35 S., R. 15 E.,
- Sec. 4, $W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$;
- Sec. 5, $E\frac{1}{2}E\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$;
- Sec. 8, $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$;
- Sec. 9, $NW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$.

The areas described aggregate 105 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 2, 1959.

[F.R. Doc. 59-2911; Filed, Apr. 7, 1959; 8:47 a.m.]

[Public Land Order 1828]

[2052801; Nevada 045218]

NEVADA

Modifying Public Land Orders Nos. 338 and 1485 To Permit Grant of a Right-of-Way; Reserving Lands for Department of the Army in Connection With an Army Reserve Training Center; Partly Revoking Public Land Order No. 338 of January 7, 1947

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 338 of January 7, 1947, which reserved the $SE\frac{1}{4}SW\frac{1}{4}$ of sec. 1, T. 21 S., R. 61 E., Mount Diablo Meridian, for use of the Bureau of Land Management as an administrative site, and Public Land Order No. 1485 of September 9, 1957, which reserved the $E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$ of said section 1 for use of the Department of the Army as an Army Reserve Training Center, at the same time revoking Public Land Order 338 pro tanto, are hereby modified to the extent necessary to permit the grant of a highway right-of-way made by section 2477, United States Revised Statutes (43 U.S.C. 932), to attach to a strip 75 feet wide along the

south boundary, a strip 30 feet wide along the east and west boundaries, and a strip 40 feet wide along the north boundary of the said $SE\frac{1}{4}SW\frac{1}{4}$ of sec. 1, T. 21 S., R. 61 E., M.D.M.

2. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Department of the Army as an addition to the area reserved by Public Land Order No. 1485, for an Army Reserve Training Center:

MOUNT DIABLO MERIDIAN

- T. 21 S., R. 61 E.,
- Sec. 1, $W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, the east 30 feet thereof.

Provided, That, the reservation made by this paragraph shall not interfere with the grant of a right-of-way provided by paragraph 1 of this order.

3. Public Land Order No. 338 of January 7, 1947, is hereby revoked so far as it affects the 30-foot strip described in paragraph 2 hereof.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 2, 1959.

[F.R. Doc. 59-2912; Filed, Apr. 7, 1959; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

[Amdt. 1]

PART 370—CLAIMS

Miscellaneous Amendments

Subpart A is hereby amended by deleting paragraph (d) of § 370.4, and by adding the following new section:

§ 370.5 Claims under operating-differential subsidy contracts.

(a) Claims arising under operating-differential subsidy contracts shall not be denied for the reason that they are time-barred, so long as any such claim is being diligently processed in accordance with relevant general orders, including, without limitation, General Orders 20, 74, and 78.

(b) Claims arising under operating-differential subsidy contracts will be paid without requiring a release of other claims arising under the same contract and although a suit is pending which arose under the same contract, unless otherwise determined by the Maritime Administrator.

By order of the Maritime Administrator.

Dated: April 2, 1959.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-2952; Filed, Apr. 7, 1959; 8:53 a.m.]

**PROPOSED
RULE MAKING**

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) and section 63 of the Technical Amendments Act of 1958 (72 Stat. 1649).

[SEAL] CHARLES I. FOX,
Acting Commissioner
of Internal Revenue.

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby prescribed under section 1361 of the Internal Revenue Code of 1954 and under section 63 of the Technical Amendments Act of 1958:

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|-----------|--|
| Sec. | Statutory provisions. |
| 1.1361 | |
| 1.1361-1 | Unincorporated business enterprises electing to be taxed as domestic corporations. |
| 1.1361-2 | Qualifications. |
| 1.1361-3 | Code provisions applicable. |
| 1.1361-4 | Pension or profit-sharing plan. |
| 1.1361-5 | Election irrevocable. |
| 1.1361-6 | Change of ownership of 20 percent or more. |
| 1.1361-7 | Imposition of taxes on section 1361 corporation. |
| 1.1361-8 | Personal holding company income. |
| 1.1361-9 | Computation of taxable income. |
| 1.1361-10 | Distributions other than in liquidation. |
| 1.1361-11 | Distributions in liquidation. |

- Sec.
 1.1361-12 Organizations and reorganizations.
 1.1361-13 Basis.
 1.1361-14 Records, statements, and returns.
 1.1361-15 Revocation of election and tolling of statute of limitations.

§ 1.1361 Statutory provisions; unincorporated business enterprises electing to be taxed as domestic corporations.

Sec. 1361. *Unincorporated business enterprises electing to be taxed as domestic corporations*—(a) *General rule.* Subject to the qualifications in subsection (b), an election may be made, in accordance with regulations prescribed by the Secretary or his delegate, not later than 60 days after the close of any taxable year of a proprietorship or partnership owning an unincorporated business enterprise, by the proprietor or all the partners, owning an interest in such enterprise at any time on or after the first day of the first taxable year to which the election applies or of the year described in subsection (f), to be subject to the taxes described in subsection (h) as a domestic corporation for such year and subsequent years.

(b) *Qualifications.* The election described in subsection (a) may not be made with respect to an unincorporated business enterprise unless at all times during the period on or after the first day of the first taxable year to which the election applies or of the year described in subsection (f), as the case may be, and on or before the date of election—

(1) Such enterprise is owned by an individual, or by a partnership consisting of not more than 50 individual members;

(2) No proprietor or partner having more than a 10 percent interest in profits or capital of such enterprise is a proprietor or a partner having more than a 10 percent interest in profits or capital of any other unincorporated business enterprise taxable as a domestic corporation;

(3) No proprietor or partner of such enterprise is a nonresident alien or a foreign partnership; and

(4) Such enterprise is one in which capital is a material income producing factor, or 50 percent or more of the gross income of such enterprise consists of gains, profits, or income derived from trading as a principal or from buying and selling real property, stock, securities, or commodities for the account of others.

(c) *Corporate provisions applicable.* Under regulations prescribed by the Secretary or his delegate, an unincorporated business enterprise as to which an election has been made under subsection (a), shall, except as provided in subsection (m), be considered a corporation for purposes of this subtitle, except chapter 2 thereof, with respect to operation, distributions, sale of an interest, and any other purpose; and each owner of an interest in such enterprise shall be considered a shareholder thereof in proportion to his interest.

(d) *Limitation.* A partner or proprietor of an unincorporated business enterprise as to which an election has been made under subsection (a) shall not be considered an employee for purposes of section 401(a) (relating to employees' pension trusts, etc.).

(e) *Election irrevocable.* Except as provided in subsection (f), the election described in subsection (a) shall be irrevocable—

(1) With respect to an enterprise as to which such election has been made and the proprietor or partners of such enterprise; and

(2) Any unincorporated successor to the business of such enterprise and the proprietor or partners of such successor.

(f) *Change of ownership.* In any year in which the electing proprietor or partners have an interest of 80 percent or less in

profits and capital of an enterprise described in subsection (e), such enterprise shall not be considered a domestic corporation for such year or for subsequent years unless the proprietor or partners of such enterprise make a new election in accordance with subsection (a).

(g) *Constructive ownership.* For purposes of subsection (f), the ownership of an interest shall be determined in accordance with the rules for constructive ownership of stock provided in section 267(c) other than paragraph (3) thereof.

(h) *Imposition of taxes.* The unincorporated business enterprise as to which an election has been made under subsection (a) shall be subject to—

(1) The normal tax and surtax imposed by section 11,

(2) The accumulated earnings tax imposed by section 531, and

(3) The alternative tax for capital gains imposed by section 1201.

(i) *Personal holding company income*—(1) *Excluded from income of enterprise.* There shall not be included in the gross income of the enterprise as to which an election has been made under subsection (a) any personal holding company income (as defined in section 543), except income earned by such enterprise from buying and selling real property, stock, securities, or commodities for the account of others.

(2) *Income and deductions of owners.* Any personal holding company income not included in the gross income of the enterprise under paragraph (1), and the expenses attributable thereto, shall be treated as the income and deductions of the proprietor or partners (in accordance with their distributive shares of partnership income) of such enterprise.

(3) *Distributions.* If the amount of personal holding company income includible under paragraph (2) in the income of the proprietor or partner is distributed to him during the year earned, such amount shall not be taxed as a corporate distribution. The amount of such income not distributed during such year shall be considered as paid-in surplus or as a contribution to capital as of the close of such year.

(4) *Rents and royalties.* For the purpose of determining whether rents, and mineral, oil, or gas royalties constitute personal holding company income under paragraph (1), all income earned by the enterprise in any taxable year shall enter into the determination of its gross income for such year.

(j) *Computation of taxable income.* In computing the taxable income of an unincorporated business enterprise as to which an election has been made under subsection (a)—

(1) A reasonable deduction shall be allowed for salary or compensation to a proprietor or partner for services actually rendered; and

(2) There shall be allowed as deductions only such items properly allocable to the operation of the business of such enterprise, except deductions allocable to the proprietor or partners under subsection (i) (2).

(k) *Distributions other than in liquidation.* Except as provided in subsection (1), a distribution with respect to a proprietorship or partnership interest by an enterprise as to which an election has been made under subsection (a), other than a distribution of personal holding company income under subsection (i) (3), shall be treated as a corporate distribution in accordance with part I of subchapter C of this chapter.

(l) *Distributions in liquidation.* A distribution in partial or complete liquidation with respect to a proprietorship or partnership interest by an enterprise as to which an election has been made under subsection (a), shall be treated as a corporate liquidation in accordance with part II of subchapter C of this chapter.

(m) *Organizations and reorganizations.* An enterprise as to which an election has been made under subsection (a) shall not be considered a corporation, nor shall the proprietor or partners of such enterprise be considered shareholders, for purposes of parts III and IV of subchapter C of this chapter (relating to corporate organizations, and reorganizations, and insolvency reorganizations) except in the case of—

(1) A contribution of property, constituting either paid-in surplus or a contribution to capital, on which gain or loss is recognized; and

(2) The organization of an enterprise as to which the election described in subsection (a) is made for its first taxable year.

§ 1.1361-1 Unincorporated business enterprises electing to be taxed as domestic corporations.

(a) *General rule.* (1) Section 1361 provides that, if certain qualifications are met, the proprietor or the partners of an unincorporated enterprise engaged in the operation of a trade or business may elect to have the enterprise treated as a domestic corporation subject to (i) the normal tax and surtax imposed by section 11, (ii) the accumulated earnings tax imposed by section 531, and (iii) the alternative tax for capital gains imposed by section 1201(a). An election made under section 1361 shall apply to the taxable year for which made and to all subsequent taxable years. Such election shall be irrevocable except as provided in § 1.1361-15. See, however, paragraph (b) of § 1.1361-5 for effect of ceasing to conduct the business of the enterprise in an unincorporated form, and § 1.1361-6 for effect of a change of ownership. An election may be made only with respect to taxable years of a proprietor or partnership beginning after December 31, 1953, and ending after August 16, 1954.

(2) An enterprise with respect to which an election under section 1361 applies shall be referred to as a "section 1361 corporation".

(3) A section 1361 corporation shall be treated as a domestic corporation and the proprietor or partners thereof shall be treated as shareholders of such a corporation except to the extent otherwise provided in section 1361 and the regulations under such section.

(b) *Manner of making election.* The election under section 1361 shall be made by filing a statement that the proprietor or partners, as the case may be, elect under section 1361 to have the enterprise treated as a domestic corporation. The statement shall be filed with the district director with whom the enterprise would be required to file its income tax return if it were an actual corporation. See section 6091(b) (2). The statement shall be filed during the first 60 days after the close of the first taxable year of the proprietor or partnership to which the election is applicable. The statement shall give sufficient information to establish that the enterprise meets the qualifications set forth in section 1361(b) and § 1.1361-2. It shall also contain an agreement by the proprietor or partners to notify the district director with whom the statement is filed in the event a change of ownership occurs (as described in paragraph

(a) (2) of § 1.1361-6), or if the owners cease conducting the business of the enterprise in an unincorporated form. The statement shall be signed by the proprietor of, or all the partners owning a profits or capital interest in, the enterprise at any time during the period beginning on the first day of the first taxable year to which the election applies and ending on the day on which the election is filed. A proprietor or partner having an interest in the enterprise at any time during the first taxable year with respect to which the election applies is required to sign the statement even though he held no such interest at the end of such year or at the time the election is filed. A proprietor or partner who acquired his interest after the end of the first taxable year to which the election applies but prior to the date the election is filed is also required to assent to the election by signing the statement even though he held no interest at any time during the first taxable year to which the election applies. If in a year subsequent to the first taxable year with respect to which the election applies a change of ownership occurs (as described in paragraph (a) (2) of § 1.1361-6) which under the provisions of section 1361(f) causes the enterprise no longer to be considered a section 1361 corporation unless a new election is made, such new election shall be made under the provisions of this paragraph in the same manner as an original election.

(c) *Accounting methods and accounting period.* In determining the methods of accounting or taxable year that may be used by a section 1361 corporation as of the first day to which the election applies, such corporation shall be treated as the same person as the proprietor who makes the election or as the partnership that is subject to the election, except as provided in paragraph (a) (4) of § 1.1361-9, relating to carryover items. For example, if, prior to the first taxable year to which the election applies, a partnership uses the cash method of accounting, the section 1361 corporation must continue to use the cash method unless the Commissioner consents to a change. See section 446 and paragraph (e) of § 1.446-1. For a definition of the term "method of accounting", see paragraph (a) (1) of § 1.446-1. For other rules applicable to accounting periods, see part I of subchapter E, and the regulations thereunder.

§ 1.1361-2 Qualifications.

(a) *General rule.* (1) Section 1361(b) prescribes qualifications all of which must be satisfied by the enterprise and its owners before an election may be made under section 1361(a). These qualifications are described in paragraphs (b) through (e) of this section. The qualifications must be met during the period beginning on the first day of the first taxable year of the enterprise to which the election applies and ending on the day the election is filed. The same qualifications must be met in the event of a new election after a change of ownership occurs (as described in paragraph (a) (2) of § 1.1361-6). In such an event, the period during which

the qualifications must be met begins on the first day of the taxable year in which the change of ownership occurs and ends on the day the new election is filed.

(2) If a valid election has been made and if such election has not been terminated by reason of a change of ownership, the qualifications prescribed by section 1361(b) do not apply for subsequent taxable years of the section 1361 corporation.

(b) *Ownership of the enterprise.* At all times during the period described in paragraph (a) (1) of this section, the enterprise must be an unincorporated business enterprise owned by an individual or a partnership consisting of not more than 50 members all of whom are individuals. In determining the number of members of a partnership, all partners with an interest in partnership profits or capital, or both, must be taken into account.

(c) *Same owner of two enterprises.* (1) No election may be made with respect to an enterprise which is owned at any time during the period described in paragraph (a) (1) of this section by a proprietor who at the same time is the proprietor of, or who has more than a 10-percent partnership interest in the profits or the capital of, any section 1361 corporation.

(2) No election may be made with respect to an enterprise owned by a partnership, any partner of which has at any time during the period described in paragraph (a) (1) of this section more than a 10-percent interest in the profits or the capital of such enterprise, if at the same time such partner is the proprietor of, or has more than a 10-percent partnership interest in the profits or capital of, any section 1361 corporation.

(d) *Nonresident aliens and foreign partnerships.* No election may be made with respect to an enterprise which at any time during the period described in paragraph (a) (1) of this section is owned by a proprietor who is a nonresident alien, by a partnership any member of which is a nonresident alien, or by a foreign partnership.

(e) *Nature of income.* (1) An election may not be made with respect to an enterprise unless, during the period described in paragraph (a) (1) of this section, (i) the enterprise is one in which capital is a material income-producing factor, or (ii) 50 percent or more of the gross income of the enterprise consists of gains, profits, or income derived from trading as a principal or from either buying or selling real property, stock, securities or commodities for the account of others. Income derived from trading as a principal (other than personal holding company income as defined in section 543) shall be combined with income derived from buying or selling for the account of others in determining whether the 50-percent requirement is satisfied.

(2) The determination of whether capital is a material income-producing factor must be made by reference to all the facts of each case. Capital is a material income-producing factor if a substantial portion of the gross income of the business (other than income excluded from gross income of the enter-

prise under section 1361(i) (1)) is attributable to the employment of capital in the business conducted by the enterprise. Capital is not a material income-producing factor where gross income of the enterprise consists principally of fees, commissions, or other compensation for personal services performed by the owners or employees of the enterprise. Thus, an enterprise engaged in rendering professional services such as law, accounting, medicine, or engineering, ordinarily is not an enterprise in which capital is a material income-producing factor. On the other hand, capital is ordinarily a material income-producing factor if the operation of the business requires substantial inventories or substantial investments in plant, machinery, or other equipment.

(3) The 50-percent determination described in subparagraph (1) of this paragraph is made by reference to gross income, other than personal holding company income excluded from gross income by section 1361(i) (1). The determination is made by reference to the gross income of the entire period described in paragraph (a) (1) of this section; it is not necessary that the 50-percent test be satisfied on each day during such period.

§ 1.1361-3 Code provisions applicable.

(a) *Subtitle A.* (1) Except as otherwise provided in section 1361 and the regulations thereunder, the provisions of subtitle A of the Internal Revenue Code of 1954 shall apply as if the section 1361 corporation were a domestic corporation commencing on the first day of the first taxable year to which the election applies.

(2) For purposes of subtitle A the proprietor of a section 1361 corporation shall be considered a shareholder thereof owning 100 percent of the stock. Each partner in a partnership to which an election under section 1361 applies shall be considered a shareholder in the section 1361 corporation in proportion to his interest in the profits of the partnership or, where the applicable provisions of subtitle A depend on his capital interest, in proportion to his interest in the capital of the partnership. See paragraph (a) of § 1.1361-13 for rules relating to basis of stock in a section 1361 corporation.

(3) A section 1361 corporation is not entitled to make an election under subchapter S of chapter 1.

(4) A section 1361 corporation may not be a member of an affiliated group which files a consolidated return. See section 1504(b) (7).

(5) In determining self-employment income for purposes of chapter 2 of subtitle A, the income of a proprietor or a partner shall be determined in accordance with paragraph (b) (6) or (8) of § 1.1402(a)-1, as the case may be, without regard to any election under section 1361.

(b) *Subtitle C.* For purposes of subtitle C, relating to employment taxes, an enterprise to which section 1361 applies shall not be treated as a domestic corporation and each owner shall be treated as a proprietor or a partner, as the case may be. Accordingly, an owner

is not treated as an employee for purposes of that subtitle even though he receives payments from the enterprise which are regarded as salary or compensation under section 1361(j).

(c) *Subtitle F.* (1) Except as otherwise provided in section 1361 and the regulations thereunder, subtitle F and the regulations thereunder, relating to procedure and administration, shall apply to a section 1361 corporation in the same manner as they apply to a domestic corporation actually incorporated under local law. For rules applying certain of the pertinent provisions of subtitle F to a section 1361 corporation and for special rules applying only to a section 1361 corporation, see § 1.1361-14.

(2) The income tax return of a section 1361 corporation shall be filed on Form 1120 in accordance with the instructions applicable to such form and in accordance with the regulations under section 1361. If the section 1361 corporation is owned by a proprietor the return shall be filed in the name of the proprietor. If the section 1361 corporation is owned by partners, the return shall be filed in the name of all the partners thereof as well as in the trade name, if any, under which the partnership is operated. If because of the number of partners it is impracticable to list the name of each partner, there shall be listed only the names of the three partners owning the largest interest in the enterprise, followed by the words "and others", or if there are no such three partners, then there shall be listed the names of any three partners whose aggregate interest is at least as large as the aggregate interest of any other three partners. The return shall be clearly designated as an income tax return of a section 1361 corporation. Such return shall be signed by the proprietor or by any general partner of the enterprise. If the section 1361 corporation is owned by a proprietor, there shall be attached to such return a schedule of the personal holding company income and the expenses attributable thereto. If the section 1361 corporation is owned by partners, there shall be attached to the return a statement setting forth the name and address of each partner, and each partner's distributive share of the personal holding company income and the expenses attributable thereto. See § 1.1361-8. The provisions of this subparagraph shall apply to returns filed after June 30, 1959. For rules applicable to returns filed before July 1, 1959, see Treasury Decision 6124, approved February 24, 1955 (20 F.R. 1204; 26 CFR (1954) Parts 1 to 19 (1958 Rev.)).

(3) For the first taxable year to which the election applies a section 1361 corporation shall not be subject to those provisions of subtitle F which relate to declarations and payment of estimated income tax by corporations but it shall be subject to such provisions for all subsequent taxable years to which the election applies.

(4) The proprietor of a section 1361 corporation shall be liable for the taxes

imposed on such corporation. The partners of a section 1361 corporation shall be jointly and severally liable for the taxes imposed on such corporation. The proprietor or partners shall also be liable for interest, additions to the tax, and penalties imposed by subtitle F.

§ 1.1361-4 Pension or profit-sharing plan.

A proprietor or partner of a section 1361 corporation shall not be considered an employee for purposes of section 401(a) (relating to employees' pension trusts, etc.). Accordingly, such a proprietor or partner may not participate in any stock bonus, pension, profit-sharing, or annuity plan to which section 401 or 403 applies which the section 1361 corporation may have for its employees.

§ 1.1361-5. Election irrevocable.

(a) *Conducting of business in unincorporated form.* Except as provided in § 1.1361-6 (relating to effect of change of ownership) and § 1.1361-15 (relating to revocation of election within stated period of time), an election made under section 1361(a) is irrevocable so long as the business of the enterprise is conducted in an unincorporated form. A section 1361 corporation, and any unincorporated successor to the business thereof, shall be taxable as a domestic corporation for the taxable year with respect to which the election is made and for all subsequent taxable years, and the proprietor or partners of the enterprise shall be treated as corporate shareholders for the same period. The election applies not only to the original enterprise and its owner or owners but also to any unincorporated successor to the business of the original enterprise and to the owner or owners of such successor. For example, the termination of a partnership under applicable local law and the transfer of the business to a new partnership does not terminate the election unless a change of ownership occurs (as described in paragraph (a) (2) of § 1.1361-6) and no new election is made.

(b) *Effect of ceasing to conduct business in an unincorporated form.* Except as provided in paragraph (a) of this section, an election made under section 1361 continues so long as the business of the enterprise is conducted in an unincorporated form. If the owners cease conducting the business of the enterprise in an unincorporated form the election terminates and the assets of the enterprise are deemed to have been distributed to the owners in a complete liquidation of the section 1361 corporation. The effect of the liquidation on the owners shall be determined under the provisions of sections 331, 334(a) and, in appropriate cases, 341. Therefore, if a substantial part of the business is transferred to an actual corporation, the transaction shall be treated as if immediately before the transfer all of the assets of the enterprise had been distributed to the owners in a complete liquidation. Accordingly, the transfer of the assets to the actual corporation shall be treated as a transfer made by the owners in their individual capacities immediately after the liquidation.

§ 1.1361-6 Change of ownership of 20 percent or more.

(a) *In general.* (1) If at any time during any taxable year of a section 1361 corporation a change of ownership occurs (as described in subparagraph (2) of this paragraph) then the enterprise shall not be considered a domestic corporation for such year or for subsequent years, unless a new election is made in accordance with section 1361(a) and § 1.1361-1. Such a change of ownership may be the result of one or more transactions occurring over the entire period beginning with the date of the most recent election. Thus, a change of ownership may result from a transfer or a series of transfers by one or more of the owners of any part of their interest in the enterprise. Transfers of interests between electing partners are not taken into account in determining whether a change of ownership has occurred. For example, if A and B are the electing partners, a sale by B of part or all of his interest to A is not taken into account in determining whether a change of ownership has occurred.

(2) For purposes of the regulations under section 1361 a change of ownership occurs when, for any reason, the proprietor or partners who made the most recent election have a combined interest of 80 percent or less in profits and capital of the section 1361 corporation. But see paragraph (d) of this section, relating to the application of constructive ownership rules to determine whether a change of ownership has occurred.

(b) *New election after change of ownership.* A new election after a change of ownership may be made only in accordance with section 1361(a) and § 1.1361-1. Such election shall be made during the first 60 days after the close of the taxable year of the enterprise in which the change of ownership occurs. If such new election is made, then the enterprise shall continue to be treated as the section 1361 corporation. In such a case, the transfer of any interest during such taxable year shall be treated as the sale or other disposition of stock in a corporation.

(c) *Failure to make new election after change of ownership.* If during the taxable year of a section 1361 corporation a change of ownership occurs and if no new election is made, then the section 1361 corporation and its owners shall be treated as if the corporation had distributed its assets in a complete liquidation on the first day of the corporation's taxable year in which the change of ownership occurs. The effect of the liquidation on the owners shall be determined under the provisions of sections 331, 334(a) and, in appropriate cases, 341. If the enterprise is a proprietorship, then as of the first day of such taxable year, the owner shall be treated as if he had used the assets deemed received in liquidation, in the conduct of an unincorporated business. Accordingly, any transfer by him during such taxable year shall be treated as a sale or other disposition of assets of the business. If the enterprise is a partnership, then the partners shall be treated as if they had contributed the assets deemed received in liquidation to a new partnership as of the

moment such assets were deemed received. Accordingly, any transfer of an owner's interest during such taxable year shall be treated as a sale or other disposition of a partner's interest in a partnership, and any transfer of the enterprise's property during such taxable year shall be treated as a sale or other disposition of property by a partnership.

(d) *Constructive ownership.* For the purpose of determining whether a change of ownership has occurred, the rules for constructive ownership of stock provided in section 267(c), other than paragraph (3) thereof, shall apply. For example, if the sole proprietor of an enterprise sells or gives a 30-percent interest to his brother, no change of ownership will be considered to have occurred.

(e) *Effect of death of proprietor or partner.* The death of a proprietor or partner shall not be taken into account in determining whether a change of ownership has occurred if the person or persons who are beneficially entitled to the decedent's interest in the section 1361 corporation could have received such interest immediately prior to the decedent's death without causing a change of ownership. The provisions of this paragraph may be illustrated by the following example:

Example. Immediately prior to his death A owned a 50-percent interest in a section 1361 corporation. Under A's will his 50-percent interest is divided equally among his wife and children. Since the wife and children are persons to whom A could have transferred his interest immediately prior to his death without causing a change of ownership under section 1361(f), no change of ownership will be deemed to have occurred.

§ 1.1361-7 Imposition of taxes on section 1361 corporation.

(a) *General.* A section 1361 corporation is subject to (1) the normal tax and surtax imposed by section 11, (2) the accumulated earnings tax imposed by section 531, and (3) the alternative tax for capital gains imposed by section 1201(a).

(b) *Personal holding company tax.* A section 1361 corporation is not subject to the personal holding company tax imposed by section 541.

§ 1.1361-8 Personal holding company income.

(a) *General rule.* Personal holding company income received or accrued by a section 1361 corporation shall not be included in its gross income. For this purpose, the term "personal holding company income" means personal holding company income as defined in section 543 and the regulations thereunder, other than income received or accrued from either buying or selling real property, stock, securities, or commodities for the account of others.

(b) *Income and deductions of owners.*

(1) Personal holding company income and the deductions attributable to such income shall be treated as the income and deductions of the owner or owners of the section 1361 corporation whether or not such income is distributed. Such income and deductions shall be taken into account by an owner for his tax-

able year ending with, or within which ends, the taxable year of the corporation. Such income and deductions shall be allocated among partners in accordance with their distributive shares of partnership income and deductions. For rules applicable in determining such distributive shares, see § 1.704-1.

(2) In determining the deductions attributable to personal holding company income for any taxable year of a section 1361 corporation, the rules of this subparagraph shall apply. All deductible items properly chargeable to personal holding company income shall be allocated thereto. For example, repairs to, taxes and depreciation on, and other expenses properly chargeable to, rental property or the collection of rental income shall be allocated to rental income. All deductible items properly chargeable to income other than personal holding company income shall be allocated to such income. For example, cost of goods sold, sales taxes, wages of salesmen, and other expenses properly chargeable to a retail business shall be allocated to income from such business. All remaining deductible items may be allocated in the proportion which the amount of each such type of income bears to total income, or in any other reasonable manner.

(c) *Distributions.* (1) The rules of this paragraph shall apply in determining whether a distribution is a distribution of net personal holding company income or a corporate distribution. For purposes of this paragraph, the term "net personal holding company income" means the amount of personal holding company income received or accrued during the taxable year by a section 1361 corporation less the deductions properly attributable to such income (determined in accordance with paragraph (b) (2) of this section) for the taxable year.

(2) If a section 1361 corporation and an owner of an interest in such corporation have the same taxable year, distributions of money during any taxable year of the corporation to an owner shall be considered distributions of net personal holding company income to the extent of the owner's share of such income for such taxable year. All distributions of property (other than money) and distributions of money which are not considered distributions of net personal holding company income under the preceding sentence shall be considered corporate distributions.

(3) If a section 1361 corporation and an owner of an interest in such corporation have different taxable years, then—

(i) Distributions of money to such owner during the period beginning on the first day of any taxable year of the corporation and ending on the last day of the owner's taxable year which ends within such taxable year of the corporation, shall be considered distributions of net personal holding company income to the extent of the owner's share of such income for such period, and

(ii) Distributions of money to such owner during the remaining period of such taxable year of the corporation shall be considered distributions of net

personal holding company income to the extent of the sum of—

(a) Such owner's share of net personal holding company income for such remaining period, and

(b) His share of net personal holding company income for the prior portion of the corporation's taxable year to the extent that such share was not distributed to him in money during such portion of such taxable year.

(iii) All distributions of property and distributions of money in excess of the amounts described in subdivisions (i) and (ii) of this subparagraph shall be treated as corporate distributions.

(4) The excess of the amount of personal holding company income (less the deductions attributable thereto) treated as the income of an owner for a taxable year of a section 1361 corporation over the amount of net personal holding company income distributed to such owner during such year shall be considered as paid-in surplus or as a contribution to capital as of the close of the year, and such excess shall be added to the owner's basis for his stock in the corporation.

(d) *Rents and royalties.* For the purpose of determining whether rents and mineral, oil, or gas royalties are personal holding company income under section 543 for any taxable year, all gross income received or accrued during the taxable year shall be taken into account, notwithstanding section 1361(i)(1). Thus, if a section 1361 corporation receives or accrues for its taxable year \$35,000 from a mercantile business, \$25,000 from dividends, and \$40,000 from rents, the amount of such rents is personal holding company income because it does not constitute 50 percent or more of the gross income received or accrued by the corporation for the taxable year.

§ 1.1361-9 Computation of taxable income.

(a) *In general.* (1) Except as otherwise provided in section 1361 and the regulations thereunder, subtitle A shall apply in determining the taxable income of a section 1361 corporation in the same manner that it applies in determining the taxable income of a domestic corporation. Thus, in determining its taxable income, such a corporation is entitled to a deduction for reasonable salary or compensation paid to its owner or owners for services rendered to the corporation. The amount allowable as a deduction for such payments is determined under section 162 and § 1.162-7. In order to distinguish a payment of compensation from a distribution to an owner, the section 1361 corporation should indicate on its books and records the nature of any amount paid to an owner. See paragraph (b)(1) of § 1.1361-14.

(2) A section 1361 corporation shall be allowed a deduction only for those items of expense which are properly allocable to the operation of the business of the corporation and for which no deduction was allowable to the proprietor, partnership or partners for any taxable year. Any amount paid by the corporation in satisfaction of a liability of an owner which is unrelated to the conduct of the business shall not be deductible unless

such payment is in fact compensation for personal services performed for the corporation by such owner.

(3) All amounts of income received or accrued by a section 1361 corporation which (i) are attributable to transactions occurring before the first day to which the election applies and (ii) are not properly includible in the gross income of the owners for a previous taxable year, must be included in the gross income of the corporation to the same extent that they would have been included in the gross income of the owners if no election had been made.

(4) Any carryover or carryback of an item of a section 1361 corporation (such as a carryover or carryback under section 170, 172, or 1212) attributable to a taxable year to which section 1361 applies may be carried over or carried back only to another taxable year of such corporation and then may be used solely in computing the taxable income of such corporation. Similarly, any carryover or carryback arising out of the conduct of the business enterprise in a year to which section 1361 is not applicable may not be carried over or carried back to the corporation for a year to which section 1361 applies, but should be carried over or carried back by the owners in computing their individual income tax liabilities.

(b) *Special rules.* (1) Personal holding company income and the deductions attributable to such income shall not be included in computing the taxable income of a section 1361 corporation. See § 1.1361-8.

(2) A section 1361 corporation shall not be entitled to the deductions provided for in section 242, relating to partially tax-exempt interest, and sections 243 through 245, relating to deductions for dividends received.

(3) Amounts paid by a section 1361 corporation in satisfaction of an owner's tax liability under local law for a taxable year to which the election applies are deductible by the corporation (and not by the owner) to the extent such tax liability is attributable to property used by the corporation or to taxable income of the corporation. However, amounts paid in excess of the tax liability so attributable shall be treated as additional compensation or as a distribution to the owner whose liability is satisfied. The determination of the amount of tax liability attributable to property used by the corporation or to taxable income of the corporation shall be made in a manner that is reasonable in the light of all the facts in each case.

§ 1.1361-10 Distributions other than in liquidation.

(a) *General rule.* (1) Except as provided in paragraph (b) of this section, all distributions from a section 1361 corporation to an owner occurring at any time on or after the first day of the first taxable year to which the election applies shall be treated as corporate distributions to a shareholder in accordance with part I of subchapter C. Thus, for example, if a calendar year partnership makes a distribution in March 1958, and subsequently the partners make an elec-

tion under section 1361 for 1958, the distribution is treated as a corporate distribution unless otherwise provided in paragraph (b) of this section.

(2) A distribution to an owner by a section 1361 corporation shall not ordinarily be considered a distribution in redemption of stock unless such distribution is in complete termination of his interest in the corporation. See paragraph (b) of § 1.1361-11, relating to requirements of written plan.

(b) *Exceptions.* The provisions of paragraph (a) (1) of this section shall not apply to:

(1) A distribution in partial or complete liquidation of a section 1361 corporation (see § 1.1361-11); and,

(2) A distribution of net personal holding company income (see § 1.1361-8).

(c) *Earnings and profits.* A section 1361 corporation shall maintain an earnings and profits account which shall be computed in accordance with the rules applicable generally to domestic corporations, except that the receipt and distribution of personal holding company income (and expenses attributable thereto) shall not be taken into account in determining the amount of earnings and profits for the taxable year or accumulated earnings and profits.

§ 1.1361-11 Distributions in liquidation.

(a) *General rule.* A section 1361 corporation may make distributions to its owners in complete or partial liquidation of the corporation. In addition, the failure to continue conducting the business of the enterprise in an unincorporated form, or the failure to make a new election after a change of ownership, results in a liquidation of the section 1361 corporation. See paragraph (b) of § 1.1361-5, and paragraph (c) of § 1.1361-6. The effect of such distributions shall be determined in accordance with the appropriate provisions of part II of subchapter C and the regulations thereunder. See, however, paragraph (c) of this section.

(b) *Requirement of written plan.* Except as provided in paragraph (b) of § 1.1361-5, and paragraph (c) of § 1.1361-6, a section 1361 corporation shall not be considered to have made a distribution in partial or complete liquidation, or a distribution in redemption of stock, unless prior to the date of the distribution the corporation adopts a written plan providing for such liquidation or redemption. Moreover, the requirements of section 6043 (relating to information returns) and paragraph (d) of § 1.331-1 relating to returns of shareholders) must be complied with.

(c) *Distributions not treated as liquidating distributions.* Distributions by a section 1361 corporation shall not be treated as distributions in liquidation under part II of subchapter C if the owner or owners use the assets received in the distribution to conduct substantially the same business in an unincorporated form as that conducted by the corporation. In such a case, the section 1361 corporation shall continue in existence and any withdrawal of assets from the business shall be treated as a dis-

tribution which is not in partial or complete liquidation of the corporation.

§ 1.1361-12 Organizations and reorganizations.

(a) *General rule.* Except as provided in paragraphs (b) and (c) of this section, a section 1361 corporation shall not be considered a corporation nor shall its owners be considered shareholders for purposes of parts III and IV of subchapter C, relating to corporate organizations and reorganizations, and to insolvency reorganizations.

(b) *Contributions to capital.* In any case where gain or loss would be recognized upon the contribution of property constituting either paid-in surplus or a contribution to capital by a shareholder to a corporation, gain or loss shall be recognized upon a similar contribution to a section 1361 corporation. For example, in a case where a shareholder in an actual corporation would recognize gain under section 357 on a transfer of property, an owner of a section 1361 corporation shall also recognize gain in a similar transaction.

(c) *Elections made for first taxable year of an enterprise.* In any case in which the election under section 1361(a) is made with respect to the first taxable year of an unincorporated enterprise, the appropriate provisions of part III of subchapter C shall be applicable with respect to its initial organization. For example, for the purpose of determining whether gain or loss is recognized upon the organization of the enterprise, the provisions of section 351 and section 357 shall be applicable as if the owners had contributed property or services in exchange for corporate stock.

§ 1.1361-13 Basis.

(a) *Basis of stock.* (1) If a proprietor makes an election under section 1361(a), the basis of his stock in the section 1361 corporation as of the first day to which the election applies shall be determined as if he had exchanged all the assets and liabilities of the enterprise on such first day for the stock of the corporation. Therefore, the basis of such stock is equal to the basis of the property exchanged, decreased by the amount of liabilities of the enterprise and increased by the amount of gain recognized by the proprietor on the exchange. See § 1.1361-12.

(2) If partners make an election under section 1361(a) and the first taxable year to which the election applies is not the first taxable year of the partnership, each partner's basis for his stock in the section 1361 corporation as of the first day to which the election applies shall be equal to the basis of his partnership interest (determined under § 1.705-1) at the end of the prior taxable year of the partnership decreased by his share of the partnership liabilities as of the end of such prior taxable year and increased by his share of any gain recognized by the partnership. See paragraph (b) of § 1.1361-12.

(3) If a partnership makes an election under section 1361(a) which applies to its first taxable year, each partner's basis for his stock in the section 1361

corporation as of the first day to which the election applies shall be determined under the appropriate provisions of part III of subchapter C as though the partner had contributed property in exchange for stock. Thus, a partner's basis for his stock in a section 1361 corporation will be determined under section 358. See paragraph (c) of § 1.1361-12.

(b) *Basis of property.* As of the first day to which the election applies, the basis of property held by a section 1361 corporation shall be the same as its basis in the hands of the proprietor or partnership (or in the hands of the partners in a case where the election applies to the first taxable year of a partnership), increased by any gain recognized as a result of the election. See § 1.1361-12.

§ 1.1361-14 Records, statements, and returns.

(a) *In general.* Except as otherwise provided in the regulations under section 1361, a section 1361 corporation is required to keep records, render statements, and make returns in the same manner as a domestic corporation. For rules applicable to the filing of income tax returns on Form 1120 by such a corporation, see paragraph (c) (2) of § 1.1361-3. A section 1361 corporation is also required to file such other returns, forms, documents, or statements as are required of a domestic corporation under subtitle F. For example, a section 1361 corporation is required to file Forms 1099 and 1096 with respect to distributions of dividends of \$10 or more to its owners during the calendar year in accordance with section 6042 and the regulations thereunder. Such other returns, forms, documents, or statements should indicate that the reporting enterprise is a section 1361 corporation.

(b) *Other records.* The following other records shall be maintained by a section 1361 corporation:

(1) Separate records shall be maintained for payments to owners of a section 1361 corporation in order that a determination may be made as to whether such payments are compensation for personal services to which section 1361(j) applies, or are distributions which may be treated either as corporate distributions or as distributions of personal holding company income.

(2) In the case of a partnership, separate capital accounts shall be maintained for each partner. Such accounts shall set forth the original capital contribution, adjustments thereto (for example, because of an owner's share of undistributed personal holding company income), and any other information necessary to establish each partner's interest in the section 1361 corporation.

(3) A section 1361 corporation shall maintain records of all transfers of interests by its owners made at any time during the period the election under section 1361 applies, showing the names of the transferor and the transferee, the relationship between them, and the interest transferred.

(4) The records of a section 1361 corporation shall be maintained in such a manner that assets, liabilities, income,

and expenses of the section 1361 corporation are shown separately and distinctly from assets, liabilities, income, and expenses of the owners which do not relate to the enterprise. Moreover, separate records shall be maintained for personal holding income and deductions attributable thereto.

(5) For rules applicable to the earnings and profits account to be maintained by a section 1361 corporation, see paragraph (c) of § 1.1361-10.

§ 1.1361-15 Revocation of election and tolling of statute of limitations.

(a) *Provisions of section 63 of the Technical Amendments Act of 1958.* Section 63 of the Technical Amendments Act of 1958 (72 Stat. 1649), approved September 2, 1958, provides as follows:

Sec. 63. *Revocation of election permitting certain proprietorships and partnerships to be taxed as corporations [Technical Amendments Act of 1958 (72 Stat. 1649)]—(a) Revocation of election. If—*

(1) A statement of an election to be taxed as a domestic corporation is heretofore or hereafter filed with respect to any unincorporated business enterprise under section 1361 of the Internal Revenue Code of 1954, and

(2) Such filing is in accordance with regulations prescribed by the Secretary of the Treasury or his delegate,

then such statement of election shall be treated as a valid election; but such election may be revoked (in accordance with regulations prescribed by the Secretary of the Treasury or his delegate) after the date of the enactment of this section and on or before the last day of the third month following the month in which regulations prescribed under such section 1361 are published in the FEDERAL REGISTER.

(b) *Tolling of statute of limitations.* In the case of any election referred to in subsection (a) with respect to any unincorporated business enterprise—

(1) The statutory period for the assessment of any deficiency against any taxpayer for any taxable year, to the extent such deficiency is attributable to such enterprise and to the period to which such election applies (or would apply but for a revocation under subsection (a)), shall not expire before the expiration date specified in subsection (c); and such deficiency may be assessed at any time on or before such expiration date, notwithstanding any law or rule of law which would otherwise prevent such assessment.

(2) If credit or refund of the amount of any overpayment is prevented, at any time on or before the expiration date specified in subsection (c), by the operation of any law or rule of law (other than chapter 74 of the Internal Revenue Code of 1954, relating to closing agreements and compromises), credit or refund of such overpayment may, nevertheless, be allowed or made, to the extent such overpayment is attributable to such enterprise and to the period referred to in paragraph (1), if claim therefor is filed on or before the expiration date specified in subsection (c).

(c) *Expiration date defined.* For purposes of subsection (b), the term "expiration date" means that day which is one year after whichever of the following days is the earlier:

(1) The last day of the third month following the month in which regulations prescribed under section 1361 of the Internal Revenue Code of 1954 are published in the Federal Register; or

(2) If the election is revoked under subsection (a), the day on which such revoca-

tion is filed with the Secretary of the Treasury or his delegate.

(d) *Exception.* This section shall not apply to any statement of election filed with respect to any unincorporated business enterprise under section 1361 of the Internal Revenue Code of 1954, if, before the date of the enactment of this Act, such statement of election has been withdrawn with the permission of the Secretary of the Treasury or his delegate.

(b) *In general.* A statement of election to be taxed as a domestic corporation under section 1361 shall be treated as a valid election if filed in accordance with regulations prescribed by the Secretary or his delegate. Thus, if a statement of election to be taxed as a corporation has been filed in accordance with the provisions of Treasury Decision 6124, approved February 24, 1955 (20 F.R. 1204; 26 CFR (1954) Parts 1 to 19 (1958 Rev.)) such statement of election shall be treated as a valid election, except as provided in paragraph (f) of this section, relating to statements of election withdrawn with the permission of the Internal Revenue Service. Any such election (or any election made in accordance with § 1.1361-1) may be revoked (notwithstanding any provision to the contrary in section 1361), on or before the last day of the third month following the month in which the final regulations under section 1361 are published in the FEDERAL REGISTER. If a new election has been made after a change of ownership described in section 1361(f), then such new election, or the original election, or both, may be revoked. Any revocation shall be effective only if made in accordance with the provisions of paragraph (c) of this section. A revocation under this section may be made notwithstanding the fact that the section 1361 corporation has been actually incorporated or completely liquidated.

(c) *Manner of revoking election.* (1) The election shall be revoked by filing within the time prescribed in subparagraph (2) of this paragraph both (i) a statement (meeting the requirements of subparagraph (2) of this paragraph) that the proprietor or the partners, as the case may be, revoke the election made under section 1361(a) to have the enterprise taxed as a corporation, and (ii) the amended returns required by subparagraph (3) of this paragraph.

(2) The statement of revocation and the amended returns may be filed at any time after September 2, 1958, but must be filed on or before the last day of the third month following the month in which the final regulations under section 1361 are published in the FEDERAL REGISTER. In the case of a new election made after a change of ownership described in section 1361(f), a separate statement of revocation and the amended returns required by subparagraph (3) of this paragraph must be filed with respect to each election which is being revoked. The statement of revocation must be signed by the proprietor or all of the partners owning an interest in the enterprise at any time during the period with respect to which the particular election under section 1361 would apply but for the revocation. If any individual who is required to sign the statement of revocation is deceased, the statement shall be

signed either by his successor in interest or by the executor or administrator of such deceased individual's estate. The statement of revocation must be filed with the district director for the district in which the statement of election was filed. Such statement of revocation must state the name and address under which the income tax returns of the section 1361 corporation were filed for the prior taxable years during which the election would apply but for the revocation, and the internal revenue district in which such returns were filed. The statement shall also set forth the names and addresses of the individuals affected by the revocation, their taxable years involved, and the internal revenue districts in which the income tax returns of such individuals were filed.

(3) Revocation of the election to be taxed as a corporation shall be effective only if the statement of revocation referred to in subparagraph (2) of this paragraph is filed and only if amended income tax returns of the proprietor, or partnership returns on Form 1065 (accompanied by amended income tax returns of the partners), are filed. Such returns shall be filed for each taxable year affected by the revocation and should be filed with the statement of revocation. However, if an amended income tax return is required to be filed with a district director other than the district director with whom the statement of revocation is filed, a copy of the statement of revocation must be filed with each such amended return. The amended income tax and partnership returns shall be filed as if there had been no election made under section 1361. The amended income tax returns shall reflect any increase or decrease in tax over the tax previously determined (as defined in section 1314(a)) which results from treating the enterprise as a proprietorship or as a partnership, as the case may be. See paragraph (a) (5) of this section for rules applicable to items of income, deduction, or credit to be taken into account in determining such increase or decrease in tax.

(d) *Effect of revocation.* (1) A revocation made in accordance with the provisions of this section shall apply to all taxable years to which the particular election would apply but for the revocation.

(2) The increase or decrease in tax shown on amended returns filed in accordance with this section over the tax previously determined (as defined in section 1314(a)) shall not be subject to the additions to tax imposed by sections 6651 and 6654, to the extent that such increase or decrease in tax is attributable to the revocation of the election under section 1361. The provisions of chapter 67, relating to interest, shall be applicable to such increase or decrease in tax. For rules applicable in determining the increase or decrease in tax, see paragraph (e) (5) of this section.

(3) If the election under section 1361 is revoked, any election or option made on the corporation return, Form 1120, filed for the enterprise shall be deemed to have been made by the proprietor, partners or partnership, and such election or

option shall be given effect in the making of amended income tax and partnership returns required to be filed by paragraph (c) (3) of this section.

(e) *Tolling of statute of limitations.*

(1) Notwithstanding any law or rule of law which would otherwise prevent an assessment, the statutory period for the assessment and collection of any deficiency attributable to an enterprise which has made an election under section 1361 (whether or not revoked) shall not expire until after the expiration date specified in subparagraph (4) of this paragraph. For rules applicable in determining such deficiency, see subparagraph (5) of this paragraph.

(2) If credit or refund of any overpayment attributable to an enterprise which has made an election under section 1361 (whether or not revoked) is prevented at any time on or before the expiration date specified in subparagraph (4) of this paragraph by the operation of any law or rule of law (other than chapter 74 of the 1954 Code, relating to compromises and closing agreements), credit or refund of such overpayment may nevertheless be allowed or made if claim therefor is filed on or before such expiration date. For rules applicable in determining such overpayment, see subparagraph (5) of this paragraph.

(3) A deficiency or overpayment in tax described in subparagraph (1) or (2) of this paragraph may be determined with respect to (i) an enterprise for which an election under section 1361 was made, (ii) the electing proprietor or partners, and (iii) any other taxpayer affected by the election.

(4) The term "expiration date" means that date which is one year after which ever of the following days is the earlier:

(i) The last day of the third month following the month in which final regulations under section 1361 are published in the FEDERAL REGISTER; or

(ii) If the election is revoked, the day on which an effective revocation is made.

(5) For purposes of this section, the deficiency or overpayment in tax attributable to an enterprise for which an election under section 1361 was made, shall be that amount of the increase or decrease in tax over the tax previously determined (as defined in section 1314(a)) for any taxable year which results from the correct treatment of all items which pertain to the enterprise. Items of income, deduction, or credit completely unrelated to the enterprise shall not be taken into account. For example, the failure to claim a deduction for a dependent or the improper taking of such a deduction are not adjustments which are attributable to the enterprise. However, due regard shall be given to the effect which an adjustment attributable to the enterprise may have on the computation of gross income, taxable income and other matters under subtitle A of the 1954 Code. Thus, for example, if such an adjustment results in an increase in an individual's adjusted gross income, it may be necessary to recompute the deduction for charitable contributions or medical expenses since the amount of those deductions is determined or limited by the amount of the

taxpayer's adjusted gross income. An adjustment attributable to the enterprise may affect more than one taxpayer and more than one taxable year. For example, if an election by a partnership is revoked, it will be necessary to recompute the income tax liability of all members of the partnership for all taxable years to which the election applied. Similar computations will be necessary for any other taxable year affected, or treated as affected, by a net operating loss deduction (as defined in section 172) or by a capital loss carryover (as defined in section 1212) determined with reference to any taxable year to which an election applied (or would have applied but for a revocation of such election). Moreover, if an election is revoked the income tax paid by the enterprise shall be treated as an overpayment of tax and shall be refunded or credited. On the other hand, if the election is not revoked, it may be necessary to make adjustments to the taxable income of the section 1361 corporation. Such adjustments may be necessary, for example, because of the failure to report items of income or to claim deductions. In addition, adjustments in items of income or deduction allocable to a proprietor or partner may be necessary. Such adjustments may be required, for example, because of failure to include personal holding company income or dividend distributions. Moreover, items which have been taken into account in filing the corporation return, Form 1120, for the section 1361 corporation, which items should have been taken into account in the returns of the proprietor or partners, or vice versa, are to be given proper effect in determining the increase or decrease in tax.

(f) *Exception.* The provisions of this section do not apply to—

(1) Any statement of election filed in accordance with Treasury Decision 6124 which statement was withdrawn before September 2, 1958, with the permission of the Internal Revenue Service, and

(2) Any deficiency or overpayment of any taxpayer for any taxable year during which a statement of election described in subparagraph (1) of this paragraph was applicable, attributable to the withdrawal described in subparagraph (1) of this paragraph.

[F.R. Doc. 59-2937; Filed, Apr. 7, 1959; 8:51 a.m.]

[26 CFR (1954) Part 296]

TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES

Losses Caused by Disaster

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views or arguments

pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] CHARLES I. FOX,
Acting Commissioner
of Internal Revenue.

Section 5708 of the Internal Revenue Code of 1954, as amended by section 202 of the Excise Tax Technical Changes Act of 1958 (Public Law 85-359, 72 Stat. 1275), reads as follows:

SEC. 5708. *Losses caused by disaster.*

(a) *Authorization.* Where the President has determined under the Act of September 30, 1950 (42 U.S.C. sec. 1855), that a "major disaster" as defined in such Act has occurred in any part of the United States, the Secretary or his delegate shall pay (without interest) an amount equal to the amount of the internal revenue taxes paid or determined and customs duties paid on tobacco products and cigarette papers and tubes removed, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of such disaster occurring in such part of the United States on and after the effective date of this section, if such tobacco products or cigarette papers or tubes were held and intended for sale at the time of such disaster. The payments authorized by this section shall be made to the person holding such tobacco products or cigarette papers or tubes for sale at the time of such disaster.

(b) *Claims.* No claim shall be allowed under this section unless—

(1) Filed within 6 months after the date on which the President makes the determination that the disaster referred to in subsection (a) has occurred; and

(2) The claimant furnishes proof to the satisfaction of the Secretary or his delegate that—

(A) He was not indemnified by any valid claim of insurance or otherwise in respect of the tax, or tax and duty, on the tobacco products or cigarette papers or tubes covered by the claim, and

(B) He is entitled to payment under this section.

Claims under this section shall be filed under such regulations as the Secretary or his delegate shall prescribe.

(c) *Destruction of tobacco products or cigarette papers or tubes.* Before the Secretary or his delegate makes payment under this section in respect of the tax, or tax and duty, on the tobacco products or cigarette papers or tubes condemned by a duly authorized official or rendered unmarketable, such tobacco products or cigarette papers or tubes shall be destroyed under such supervision as the Secretary or his delegate may prescribe, duty, on the tobacco products or cigarette papers or tubes were previously destroyed under supervision satisfactory to the Secretary or his delegate.

(d) *Other laws applicable.* All provisions of law, including penalties, applicable in respect of internal revenue taxes on tobacco products and cigarette papers and tubes shall, insofar as applicable and not inconsistent with this section, be applied in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of such taxes.

In order to implement the above provisions of law, Subpart C of 26 CFR Part

296, "Miscellaneous Regulations Relating to Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes," is prescribed.

Subpart C—Losses of Tobacco Products and Cigarette Papers and Tubes Caused by a Disaster Occurring After the Date of Enactment of the Excise Tax Technical Changes Act of 1958

Sec.

296.71 Scope of subpart.

DEFINITIONS

296.72 Meaning of terms.

PAYMENTS

296.73 Circumstances under which payment may be made.

CLAIMS PROCEDURE

296.74 Execution and filing of claims.

296.75 Separation of imported and domestic tobacco products and cigarette papers and tubes; separate claims for taxes and duties.

296.76 Claimant to furnish satisfactory proof.

296.77 Supporting evidence.

296.78 Action by assistant regional commissioner.

DESTRUCTION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

296.79 Supervision.

PENALTIES

296.80 Penalties.

AUTHORITY: §§ 296.71 to 296.80, inclusive, are issued under authority of section 7805, I.R.C. (68A Stat. 917; 26 U.S.C. 7805) and interpret or apply sec. 5708, I.R.C., (72 Stat. 1420; 26 U.S.C. 5708).

§ 296.71 Scope of subpart.

This subpart prescribes the requirements necessary to implement section 5708, I.R.C., concerning payments which may be made by the United States in respect to the internal revenue taxes paid or determined and customs duties paid on tobacco products and cigarette papers and tubes removed, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of a disaster occurring in the United States on or after the day following the date of enactment of the act.

DEFINITIONS

§ 296.72 Meaning of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine as well. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Act. The Excise Tax Technical Changes Act of 1958 (Public Law 85-359, 72 Stat. 1275), enacted September 2, 1958.

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

Claimant. The person who held the tobacco products or cigarette papers or

tubes for sale at the time of the disaster and who files claim under this subpart.

Commissioner. The Commissioner of Internal Revenue.

Commissioner of Customs. The Commissioner of Customs, Bureau of Customs, Treasury Department, Washington, D.C.

Disaster. A flood, fire, hurricane, earthquake, storm, or other catastrophe which has occurred in any part of the United States on and after the day following the date of enactment of the act and which the President of the United States has determined, under the Act of September 30, 1950 (64 Stat. 1109; 42 U.S.C. 1855), was a "major disaster" as defined in such Act.

Duly authorized official. Any Federal, State, or local government official in whom has been vested authority to condemn tobacco products and cigarette papers and tubes made the subject of a claim under this subpart.

Duty or duties. Any duty or duties paid under the customs laws of the United States.

I.R.C. The Internal Revenue Code of 1954.

Removal or remove. The removal of tobacco products or cigarette papers or tubes from the factory, or release of such articles from customs custody.

Tax paid or determined. The internal revenue tax on tobacco products and cigarette papers and tubes which has actually been paid, or which has been determined pursuant to section 5703 (b), I.R.C., and regulations thereunder, at the time of their removal subject to tax payable on the basis of a return.

Tobacco products. Manufactured tobacco, cigars, and cigarettes.

United States. When used in a geographical sense, includes only the States, the Territory of Hawaii, and the District of Columbia.

PAYMENTS

§ 296.73 Circumstances under which payment may be made.

Assistant regional commissioners shall allow payment (without interest) of an amount equal to the amount of tax paid or determined, and the Commissioner of Customs shall allow payment (without interest) of an amount equal to the amount of customs duty paid, on tobacco products and cigarette papers and tubes removed, which are lost, rendered unmarketable, or condemned by a duly authorized official by reason of a disaster occurring in the United States on and after the day following the date of enactment of the act. Such payments may be made only if, at the time of the disaster, such tobacco products or cigarette papers or tubes were being held for sale by the claimant. No payment shall be made under this subpart with respect to any amount of tax or duty claimed or to be claimed under any other provision of law or regulations.

CLAIMS PROCEDURE

§ 296.74 Execution and filing of claims.

Claims under this subpart shall be executed on Form 843 (Internal Revenue) in accordance with such instructions thereon as are applicable, and filed

with the assistant regional commissioner of the internal revenue region in which the tobacco products or cigarette papers or tubes were lost, rendered unmarketable, or condemned, within 6 months after the date on which the President makes the determination that the disaster has occurred. The claim shall state all the facts on which the claim is based, and shall set forth the number of

small cigars, large cigars (itemized separately as to each tax class), small cigarettes, large cigarettes, cigarette papers, and cigarette tubes, and the quantity (in pounds) of manufactured tobacco, as the case may be, and the rate of tax and the amount claimed with respect to each article set forth, substantially in the form as shown in the example below.

Example:

Quantity	Article and tax class	Rate of tax ¹	Amount
20,000	Small cigars	\$0.75 per M.	\$15.00
5,000	Large cigars—class D	\$7 per M.	35.00
1,000	Large cigars—class E	\$10 per M.	10.00
500	Large cigars—class G	\$20 per M.	10.00
10,000	Small cigarettes	\$4 per M.	40.00
5,000	Large cigarettes	\$8.40 per M.	42.00
2,000 sets	Cigarette papers—50 each set	\$0.00½ per set	10.00
1,000 sets	Cigarette papers—100 each set	\$0.01 per set	10.00
1,000	Cigarette tubes	\$0.01 per 50 tubes	.20
500 pounds	Manufactured tobacco (including smoking and chewing tobacco, and snuff)	\$0.10 per pound	50.00
Total claimed			222.20

¹ Rates shown are those in effect on September 2, 1953, date of enactment of the Excise Tax Technical Changes Act of 1953.

The claimant shall certify on the claim to the effect that no amount of internal revenue tax or customs duty claimed therein has been or will be otherwise claimed under any other provision of law or regulations.

§ 296.75 Separation of imported and domestic tobacco products and cigarette papers and tubes; separate claims for taxes and duties.

If a claim involves taxes on domestic tobacco products or cigarette papers or tubes and imported tobacco products or cigarette papers or tubes, the quantities of each must be shown separately in the claim. A separate claim must be filed, with the assistant regional commissioner, in respect of customs duties.

§ 296.76 Claimant to furnish satisfactory proof.

The claimant shall furnish proof to the satisfaction of the assistant regional commissioner regarding the following:

(a) That the tax on such tobacco products or cigarette papers or tubes has been paid or determined and customs duty has been paid;

(b) That such tobacco products or cigarette papers or tubes were lost, rendered unmarketable, or condemned by a duly authorized official, by reason of a disaster;

(c) The type and date of occurrence of the disaster and the location of the tobacco products or cigarette papers or tubes at that time;

(d) That the claimant was not indemnified by any valid claim of insurance or otherwise in respect of the tax, or tax and duty, on the tobacco products or cigarette papers or tubes covered by the claim; and

(e) That the claimant is entitled to payment under this subpart.

§ 296.77 Supporting evidence.

The claimant shall support his claim with any evidence (such as inventories, statements, invoices, bills, records, stamps, and labels) that he is able to submit, relating to the tobacco products or cigarette papers or tubes on hand at

the time of the disaster and averred to have been lost, rendered unmarketable, or condemned as a result thereof. If the claim is for refund of duty the claimant shall furnish, if practicable, the customs entry number, date of entry, and the name of the port of entry.

§ 296.78 Action by assistant regional commissioner.

The assistant regional commissioner will date stamp and examine each claim filed under this subpart and will determine the validity of the claim. The claim will then be processed by him in accordance with existing procedures. Claims and supporting data involving customs duties will be forwarded to the Commissioner of Customs with a summary statement by the assistant regional commissioner concerning his findings. The Commissioner of Customs will notify the assistant regional commissioner as to allowance under this subpart of claims for duty in respect of unmarketable or condemned tobacco products and cigarette papers and tubes.

DESTRUCTION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

§ 296.79 Supervision.

Before payment is made under this subpart in respect of the tax, or tax and duty, on tobacco products or cigarette papers or tubes rendered unmarketable or condemned by a duly authorized official, such tobacco products or cigarette papers or tubes shall be destroyed by suitable means under the supervision of an internal revenue officer who will be assigned for that purpose by the assistant regional commissioner, unless such tobacco products or cigarette papers or tubes were previously destroyed under supervision satisfactory to the assistant regional commissioner.

PENALTIES

§ 296.80 Penalties.

Penalties are provided in sections 7206 and 7207 of the Internal Revenue Code for the execution under the penalties of perjury of any false or fraudulent

statement in support of any claim and for the filing of any false or fraudulent document under this subpart. All provisions of law, including penalties, applicable in respect of internal revenue taxes on tobacco products and cigarette papers and tubes shall, insofar as applicable and not inconsistent with this subpart, be applied in respect of the payments provided for in this subpart to the same extent as if such payments constituted refunds of such taxes.

[F.R. Doc. 59-2938; Filed, Apr. 7, 1959; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 319]

FOREIGN COTTON AND COVERS

Proposed Amendment of Quarantine

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 160, 162), is considering amending § 319.8(a) in 7 CFR, Part 319, Subpart "Foreign Cotton and Covers," as amended (7 CFR 319.8(a), 23 F.R. 7165), by deleting the proviso therein and inserting in lieu thereof the following: "Provided, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the restrictions shall be made less stringent, whereupon such modification shall become effective; or he may, upon request in specific cases, when the public interests will permit, authorize such importation under conditions specified in the permit to carry out the purposes of this part that are less stringent than those contained in the regulations.

The amendment extends to any imports provisions for relieving restrictions in specific cases heretofore applicable only to imports into Guam.

The purpose of the proposed amendment is to provide conditions under which greater flexibility may be exercised promptly in the administration of the regulations in order to meet unanticipated and unusual situations not involving increase in risk of plant pest entry that often are encountered due to the complexities of the cotton import trade. There is no biological justification for refusing requested permits in such situations. The conditions to be prescribed in the permit will be adequate to safeguard against the introduction of plant pests. Each importer involved will be given written notice of the less stringent conditions.

All persons who desire to submit written data, views, or arguments in con-

nection with this proposal should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interpret or apply secs. 5, 7, 37 Stat. 316, 317, as amended; 7 U.S.C. 159, 160)

Done at Washington, D.C., this 2d day of April 1959.

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

[F.R. Doc. 59-2928; Filed, Apr. 7, 1959; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

[No. MC-C-2]

NEW YORK, N.Y., COMMERCIAL ZONE

Assignment of Hearing

APRIL 3, 1959.

MC-C-2, New York, N.Y., Commercial Zone, Ex Parte No. MC-37, commercial zones and terminals areas. Petition of December 3, 1958, for a redefinition of the New York, N.Y., Commercial Zone, as published in the FEDERAL REGISTER of January 14, 1959, assigned for hearing May 4, 1959, before Examiner Alvin H. Schutrumpf, at 9:30 o'clock a.m. United States standard time (or 9:30 o'clock a.m. local daylight saving time, if that time is observed) at the U.S. Army Reserve Bldg., 30 West 44th Street, New York, N.Y.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-2935; Filed, Apr. 7, 1959; 8:51 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-020988]

COLORADO

Order Providing for Opening of Public Lands

MARCH 30, 1959.

Pursuant to authority delegated to me by the Colorado State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), the following described lands reconveyed to the United States in exchange of land made under

the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended, are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 N., R. 93 W.,
Sec. 22, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described totals 280 acres of public lands.

This land is in Moffat County in Northwest Colorado. The land is rolling to rough and supports native vegetation of sagebrush, grasses, and weeds. None of the land is suitable for agriculture. Minerals are owned by the United States.

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

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

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

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

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284), as amended, presented prior to 10:00 a.m. on May 5, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on August 4, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on August 4, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under Paragraph a(2) above must

enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 371 New Custom House, P.O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F.R. Doc. 59-2914; Filed, Apr. 7, 1959; 8:48 a.m.]

ALASKA

Amended Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Public Roads has filed an application, Serial Number F-020902 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for a permanent maintenance and administrative depot site.

For a period of sixty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1050, Fairbanks, Alaska.

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

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

The lands involved in the application are:

Mile Post 1253—Alaska Highway

Beginning at a point on the center line of the Alaska Highway, which bears southeasterly along said center line, 680 feet, more or less, from Mile Post 1253 on the Alaska Highway, latitude 62°55'40" North, longitude 141°33'20" West; thence by metes and bounds;

N. 30° E., 2,360.00 feet;
West, 2,904.64 feet to a point on the center line of the Alaska Highway;
Southeasterly along said center line, approximately 2,645 feet to the point of beginning.

Containing 67.3 acres, more or less.

RICHARD L. QUINTUS,
Operations Supervisor, Fairbanks.

[F.R. Doc. 59-2943; Filed, Apr. 7, 1959; 8:52 a.m.]

Office of the Secretary

HERBERT W. OETINGER

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 during the past six months:

(1) Additions: None. (2) Deletions: None.

This statement is made as of March 17, 1959.

Dated: March 17, 1959.

H. W. OETINGER.

[F.R. Doc. 59-2889; Filed, Apr. 7, 1959; 8:45 a.m.]

K. M. IRWIN

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 during the past six months.

(1) None. (2) None. (3) None. (4) None.

This statement is made as of March 13, 1959.

Dated: March 13, 1959.

K. M. IRWIN.

[F.R. Doc. 59-2890; Filed, Apr. 7, 1959; 8:45 a.m.]

HOMER G. KEESLING

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 during the past six months.

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

This statement is made as of March 19, 1959.

Dated: March 19, 1959.

HOMER G. KEESLING.

[F.R. Doc. 59-2891; Filed, Apr. 7, 1959; 8:45 a.m.]

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) None.
(2) Wilson & Muir Bank, five shares of stock.
(3) None.
(4) None.

This statement is made as of March 14, 1959.

Dated: March 14, 1959.

JAMES S. BROADDUS.

[F.R. Doc. 59-2892; Filed, Apr. 7, 1959; 8:45 a.m.]

JAMES H. CAMPBELL

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 during the past six months.

(1) None. (2) None. (3) None. (4) None.

Dated: March 17, 1959.

JAMES H. CAMPBELL.

[F.R. Doc. 59-2893; Filed, Apr. 7, 1959; 8:45 a.m.]

EDWARD F. ZIEGLER

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 during the past six months.

(1) Delete Merrimack-Essex Electric Company—Vice President and General Manager and Director.

(2) No Change.

(3) No Change.

(4) No Change.

This statement is made as of March 16, 1959.

Dated: March 16, 1959.

EDWARD F. ZIEGLER.

[F.R. Doc. 59-2894; Filed, Apr. 7, 1959; 8:45 a.m.]

EDWARD W. WELCH

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 during the past six months.

My entire financial assets consist of: U.S. Government bonds, bank deposits, and real estate, consisting of my homestead (unencumbered), located in the city of Janesville, Rock County, Wis.

Deletions: None.

Additions: Purchased U.S. Government bonds.

This statement is made as of March 1, 1959.

Dated: March 18, 1959.

EDWARD W. WELCH.

[F.R. Doc. 59-2895; Filed, Apr. 7, 1959; 8:45 a.m.]

ARTHUR E. CASE

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 during the past six months.

A. Deletions: None.

B. Additions: None.

This statement is made as of March 16, 1959.

Dated: March 16, 1959.

ARTHUR E. CASE.

[F.R. Doc. 59-2896; Filed, Apr. 7, 1959; 8:45 a.m.]

JOHN W. HIERONYMUS

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 during the past six months.

(1) Deletions: None. (2) Additions: None.

This statement is made as of March 17, 1959.

Dated: March 17, 1959.

JOHN W. HIERONYMUS.

[F.R. Doc. 59-2897; Filed, Apr. 7, 1959; 8:45 a.m.]

GEORGE A. PORTER

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 during the past six months.

- (1) No changes.
- (2) A. Deletions: None. B. Additions: New Continental Oil Co. of Canada, North American Coal Co., Parke-Davis & Co., Whirlpool Corp.
- (3) No changes.
- (4) No changes.

This statement is made as of March 16, 1959.

Dated: March 18, 1959.

GEORGE A. PORTER.

[F.R. Doc. 59-2898; Filed, Apr. 7, 1959; 8:46 a.m.]

CHARLES M. CUSTER

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 during the past six months.

- (1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on October 20, 1958 as Director, Defense Electric Power Area 12, Department of Interior, an officer or director: None.
- (2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: None.
- (3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.
- (4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

This statement is made as of March 18, 1959.

Dated: March 18, 1959.

CHAS. M. CUSTER.

[F.R. Doc. 59-2899; Filed, Apr. 7, 1959; 8:46 a.m.]

DEPARTMENT OF DEFENSE

Department of the Army

HARRY SHIELDS ROBINSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of March 19, 1959, in my financial interests as reported in the FEDERAL REGISTER, October 8, 1958.

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

Dated: March 19, 1959.

HARRY S. ROBINSON.

[F.R. Doc. 59-2902; Filed, Apr. 7, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BRUCE CARTWRIGHT LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

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

- Bruce Cartwright Livestock Auction, Magnolia, Ark.
- Jonesboro Stockyards, Jonesboro, Ark.
- Bacon County Stock Yard, Alma, Ga.
- Bainbridge Stock Yards, Bainbridge, Ga.
- Bulloch Stock Yard, Statesboro, Ga.
- Candler Livestock Market, Metter, Ga.
- Carroll County Livestock Sales Barn, Carrollton, Ga.
- Chatham County Stockyard, Savannah, Ga.
- Citizen Stock Yard, Arlington, Ga.
- Claxton Stockyard, Claxton, Ga.
- Coffee County Livestock Co., Douglas, Ga.
- Columbus Stockyard, Columbus, Ga.
- Cordele Livestock Comm. Co., Cordele, Ga.
- Dawson Livestock Co., Dawson, Ga.
- Dodge County Livestock Barn, Eastman, Ga.
- Dublin Livestock Commission Co., Dublin, Ga.
- Duvall & Wheeler Livestock Farm, Greensboro, Ga.
- Elberton Livestock Auction Co., Elberton, Ga.
- Efingham County Stockyard, Springfield, Ga.
- Emanuel County Stockyard, Swainsboro, Ga.
- Farmers Co-Operative Livestock Market, Soperton, Ga.
- Farmers Livestock Auction Co., Inc., Nashville, Ga.
- Farmers Livestock Company, Inc., Douglas, Ga.
- Farmers Stockyard, Sylvania, Ga.
- Flint River Livestock Auction, Bainbridge, Ga.
- G. M. Byram Auction Co., Newnan, Ga.
- Georgia Farm Products Sales Corp., Thomas-ton, Ga.
- Hasty's Auction Co., Atlanta, Ga.
- Hazelhurst Livestock Market, Hazelhurst, Ga.
- Hudson-Troup Auctions, Fitzgerald, Ga.
- Irwin County Livestock Co., Inc., Ocilla, Ga.
- Jepeway-Craig Commission Co., Dublin, Ga.
- Jesup Stockyard, Jesup, Ga.
- LaGrange Stockyard, Inc., La Grange, Ga.
- McRae Livestock Market, McRae, Ga.
- Metter Livestock Market, Metter, Ga.
- Milan Livestock Market, Milan, Ga.
- Miles & Miller Stock Yard, Baxley, Ga.
- Millen Livestock Market, Millen, Ga.
- Mitchell County Livestock Co., Camilla, Ga.
- Moultrie Livestock Co., Moultrie, Ga.
- Muscogee Livestock Co., Columbus, Ga.
- Northeast Ga. Livestock Auction Co., Inc., Athens, Ga.
- Parker's Stockyard, Statesboro, Ga.
- Pelham Stockyards, Inc., Pelham, Ga.
- People's Livestock Market, Inc., Cuthbert, Ga.
- Pierce County Stock Yard, Blackshear, Ga.
- Producers Cooperative Livestock Exchange, Statesboro, Ga.
- Pulaski Stock Yard, Hawkinsville, Ga.
- Queen City Livestock & Auction Co., Inc., Gainesville, Ga.
- Ragsdale-McClure Commission Co., Atlanta, Ga.
- Ragsdale-McClure Commission Co., Rome, Ga.
- Ragsdale Long Commission Co., Quitman, Ga.
- Seaboard Stock Yards, Colquitt, Ga.
- Seminole Livestock Auction Market, Donal-sonville, Ga.

- Shuman Livestock Market, Inc., Hagan, Ga.
- Smith Brothers Livestock Yard, Bartow, Ga.
- Smith Stockyard, Augusta, Ga.
- Smith Stockyard, Thomson, Ga.
- Special Feeder Breeder Pavilion, Cochran, Ga.
- Sumter Livestock Assoc., Americus, Ga.
- Sutton Livestock Co., Sylvester, Ga.
- Swainsboro Stock Yard, Swainsboro, Ga.
- Sylvania Stockyard, Sylvania, Ga.
- Tattnall Livestock Market, Glennville, Ga.
- Tifton Stockyards, Tifton, Ga.
- Toccoa Livestock Auction, Toccoa, Ga.
- Toombs County Stockyard, Lyons, Ga.
- Tri-County Livestock Auction Co., Social Circle, Ga.
- Turner County Stockyards, Inc., Ashburn Ga.
- Valdosta Livestock Co., Inc., Valdosta, Ga.
- Vidalla Stock Yard, Vidalla, Ga.
- Washington County Marketing Association, Sandersville, Ga.
- Waycross Livestock Market, Waycross, Ga.
- Wayne County Livestock Market, Jesup, Ga.
- Wilkes County Stockyard, Washington, Ga.
- Adel Sales Pavilion, Adel, Iowa
- Aigona Livestock Auction, Aigona, Iowa
- Armstrong Sales Co., Armstrong, Iowa
- Atlantic Auction Company, Atlantic, Iowa
- Audubon Auction Company, Audubon, Iowa
- Belmond Sale Pavilion, Belmond, Iowa
- Bradley's Auction, Red Oak, Iowa
- Cedar Valley Livestock Exchange, Inc., Vin-ton, Iowa
- Chariton Sales Company, Chariton, Iowa
- Clarinda Auction Co., Clarinda, Iowa
- Colfax Sale Co., Colfax, Iowa
- Cresco Livestock Market, Cresco, Iowa
- DeVries Auction Co., Buffalo Center, Iowa.
- Diagonal Livestock Auction, Diagonal, Iowa.
- Dunlap Livestock Auction Market, Dunlap, Iowa.
- Eddyville Sale Co., Eddyville, Iowa.
- Elkader Sales Barn, Elkader, Iowa.
- Farmers Livestock Exchange, Waukon, Iowa.
- Farmers Sales Co., Sumner, Iowa.
- Forest City Auction Co., Forest City, Iowa.
- Gaffney's Storm Lake Auction Co., Storm Lake, Iowa.
- Grinnell Livestock Exchange, Grinnell, Iowa.
- Harlan Auction Co., Harlan, Iowa.
- Independence Sales Co., Inc., Independence, Iowa.
- Iowa Falls Sale Pavilion, Iowa Falls, Iowa.
- Lamoni Sale Corporation, Lamoni, Iowa.
- Lawn Hill Livestock Sales, Lawn Hill, Iowa.
- LeMars Livestock Sales Co., LeMars, Iowa.
- Lenox Livestock Auction, Lenox, Iowa.
- Leon Sale, Leon, Iowa.
- Leonards Auction Sale, Manchester, Iowa.
- Lizer's Livestock Auction, Gowrie, Iowa.
- Madison County Auction, Winterset, Iowa.
- Marshalltown Livestock Auction Inc., Mar-shalltown, Iowa.
- Mason City Auction Co., Mason City, Iowa.
- McCreary Sale Co., Centerville, Iowa.
- Moorhead Sale Barn, Moorhead, Iowa.
- Mount Ayr Livestock Market, Mount Ayr, Iowa.
- Nesvik Livestock Auction Market, West Union, Iowa.
- Newton Sale Co., Newton, Iowa.
- Northeast Iowa Sales Commission, Ossian, Iowa.
- North East Iowa Sales Commission, Decorah, Iowa.
- Northwood Sales Co., Inc., Northwood, Iowa.
- Osceola Sale Co., Osceola, Iowa.
- Riceville Sales Pavilion, Riceville, Iowa.
- Rock Valley Sales Co., Rock Valley, Iowa.
- Story City Auction Sales, Story City, Iowa.
- Stuart Sales Co., Stuart, Iowa.
- Wadena Livestock Exchange, Wadena, Iowa.
- Waukon Sales Commission, Waukon, Iowa.
- Wesley Livestock Market, Wesley, Iowa.
- West Liberty Auction Co., West Liberty, Iowa.
- Adair County Sale Barn, Kirksville, Mo.
- Alton Sales Co., Alton, Mo.
- Ava Sales Co., Ava, Mo.
- Roy Baker Sales Co., Eutler, Mo.
- Brunswick Sale Co., Brunswick, Mo.

Buffalo Sale Barn, Buffalo, Mo.
 Butler Community Sale, Butler, Mo.
 Callaway Stock Sales Co., Fulton, Mo.
 Carrollton Livestock Auction, Carrollton, Mo.
 Cassville Livestock Auction, Cassville, Mo.
 Central Missouri Sales Co., Sedalia, Mo.
 Clark County Sales Co., Kahoka, Mo.
 Clinton Community Sale, Clinton, Mo.
 Noel Cox Auction Sale, Ozark, Mo.
 Crocker Sale Barn, Crocker, Mo.
 Davis-Johnston-Patrick Sales & Commission Co., Inc., Boonville, Mo.
 Doniphan Auction Sales Co., Doniphan, Mo.
 Douglas County Livestock Auction, Ava, Mo.
 Drexel Community Sale, Drexel, Mo.
 Edina Sale Co., Edina, Mo.
 Ellington Auction Sales, Ellington, Mo.
 Farmers and Traders Commission Co., Inc., Palmyra, Mo.
 Farmington Auction Co., Inc., Farmington, Mo.
 Fredericktown Auction Co., Inc. Fredericktown, Mo.
 Gainesville Sale Barn, Gainesville, Mo.
 Gallatin Livestock Auction, Gallatin, Mo.
 Gene Wilson's Pony Sale, Carthage, Mo.
 Hannibal Sales Co., Inc., Hannibal, Mo.
 Hinds Sale Co., Memphis, Mo.
 Kirksville Community Sale, Kirksville, Mo.
 Lamar Community Sale, Lamar, Mo.
 Lewis County Auction Co., Lewistown, Mo.
 Lexington Livestock Auction, Lexington, Mo.
 Licking Auction Sales Co., Licking, Mo.
 Lolli Sale Pavilion, Macon, Mo.
 Malden Sale Co., Malden, Mo.
 Mansfield Livestock Auction, Mansfield, Mo.
 Marshfield Sale Barn, Marshfield, Mo.
 Maryville Auction Co., Maryville, Mo.
 McDonald County Sales Co., Goodman, Mo.
 Moberly Livestock Auction Co., Moberly, Mo.
 Monett Sale Co., Monett, Mo.
 Montgomery County Auction, Wellsville, Mo.
 Mountain Grove Livestock Auction, Mountain Grove, Mo.
 Mountain View Auction, Mountain View, Mo.
 Munn Sale Barn, New Cambria, Mo.
 Nevada Sales Company, Inc., Nevada, Mo.
 New Palmyra Sale, Palmyra, Mo.
 Odessa Community Sale, Odessa, Mo.
 Olean Sales Co., Olean, Mo.
 P & M Cattle Auction, Silkeston, Mo.
 C. M. Pasley Auction Co., Osceola, Mo.
 Payne Auction, Lebanon, Mo.
 Perry Sale Barn, Inc., Perry, Mo.
 Poplar Bluff Sales Co., Poplar Bluff, Mo.
 Potosi Auction Co., Potosi, Mo.
 Rhodes Commission Co., Advance, Mo.
 Robertson's Community Sale, Bethany, Mo.
 Salem Livestock Auction Co., Salem, Mo.
 Savannah Sale Co., Savannah, Mo.
 Schuyler County Sales Co., Lancaster, Mo.
 Shelbina Auction Co., Shelbina, Mo.
 Stewart's Sale Pavilion, Cameron, Mo.
 Summersville Auction Sale, Summersville, Mo.
 Thayer Sales Co., Thayer, Mo.
 Thornton Sales & Auction Co., Springfield, Mo.
 Troy Sale Co., Troy, Mo.
 Versailles Auction Co., Versailles, Mo.
 Warsaw Sales Co., Warsaw, Mo.
 Welty Brothers Sale Pavilion, Nevada, Mo.
 Wentzville Auction Co., Wentzville, Mo.
 West Plains Livestock Auction, West Plains, Mo.
 Windsor Auction Co., Windsor, Mo.
 Cherokee Sales Company, Cherokee, Okla.
 Hugo Sales Commission Co., Hugo, Okla.
 Tahlequah Sale Barn, Tahlequah, Okla.
 Ranchers' Commission Company, Junction, Tex.
 Wellington Livestock Commission Co., Wellington, Tex.
 Manassas Livestock Market, Inc., Manassas, Va.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C.

181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

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

Done at Washington, D.C., this 2d day of April 1959.

[SEAL] DAVID M. PETTUS,
 Director,
 Livestock Division,
 Agricultural Marketing Service.

[F.R. Doc. 59-2927; Filed, Apr. 7, 1959; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-59]

TEXAS AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

Notice of Issuance of Amendment to Facility Operating License

Please take notice that the Atomic Energy Commission has issued the Amendment (No. 1) set forth below to facility license No. R-23 authorizing Texas Agricultural and Mechanical College System to modify its operating procedures, make minor modifications in the reactor, and increase the excess reactivity in the reactor from 0.2 percent to 0.25 percent. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor as proposed does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously authorized operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. For further details, see (1) the application for license amendment submitted by Texas Agricultural and Mechanical College System, and (2) a hazards analysis of the proposed operation of the reactor prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic

Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 31st day of March 1959.

For the Atomic Energy Commission.

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

[License No. R-23, Amdt. 1]

The first paragraph of License No. R-23 is hereby amended to read as follows:

Texas Agricultural and Mechanical College System, College Station, Texas (hereinafter referred to as Texas A&M), filed an application dated March 22, 1957, and an amendment thereto dated June 13, 1957, to acquire, possess and operate on its campus at College Station, Texas, a utilization facility designated as Model AGN-201, Serial No. 106 (hereinafter referred to as "the reactor"). License No. R-23 was issued to Texas A&M on August 26, 1957. By amendment dated January 26, 1959, Texas A&M filed an amendment to its license application describing changes in the operating procedures and certain modifications to the reactor. References hereinafter to the "application" or to the "application as amended" pertain collectively to the application dated March 22, 1957 and amendments thereto dated June 13, 1957 and January 26, 1959.

This amendment is effective as of the date of issuance.

Date of issuance: March 31, 1959.

For the Atomic Energy Commission.

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

[F.R. Doc. 59-2901; Filed, Apr. 7, 1959; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12414 etc.; FCC 59M-408]

ALKIMA BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Austin E. Harkins, John P. Weis, Ned Goode, Lila W. Goode, Charles E. Lucas, Jr., and Marshall L. Jones, d/b as Alkima Broadcasting Company, West Chester, Pennsylvania; Docket No. 12414, File No. BP-10640; Herman Handloff, Newark, Delaware; Docket No. 12711, File No. BP-12190; Howard Wasserman, West Chester, Pennsylvania; Docket No. 12712, File No. BP-12208; for construction permits.

The Hearing Examiner having before him a "Joint Motion for Continuance" filed on March 26, 1959, by counsel for Alkima Broadcasting Company and Herman Handloff, which motion requests the continuance from April 22 to May 11, 1959, for the hearing in this matter; and It appearing, that all other parties consent to the continuance and that good cause has been shown.

It is ordered, This 30th day of March 1959, that the motion is granted, and the hearing presently scheduled for April 22, 1959, be, and it is, hereby rescheduled to commence May 11, 1959; and

It is further ordered, That the date for exchanging exhibits is changed from April 10, 1959, to April 24, 1959.

Released: March 31, 1959.

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

[F.R. Doc. 59-2944; Filed, Apr. 7, 1959;
8:52 a.m.]

[Docket No. 12593; FCC 59M-421]

SOUTH COUNTY BROADCASTING CO.

Order Scheduling Prehearing Conference

In re application of Jack C. Salera, tr/as South County Broadcasting Company, Wickford, Rhode Island; Docket No. 12593, File No. BP-11383; for construction permit.

On the Examiner's own motion: *It is ordered*, This 1st day of April 1959, that a prehearing conference in the above-entitled proceeding will be held on April 16, 1959, at 9:00 a.m. in the offices of the Commission, Washington, D.C.

Released: April 2, 1959.

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

[F.R. Doc. 59-2945; Filed, Apr. 7, 1959;
8:52 a.m.]

[Docket No. 12729]

STANDARD BROADCAST STATIONS LICENSED FOR DAYTIME OPERATIONS

Order Extending Time for Filing Comments on Notice of Inquiry

In the matter of inquiry into the advisability of authorizing Standard Broadcast Stations to operate with facilities licensed for daytime operation from 6:00 a.m. or Local Sunrise (whichever is earlier) to 6:00 p.m. or Local Sunset (whichever is later); Docket No. 12729.

1. The Commission has before it for consideration a request filed on March 27, 1959, by National Broadcasting Company, Inc. (NBC) to extend the time for filing comments in the above-entitled proceeding from April 8 to June 12, 1959, and an opposition to the NBC request filed on March 31, 1959, by the Daytime Broadcasters Association, Inc. (DBA).

2. NBC alleges that it is making detailed studies and computations in order to provide the Commission with as much data as possible in this proceeding, and that additional time will be required to complete this material. NBC further states that the issues in this proceeding are similar to those in Docket No. 12274 in which the parties were given five months to prepare comments, and that a comparable period of time for

preparing comments is justified in this proceeding.

3. The opposition of DBA alleges that the extension is not justified since the NBC comments in these proceedings will be, in large measure, those that it submitted in Docket No. 12274. Moreover, it is contended that a 60-day extension would result in a year's delay in the possible implementation of the Commission's proposal, since the extended hours under consideration have applicability mainly in the mid-winter months. DBA contends that, at most, a 15-day extension is warranted.

4. The Commission is of the view that this proceeding should be concluded as expeditiously as possible, and that an extension of time until June 12 would not be conducive to that end. However, we appreciate the complexity of the issues involved in this proceeding and we therefore believe that the public interest, convenience and necessity would be served by a reasonable extension of time which would not have the effect of unduly delaying a final determination.

5. Accordingly, *it is ordered*, That the request of National Broadcasting Company, Inc., for an extension of time within which to file comments is granted in part, and that the time for filing comments is extended from April 8 to May 8, 1959.

Adopted: April 2, 1959.

Released: April 3, 1959.

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

[F.R. Doc. 59-2946; Filed, Apr. 7, 1959;
8:52 a.m.]

[Docket No. 12812; FCC 59-239]

PLAINS BROADCASTING CORP.

Order Designating Application for Hearing on Stated Issues

In re application of Plains Broadcasting Corporation, Independence, Iowa; (Req: 1220 kc, 250 w, Day) Docket No. 12812, File No. BP-12033; 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 operation as proposed would cause objectionable interference to Station KFJB, Marshalltown, Iowa; and

It further appearing, that pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicant and the licensee of Station KFJB were notified of the aforementioned deficiency

and that the Commission was unable to conclude that a grant of the instant application would be in the public interest; and

It further appearing, that the applicant filed a timely reply to the Commission's said letter; and that the licensee of Station KFJB requested that the instant proposal be designated for a hearing on the ground of the aforementioned interference; and

It further appearing, that the Commission, after consideration of the foregoing, is of the opinion that a hearing on the instant 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 instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Station KFJB, Marshalltown, Iowa, 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 such areas and populations.

3. 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 the Marshall Electric Company, licensee of Station KFJB, 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, 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: April 3, 1959.

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

[F.R. Doc. 59-2947; Filed, Apr. 7, 1959
8:52 a.m.]

[Docket No. 12812; FCC 59M-418]

PLAINS BROADCASTING CORP.

Order Scheduling Hearing

In re application of Plains Broadcasting Corporation, Independence, Iowa; Docket No. 12812, File No. BP-12033; for construction permit for a new standard broadcast station.

It is ordered, This 1st day of April 1959, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to

commence on May 26, 1959, in Washington, D.C.

Released: April 1, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-2948; Filed, Apr. 7, 1959;
8:52 a.m.]

[Docket No. 12812; FCC 59M-423]

PLAINS BROADCASTING CORP.

Notice of Prehearing Conference

In re application of Plains Broadcasting Corporation, Independence, Iowa; Docket No. 12812, File No. BP-12033; for construction permit for a new standard broadcast station.

A prehearing conference will be held Tuesday, April 21, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: April 2, 1959.

Released: April 2, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-2949; Filed, Apr. 7, 1959;
8:52 a.m.]

[Docket No. 12813; FCC 59M-416]

SOUTHBAY BROADCASTERS

Order Scheduling Hearing

In re application of Burr Stalnaker, John B. Stodelle and Howard L. Chernoff, d/b as Southbay Broadcasters, Chula Vista, California; Docket No. 12813, File No. BP-11469; for construction permit for a new standard broadcast station.

It is ordered, This 1st day of April 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 26, 1959, in Washington, D.C.

Released: April 1, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-2950; Filed, Apr. 7, 1959;
8:53 a.m.]

[Docket Nos. 12814, 12815; FCC 59M-417]

VOICE OF THE NEW SOUTH, INC. (WNSL) AND SOUTHLAND BROADCASTING CO. (WLAU)

Order Scheduling Hearing

In re applications of Voice of the New South, Inc. (WNSL), Laurel, Mississippi; Docket No. 12814, File No. BP-11916; Southland Broadcasting Company (WLAU), Laurel, Mississippi; Docket No. 12815, File No. BMP-8053; for construc-

tion permits for new standard broadcast stations.

It is ordered, This 1st day of April 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 26, 1959, in Washington, D.C.

Released: April 1, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-2951; Filed, Apr. 7, 1959;
8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18166]

CHAMPLIN OIL & REFINING CO. ET AL.

Order for Hearing and Suspending Proposed Change in Rates

APRIL 2, 1959.

Champlin Oil & Refining Company et al. (Champlin) on March 9, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated March 5, 1959.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 5 to Champlin's FPC Gas Rate Schedule No. 2.

Effective date: April 10, 1959 (stated effective date is the effective date proposed by Champlin).

In support of the proposed favored-nation rate increase, Champlin submits a favored-nation notification letter dated July 24, 1957, from Texas Eastern Transmission Corporation. In addition, Champlin states that the favored-nation clause was included in its basic contract as part of the consideration bargained for by the seller and was a material inducement to the seller's execution of the 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 said proposed change, and that Supplement No. 5 to Champlin's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the

Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Champlin's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 10, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2906; Filed, Apr. 7, 1959;
8:46 a.m.]

[Docket No. G-18167]

AMERICAN PETROFINA COMPANY OF TEXAS¹

Order for Hearing and Suspending Proposed Change in Rates

APRIL 2, 1959.

American Petrofina Company of Texas (American Petrofina) on March 9, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: United Fuel Gas Co.

Rate schedule designation: Supplement No. 4 to American Petrofina's FPC Gas Rate Schedule No. 9.

Effective date: April 9, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed four-step periodic rate increase, American Petrofina states that the contract was negotiated at arm's length, that the pricing provisions of the contract are necessary as protection against increasing costs and the effects of inflation, and that the proposed rate is no higher than the prices currently being offered to producers for gas delivered from the same area.

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 Commis-

¹ Formerly the Natural Gas Distributing Corporation.

sion enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to American Petrofina's FPC Gas Rate Schedule No. 9 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to American Petrofina's FPC Gas Rate Schedule No. 9.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 9, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2907; Filed, Apr. 7, 1959;
8:46 a.m.]

[Docket No. G-18168]

SUPERIOR OIL CO. ET AL.

Order for Hearing and Suspending Proposed Change in Rates

APRIL 2, 1959.

The Superior Oil Company (Operator) et al. (Superior) on March 9, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated March 6, 1959.

Purchaser: Trunkline Gas Co.

Rate schedule designation: Supplement No. 12 to Superior's FPC Gas Rate Schedule No. 1.

Effective date: April 9, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Superior states that the increase is provided by a contract which was negotiated at arm's length and that the proposed rate is lower than the prices in new contracts negotiated in the same area. As the triggering rate, Superior cites a 15.0 cent per Mcf increased

rate for a sale to Cities Service Oil Company to Trunkline Gas Company in Texas Railroad Commission District No. 3.¹

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 12 to Superior's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 12 to Superior's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 9, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2908; Filed, Apr. 7, 1959;
8:47 a.m.]

[Docket No. G-18169]

M. F. MCCAIN ET AL.

Order for Hearing and Suspending Proposed Change in Rates

APRIL 2, 1959.

M. F. McCain (Operator) et al. (McCain) on March 9, 1959, tendered for filing a proposed change in his presently effective rate schedule² for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and

¹ Cities Service Oil Company's increased rate was suspended in Docket No. G-15210 and became effective subject to refund on November 7, 1958.

² Present rate previously suspended and is in effect subject to refund in Docket No. G-15767 (Louisiana gathering tax increase).

charge, is contained in the following designated filing:

Description: Notice of change, dated March 6, 1959.

Purchaser: Texas Eastern Transmission Corp.

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

Effective Date: April 9, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, McCain states that the increased rate is provided by the contract and constitutes an integral part of the overall consideration for his execution of the 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 said proposed change, and that Supplement No. 5 to McCain's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to McCain's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 9, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2909; Filed, Apr. 7, 1959;
8:47 a.m.]

[Docket No. G-15271]

HANCOCK OIL CO.

Notice of Date of Hearing

APRIL 2, 1959.

Take notice that, pursuant to the authority conferred upon the Federal

Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on April 23, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application of Hancock Oil Company, now Signal Oil and Gas Company, et al., in the above-entitled proceedings: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

The application herein was duly noticed by publication in the FEDERAL REGISTER on March 18, 1959 (24 F.R. 2000).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2940; Filed, Apr. 7, 1959;
8:51 a.m.]

[Docket No. G-17097]

CITY OF BARDSTOWN, KENTUCKY

Notice of Application and Date of Hearing

APRIL 2, 1959.

Take notice that the City of Bardstown, Nelson County, Kentucky, (Applicant) a municipal corporation of the fifth class, organized under the laws of the State of Kentucky, filed on November 28, 1958, an application and on January 14, 1959, and February 24, 1959, supplements thereto, pursuant to section 7(a) of the Natural Gas Act for an order directing Louisville Gas and Electric Company (L.G. & E.) to establish physical connection of its transportation facilities with the facilities which Applicant proposes to construct, as hereinafter described, and directing L.G. & E. or, in the alternative, Texas Gas Transmission Corporation (Texas Gas), to sell up to 1125 Mcf of natural gas per day to Applicant for local distribution to the public in Bardstown, all as more fully represented in the application, which is on file with the Commission and open for public inspection. Should Texas Gas be the supplier, Applicant requests that Texas Gas deliver the gas to L.G. & E. for Applicant's account and L.G. & E., in turn, deliver equivalent volumes to applicant.

Applicant proposes to construct and operate approximately 1.44 miles of 4-inch transmission pipeline extending from a connection with L.G. & E.'s 8-inch Louisville-Calvary lateral west to the city limits of Bardstown and also a distribution system to serve Bardstown.

Applicant estimates its natural gas requirements as follows:

Year of service:	Require- ments in peak day	Mcf annual
1-----	750	59,810
2-----	975	85,515
3-----	1,125	99,570
4-----	1,237	112,757
5-----	1,350	125,944

The gas will be used for both domestic and commercial purposes.

The estimated total capital cost of the proposed facilities is \$365,000, which Applicant proposes to finance by the issuance and sale of 4½ percent natural gas revenue bonds.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 4, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by said application.

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 23, 1959.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2941; Filed, Apr. 7, 1959;
8:52 a.m.]

[Docket No. G-18204]

KERR-McGEE OIL INDUSTRIES, INC.

Order for Hearing and Suspending Proposed Change in Rates

APRIL 2, 1959.

Kerr-McGee Oil Industries, Inc. (Kerr-McGee) on March 3, 1959, tendered for filing a proposed change in its presently effective rate schedule¹ for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated March 2, 1959.

Purchaser: Phillips Petroleum Co.
Rate schedule designation: Supplement No. 14 to Kerr-McGee's FPC Gas Rate Schedule No. 8.

Effective date: April 5, 1959 (stated effective date is the effective date proposed by Kerr-McGee).

In support of the proposed periodic rate increase, Kerr-McGee cites the contract provisions and states that the contract was negotiated at arm's length in good faith, that the increased price is fair, just and reasonable and will result in no more than a fair return on investment. Kerr-McGee states additionally that the proposed prices are well below

¹ Present rate previously suspended and is in effect subject to refund in Docket No. G-13119.

the rates under more recent contracts in the area and that denial thereof would be confiscatory.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 14 to Kerr-McGee's FPC Gas Rate Schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased-rate and charge contained in Supplement No. 14 to Kerr-McGee's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 5, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2942; Filed, Apr. 7, 1959;
8:52 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

FARRELL SHIPPING CO., INC., AND EXPORTERS FORWARDING CO., INC.

Notice of Agreement Filed for Approval

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

Agreement No. 8371, between Farrell Shipping Co., Inc., New Orleans, La., and Exporters Forwarding Co., Inc., New York, N.Y., is a cooperative working agreement under which the parties will perform freight forwarding services for each other.

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

Dated: April 3, 1959.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-2953; Filed, Apr. 7, 1959;
8:53 a.m.]

FEDERAL TRADE COMMISSION

[File No. 21-529.]

MANIFOLD BUSINESS FORMS INDUSTRY

Notice of Trade Practice Conference

A trade practice conference for the Manifold Business Forms Industry will be held under the auspices of the Federal Trade Commission commencing at 9:30 a.m., c.s.t., Thursday, April 23, 1959, in the Michigan Room, Edgewater Beach Hotel, Chicago, Illinois.

All persons firms, corporations and organizations engaged in the manufacture, sale or distribution of manifold business forms are cordially invited to attend and participate in this meeting. The products of the industry include, but are not limited to, autographic register forms, unit set forms, continuous forms, sales-books and fanfold forms.

The purpose of the conference is to afford all members of this industry an opportunity to consider, and propose for establishment, subject to the Commission's approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of laws administered by the Commission. Any industry member may submit suggested trade practice rules for consideration at the conference and take part in the consideration and discussion of proposals or suggestions presented by others.

Among the subjects for rules which have been suggested for consideration at the conference are: Deception (general); defamation of competitors or false disparagement of their products; misrepresenting products as conforming to standard; deceptive use of trade or corporate names, trade marks, etc.; false invoicing; false and misleading price quotations; commercial bribery; procurement of competitors' confidential information; enticing away employees of competitors; sales below cost; substitution of products; prohibited forms of trade restraints; prohibited discriminatory prices; misrepresentation as to character of business; inducing breach of contract; coercing purchase of one product as a prerequisite to purchase of other products; exclusive deals; unfair

threats of infringement suits; and aiding or abetting use of unfair trade practices.

After the conference on April 23, and before any rules are finally approved by the Commission, a draft of proposed rules in appropriate form will be made available to all affected or interested parties, including consumers and consumer organizations, upon public notice affording them opportunity to present their views, criticisms, and suggestions regarding the proposed rules and to be heard at a public hearing in the matter to be announced by the Commission.

Issued: April 3, 1959.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-2939; Filed, Apr. 7, 1959;
8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 24SF-2575, 24SF-2578]

NATIONAL LAND COMPANY OF ARIZONA AND ARMED FORCES INVESTMENT FUND, INC.

Order Amending Orders Temporarily Suspending Exemptions and Notice of and Order for Hearing

APRIL 2, 1959.

In the matter of National Land Company of Arizona, File No. 24SF-2575; Armed Forces Investment Fund, Inc., File No. 24SF-2578.

I. National Land Company of Arizona (National Land), an Arizona corporation, Scottsdale, Arizona, filed with the Commission on January 16, 1959 a notification on Form 1-A and an offering circular relating to a proposed offering of 10,000 shares of its \$10.00 par value Class A common stock at \$10.00 per share for an aggregate offering of \$100,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and regulation A promulgated thereunder.

Armed Forces Investment Fund, Inc. (Armed Forces), an Arizona corporation, Scottsdale, Arizona, filed with the Commission on January 26, 1959 a notification on Form 1-A and an offering circular relating to a proposed offering of 50,000 shares of its \$1.00 par value Class A common stock at \$2.00 per share for an aggregate offering of \$100,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and regulation A promulgated thereunder.

The Commission on February 13, 1959 issued separate orders pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemptions under regulation A for the proposed offerings of National

Land and Armed Forces, and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request by National Land for hearing was received by the Commission.

The Commission hereby amends the orders dated February 13, 1959 temporarily suspending the Regulation A exemptions of National Land and Armed Forces, by deleting Items B.4 and B.8 from the said Armed Forces order, and by adding to the said National Land order Items A.2 (b), (c), (e), (f), (h) and Item A.3 as set forth below.

The Commission deeming it necessary and appropriate to determine whether to vacate each temporary suspension order or to enter an order permanently suspending the exemption of each; and

It appearing to the Commission that the two matters involve common questions of law and fact,

II. *It is hereby ordered*, That a consolidated hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held in the Grand Jury Room, Third Floor, U.S. Courthouse, 230 North First Avenue, Phoenix, Arizona, at 10:00 a.m. on April 20, 1959, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemptions for National Land and Armed Forces are not available for the securities of each purported to be offered in that:

1. The terms and conditions of Regulation A have not been complied with by either National Land or Armed Forces in that the notification of each on Form 1-A fails to disclose that Jack R. Foster, Jack R. Foster Realty, Inc., Homer W. Forrester, National Land and Armed Forces are affiliates.

2. The offering circulars of National Land and Armed Forces contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

(a) The failure to disclose in each offering circular that Jack R. Foster, Jack R. Foster Realty, Inc., Homer W. Forrester, National Land, and Armed Forces are affiliates;

(b) The failure to disclose that National Land and Armed Forces were incorporated and propose to engage in the same business operations;

(c) The failure to disclose in each offering circular that Jack R. Foster Realty, Inc., controlled by Jack R. Foster, is to act as real estate agent for both Armed Forces and National Land;

(d) The failure to disclose adequately in the Armed Forces offering circular the significance of the ownership of all voting stock by Jack R. Foster;

(e) The statements in each offering circular that the management of each receive only "incentive" type compensation;

(f) The failure to disclose adequately in each offering circular the intended use of proceeds under each offering;

(g) The failure to disclose in the Armed Forces offering circular that the sale of securities exclusively to members of the United States Armed Forces has no investment significance; and

(h) The failure to disclose adequately in the National Land offering circular the effect on voting control of the option to Homer W. Forrester to purchase 5,000 shares of Class "B" stock of National Land.

3. The offerings of both National Land and Armed Forces would be made in violation of section 17 of the Act.

B. Whether each order dated February 13, 1959, temporarily suspending the exemption under Regulation A should be vacated or made permanent.

III. *It is further ordered*, That James G. Ewell or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on National Land Company of Arizona and Armed Forces Investment Fund, Inc., that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before April 17, 1959, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission,

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-2917; Filed, Apr. '7, 1959;
8:48 a.m.]

[File No. 812-1215]

EQUITY CORP. ET AL.

Notice of Filing of Application for Exemption

APRIL 1, 1959.

In the matter of The Equity Corporation, Equity General Corporation, Real Estate Equities, Inc., Development Corporation of America, File No. 812-1215.

Notice is hereby given that an application, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), has been filed by Equity General Corporation ("Equity General"), a wholly-owned subsidiary of The Equity Corporation ("Equity"), a registered closed-end non-diversified management investment company, requesting exemption from the provisions of the Act to permit it to acquire all of the common stock to be issued by Development Corporation of America ("DCA"), a non-affiliated company, in connection with

the merger into DCA of Real Estate Equities Corporation ("REE"), a wholly-owned subsidiary of Equity General; and by DCA to except it as an investment company upon the aforesaid merger from certain provisions of the Act for a limited period of time. Equity and REE are also parties to the application, which may be summarized as follows:

REE, a Delaware corporation, is engaged in owning, holding and leasing certain lands and buildings. Pursuant to a Plan of Recapitalization and Merger ("the Plan") REE, prior to the merger, will receive as a contribution from Equity General debentures of N. V. Philips' Gloeilampenfabrieken, debentures, preferred and common stocks of Sterling Precision Corporation, and common stock of Financial General Corporation, and will transfer its fee ownership of an office building to a company which will become a wholly-owned subsidiary of Equity General. After these transactions the carrying value as of December 31, 1958, of the total assets of REE will be \$10,640,906.

DCA, a Delaware corporation, is engaged in the business of its wholly-owned subsidiary, Acorn Paint & Chemical Company, which manufactures and sells roofing materials and other finishing products. DCA is also engaged in various real estate activities as well as the holding of securities. The carrying value as of October 31, 1958, of the total assets of DCA was \$5,579,130.

Pursuant to the Plan, prior to the merger, DCA will acquire from Equity General, in exchange for its 5 percent note in the principal amount of \$1,947,500, all of the capital stocks of Frye Manufacturing Company and Southeastern Carbon Paper Company which are engaged in the business of the manufacture and sale of carbon paper. The Plan further provides that after the merger DCA will purchase from Schuyler Corporation, which is also party to the Plan, \$1,536,000 principal amount of the debentures of Sterling Precision Corporation in exchange for a 4½ percent note of DCA in like principal amount.

Upon the merger DCA will issue all of the 2,399,503 shares of common stock to be then outstanding to Equity General as the holder of all of the common stock of REE. DCA will also issue 299,457 shares of preferred stock to the holders of the common stock of DCA on the basis of one share of preferred stock for each three shares of common stock of DCA. Certain options for the purchase of shares of DCA which are presently outstanding will entitle the holders after the merger to purchase preferred stock on the same basis.

The preferred stock (i) will be entitled to annual cumulative dividends of \$1.25 per share in preference to the common stock, (ii) will have a par value of \$1.00 per share, although upon either voluntary or involuntary liquidation it will be entitled to receive \$25 per share plus accrued and unpaid dividends in preference to the common stock, and (iii) will be redeemable at \$26 per share plus accrued and unpaid dividends. The preferred stock will be convertible into

four shares of common stock prior to July 1, 1960, upon the payment of \$5.59 and thereafter prior to July 1, 1964, upon the payment of \$6.50 and thereafter upon the payment of \$7.50. The conversion rate will be automatically reduced to three shares of common stock, with no cash payment, at such time as DCA may issue for each share of preferred stock a five-year warrant to purchase common stock at \$6.50 per share. The terms of the preferred stock contain various anti-dilution and other protective provisions, including the right, voting as a class, to elect a majority of the board of directors in the event of specified defaults in the payment of dividends, and to elect two directors at all times that the company is subject to the provisions of the Act.

The proposed merger, to become effective, will require the affirmative vote of the holders of two-thirds of the outstanding shares of DCA. Stockholders objecting to the merger will have the right to payment in cash of the value of their stock upon compliance with the procedures provided under the Delaware General Corporation Law in such instances. Under the Plan, Equity General as the sole stockholder of REE is obligated to approve the merger.

Upon the acquisition by DCA of the securities mentioned above, DCA will be an investment company as defined in section 3(a) of the Act, although the application states that as soon as practicable after the merger, it is intended that DCA will cease to be an investment company. Section 12(d) of the Act prohibits the acquisition by a controlled company (Equity General) of a registered investment company (Equity) of the voting securities of another investment company (DCA) under the circumstances herein proposed. Accordingly, exemption is sought pursuant to the provisions of section 6(c) of the Act to permit the acquisition by Equity General of the common stock of DCA. Exemption is further sought by DCA from the registration and related provisions of sections 7, 8 and 13 of the Act and the reporting requirements of sections 30(a) and 30(b)(1). Section 6(c) provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the application for exemption it is stated that the negotiations between DCA on the one hand and the Equity group of companies on the other hand, were conducted at arms-length between non-affiliated persons and are fair and advantageous to both groups. It is stated that the limited resources of DCA have made it difficult to carry out, to the extent desired, its objective of engaging in industrial and real estate activities. The industrial and real estate assets which it will acquire in the merger are consistent with these objectives, and the increase in assets will facilitate future financing. It is also stated that the transactions will result in further diversification of the Equity group's in-

dustrial activities, as well as strengthening its management in certain specified areas. It is also pointed out that certain bonds now owned by DCA, have a tax basis substantially greater than their realizable value. Financial statements indicate that the converse situation will obtain with respect to certain securities owned by REE.

As stated, DCA intends to cease to be an investment company as soon as practicable, and accordingly the applicants have severally undertaken as an inducement to the Commission to enter the requested order, that DCA will be subject to all the provisions of the Act except as hereinbefore noted, and that if for any reason it shall not cease to be an investment company within eight months from the date of the requested order herein then DCA will register under the Act. Further Equity has agreed that in such event it, or any company controlled by it, will dispose of all of their holdings of voting securities of DCA.

Notice is further given that any interested persons, may, not later than April 14, 1959, at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-2918; Filed, Apr. 7, 1959;
8:48 a.m.]

[File No. 24S-1659]

NORTH AMERICAN EXPLORATION CO., INC.

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

APRIL 2, 1959.

I. North American Exploration Co., Inc., (issuer), a Washington corporation, 417 Paulsen Building, Spokane 1, Washington, filed with the Commission on February 26, 1959 a notification on Form 1-A and an offering circular relating to a proposed offering of 3,000,000 shares of its 10 cents par value common stock, at 10 cents a share, for an aggregate offering of \$300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

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

1. The failure to disclose adequately the nature and outcome of operations by the issuer, its predecessors, and others on the issuer's mining properties;

2. The failure to disclose adequately the material terms of the issuer's mining leases and purchase agreements, particularly, the amount of royalties payable thereunder and the total costs to the issuer of these mining properties and the payments due thereon;

3. The failure to disclose adequately the background and capabilities of the management of the issuer, particularly, as to the persons under whose direction the activities at the properties will be conducted;

4. The failure to disclose adequately (a) Information about the type, condition, and capacity of the issuer's mill, and (b) The justification for the proposed expenditures on the issuer's mill in light of the amount of known ore;

5. The failure to include adequate financial statements, particularly, a statement of cash receipts and disbursements of the issuer's predecessors;

6. The inclusion as an asset in the financial statement of \$149,215.93, a substantial portion of which represents the par value of shares issued to promoters and predecessors for mineral property rights, such amount being arbitrary and having no relation to the nominal cost actually paid for such leases by the promoters and predecessors;

7. The failure to disclose that since 1942 there have been substantial increases in the costs of operating mines and mills similar to those on the issuer's properties while the price of gold has remained at \$35 an ounce.

B. The offering would be made in violation of section 17 of the Act.

It is ordered, Pursuant to Rule 261 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 to North American Exploration Co., Inc. and to any person having any interest in the matter that this order has been entered; that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption, 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

any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-2919; Filed, Apr. 7, 1959;
8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-III-9, Amdt. 2]

**BRANCH MANAGER,
PITTSBURGH, PA.**

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

Delegation of Authority No. 30-III-9, as amended (22 F.R. 7008, 23 F.R. 1230), is hereby further amended by adding the following paragraphs to section I.B.:

4. To execute loan authorizations for disaster loans of \$50,000 or less approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By _____
Manager,
Pittsburgh Branch Office.

5. To execute modifications or amendments to loan authorizations for disaster loans approved under delegated authority.

Dated: January 27, 1959.

WILLIAM H. HARMAN,
Regional Director,
Philadelphia Regional Office.

[F.R. Doc. 59-2920; Filed, Apr. 7, 1959;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 263]

MOTOR CARRIER APPLICATIONS

APRIL 3, 1959.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 303 (Sub No. 9), filed February 12, 1959. Applicant: DOVER TRUCKING CO., a corporation, P.O.

Box 285, Dover, N.J. Applicant's representative: James J. Farrell, 201 Montague Place, South Orange, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Component parts* of special ordnance equipment, radar and underwater sound devices, missile and missile handling equipment for aircraft carriers, and special machinery manufactured to customers' specifications, between Dover, N.J., on the one hand, and, on the other, points in New Jersey, Rhode Island, Connecticut, Massachusetts, and the District of Columbia, and those in Vermont, New Hampshire, New York, Pennsylvania, Maryland, and Virginia within 250 miles of Dover, N.J. Applicant is authorized to conduct operations in New Jersey, Rhode Island, Connecticut, Massachusetts, the District of Columbia, Vermont, New Hampshire, New York, Pennsylvania, Maryland, and Virginia.

NOTE: Applicant requests that the proposed transportation be restricted to commodities not requiring rigging, hoisting or the use of special equipment.

HEARING: May 19, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 629 (Sub No. 13), filed March 11, 1959. Applicant: HELM'S EXPRESS, INC., P.O. Box 268, Pittsburgh 30, Pa. Applicant's attorney: John A. Vuono, 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Bethlehem, Pa., and Kingston, N.Y., from Baltimore over Pennsylvania Highway 512 to Wind Gap, Pa., thence over Pennsylvania Highway 12 to Snyder'sville, Pa., thence over U.S. Highway 209 to Kingston, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Pennsylvania, New York, New Jersey, Ohio, West Virginia, Connecticut, and Massachusetts.

HEARING: May 8, 1959, at the Fulton Building, 101-115 Sixth Street, Pittsburgh, Pa., before Examiner Dallas B. Russell.

No. MC 2855 (Sub No. 5), filed March 10, 1959. Applicant: RAYMOND LEE HOGGE, doing business as R. L. HOGGE, Fourth Street, West Point, Va. Applicant's attorney: Henry E. Ketner, State Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* from West Point, Va., to points in Delaware, Pennsylvania, and New Jersey, (2) *pallets*, from West Point, Va., to points in Maryland, Delaware, Pennsylvania, New Jersey, and the District of Columbia, and (3) *lumber*, from Baltimore, Md., to West Point, Va. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Applicant indicates that if the authority sought by this application is granted it would be the purpose of applicant to perform the proposed operation under contract with the following shippers: Bynum Clarke Westmoreland, Shackelfords, Va., Joseph Richardson Potts, Barhamsville, Va., and Sidney Elma Sheldon, Toano, Va.

HEARING: May 27, 1959, at the U.S. Court Rooms, Richmond, Va., before Examiner Allan F. Borroughs.

No. MC 3094 (Sub No. 9), (Republication) filed February 17, 1959, published issue of March 18, 1959. Applicant: SERVICE MOTOR FREIGHT, INC., 700 Clements Bridge Road, Barrington, N.J. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including liquid commodities in bulk, in tank vehicles* but excepting household goods, as defined by the Commission, Class A and B explosives, those of unusual value, and those requiring special equipment; other than tank vehicles, under a contract with the Owens-Corning Fiberglas Corporation, between Berlin, N.J., on the one hand, and, on the other, points in Connecticut, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Delaware, New York, New Hampshire, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, the Lower Peninsula of Michigan, and the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, Maryland, the District of Columbia, Delaware, New York, Virginia, Massachusetts, Connecticut, and Rhode Island.

HEARING: Remains as assigned April 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William P. Sullivan.

No. MC 3094 (Sub No. 10) (Republication), filed February 17, 1959, published issue of March 18, 1959. Applicant: SERVICE MOTOR FREIGHT, INC., 700 Clements Bridge Road, Barrington, N.J. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including liquid commodities in bulk, in tank vehicles*, but excepting household goods, as defined by the Commission, Class A and B explosives, those of unusual value, and those requiring special equipment, other than tank vehicles, under a contract with the Owens-Corning Fiberglas Corporation, between Barrington, N.J., on the one hand, and, on the other, points in Georgia, Illinois, Indiana, Kentucky, Maine, New Hampshire, North Carolina, Ohio, South Carolina, Tennessee, West Virginia, Vermont, the lower Peninsula of Michigan, that part of Pennsylvania which is west of Fulton, Huntingdon, Blair, Centre, Clinton, and Potter Counties, and that part of New York which is west or north of Chemung, Tomkins, Cayuga, Oswego, Oneida, Herkimer, Hamilton, Warren, and Washington Counties. Applicant is authorized to

conduct operations in Pennsylvania, New Jersey, Maryland, the District of Columbia, Delaware, New York, Virginia, Massachusetts, Connecticut, and Rhode Island.

HEARING: Remains as assigned April 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William P. Sullivan.

No. MC 11315 (Sub No. 9) AMENDMENT, (republication) filed January 6, 1959, WILLIAM A. GIVENS (W. A. GIVENS, JR., EXECUTOR), 250 West Thornton Street, Akron, Ohio, published at Page 493, issue of January 21, 1959. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes. Applicant requests the following additional commodities and territories: *Aluminum siding, roofing and accessories, metal doors and windows, aluminum and parts, including metal stampings and extrusions*, from Akron, Cleveland, Columbiana, and Gnadenhütten, Ohio, to points in Illinois, Indiana, Michigan, Missouri, Kentucky, and Tennessee; and *aluminum bar, coil, ingot, paint, oil, calking compound, glass, wire and plate, iron or steel*, from Alton, Ill., Ravenswood, W. Va. and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, to points in Ohio east of U.S. Highway 23.

HEARING: May 4, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Dallas B. Russell.

No. MC 16567 (Sub No. 6), filed February 27, 1959. Applicant: J. L. SCHEFFLER TRANSPORT, INC., 1801 West Fulton Street, Chicago 12, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Plumbing ware and supplies*, serving Woodstock, Ill., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Two Rivers, Wis., restricted to the delivery of shipments originating at Kohler, Wis. Applicant is authorized to conduct operations in Illinois and Wisconsin.

HEARING: May 19, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 22195 (Sub No. 69), filed March 23, 1959. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, from Mandan, N. Dak., and points within ten (10) miles thereof, to points in Minnesota; and *rejected shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Iowa, South Dakota, Minnesota, North Dakota, Montana, and Nebraska.

HEARING: June 1, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 24.

No. MC 26396 (Sub No. 12) (Amendment), filed September 8, 1958, published issue March 18, 1959. Applicant: STAR TRANSFER COMPANY, 1024 Second Avenue North, Billings, Mont. Applicant's attorney: J. F. Meglen, 204-205 Behner Building, 2822 Third Avenue North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemical fertilizer and liquid fertilizer compound*, in bulk, in tank vehicles, from Don, Idaho to points in Montana; (2) *Dry fertilizer and dry fertilizer compound*, in bulk, in bags and packages, from Don, Idaho to points in Wyoming; (3) *Dry fertilizer and dry fertilizer compound*, in bags and packages, from Don, Idaho to points in Beaverhead, Blaine, Broadwater, Cascade, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Fallon, Flathead, Gallatin, Glacier, Granite, Hill, Lake, Lewis and Clark, Liberty, McCone, Madison, Meagher, Mineral, Missoula, Park, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Sanders, Teton, Toole, Valley, and Wibaux Counties, Mont.; (4) *Dry fertilizer and dry fertilizer compound*, in bulk, from Don, Idaho to points in Beaverhead, Blaine, Broadwater, Cascade, Chouteau, Custer, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Sanders, Sweetgrass, Teton, Toole, Valley, and Wibaux Counties, Mont., and *contaminated or rejected shipments* of the above commodities on return on the above specified routes. Applicant is authorized to conduct operations in Montana and Wyoming.

HEARING: Remains as assigned May 20, 1959, at the Commercial Club, Billings, Mont., before Joint Board No. 83, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 35320 (Sub No. 64), filed February 24, 1959. Applicant: T.I.M.E. INCORPORATED, 2604 Texas Avenue, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr., Legal Dept. T.I.M.E. Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the General Electric Corporation plant near the intersection of Thunderbird Road and Black Canyon Highway, approximately seven (7) miles north of Phoenix, Ariz., as an off-route point in connection with applicant's authorized regular route between Los Angeles, Calif., and El Paso, Tex. (Route 9), and other routes in its Certificate

No. MC 35320. Applicant is authorized to conduct operations in Texas, Oklahoma, New Mexico, California, Arizona, Arkansas; Tennessee, Indiana, Illinois, Missouri, Georgia, Ohio, and Kentucky.

HEARING: June 9, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 35469 (Sub No. 20), filed March 16, 1959. Applicant: MODERN TRANSFER CO., INC., Hanover Avenue and Maxwell Street, Allentown, Pa. Applicant's representative: Paul F. Gilligan, 1300 Hanover Avenue, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portland, hydraulic and masonry cement*, in bulk, in tank or hopper-type vehicles, and in bags, packages or other containers, palletized and/or unpalletized, from points in Berks, Lehigh, Montgomery, and Northampton Counties, Pa., to points in Connecticut, Delaware, the District of Columbia, Maryland, New Jersey, New York, and Virginia; and *empty containers, pallets, and other incidental facilities* used in transporting cement, on return. Applicant is authorized to conduct operations in Pennsylvania, New York, New Jersey, Maryland, the District of Columbia, Connecticut, Delaware, Massachusetts, Rhode Island, Virginia, and Ohio.

HEARING: May 5, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 35484 (Sub No. 36), filed October 13, 1958. (Republication). Applicant: VIKING FREIGHT COMPANY, 614 South Sixth Street, St. Louis 2, Mo. Applicant's attorney: G. M. Rebman, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Hattiesburg, Miss., and Jackson, Miss., over U.S. Highway 49, serving the intermediate points of Collins, Magee, and Mendenhall; (2) between junction U.S. Highway 11 and Mississippi Highway 590 near Ellisville, Miss., and junction U.S. Highway 49 and Mississippi Highway 590 near Seminary, Miss., over Mississippi Highway 590, serving no intermediate points, as an alternate route for operating convenience only, serving the junctions of said highways for joinder purposes only. Applicant is authorized to conduct operations in Missouri, Illinois, Tennessee, Arkansas, Kentucky, Oklahoma, Texas, Mississippi, and Louisiana.

NOTE: Applicant is presently authorized to conduct operations between New Orleans, La., and Meridian, Miss., serving among others, the off-route points of Collins, Magee, and Mendenhall, Miss. Applicant states that the purpose of the above requested routes are for more economical operations and that

no new service will result from the granting of such routes.

HEARING: May 18, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 35628 (Sub No. 222), filed February 13, 1959. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Michigan corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except dangerous explosives, household goods as defined by the Commission, and commodities in bulk (except scrap metal in bulk), serving Bensenville, Ill., as an off-route point, in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and the District of Columbia.

HEARING: May 18, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 35835 (Sub No. 13), filed March 6, 1959. Applicant: ELMER JENSEN, Independence, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Malt beverages*, from Omaha, Nebr., to Waterloo, Iowa, and *empty containers or other such incidental facilities* used in transporting malt beverages, on return. Applicant is authorized to conduct operations in Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

HEARING: May 22, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 138.

No. MC 48213 (Sub No. 18), filed March 11, 1959. Applicant: C. E. LIZZA, INC., First National Bank Building, Latrobe, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New materials, equipment, supplies and other materials* used or useful in the manufacture or distribution of explosives, blasting supplies, materials and agents and the component parts thereof, ammonium nitrate, nitro-carbo-nitrate; and equipment incidental to the use thereof, from points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Arkansas, Delaware, Maryland, New Hampshire, New Jersey, Rhode Island, Vermont, and Maine, to the sites of the plants or magazines of American Cyanamid Company at or

near Coverts and Latrobe, Pa. *Returned or damaged shipments* of the above-described commodities, and *empty containers* or other articles used in the transportation of such commodities, from the sites of the plants or magazines of American Cyanamid Company at or near Coverts and Latrobe, Pa., to points in the named origin States. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: May 7, 1959, at the Fulton Building, 101-115 Sixth Street, Pittsburgh, Pa., before Examiner Dallas B. Russell.

No. MC 52751 (Sub No. 17), filed March 19, 1959. Applicant: ACE LINES, INC., 2420 Minnehaha Avenue, Minneapolis, Minn. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as described by the Commission in Appendix XII to the report in 61 MCC 209, 292, and tractors, from Minneapolis, Minn., to points in Montana. Applicant is authorized to conduct operations in Minnesota, North Dakota, Iowa, Illinois, South Dakota, and Nebraska.

HEARING: April 30, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third Street, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 58212 (Sub No. 17), filed February 27, 1959. Applicant: MAAS TRANSPORT, INC., U.S. No. 2 and No. 85 North, Williston, N. Dak. Applicant's attorney: John R. Davidson, 200 American State Bank Building, Williston, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in sacks, from Rapid City, S. Dak., to points in North Dakota in the area between North Dakota Highway 3 and on and west of a line commencing at the South Dakota-North Dakota State line at U.S. Highway 281 and continuing north over U.S. Highway 281 to junction North Dakota Highway 57, thence over North Dakota Highway 57 to junction U.S. Highway 2, thence over North Dakota Highway 20 to junction North Dakota Highway 17, thence over unnumbered highways, via Starkweather and Munich, to junction North Dakota Highway 5, thence over North Dakota Highway 5 to Clyde, and thence over unnumbered highway, via Calvin, to the Canadian border, and *empty containers or other such incidental facilities* used in transporting cement, on return. Applicant is authorized to conduct operations in North Dakota, South Dakota, and Montana.

HEARING: June 4, 1959, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 153.

No. MC 61403 (Sub No. 37), filed February 12, 1959. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, solvents, varnishes, thinners and surface coating compounds*, in bulk, in tank vehicles, from Newark, N.J., to Tampa, Fla. Applicant is authorized to conduct operations in Tennessee, Georgia, Indiana, Kentucky, North Carolina, Ohio, South Carolina, Virginia, West Virginia, the District of Columbia, Florida, Michigan, Missouri, Delaware, Illinois, Maryland, New Jersey, New York, Pennsylvania, Alabama, Louisiana, Mississippi, Texas, Arkansas, Minnesota, Wisconsin, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and Iowa.

HEARING: May 14, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 61403 (Sub No. 40), filed March 10, 1959. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including wood preservatives, weed killing compounds, and agricultural insecticides*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, Arkansas, California, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia. Applicant is authorized to conduct operations in Tennessee, Georgia, Indiana, Kentucky, North Carolina, Ohio, South Carolina, Virginia, West Virginia, the District of Columbia, Florida, Michigan, Missouri, Delaware, Illinois, Maryland, New Jersey, New York, Pennsylvania, Alabama, Louisiana, Mississippi, Texas, Arkansas, Wisconsin, Iowa, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

HEARING: May 14, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner Harold P. Boss.

No. MC 66581 (Sub No. 6), filed March 18, 1959. Applicant: CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY, a corporation, 547 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: James A. Gillen, 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Baggage, express and United States mail*, between Rock Island, Ill., and Savanna, Ill.: from Rock Island over U.S. Highway 67 to Clinton, Iowa, and thence over Illinois Highway 80 to Savanna, and return over the same route, serving the intermediate points of Bettendorf, Pleasant Valley, Le Claire, Princeton, Camanche, and Clinton, Iowa, and Fulton and Thomson, Ill. Applicant is authorized to conduct operations in Missouri, Illinois, Colorado, Nebraska, Wyoming, Iowa, and Illinois.

NOTE: Applicant is authorized to conduct passenger carrier operations in Minnesota, Wisconsin, Kansas and Missouri in Certificate No. MC 66580 and Sub No. 4 thereunder.

HEARING: May 19, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 54.

No. MC 74846 (Sub No. 46), filed February 9, 1959. Applicant: LEWIS G. JOHNSON, P.O. Box 135, Newark, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby foods and baby supplies*, from points in Monroe, Orleans, and Wayne Counties, N.Y., to points in the New York, N.Y., Commercial Zone, as defined by the Commission, points in Nassau and Westchester Counties, N.Y., points in Bergen, Essex, Hudson, Union, and Middlesex Counties, N.J., Washington, D.C., and Baltimore, Md., points in Pennsylvania on and north of U.S. Highway 322, and points in that part of Pennsylvania bounded by a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to junction Pennsylvania Turnpike near Fort Littleton, Pa., thence along the Pennsylvania Turnpike to junction U.S. Highway 11 near Carlisle, Pa., thence along U.S. Highway 11 to Harrisburg, Pa., thence along U.S. Highway 322 to West Chester, Pa., thence along U.S. Highway 202 to the Pennsylvania-Delaware State line, and thence along the southern boundary of Pennsylvania to the point of beginning, including points on the designated portions of the highways specified, and *empty pallets and rejected or damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states it has authority to transport canned goods, teething biscuits, and cereal preparations within a substantial portion of the territory applied for. Any duplication with present authority to be eliminated.

HEARING: May 13, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 79695 (Sub No. 18), filed March 19, 1959. Applicant: STEEL TRANSPORTATION CO., INC., 4000 Cline Avenue, East Chicago, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous metals*, when moving in the same vehicle at the same time with *iron and steel articles*, which because of their size, shape or weight require specialized handling or rigging or the use of special equipment and/or *iron and steel articles* which are integrally a part of a shipment requiring specialized handling or special equipment, from Chicago, Ill., to Detroit, Mich. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, Missouri, and Kentucky.

HEARING: May 21, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73.

No. MC 81814 (Sub No. 2) (Republication), filed January 12, 1959, published issue of March 4, 1959 at page 1612. Applicant: LOMPOC TRUCK COMPANY, a corporation, 321 North G Street, Lompoc, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Infusorial earth powder, infusorial earth insulating brick and diatomaceous earth*, chemically combined with not to exceed 50 percent of hydrated lime or magnesium oxide, from White Hills and Lompoc, Calif., to Port Hueneme, Calif., from White Hills over California Highway 1 to Las Cruces, Calif., thence over U.S. Highway 101 to Oxnard, Calif., and thence over undesignated county road to Port Hueneme, serving no intermediate points. Applicant is authorized to conduct operations in California.

NOTE: Applicant indicates the service to Port Hueneme for further trans-shipment by steamship.

HEARING: Remains as assigned April 21, 1959, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 81968 (Sub No. 14), filed February 17, 1959. Applicant: B & L MOTOR FREIGHT, INC., 171 Riverside Drive, Newark, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including liquid commodities*, in bulk, in tank vehicles, but excluding household goods, as defined by the Commission, Class A and B explosives, those of unusual value, and those requiring special equipment, other than tank vehicles, between Newark and Heath, Ohio, and Huntington, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Wisconsin, and the District of Columbia, and those in the Kansas City, Mo., Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, and Wisconsin.

NOTE: Applicant states that the above transportation will be conducted under a continuing contract with Owens-Corning Fiberglas Corporation of Toledo, Ohio. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in MC 81968 Sub 13.

HEARING: May 5, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Dallas B. Russell.

No. MC 86779 (Sub No. 22), filed November 21, 1958. (Republication.) Applicant: ILLINOIS CENTRAL RAILROAD COMPANY, a corporation, 135

East 11th Place, Chicago 5, Ill. Applicant's attorney: Urchie B. Ellis, Commerce Attorney, 135 East 11th Place, Chicago 5, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except coal and bulk, petroleum, between Rosedale, Miss., and Coahoma, Miss., over existing authorized routes as described under (D) (4) of Certificate No. MC 86779 between Clarksdale, Miss., and Greenville, Miss., and set out below. Modification of restriction on present operation is sought to permit a continued service operation over this route segment after the parallel railroad segment is abandoned. It is proposed to continue to serve the intermediate and off-route points of Friars Point, Dickerson, Stovall, Farrell, Sherard, Green Grove, Rena Lara, Hillhouse, Frances, Round Lake, Deeson, Perthshire, Gunnison, and Wright, Miss. Applicant's present route under (D) (4) of Certificate No. MC 86779 authorizes: "Between points in Mississippi as follows: From Clarksdale over Mississippi Highway 1 to junction unnumbered highway, thence over unnumbered highway to Friars Point, thence over unnumbered highway to Sherard, thence over Mississippi Highway 1 to Beulah, thence over unnumbered highway to Pace, thence return over unnumbered highway to Beulah, and thence over Mississippi Highway 1 to Greenville, and return over the same route. Service is authorized to and from the intermediate and off-route points of Friars Point, Dickerson, Stovall, Farrell, Sherard, Green Grove, Rena Lara, Hillhouse, Frances, Round Lake, Deeson, Perthshire, Gunnison, Wright, Rosedale, Beulah, Pace, Labdell, Dahomy, Benoit, Scott, Lamont, Winterville, and Metcalf. RESTRICTION: The service authorized in Section (D) (4) is subject to the following conditions: Said carrier shall not serve any point not a station on its rail lines, except Lorenzen, Grace, Hampton, Glen Allen, Marathon, Foote, Erwin, Longwood, Avon, Wayside, and Swiftwater, Miss. No shipments shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through or to or from, more than one of said points: Memphis, Tenn., Clarksdale, Moorehead, Vicksburg, Greenwood, Greenville, Jackson, and Meridian, Miss. In addition to the restrictions set forth in the sections indicated herein, the service authorized herein is subject to the following conditions: The service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of the service by railroad. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operations by motor vehicle to service which is auxiliary to or supplemental of its rail service." Applicant requests the Commission to modify its present authority which restricts it to serve only points which are stations on its lines, and should include in the exceptions the stations named in its rail abandonment proceedings, namely, Friars Point, Dickerson, Stovall, Farrell,

Sherard, Green Grove, Rena Lara, Hillhouse, Frances, Round Lake, Deeson, Perthshire, Gunnison, and Wright, Miss. On behalf of applicant it is requested in view of the fact that there will no longer be a rail line between Rosedale and Coahoma it will also be proper that the intermediate stations be excepted from the requirements that service be auxiliary to and supplemental of applicant's rail service. Applicant is authorized to conduct operations in Alabama, Illinois, Indiana, Iowa, Kentucky, Minnesota, Mississippi, Tennessee, and Wisconsin.

HEARING: May 18, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 90963 (Sub No. 3), filed February 3, 1959. Applicant: PATRICK JOSEPH GOODWIN, doing business as GOODWIN TRUCKING, 164 15th Street, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Detergents*, in packages, from South Kearny, N.J., to points in New Jersey and New York, within 31 miles of Jersey City, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: May 11, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 95043 (Sub No. 4), filed March 12, 1959. Applicant: WARREN TRUCKING CO., INC., 316 Weber Avenue, Compton, Calif. Applicant's attorney: Donald Murchison, 211 S. Beverly Drive, Beverly Hills, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper and printing paper*, from points in the Los Angeles Harbor Commercial Zone, as defined by the Commission, to Lompoc, Lancaster, Palmdale, and Palm Springs, Beaumont, Banning, Encinitas, San Clemente, and Laguna Beach, Calif. Applicant is authorized to conduct operations in California.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 95032 (Sub No. 3). Applicant states that it proposes enlargement of commodity description so as to add printing paper to its present authorized newsprint paper.

HEARING: June 4, 1959, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 95876 (Sub No. 13), filed January 12, 1959. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from points in Orange and Washington Counties, Vt., to points in

Indiana, Kentucky, and Michigan. Applicant is authorized to transport granite in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: May 12, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lucian A. Jackson.

No. MC 102616 (Sub No. 672), filed March 17, 1959. Applicant: COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portland, hydraulic and masonry cement*, in bulk, in tank and hopper-type vehicles, bags, packages or other containers, palletized and/or unpalletized, from points in Carroll, Frederick, and Washington Counties, Md., Berkeley County, W. Va., and Berks, Lehigh, Montgomery, Northampton, and York Counties, Pa., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, the District of Columbia, Indiana, Michigan, Massachusetts, Maryland, Kentucky, Kansas, Iowa, Missouri, New Jersey, Nebraska, New York, North Carolina, Ohio, Pennsylvania, Oklahoma, Rhode Island, South Carolina, Tennessee, Virginia, Wisconsin, and West Virginia.

HEARING: May 11, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 102682 (Sub No. 240), filed December 31, 1958. Applicant: HUGHES TRANSPORTATION, INC., 2026 Meeting Street Road, P.O. Box 851, Charleston, S.C. Applicant's attorney: Drew L. Carraway, 618 Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Class A and B explosives, component parts* (not including ingredients) thereof, *ammunition* not classified as dangerous or less dangerous explosive, and *empty ammunition containers*, between points within five miles of Milan, Tenn. (but excluding Milan, Tenn., and excluding the Milan arsenal) on the one hand, and, on the other, points within three miles of the Blue Grass Ordnance Depot (near Richmond, Ky.). **RESTRICTION:** Proposed service at the described points within five miles of Milan, Tenn., is restricted to interchange with other carriers, and service at points within three miles of the Blue Grass Ordnance Depot (near Richmond, Ky.) is restricted to interchange with other carriers or for the purpose of tacking with other authority of applicant. (2) Applicant states authority is also sought herein to modify its existing authority in

its Sub No. 228 certificate which reads as follows: "Serving points within three miles of the Blue Grass Ordnance Depot (near Richmond, Ky.) for the purpose of interchange only," to read as follows: "Serving points within three miles of the Blue Grass Ordnance Depot (near Richmond, Ky.) for the purpose of interchange and for the purpose of tacking with applicant's other authority." Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: May 13, 1959, at the Claridge Hotel, Memphis, Tenn., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 106497 (Sub No. 13), filed January 2, 1959. Applicant: PARKHILL TRUCK COMPANY, a corporation, P.O. Box 3807, Tulsa 23, Okla. Applicant's attorney: Carl V. Kretsinger, Suite 1014-18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between points in Kansas and those in Platte, Clay, and Jackson Counties, Mo., on the one hand, and, on the other, points in Montana, North Dakota, and South Dakota. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 30, 1959, at 1:30 o'clock p.m. United States standard time (or 1:30 o'clock p.m. local daylight saving time, if that time is observed), at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 107002 (Sub No. 139), filed January 7, 1959. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Memphis, Tenn., to points in the United States, including all ports of entry on the International Boundary line between the United States and Canada. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: May 14, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner Harold P. Boss.

No. MC 107227 (Sub No. 72), filed March 4, 1959. Applicant: INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's at-

torney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Los Angeles and Orange Counties, Calif., to points in the United States, including the District of Columbia, but excluding points in Alaska. Applicant is authorized to conduct operations throughout the United States, except points in Alaska.

HEARING: June 1, 1959, at the Federal Building, Los Angeles, Calif., before Examiner Alton R. Smith.

No. MC 107272 (Sub No. 16), (Clarification), published April 1, 1959, at page 2547, filed February 24, 1959. Applicant: MONKEM COMPANY, INC., 1206 East Sixth Street, Joplin, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt, salt compounds and salt products*, from the site of the American Salt Corporation plant approximately one mile south of Lyons, Kans., to points in Missouri on and south of U.S. Highway 50 (except Kansas City) and those in Arkansas on and north of a line extending from the Arkansas-Oklahoma State line, east along Arkansas Highway 10 to Little Rock, and thence east along U.S. Highway 70 to the Mississippi River. (2) *Bulk salt*, from Kanapolis, Kans., and points within 5 miles thereof, to Joplin, Mo., and Westville and Tahlequah, Okla., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 107272 (Sub No. 14).

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

No. MC 107496 (Sub No. 127), filed March 2, 1959. Applicant: RUAN TRANSPORT CORPORATION, a corporation, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Dubuque, Iowa to points in Illinois. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin.

HEARING: May 25, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 54.

No. MC 107500 (Sub No. 26), filed March 5, 1959. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between junction Illinois Highways 78 and 17, approximately ten (10) miles south of Kewanee, Ill., and junction Illinois Highway 78 and U.S. Highway 150, approximately 1 mile south of Laura, Ill.: from junction Illinois Highways 78 and 17 (about 10 miles south of Kewanee), over Illinois Highway 78 to junction U.S. Highway 150 (about 1 mile south of Laura), and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route between Kewanee, Ill., and St. Louis, Mo. over U.S. Highway 34 to Galesburg, thence Illinois Highway 41 to junction U.S. Highway 136, thence U.S. Highway 136 to junction U.S. Highway 67, and thence U.S. Highway 67 to St. Louis, and return over the same route. Applicant is authorized to conduct operations in Colorado, Nebraska, Illinois, Iowa, Kansas, Missouri, and Montana.

HEARING: May 20, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 107500 (Sub No. 27), filed March 5, 1959. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Maquon, Ill., and junction Illinois Highways 97 and 116, near Rapatee, Ill.: from Maquon over Illinois Highway 97 to junction Illinois Highway 116, near Rapatee, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route between Galesburg, Ill., and St. Louis, Mo., over Illinois Highway 41 to junction U.S. Highway 136, thence U.S. Highway 136 to junction U.S. Highway 67, and thence U.S. Highway 67 to St. Louis, and return over the same route. Applicant is authorized to conduct operations in Colorado, Nebraska, Illinois, Iowa, Kansas, Missouri, and Montana.

HEARING: May 20, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 107500 (Sub No. 28), filed March 5, 1959. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities*, except those of unusual value, Class

A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Havana, Ill., and Virginia, Ill.: from Havana over Illinois Highway 78 to junction with U.S. Highway 67 at Virginia, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route between Chicago and Kewanee, Ill., and St. Louis, Mo., over U.S. Highway 34 to Galesburg, thence Illinois Highway 41 to junction U.S. Highway 136, thence U.S. Highway 136 to junction U.S. Highway 67, and thence U.S. Highway 67 to St. Louis, and return over the same route. Applicant is authorized to conduct operations in Colorado, Nebraska, Illinois, Iowa, Kansas, Missouri, and Montana.

HEARING: May 20, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 107500 (Sub No. 29), filed March 5, 1959. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between junction U.S. Highway 150 and Illinois Highway 78, approximately four (4) miles south of Laura, Ill., and Elmwood, Ill.: from junction U.S. Highway 150 and Illinois Highway 78 (about 4 miles south of Laura), over Illinois Highway 78 to Elmwood, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route between Kewanee, Ill., and St. Louis, Mo., over U.S. Highway 34 to Galesburg, thence Illinois Highway 41 to junction with U.S. Highway 136, thence U.S. Highway 136 to junction U.S. Highway 67, and thence U.S. Highway 67 to St. Louis and return over the same route. Applicant is authorized to conduct operations in Colorado, Nebraska, Missouri, Illinois, Iowa, Montana, and Kansas.

HEARING: May 20, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 107500 (Sub No. 31), filed March 12, 1959. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Des Moines, Iowa, and junction Iowa Highways 92 and 25 at Greenfield, Iowa, from Des Moines over Iowa Highway 28 to junction Iowa Highway 123, thence over Iowa Highway 123 to junction new Interstate Highway 35, thence over Interstate Highway 35 to junction Iowa

Highway 92 near Bevington, Iowa, thence over Iowa Highway 92 to junction Iowa Highway 25 at Greenfield, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Freston, and Red Oak, Iowa and between Kansas City, Mo., and Des Moines, Iowa. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Kansas, Missouri, Montana, and Nebraska.

HEARING: May 25, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 107500 (Sub No. 32), filed March 12, 1959. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the junction of Iowa Highway 92 and U.S. Highway 275, near Council Bluffs, Iowa and Carson, Iowa, over Iowa Highway 92, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Colorado, Nebraska, Missouri, Illinois, and Iowa.

HEARING: May 25, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 107715 (Sub No. 2), filed March 17, 1959. Applicant: ALLAN ARTHUR TRANSPORTATION, INC., 3706 East 26th Street, Los Angeles 23, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: (1) *Farm products*, (other than those suitable for human consumption), *grain, feeds, salt, potatoes, and fertilizer*, in lots of 10,000 pounds or over, and cement, in lots of 40,000 pounds or over, from points in Los Angeles, Orange, Kern, San Bernardino, Riverside, and Imperial Counties, Calif., to points in Arizona located on and within one mile of U.S. Highway 70 and U.S. Highway 80 between the Arizona-California State line and Mesa, Ariz.; Arizona Highway 87 between Mesa and Picacho, Ariz.; Arizona Highway 84 between Gila Bend and Tucson, Ariz.; U.S. Highway 89 between Tucson and Nogales, Ariz.; U.S. Highway 80 between Tucson and Douglas, Ariz.; U.S. Highway 66 between the Arizona-California and the Arizona-New Mexico State lines; U.S. Highway 89 and Alternate U.S. Highway 89 between Wickenburg and Clarksdale, Ariz.; and Arizona Highway 287 between its junction with Arizona Highway 87 and Florence, Ariz.; and *empty cement containers* on return; (2) *Box-shook and empty produce and vegetable crates*, from points in Los Angeles County, Calif. to points in Arizona located on and within one mile of the described portions of the above-specified highways.

NOTE: Applicant states that it is presently authorized to transport the above described

commodities from the above specified origins to all points in Arizona except those points in Arizona herein above set forth. By this application applicant seeks to have the exceptions removed and service authorized to all points within the State of Arizona for the same commodities and from the same origins.

HEARING: June 3, 1959, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 108335 (Sub No. 2), filed February 18, 1959. Applicant: JAMES FASANO, doing business as RIVERS TRUCKING COMPANY, 36-27 34th Street, Long Island City, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, deep freeze units, stoves, washing machines, ironing machines, and drying machines*, uncrated, from Long Island City, N.Y., to Philadelphia, Pa., and points in Bucks County, Pa. Applicant is authorized to conduct operations in Connecticut, New Jersey, and New York.

NOTE: A proceeding has been instituted under section 212(c) of the Act to determine whether applicant's status is that of a common or contract carrier in No. MC 108335 (Sub No. 1).

HEARING: May 18, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 108449 (Sub No. 80), filed February 16, 1959. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer solutions*, in bulk, in tank vehicles, from Prescott, Wis., to points in Iowa and Minnesota. Applicant is authorized to conduct operations in Wisconsin, Minnesota, Michigan, Iowa, South Dakota, North Dakota, Illinois, Missouri, and Nebraska.

HEARING: May 27, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 181.

No. MC 109397 (Sub No. 33), filed December 29, 1958. Applicant: TRI-STATE WAREHOUSING AND DISTRIBUTING CO., a corporation, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class A and B explosives*, between West Memphis, Ark., on the one hand, and, on the other, points within five miles of Milan, Tenn. **RESTRICTION:** Applied-for service at Milan is for purpose of interchanging with other carriers only.

NOTE: Authority to tack at West Memphis with applicant's present authority is requested. Applicant is authorized to conduct operations in Arkansas, California, Idaho, Illinois, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

HEARING: May 13, 1959, at the Claridge Hotel, Memphis, Tenn., before Joint Board No. 38, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 109584 (Sub No. 57), filed February 12, 1959. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal, soybean meal, dry fertilizer, and sugar*, in bulk, in hopper-type vehicles, between points in Arizona, on the one hand, and, on the other, points in California. Applicant is authorized to conduct operations in Utah, California, Colorado, Idaho, Oregon, Washington, Nevada, Arizona, Texas, and New Mexico.

HEARING: June 10, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 109689 (Sub No. 85), filed January 19, 1959. Applicant: W. S. HATCH, CO., a corporation, 643 South 800 West, Woods Cross, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplement*, in bulk, in tank vehicles, from Anaheim, Calif., and points within ten (10) miles thereof, to points in Idaho, and *return movement of rejected or contaminated shipments* of the above-described commodity, on return. Applicant is authorized to conduct operations in Utah, Nevada, Idaho, Oregon, Colorado, Montana, Wyoming, California, New Mexico, and Arizona.

HEARING: May 22, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

No. MC 111159 (Sub No. 76), filed January 12, 1958. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Highway 80 West, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Union County, Miss., to Memphis, Tenn. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

HEARING: May 19, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board 229, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 111159 (Sub No. 81), filed February 20, 1959. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and anhydrite of gypsum*, in bulk, from points in Winn Parish, La., and those in Pike

County, Ark., to points in Warren County, Miss. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, and Tennessee.

HEARING: May 19, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 218, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 111299 (Sub No. 3), filed March 20, 1959. Applicant: CY KIRVAN, doing business as KIRVAN TRUCK LINE, 712 Seventh Street, International Falls, Minn. Applicant's attorney: M. H. Greenberg, Eveleth, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*. (1) from Milwaukee, Wis., to Duluth, Two Harbors, and Chisholm, Minn.; (2) from La Crosse, Wis., to Duluth and Eveleth, Minn., and *empty containers or other such incidental facilities* (not specified) used in transporting beer on return over the above routes.

HEARING: June 2, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 111623 (Sub No. 18) (Correction), filed December 9, 1958, published issue of March 25, 1959, at page 2330. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Legal Dept., Schwerman Trucking Co. (same address as applicant). The name of the shipper shown in the previous publication as Pure Carbonia Company was misspelled. The correct name of the company is Pure Carbonic Company.

HEARING: Remains as assigned May 4, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 62.

No. MC 111623 (Sub No. 20) filed February 20, 1959. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Legal Dept., Schwerman Trucking Co. of Ohio (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk, in tank vehicles, and in bags, from the plant site of the Sohio Chemical Company, located in or near Lima, Ohio, to Buffalo, N.Y., Phillipsburg, N.J., and points within 10 miles of Phillipsburg and to all points in Iowa, Minnesota, and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, West Virginia, and Wisconsin.

HEARING: May 4, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Dallas B. Russell.

No. MC 112077 (Sub No. 5), filed March 6, 1959. Applicant: J. WESLEY OLIVER, INC., 585 Bowen Circle, Moab, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uranium and vana-*

dium ores, in bulk, from the site of the Atomic Energy Commission's Cutler Buying Station at or near Glove, Ariz., to the Kermac Nuclear Fuels Corp. Plant Site northwest of Grants, N. Mex., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Colorado and Utah.

HEARING: June 9, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 129, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 112223 (Sub No. 41), filed February 6, 1959. Applicant: QUICKIE TRANSPORT COMPANY, 1121 South Seventh Street, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer solutions*, from Prescott, Wisconsin to points in Minnesota. Applicant is authorized to conduct operations in Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: May 27, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 112223 (Sub No. 42), filed March 23, 1959. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 1121 South Seventh Street, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer solutions*, in bulk, in tank vehicles, from Jackson, Minn., to points in Iowa. Applicant is authorized to conduct operations in Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: May 28, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 146.

No. MC 112391 (Sub No. 18), filed March 9, 1959. Applicant: HADLEY AUTO TRANSPORT, 21732 South Santa Fe, Long Beach, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, trucks, tractors, busses and chassis*, in secondary movements, by truckaway and driveaway method, from Pico-Rivera, Calif., and points in the Los Angeles, Calif., Commercial Zone, as defined by the Commission, to points in California. Applicant is authorized to conduct operations in California, Arizona, Colorado, Nevada, New Mexico, Utah, Oregon, Idaho, Washington, and Montana.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 112391 (Sub No. 18). Applicant states that it seeks no duplicating authority.

HEARING: June 5, 1959, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 113435 (Sub No. 1), filed February 18, 1959. Applicant: ROBERT SHELLEY AND PAUL GROCE, doing business as, SHELLEY & GROCE (partnership), Burnside, Ky. Applicant's attorney: Fritz Krueger, Albertson Building, Somerset, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from Burnside and Somerset, Ky., to Hamilton and Dayton, Ohio; (2) *Feed, seed and fertilizer*, from Cincinnati, Ohio, to Greensburg and Columbia, Ky.

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

No. MC 113952 (Sub No. 4), filed March 2, 1959. Applicant: HARVEY SERVICE, INC., 6001 West State Street, Wauwatosa, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, boats and motors, power tools, sewing machines and vacuum cleaners, auto supplies, painting supplies, farm supplies, fencing, toys, and fertilizers*, as are dealt in by chain retail and mail order houses, from Milwaukee, Wis., to points in Lake, Boone, Winnebago, McHenry, and Stephenson Counties, Ill., and *damaged and rejected shipments* of the commodities specified in this application from points in the above-named Illinois counties to Milwaukee, Wis. Applicant is authorized to conduct operations in Illinois and Wisconsin.

HEARING: May 18, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 115390 (Sub No. 2), filed February 5, 1959. Applicant: L.C.L. DISTRIBUTING CORPORATION, 50 Carnation Avenue, Floral Park, N.Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sanitary pads, paper facial and cleansing tissues, and toilet paper*, from Floral Park, Long Island, N.Y., to points in New Jersey, and *returned, rejected or damaged shipments* of the above-described commodities, on return. Applicant is authorized to transport the above-described commodities from Elizabeth, N.J., to New York, N.Y., and points in Rockland County, N.Y., and from Floral Park, N.Y., to Elizabeth, N.J.

NOTE: Applicant states that all duplicating authority is to be canceled.

HEARING: May 13, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 115504 (Sub No. 9) (Republished), filed September 2, 1958. Applicant: KENISON TRUCKING, INC., 413 South Second West (P.O. Box 324), Salt Lake City, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Dry fertilizer*, from Garfield, Utah, and the site of the United States Steel Corporation plant at Geneva, Utah, to points in Arizona; (B) *Returned*

empty containers used in the transportation of dry fertilizer, from the above-specified destination points to Garfield, Utah, and the site of the United States Steel Corporation plant at Geneva, Utah; and (C) *Aluminum sulphate*, in bulk, in conveyor-belt type equipment, from Richmond, Calif., to water purification plants located in Castlegate, Deer Creek (Wasatch County), Ogden, and Salt Lake City, Utah, and points within 25 miles of each, and Idaho Falls, Blackfoot, Pocatello, and Twin Falls, Idaho, and points within 25 miles of each. Applicant is authorized to conduct operations in California, Idaho, Nevada, and Utah.

NOTE: Applicant states that the operations under (A) and (B) above are to be performed for the account of the Western Phosphates, Inc., and the United States Steel Corporation, Columbia-Geneva Steel Division; and under (C) above for the account of the L. H. Butcher Company.

HEARING: May 25, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

No. MC 115504 (Sub No. 14), filed March 2, 1959. Applicant: KENISON TRUCKING, INC., P.O. Box 324, 413 South Second West, Salt Lake City 10, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, Salt Lake City 11, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Garfield and Geneva (Utah County), Utah, and from Salt Lake City, Utah, and points within fifteen (15) miles of Salt Lake City, Utah to points in Montana, points in Wyoming except those in Goshen, Laramie, and Platte Counties, and to points in that portion of Colorado on and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 through Leadville, Colo., to junction Colorado Highway 131, thence along Colorado Highway 131 to the Eagle-Routt County line, thence east and north along the Routt County line to the Colorado-Wyoming State line, except those in Alamosa, Conejos, and Rio Grande Counties, Colo., and *empty containers or other such incidental facilities* (not specified) used in transporting dry fertilizer on return. Applicant is authorized to conduct operations in California, Idaho, Nevada, and Utah.

HEARING: May 26, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

No. MC 115523 (Sub No. 40), filed February 24, 1959. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's attorney: Berol & Silver, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals, dry fertilizers, edible and inedible oils, and animal fats*, in bulk, from points in California and Nevada to points in Nevada, Utah, Colorado, Idaho, Wyoming, and those in Malheur, Harney, Baker, and Grant Counties, Oregon; (2) *Ink*, in

bulk, from points in California to points in Utah and *rejected or contaminated shipments* of the above commodities on return. Applicant is authorized to conduct operations in Arizona, Idaho, Oregon, and Utah.

HEARING: May 18, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

No. MC 115523 (Sub No. 41), filed February 24, 1959. Applicant: CLARK TANK LINES COMPANY (a corporation), 1450 North Beck Street, Salt Lake City, Utah. Applicant's attorney: Berol & Silver, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: (1) *Dry chemicals and dry coal tar products*, in bulk, between points in Utah, Idaho, Wyoming, Montana, Colorado, Oregon, Washington, Nevada, New Mexico, Arizona, and California; (2) *Liquid fertilizers*, in bulk from points in Utah and Idaho to points in Oregon; (3) *Magnesium chloride solutions*, in bulk, from points in Utah to points in Nevada and *rejected or contaminated shipments* of the above commodities on return. Applicant is authorized to conduct operations in Arizona, Idaho, Oregon, and Utah.

HEARING: May 20, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

No. MC 115841 (Sub No. 58), filed February 12, 1959. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Frozen foods*, from Port Chester, N.Y., to points in Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

HEARING: May 14, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 116459 (Sub No. 7) (AMENDMENT), filed December 19, 1958, published issue of March 11, 1959. Applicant: ASPHALT HAULERS COMPANY, a corporation, P.O. Box 8292, Airport Road, Chattanooga, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: (1) *Liquid crude rubber and compounds and blends* thereof, and (2) *Latex and compounds and blends* thereof, in bulk, in tank vehicles, from points in Whitfield County, Ga., to points in North Carolina, South Carolina, Virginia, Kentucky, Ohio, Michigan, Tennessee, Arkansas, and Alabama, (3) *Liquid crude rubber*, from Charleston, S.C., to Dalton, Ga., and (4) *Neoprene*

synthetic latex, from Louisville, Ky., to Dalton, Ga. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.

HEARING: Remains as assigned May 1, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Walter R. Lee.

No. MC 116791 (Sub No. 2), filed February 11, 1959. Applicant: LEONARD R. GREEN, doing business as FARMERS ELEVATOR, Kensington, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Poultry grit*, from Cold Spring, Minn., to New Richmond, Wis. Applicant is authorized to transport animal and poultry feeds from New Richmond, Wis., to specified points in Minnesota, and manufactured feed ingredients from specified points in Minnesota to New Richmond, Wis.

HEARING: May 29, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 116791 (Sub No. 3), filed March 20, 1959. Applicant: LEONARD R. GREEN, doing business as FARMERS ELEVATOR, Kensington, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Animal and poultry feed*, in bags and in bulk, from New Richmond, Wis., to points in Wadena County, Minn. Applicant is authorized to conduct operations in Wisconsin and Minnesota.

HEARING: May 29, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 116791 (Sub No. 4), filed March 23, 1959. Applicant: LEONARD R. GREEN, doing business as FARMERS ELEVATOR, Kensington, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 15, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Animal and poultry feed*, in bags and in bulk, from points in the Minneapolis and St. Paul, Minn., Commercial Zone, to points in North Dakota and South Dakota. Applicant is authorized to conduct operations in Wisconsin and Minnesota.

HEARING: June 1, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third Street, Minneapolis, Minn., before Joint Board No. 143.

No. MC 117344 (Sub No. 16), filed March 9, 1959. Applicant: THE MAXWELL CO., a corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Varnish*, in bulk, in tank vehicles, from points in Hamilton County, Ohio to points in Crawford County, Pa., and *empty containers or other such incidental facilities* (not spec-

ified) used in transporting varnish on return. Applicant is authorized to conduct operations as a *contract carrier* in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Michigan, Massachusetts, Missouri, New York, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Dual operations may be involved.

HEARING: May 6, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Dallas B. Russell.

No. MC 117720 (Sub No. 1) (Republished), filed November 10, 1958. Applicant: HERBERT WILLIAM CLARK, 605 Elm Street, Rockport, Ind. Applicant's representative: Anna Gertrude Mueller, 951 Adams Avenue, Evansville, 13, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Glazed, vitreous sanitary pottery and fittings therefor*, from Rockport, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and *damaged, rejected and returned shipments* of the above-specified commodities on return, *Crude clay*, from Kona, N.C., Gordon, Ga., and Paris, Tenn., to Rockport, Ind. *Gypsum*, from Southard, Okla., and Medicine Lodge, Kans., to Rockport, Ind. *Glazing compound*, from Niagara Falls, N.Y., to Rockport, Ind. *Metal lavatory hangers*, from Cleveland, Ohio to Rockport, Ind. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

HEARING: May 28, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 117813 (Sub No. 1), filed February 26, 1959. Applicant: REUBEN A. BRUE, doing business as BRUE TRUCKING COMPANY, 1300 West Superior Street, Ottawa, Ill. Applicant's attorney: John A. McNamara, 503 North Main Street, Marseilles, Ill. Authority sought to operate as a *common carrier*, by motor vehicles, over *irregular routes*, transporting: *Bulk fireclay*, from Ottawa (La Salle County), Ill., and points in La Salle County, Ill., to Gary and Whiting, Ind., and points in Lake County, Ind.

HEARING: May 21, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 117814 (Sub No. 1), filed March 3, 1959. Applicant: JAMES H. CLARK AND JAMES C. CLARK, doing business as JAMES H. CLARK & SON, P.O. Box 155, Orem, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East 4th South, Salt Lake City 11, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Prepared fish food*, in

bags, and in containers, from the site of the plant of J. R. Clark Company at Salt Lake City, Utah, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, and Wyoming, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application on return.

NOTE: Applicant has filed a "grandfather" application BOR 1 under section 7(a) of the Transportation Act of 1958, as a common carrier of frozen commodities, assigned Docket No. MC 117589 (Sub No. 1).

HEARING: May 22, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

No. MC 118000, filed December 5, 1958. Applicant: FELIX BLACKMON, doing business as BLACKMON & SON MOVERS, 1713 Leland Avenue, Evanston, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Orange Juice, from Evanston, Ill., to Appleton, Wis., and empty containers or other such incidental facilities used in transporting orange juice, on return.

HEARING: May 18, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 118471, filed December 22, 1958. Applicant: WILLIAM B. LOVETT, doing business as LOVETT MOBILE HOME TRANSFER SERVICE, Oak Grove, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Mobile homes, with personal property, to include baggage and installed property, between points in Christian County, Ky., and points in Montgomery County, Tenn., and points in Alabama, Florida, Georgia, Indiana, Kentucky, Michigan, North Carolina, South Carolina, and Tennessee.

HEARING: May 25, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Harold P. Boss.

No. MC 118502, filed December 29, 1958. Applicant: ARVEN HELLE, Watford City, N. Dak. Applicant's attorney: John O. Garaas, Watford City, N. Dak. Authority sought to operate as a contract carrier, by motor vehicle, over a regular route, transporting: Meat (fresh and cured meat), and empty containers or other such incidental facilities (not specified) used in transporting meat, between Sidney, Mont., and Watford City, N. Dak., from Sidney over Montana Highway 23N to Fairview, Mont., thence continue over Montana Highway 23N to the Montana-North Dakota State line, thence over North Dakota Highway 23 to junction U.S. Highway 85, thence over U.S. Highway 85 via Alexander, N. Dak., to Watford City, and return over the same route, serving no intermediate points.

NOTE: Applicant proposes to transport empty containers or other such incidental facilities on return movements.

HEARING: June 4, 1959, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 84.

No. MC 118559, filed January 19, 1959. Applicant: MAURICE N. TUCKER, 959 Myrtlewood Drive, Jackson, Miss. Applicant's attorneys: Howie, Howie & Montgomery, 805 Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Lumber, from points in Mississippi to points in Arkansas, Tennessee, Louisiana, Missouri, Illinois, and Texas.

HEARING: May 20, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Harold P. Boss.

No. MC 118560, filed January 19, 1959. Applicant: MARSHALL P. LEDBETTER, SR., AND MARSHALL P. LEDBETTER, JR. doing business as VICTORY VAN LINES, 1201 South High Street, Columbia, Tenn. Applicant's attorney: Lon P. MacFarland, Middle Tennessee Bank Building, Columbia, Tenn. Authority sought to operate as a contract carrier, by motor vehicle, over a regular route, transporting: Ferro phosphorous lump, between Monsanto, Maury County, Tenn., and Nashville, Tenn., from the site of the Monsanto Chemical Company plant at Monsanto, Maury County, Tenn., approximately five (5) miles west of Columbia, Tenn., over unnumbered county road to junction Tennessee Highway 50, thence over Tennessee Highway 50, through Columbia, to junction U.S. Highway 31, thence north over U.S. Highway 31 to Nashville, and return over the same route, serving no intermediate points.

NOTE: Applicants state that the above-specified commodity will be loaded on barges on the Cumberland River, Tenn. Applicants have common carrier authority under Certificate No. MC 108692, dated July 15, 1957. Section 210 (dual authority) may be involved.

HEARING: May 25, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 118604, filed February 3, 1959. Applicant: FURNELL & WEBB TRANSFER COMPANY, a corporation, 2368 Territorial Road, St. Paul 14, Minn. Applicant's attorney: Robert M. Bowen, 1630 Rand Tower, Minneapolis, Minn. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Dishwashers, freezers, garbage disposal units, refrigerators, and vacuum cleaners, from St. Paul, Minn., to North Hudson, Wis., and refused, rejected, damaged and returned shipments of the commodities specified in this application on return.

NOTE: Applicant holds common carrier authority in Certificate No. MC 35087. Dual operations under section 210 may be involved.

HEARING: May 28, 1959, in Room 962, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 118621, filed February 9, 1959. Applicant: BLACK DIAMOND TRANSPORT COMPANY, a corporation, 112 Poinier Street, Newark, N.J. Applicant's attorney: R. D. Lalanne, General attorney, Law Department, Lehigh Valley Railroad Company, 143 Liberty Street,

New York 6, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except Class A and B explosives, commodities in bulk, and those of extraordinary value, between Newark, N.J., on the one hand, and, on the other, Aldene, Cranford, Clark, Roselle Park, Hillside, Jersey City, Irvington, Ceramics, Fords, Greensand, Heyden, Keasbeys, Metuchen, Newark, Nixon, Perth Amboy, Barber, Valentines, Townley (Union), Oak Tree, South Plainfield, Stelton, Middlesex, Bound Brook, and Manville, N.J. The proposed service is to be conducted in conjunction with trailer-on-flat-car service of Lehigh Valley Railroad Company to be limited to that which is auxiliary to, or supplemental of, rail service of the Lehigh Valley Railroad Company. All points to be served are stations on the lines of the Lehigh Valley Railroad Company and all traffic will have either a prior or subsequent movement by rail. Applicant states it is willing to accept a restriction to that effect.

NOTE: Applicant states if it is not possible, in the event of favorable consideration to grant irregular route authority, then regular route authority as set forth in Schedule A of the application is requested.

HEARING: May 15, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 118637, filed February 13, 1959. Applicant: ADRIAN J. LaGRUA, doing business as EMPIRE TRUCKING & STORAGE CO., 41 John Street, New York 4, N.Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Paper, from piers located in New York, N.Y., to Clifton, N.J.

NOTE: Applicant states he proposes to transport paper from piers located in New York, N.Y., to the site of shipper's warehouse in Clifton, N.J.

HEARING: May 18, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 118644, filed February 16, 1959. Applicant: DONALD C. JOHNSON, Gilmore City, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid mixed fertilizers (liquid Uron-Nitrogen), in bulk, in special tank vehicles, in seasonal operations during the period between March 1 and November 15, inclusive, of each year, (1) from Omaha, Nebr., to Humboldt, Iowa; and (2) from Humboldt, Iowa, to points in Iowa.

NOTE: Applicant states he proposes to transport Liquid mixed fertilizers from Humboldt, Iowa, to points in Southern Iowa.

HEARING: May 22, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 138.

No. MC 118655, filed February 7, 1959. Applicant: D. W. DRAKE, 202 Chestnut Street, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a com-

mon carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, between points in Indiana, Michigan, Illinois, Ohio, and Wisconsin.

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

HEARING: May 29, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 118667, filed December 24, 1958. Applicant: FRANK CARIONE AND ANTHONY CARIONE, doing business as CARIONE BROS., 52-30 69th Street, Maspeth, N.Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Bananas*, from points in the New York, N.Y., Commercial Zone, as defined by the Commission, Weehawken, South Kearny, Palisades, and Jersey City, N.J., to points in Pennsylvania, Massachusetts, New York, Vermont, New Jersey, and Connecticut, including ports of entry on the international boundary line between the United States and Canada.

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

HEARING: May 19, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 118673, filed December 15, 1958. Applicant: HILTON P. NIELSON, doing business as PACIFIC TRANSPORTATION CO., 2180 South State Street, Salt Lake City, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, bananas and other exempt commodities*, between points in Utah, Nevada, California, Oregon, Washington, Montana, Idaho, Wyoming, Colorado, Nebraska, Kansas, Missouri, New Mexico, Arizona, and Illinois.

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

HEARING: May 29, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

No. MC 118675, filed February 12, 1959. Applicant: HERMAN RIVAS, JAIME GIRON AND WALTER RAMIREZ, doing business as R. G. R. TRUCKING, 470 Grand Avenue, Nogales, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, between Tucson

and Nogales, Ariz., and Los Angeles, Calif.

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

HEARING: June 8, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 118684, filed December 15, 1959. Applicant: UTAH WHOLESale GROCERY COMPANY, INC., P.O. Box 269, Salt Lake City, Utah. Applicant's attorney: H. N. Wilkinson, B10 Executive Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables and other exempt commodities*, between Ogden and Salt Lake City, Utah, Los Angeles, Ventura, Anaheim, San Fernando, and Corona, Calif., Twin Falls and Pocatello, Idaho, and Arlington, Wash.

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

HEARING: May 28, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

No. MC 118739, filed February 27, 1959. Applicant: VERNON FRITZ, doing business as FRITZ TRUCKING SERVICE, Clara City, Minn. Applicant's attorney: Robert Cudd, Odd Fellows Building, Montevideo, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from New Richmond, Wis., to Clara City, Minn.

HEARING: May 29, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 118740, filed March 2, 1959. Applicant: ROY E. BROWN, doing business as BROWN TRUCK COMPANY, 616 Holcomb Avenue, Milledgeville, Ill. Applicant's attorney: John S. Perry, Fifth Avenue Building, Moline, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, in bags or in bulk, in open grain type and van trailers, from Muscatine, Iowa, to Milledgeville, Ill., and points within 12 miles of Milledgeville, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities and *rejected and damaged shipments* of the above commodities on return.

HEARING: May 19, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 54.

No. MC 118756, filed March 4, 1959. Applicant: LLOYD R. McCANDLISH, doing business as McCANDLISH TRUCKING, 120 North Broad, Bremen, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from points in Perry and Hocking Counties, Ohio, to points in Florida, and Pallets and *empty containers* used in transporting clay products on return.

HEARING: May 5, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Dallas B. Russell.

No. MC 118763, filed March 5, 1959. Applicant: WARREN K. HATZ, doing business as HATZ MILK TRANSIT, 901 J Street, San Diego, Calif. Applicant's attorney: Phil Jacobson, Five Ten West Sixth Street, Los Angeles 14, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Ice cream*, in cartons, crates, boxes and containers, in special insulated trucks and trailers, maintaining a temperature of not less than 15 degrees below zero, and *empty containers or other such incidental facilities* (not specified) used in transporting ice cream, between San Diego, Calif., and Yuma, Ariz., over U.S. Highway 80, serving no intermediate points.

HEARING: June 8, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 118767, filed March 9, 1959. Applicant: HARTMON TRUCKING, INC., Burkhardt, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds*, from New Richmond, Wis., to points in Olmsted and Mower Counties, Minn.; (2) *Manufactured feed ingredients*, in bags, from points in Carver, Dakota, Hennepin, Ramsey, and Scott Counties, Minn., to New Richmond, Wis.; and (3) *Alfalfa meal and/or pellets*, from points in Renville County, Minn., to New Richmond, Wis.

HEARING: May 29, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 118779, filed March 10, 1959. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Gilbert Nurick, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portland, hydraulic and masonry cement*, in bulk, in tank or hopper-type vehicles, and *such types of cement* in bags, packages, or other containers, palletized and/or unpalletized, from the plant site of Alpha Portland Cement Company at or in the vicinity of Martins Creek, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio,

Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, and *pallets and empty containers or other such incidental facilities* (not specified) used in transporting cement on return. Applicant is authorized to conduct operations as a common carrier in Pennsylvania, Ohio, Indiana, and West Virginia.

NOTE: Dual operations or common control may be involved.

HEARING: April 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118779 (Sub No. 1), filed March 10, 1959. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Gilbert Nurick, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portland, hydraulic and masonry cement*, in bulk, in tank or hopper-type vehicles, and *such types of cement* in bags, packages, or other containers, palletized and/or unpalletized, from the plant site of Medusa Portland Cement Company at or in the vicinity of York, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, and *pallets and empty containers or other such incidental facilities* (not specified) used in transporting cement on return. Applicant is authorized to conduct operations as a common carrier in Pennsylvania, Ohio, Indiana, and West Virginia.

NOTE: Dual operations or common control may be involved.

HEARING: April 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118779 (Sub No. 2), filed March 10, 1959. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's Attorney: Gilbert Nurick, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portland, hydraulic and masonry cement*, in bulk, in tank or hopper-type vehicles, and *such types of cement* in bags, packages, or other containers palletized and/or unpalletized, from the plant site of Standard Lime and Cement Company, at or in the vicinity of Martinsburg, W. Va., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, and *pallets and empty containers or other such incidental facilities* (not specified) used in transporting cement on return. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Indiana, and West Virginia.

NOTE: Dual operations or common control may be involved.

HEARING: April 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118779 (Sub No. 3), filed March 10, 1959. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Gilbert Nurick, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portland, hydraulic and masonry cement*, in bulk, in tank or hopper-type vehicles, and *such types of cement* in bags, packages, or other containers, palletized and/or unpalletized, from the plant site of the Allentown Portland Cement Company at or in the vicinity of West Conshohocken (Swedeland), Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, and *pallets and empty containers or other such incidental facilities* (not specified) used in transporting cement on return. Applicant is authorized to conduct operations in Pennsylvania, Ohio, West Virginia, and Indiana.

NOTE: Dual operations or common control may be involved.

HEARING: April 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118779 (Sub No. 4), filed March 10, 1959. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Gilbert Nurick, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portland, hydraulic and masonry cement*, in bulk, in tank or hopper-type vehicles, and *such types of cement* in bags, packages, or other containers, palletized and/or unpalletized, from the plant site of North American Cement Company, at or in the vicinity of Hagerstown (Security), Md., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, and *pallets and empty containers or other such incidental facilities* (not specified) used in transporting cement on return. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Indiana, and West Virginia.

HEARING: April 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118779 (Sub No. 5), filed March 10, 1959. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Gilbert Nurick, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portland, hydraulic*

and masonry cement, in bulk, in tank or hopper-type vehicles, and *such types of cement* in bags, packages, or other containers, palletized and/or unpalletized, from the plant site of Lehigh Portland Cement Company, at or in the vicinity of Union Bridge, Md., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, and *pallets and empty containers or other such incidental facilities* (not specified) used in transporting cement on return. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Indiana, and West Virginia.

NOTE: Dual operations or common control may be involved.

HEARING: April 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118784, filed March 13, 1959. Applicant: MARYLAND AND WEST VIRGINIA COMPANY, a West Virginia corporation, 2 North Charles Street, Baltimore 1, Md. Applicant's attorney: Andrew C. Armstrong, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper type vehicles, and *cement*, in bags or other containers, from Limekiln and Security, Md., and Martinsburg, W. Va., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting cement on return.

NOTE: Applicant filed an application for contract carrier authority in No. MC 118787. Dual operations may be involved.

HEARING: May 4, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118786, filed March 13, 1959. Applicant: WELLMAN S. M. LEHMAN, doing business as LEHMAN TRANSPORT, 313 East Oak Street, Orrville, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Straight and sleeper truck cabs*, from Orrville, Ohio, to Allentown, Pa., and *parts and accessories* on return.

HEARING: May 6, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Dallas B. Russell.

No. MC 118787, filed March 13, 1959. Applicant: MARYLAND AND WEST VIRGINIA COMPANY, a West Virginia corporation, 2 North Charles Street, Baltimore 1, Md. Applicant's attorney: Andrew C. Armstrong, same address as applicant. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper type vehicles, and *cement*, in bags or other containers, from Limekiln, and Security, Md., and Martinsburg, W. Va., to points

in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting cement on return.

NOTE: Applicant filed an application for common carrier authority in No. MC 118784. Dual operations may be involved.

HEARING: May 4, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118789, filed March 16, 1959. Applicant: JOHN ROEHL, doing business as ROEHL TRUCK LINE, New Leipzig, N. Dak. Applicant's attorney: R. D. Wheeler, 33 Woolworth Building, P.O. Box 1, Bismarck, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, set up or knocked down, steel grain bins, major household appliances, hardware, and plumbing fixtures and supplies*, from Minneapolis and St. Paul, Minn., and points within ten (10) miles thereof, to points in Grant and Hettinger Counties, N. Dak.; and *exempt agricultural commodities*, on return.

HEARING: June 5, 1959, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 24.

No. MC 118813, filed March 24, 1959. Applicant: WESTERN MARYLAND TRUCK LINES, INC., 300 St. Paul Place, Baltimore, Md. Applicant's attorney: Rene J. Gunning, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, in bulk, in tank or hopper type vehicles, cement, in bags or other containers* (1) from points in Washington and Carroll Counties, Md., and York County, Pa., to points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia; (2) from any point on the rail line of the Western Maryland Railway Company to points within a 50 mile radius of any such point, and *rejected shipments and empty containers or other such incidental facilities* (not specified) used in transporting cement on return over the above routes.

HEARING: May 12, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118814, filed March 24, 1959. Applicant: WESTERN MARYLAND TRUCK LINES, INC., 300 St. Paul Place, Baltimore 2, Md. Applicant's attorney: Rene J. Gunning, 300 St. Paul Place, Baltimore 2, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement, in bulk, in tank or hopper type vehicles, cement, in bags or other containers*, from the plant site of the Lehigh Portland Cement Company at Union Bridge, Md., to points in Maryland, Delaware, Virginia, West Virginia, North Carolina, New Jersey, Pennsylvania, New York, Ohio, and the District of Columbia, and *rejected shipments and*

empty containers or other such incidental facilities (not specified) used in transporting cement on return.

HEARING: May 12, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118814 (Sub No. 1), filed March 24, 1959. Applicant: WESTERN MARYLAND TRUCK LINES, INC., 300 St. Paul Place, Baltimore 2, Md. Applicant's attorney: Rene J. Gunning, 300 St. Paul Place, Baltimore 2, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement, in bulk, in tank or hopper type vehicles, cement, in bags or other containers*, from the plant site of the Medusa Portland Cement Company at York, Pa., to points in Maryland, Delaware, Virginia, West Virginia, North Carolina, New Jersey, Pennsylvania, New York, Ohio, and the District of Columbia, and *rejected shipments and empty containers or other such incidental facilities* (not specified) used in transporting cement on return.

HEARING: May 12, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118814 (Sub No. 2), filed March 24, 1959. Applicant: WESTERN MARYLAND TRUCK LINES, INC., 300 St. Paul Place, Baltimore 2, Md. Applicant's attorney: Rene J. Gunning, 300 St. Paul Place, Baltimore 2, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement, in bulk, in tank or hopper type vehicles, cement, in bags or other containers*, from the plant site of the North American Cement Corporation at Security, Md., to points in Maryland, Delaware, Virginia, West Virginia, North Carolina, New Jersey, Pennsylvania, New York, Ohio, and the District of Columbia and *rejected shipments and empty containers or other such incidental facilities* (not specified) used in transporting cement on return.

HEARING: May 12, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C. before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118816, filed March 20, 1959. Applicant: MATERIALS TRANSPORT SERVICE, INC., 4010 McIntosh Road, Harrisburg, Pa. Applicant's attorney: Wendell Y. Blanning, 612 Barr Bldg., 910 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement, in tank type vehicles, and cement, in bags, packages, or other containers, palletized and/or unpalletized*, (1) from points in Lehigh, Northampton and York Counties, Pa., to points in New Jersey, New York, Maryland, Virginia, Delaware, and the District of Columbia, (2) from points in Washington, Frederick and Carroll Counties, Md., to points in Pennsylvania, Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return over the above routes.

HEARING: May 7, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

MOTOR CARRIERS OF PASSENGERS
(PRE-HEARING CONFERENCE)

THE FOLLOWING APPLICATIONS ARE ASSIGNED FOR PRE-HEARING CONFERENCE: April 28, 1959, at 9:30 o'clock a.m. United States standard time (or 9:30 o'clock a.m. local daylight saving time, if that time is observed) at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N.J., with Joint Board No. 119 presiding.

No. MC 2880 (Sub No. 14), filed February 4, 1959. Applicant: SOMERSET BUS CO., INC., U.S. Highway 22, Mountainside, N.J. Applicant's attorney: Wilmer A. Hill, 815 17th Street, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) between Piscataway, N.J., and Elizabeth, N.J., from the junction of Vale Junction and Washington Avenue, in Piscataway, along Washington Avenue to the junction of New Market Avenue, thence along New Market Avenue to South Plainfield, thence along New Market Avenue to the junction of Hamilton Boulevard, thence along Hamilton Boulevard to the junction of Maple Avenue, thence along Maple Avenue to Edison Township, thence over Maple Avenue to the junction of Inman Avenue, thence over Inman Avenue to Woodbridge Township, thence over Inman Avenue to Rahway, thence over West Inman Avenue to the junction of New Brunswick Avenue, thence over New Brunswick Avenue to the junction of East Hazelwood Avenue, thence over East Hazelwood Avenue to the junction of Hart Street, thence over Hart Street to Woodbridge Township, thence over Hart Street to the junction of Blazing Star Road, thence over Blazing Star Road to Carteret, thence over Roosevelt Avenue to the junction of New Jersey Turnpike Interchange Road No. 12 to the New Jersey Turnpike, thence along the New Jersey Turnpike to Linden, thence along the New Jersey Turnpike to Elizabeth, thence along the New Jersey Turnpike to the junction of New Jersey Turnpike Interchange Road No. 13, and return over the same route; (2) between Plainfield, N.J., and South Plainfield, N.J., from the junction of West Seventh Street and Park Avenue, in Plainfield, along Park Avenue to South Plainfield, thence along Park Avenue to the junction of Maple Avenue, and return over the same route; (3) between South Plainfield, N.J., and Carteret, N.J., from the junction of Maple Avenue and Park Avenue, in South Plainfield, along Park Avenue to the junction of Oak Tree Road, thence along Oak Tree Road to the Township of Edison, thence along Oak Tree Road to the Township of Woodbridge, thence along Oak Tree Road to the junction of Plymouth Street, thence along Plymouth Street to the junction

of Bender Avenue, thence along Bender Avenue to the junction of New Dover Road, thence along New Dover Road to the junction of Colonia Boulevard, thence along Colonia Boulevard to the junction of Chain-O-Hills Road, thence along Chain-O-Hills Road to the junction of Avenel Street, thence along Avenel Street to the junction of Rahway Avenue, thence along Rahway Avenue to the junction of Homestead Avenue, thence along Homestead Avenue to the junction of Blair Road, thence along Blair Road to Carteret, thence along Blair Road to the junction of Roosevelt Avenue, and return over the same route, serving all intermediate points on the above specified routes. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia.

No. MC 2880 (Sub No. 15), filed March 19, 1959. Applicant: SOMERSET BUS CO., INC., U.S. Highway 22, Mountainside, N.J. Applicant's attorney: Wilmer A. Hill, 815 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (1) between Princeton, N.J., and Elizabeth, N.J.: from Princeton over New Jersey Highway 27 to Elizabeth, and return over the same route, serving all intermediate points; (2) between New Brunswick, N.J., and Elizabeth, N.J.: from New Brunswick, at the junction of New Jersey Highway 27 and New Jersey Highway 18, via New Jersey Highway 18 to junction New Jersey Turnpike Interchange Road No. 9, thence via New Jersey Turnpike Interchange Road No. 9 to junction New Jersey Turnpike, thence via New Jersey Turnpike to junction New Jersey Turnpike and New Jersey Turnpike Interchange Road No. 13 in Elizabeth, and return over the same route, serving all intermediate points; (3) between Middlesex Borough, N.J., and Highland Park, N.J.: from the Middlesex Borough at junction New Jersey Highways 28 and 18, via New Jersey Highway 18 to junction New Jersey Highway 18 and New Jersey Highway 17 in Highland Park, and return over the same route, serving all intermediate points; (4) between Metuchen, N.J., and Woodbridge, N.J.: from Metuchen at junction New Jersey Highway 27 and New Jersey Middlesex County Road 501, via Middlesex County Road 501 to junction New Jersey Highway 440, thence via New Jersey Highway 440 to junction U.S. Highway 9, thence via U.S. Highway 9 to junction New Jersey Turnpike Interchange Road No. 11, and thence via New Jersey Turnpike Interchange Road No. 11 to the New Jersey Turnpike in Woodbridge, and return over the same route, serving all intermediate points; and (5) between Rahway, N.J., and Carteret, N.J.: from Rahway, at junction New Jersey Highway 27 and West Inman Avenue, via West Inman Avenue to junction East Inman, thence along East Inman Avenue to junction New Brunswick Avenue, thence via New Brunswick Avenue to junction East Hazelwood Avenue, thence

via East Hazelwood Avenue to junction Hart Street, thence via Hart Street to Woodbridge, thence via Hart Street to junction Blazing Star Road, thence via Blazing Star Road to Carteret, thence via Roosevelt Avenue to junction New Jersey Turnpike Interchange Road No. 12, and thence along New Jersey Turnpike Interchange Road No. 12 to the New Jersey Turnpike in Carteret, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Maryland, and the District of Columbia.

No. MC 3647 (Sub No. 249), filed January 29, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a New Jersey corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Carteret, N.J., and South Plainfield, N.J., (1) from junction of New Jersey Turnpike Interchange No. 12 at Carteret, N.J., over access roads to Roosevelt Avenue, thence over Roosevelt Avenue to Blazing Star Road, Woodbridge, thence over Blazing Star Road to Hart Street, Rahway, thence over Hart Street to junction East Hazelwood Avenue, thence over East Hazelwood Avenue to junction New Brunswick Avenue, thence over New Brunswick Avenue to junction East Inman Avenue, thence over East Inman Avenue and West Inman Avenue, to junction Inman Avenue, Woodbridge, thence over Inman Avenue through Woodbridge Township and Edison Township to Maple Avenue, thence over Maple Avenue into South Plainfield, N.J. to Hamilton Boulevard, thence over Hamilton Boulevard to South Plainfield Avenue, and return over the same route, serving all intermediate points, (2) from junction of New Jersey Turnpike Interchange No. 12, Carteret, N.J. over access roads to Roosevelt Avenue, thence over Roosevelt Avenue to Blazing Star Road, Woodbridge, thence over Blazing Star Road to Blair Road, thence over Blair Road to Homestead Avenue, thence over Homestead Avenue to Rahway Avenue, thence over Rahway Avenue to Avenel Street, thence over Avenel Street to Chain-O-Hills Road, thence over Chain-O-Hills Road to Colonia Boulevard, thence over Colonia Boulevard to New Dover Road, thence over New Dover Road to Wood Avenue (Woodbridge-Edison Township Line), thence over Wood Avenue to Oak Tree Road, Edison Township, thence over Oak Tree Road to Park Avenue, South Plainfield, thence over Park Avenue to Maple Avenue, thence over Maple Avenue to Hamilton Boulevard, thence over Hamilton Boulevard to South Plainfield Avenue, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Virginia, and the District of Columbia.

No. MC 3647 (Sub No. 255), filed March 16, 1959. Applicant: PUBLIC

SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, General Counsel, Law Department, Public Service Coordinated Transport (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (1) Between Bound Brook, N.J., and Elizabeth, N.J., serving all intermediate points. From junction of East Main Street and Mountain Avenue, Bound Brook, over East Main Street to junction of Lincoln Boulevard, Middlesex, N.J., thence over Lincoln Boulevard to junction of South Lincoln Avenue, thence over South Lincoln Avenue to junction of Bound Brook Road, thence over Bound Brook Road to junction of North Avenue, Dunellen, N.J., thence over North Avenue to junction of West Front Street, Plainfield, N.J., thence over West Front Street to junction of New Street, thence over New Street to junction of West Second Street, thence over West Second Street to junction of East Second Street, thence over East Second Street to junction of Watchung Avenue, thence over Watchung Avenue to junction of East Fifth Street, thence over East Fifth Street to junction of South Avenue thence over South Avenue through Fanwood, and Scotch Plains, N.J., to junction of Westfield Plaza, Westfield Plaza, Westfield, N.J., thence over Westfield Plaza (East Broad Street), to junction of North Avenue, thence over North Avenue to junction of Lincoln Avenue, Garwood, N.J., thence over Lincoln Avenue to junction of South Avenue, Cranford, N.J., thence over South Avenue, to junction of West First Avenue, Roselle, N.J., thence over West First Avenue to junction of Laurel Street, thence over Laurel Street to junction of West Second Avenue, thence over West Second Avenue to junction of East Second Avenue, thence over East Second Avenue to junction of Sheridan Avenue, thence over Sheridan Avenue to junction of East Third Avenue, thence over East Third Avenue to junction of Jersey Avenue, Elizabeth, N.J., thence over Jersey Avenue to junction of West Jersey Street, thence over West Jersey Street to junction of East Jersey Street, thence over East Jersey Street to junction of U.S. Highway 1, Elizabeth. Return over the same route to junction of Watchung Avenue and East Second Street, Plainfield, N.J., thence over Watchung Avenue to junction of East Front Street, thence over East Front Street to junction of West Front Street, thence over West Front Street to junction of New Street, Plainfield, N.J., thence over the same route to junction of East Main Street and East Street, Bound Brook, N.J., thence over East Street to junction of East Union Avenue, thence over East Union Avenue to junction of Mountain Avenue, thence over Mountain Avenue to junction of East Main Street, Bound Brook. (2) Between Bound Brook, N.J., and Middlesex, N.J., serving all intermediate points, from junction East Union Avenue and East

Street, Bound Brook, over East Union Avenue to junction of Union Avenue, Middlesex, N.J., thence over Union Avenue to junction of Beechwood Avenue, thence over Beachwood Avenue to junction of Grant Avenue, thence over Grant Avenue to junction of Harris Avenue, thence over Harris Avenue to junction of Madison Avenue, thence over Madison Avenue to junction of Lincoln Boulevard, Middlesex, and return over the same route. (3) Between Plainfield, N.J., and Cranford, N.J., serving all intermediate points, from junction East Fifth Street and Richmond Street, Plainfield, over Richmond Street to junction of East Second Street, thence over East Second Street to junction of Westfield Avenue, Scotch Plains, N.J., thence over Westfield Avenue to the junction of Plainfield Avenue, thence over Plainfield Avenue to junction of Brightwood Avenue, Westfield, N.J., thence over Brightwood Avenue to junction of Prospect Street, thence over Prospect Street to junction of Newton Place, thence over Newton Place to junction of Elm Street, thence over Elm Street to junction of East Broad Street, thence over East Broad Street to junction of Westfield Plaza, thence over Westfield Plaza (East Broad Street), to the junction of South Avenue, thence over South Avenue to the junction of Summit Avenue, thence over Summit Avenue to junction of Grove Street, thence over Grove Street to junction of Spruce Avenue, Garwood, N.J., thence over Spruce Avenue to junction of Center Street, thence over Center Street to junction of South Avenue, thence over South Avenue to junction of Lincoln Avenue, Cranford, and return over the same route. (4) Within Elizabeth, N.J., from junction Jersey Avenue and Elmora Avenue, Elizabeth, over Elmora Avenue to junction of South Elmora Avenue, thence over South Elmora Avenue to junction of U.S. Highway 1 at Bayway Circle, Elizabeth, and return over the same route, serving all intermediate points. (5) Between Westfield, N.J., and Garwood, N.J., serving all intermediate points, from junction South Avenue and Summit Avenue, Westfield, over South Avenue to junction of Center Avenue, Garwood, and return over the same route. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

No. MC 115116 (Sub No. 3), filed December 29, 1958. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers. Between Borough of Metuchen, N.J., and Borough of South Plainfield, N.J., as follows: From a point on Clive Street where Clive Street is intersected by the Borough of Metuchen-Edison Township Boundary line over Clive Street in Edison Township to junction Mason Drive, thence over Mason

Drive to the Borough of Metuchen-Edison Township Boundary line, thence over city streets in Metuchen at a point on Grove Avenue where it is intersected by the Borough of Metuchen-Edison Township Boundary line, thence over Grove Avenue in Edison Township, N.J., to junction Calvert Avenue, thence over Calvert Avenue to junction Southfield Road, thence over Southfield Road to junction Plainfield Road, thence over Plainfield Road to junction Stephenville Parkway, thence over Stephenville Parkway to junction Park Avenue, thence over Park Avenue to junction Oak Tree Road in the Borough of South Plainfield, and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in New Jersey and New York.

NOTE: Applicant states that it is presently authorized to use all city streets within the Borough of Metuchen and therefore the above route description does not specify city streets in the Borough of Metuchen. Any duplication with present authority to be eliminated.

No. MC 115116 (Sub No. 4), filed December 29, 1958. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers. (1) Between Borough of South Plainfield, N.J., and Borough of Carteret, N.J., as follows: From junction South Plainfield Avenue and Hamilton Boulevard in South Plainfield, over Hamilton Boulevard to junction Maple Avenue, thence over Maple Avenue to junction Inman Avenue in Edison Township, N.J., thence over Inman Avenue to the Edison Township-City of Rahway Boundary line, thence over west Inman Avenue in Rahway, N.J., to junction New Brunswick Avenue, thence over New Brunswick Avenue to junction East Hazlewood Avenue, thence over East Hazlewood Avenue to the City of Rahway-Woodbridge Township Boundary line, thence over Hazlewood Avenue in Woodbridge Township, N.J., to junction Blazing Star Road, thence over Blazing Star Road to the Woodbridge Township-Borough of Carteret Boundary line, thence over Roosevelt Avenue in Carteret, N.J., and access roads to the New Jersey Turnpike (Interchange No. 12) in Carteret, N.J., thence over access roads to the New Jersey Turnpike (a point on applicant's authorized regular route operations), thence return from junction New Jersey Turnpike and access roads to Roosevelt Avenue in Carteret, N.J., (a point on applicant's authorized regular route operations), over access roads to Roosevelt Avenue, thence over Roosevelt Avenue to the Borough of Carteret-Woodbridge Township Boundary line, thence continue over said boundary line to junction South Plainfield Avenue and Hamilton Boulevard, in South Plainfield, and return over the same route, serving all intermediate points, with the right of joinder of the above-described route

with applicant's authorized regular route operations where said routes meet on the New Jersey Turnpike in Carteret; and (2) Between Borough of South Plainfield, N.J., and Borough of Carteret, N.J., as follows: From junction Maple Avenue and Park Avenue in South Plainfield, over Park Avenue to junction Oak Tree Road, thence over Oak Tree Road to the Borough of South Plainfield-Edison Township Boundary line, thence over Oak Tree Avenue in Edison Township, N.J., to the Edison Township-Woodbridge Township Boundary line, thence over Oak Tree Road in Woodbridge Township to junction Plymouth Street, thence over Plymouth Street to junction Bender Avenue, thence over Bender Avenue to junction New Dover Road, thence over New Dover Road to junction Colonia Boulevard, thence over Colonia Boulevard to junction Chain-O-Hills Road, thence over Chain-O-Hills Road to junction Avenel Street, thence over Avenel Street to junction Rahway Avenue, thence over Rahway Avenue to junction Homestead Avenue, thence over Homestead Avenue to junction Blair Road, thence over Blair Road to junction Blazing Star Road and Roosevelt Avenue at or near the Woodbridge Township-Borough of Carteret Boundary line, and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in New Jersey and New York.

No. MC 115116 (Sub No. 5), filed February 19, 1959. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between Dunellen, N.J., and Elizabeth, N.J., from junction North Washington Avenue and Mountain View Terrace in Dunellen over Mountain View Terrace to its junction with Madison Avenue, thence over Madison Avenue to its junction with North Avenue, thence over North Avenue to the Borough of Dunellen City of Plainfield Boundary line, thence over West Front Street in Plainfield, N.J., to its junction with Central Avenue, thence over Central Avenue to its junction with Second Street, thence over Second Street to East Second Street, thence continuing over East Second Street to its junction with Watchung Avenue, thence over Watchung Avenue to its junction with East Fifth Street, thence over East Fifth Street to South Avenue, thence continuing over South Avenue to the City of Plainfield-Borough of Fanwood Boundary line, thence continuing over South Avenue through the Borough of Fanwood, Township of Scotch Plains, Town of Westfield, Borough of Garwood, to the Borough of Garwood-Township of Cranford Boundary line, thence continuing over West South Avenue in Cranford, N.J., to East South Avenue, thence continuing over East South Avenue to the Township of Cranford-Borough of Roselle Boundary line, thence continuing over First Avenue in Roselle, N.J., to its

junction with Locust Street, thence over Locust Street to its junction with Second Avenue, thence over Second Avenue to its junction with Sheridan Avenue, thence over Sheridan Avenue to its junction with Third Avenue, thence over Third Avenue to the Borough of Roselle-City of Elizabeth Boundary line, thence over Jersey Avenue in Elizabeth, N.J., to its junction with Elmora Avenue, thence over Elmora Avenue to South Elmora Avenue, thence continuing over South Elmora Avenue to Bay Way Circle, thence over Bay Way to its junction with Trenton Avenue, thence over Trenton Avenue to its junction with Atlantic Street, thence over Atlantic Street to its junction with access roads to New Jersey Turnpike (Interchange No. 13), thence over access roads to the New Jersey Turnpike with the right of joinder of aforesaid route with the presently authorized route of Suburban Transit Corp. where said routes meet on the New Jersey Turnpike in Elizabeth, N.J. Return over the same route. Serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

At the Pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations, if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIERS OF PASSENGERS

No. MC 12693 (republication), filed February 18, 1959, published issue of March 25, 1959. Applicant: SKI TOURS, INC., Wyatt Building, Room No. 736, Washington 5, D.C. Applicant's attorney: Seymour M. Chase, Wyatt Building, Washington 5, D.C. Authority sought to operate as a *Broker* (BMC 5) at Washington, D.C., in arranging for transportation in interstate or foreign commerce by motor vehicle, of: *Passengers and their baggage*, in special or charter service, in round-trip all expense tours, beginning and ending at Washington, D.C., and extending to established ski areas in Maryland, Massachusetts, New Hampshire, New York, Pennsyl-

vania, Vermont, Virginia, and West Virginia.

NOTE: The purpose of this republication is to show that applicant proposes to arrange such transportation only for persons, and groups of persons primarily interested in engaging in the sport of skiing.

HEARING: Remains as assigned. April 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 261.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 35484 (Sub No. 39), (Republication), filed March 2, 1959, published issue of March 18, 1959. Applicant: VIKING FREIGHT COMPANY, a corporation, 614 South Sixth Street, St. Louis 2, Mo. Applicant's attorney: Gregory M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, loose bulk commodities, and commodities requiring special equipment, (1) between Illinois Highway 3 at Chester, Ill., and junction of Missouri Highway 51, and U.S. Highway 61 east of Perryville, Mo., as follows: from Illinois Highway 3 at Chester, thence over city streets of Chester to Mississippi River Bridge, thence over Mississippi River Bridge, to Missouri Highway 51, thence over Missouri Highway 51 to junction U.S. Highway 61 and return over the same route serving Chester and junction Missouri Highway 51 and U.S. Highway 61 for joinder purposes only.

NOTE: The purpose of this republication is to describe the operations proposed exactly as set forth in item (1) of the form BMC 78 application noticed in the FEDERAL REGISTER of March 18, 1959. The operations set forth in item (2) of the previous publication were correctly stated.

No. MC 52917 (Sub No. 17), filed March 24, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and dairy products*, as defined in Appendix 1, sub-heading A and B in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *perishable foods*, in vehicles equipped with temperature-control devices, from Baltimore, Md., to Harrisburg, Pa.; and *Pizza pies*, in vehicles equipped with temperature-control devices, from Wilkes-Barre, Pa., to Baltimore, Md. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Any duplication with present authority to be eliminated.

No. MC 66562 (Sub No. 1485), filed March 23, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y.

Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, limited, however, to transportation of express shipments having a prior or subsequent rail or air haul, between St. Paul, Minn., and Hayward, Wis., from St. Paul, Minn., easterly on U.S. Highway 12 a distance of approximately 17 miles to junction with St. Croix County Road A; thence north on St. Croix Road A, a distance of approximately 6 miles to junction with St. Croix County Road I; thence north on St. Croix County Road I, a distance of approximately 7 miles to junction with Wisconsin Highway 64; thence easterly on Wisconsin Highway 64 approximately 7 miles to junction with Wisconsin Highway 65; thence northerly on Wisconsin Highway 65 a distance of approximately 4 miles to junction with St. Croix County Road H; thence east on St. Croix County Road H, a distance of approximately 6 miles to junction with Wisconsin Highway 46; thence northerly on Wisconsin Highway 46 a distance of approximately 9 miles to junction with Polk County Road F; thence east and south on Polk County Road F a distance of approximately 9 miles to junction with U.S. Highway 63, thence northeasterly on U.S. Highway 63 a distance of approximately 72 miles to Hayward, Wis., and return over the same route to St. Paul, Minn., serving the intermediate points of Clear Lake, Clayton, Cumberland, and Shell Lake, Wis. Applicant is authorized to conduct operations throughout the United States.

No. MC 80018 (Sub No. 7), filed March 20, 1959. Applicant: EDMAC TRUCKING CO., INC., P.O. Box 447, Dunn Road, Fayetteville, N.C. Applicant's attorney: A. W. Flynn, Jr., 201-204 Jefferson Building, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus pulp or meal, animal or poultry*, from points in that part of Florida which are located on and between the following described lines: (1) on the south, a line beginning at Fort Pierce, Fla., and running west along Florida Highway 70 through Okeechobee and Arcadia to the intersection of Florida Highway 70 with Florida Highway 675, thence north along Florida Highway 675 to its intersection with Florida Highway 64, thence west along Florida Highway 64 to Bradenton, Fla., (2) on the north, a line beginning at Daytona Beach, Fla., thence west along U.S. Highway 92 to its intersection with U.S. Highway 17, thence north along U.S. Highway 17 to its intersection with Florida Highway 40, thence west along Florida Highway 40 to Ocala, Fla., thence west along U.S. Highway 27 to Williston, Fla., thence continuing west along alternate U.S. Highway 27 through Bronson and Chiefland, Fla., to Old Town, Fla., thence south along Florida Highway 349 to Suwannee, Fla., to points in Georgia, South Carolina, and North Carolina. Applicant is authorized to conduct operations in North Carolina, South Carolina, Florida and Georgia.

NOTE: Dual operations may be involved.

No. MC 109637 (Sub No. 113), filed March 23, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bell Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl acetate*, in bulk, in tank vehicles, from Cincinnati, Ohio to Tampa, Fla., and *empty containers or other such incidental facilities* (not specified) used in transporting polyvinyl acetate on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

No. MC 111301 (Sub No. 6), filed March 20, 1959. Applicant: L. J. KREUTZER, doing business as KREUTZER MOTOR EXPRESS, West Rock Road, Mankato, Minn. Applicant's attorney: Hoyt Crooks, 842 Raymond Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool*, in self-owned or shipper-owned equipment, (1) from Mankato, Minn., to points in the Northern Peninsula of Michigan and those in Illinois on and north of U.S. Highway 136 and on and west of U.S. Highway 51; (2) (if such additional authority is required) from Mankato, Minn., to points in Iowa, Nebraska, Wisconsin, North Dakota, and South Dakota, and *shipper-owned trailers* (empty) on return. Applicant is authorized to transport mineral wool from Mankato to points in Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin.

No. MC 111560 (Sub No. 6), filed March 23, 1959. Applicant: ALBERT DEBRACCIO, 263 South Munroe, Tallmadge, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum storm windows and doors*, and, in connection therewith, *moldings and parts, glass, screen wire, and plastic and rubber items* used in the assembly of aluminum doors and windows, and *aluminum siding*, and *accessories and related articles*, used in the application of aluminum siding, from Akron, Gnadenhutten, and Sugar Creek, Ohio, to points in Connecticut, and *scrap aluminum, damaged, rejected or returned shipments* of the commodities specified in this application, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 118762, filed March 5, 1959. Applicant: MATICH TANK LINES, INC., 350 West Valley Boulevard, P.O. Box 65, Colton, Calif. Applicant's at-

torney: Orville A. Schulenberg, 1221 Fulton Street, Equitable Building, Fresno 21, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Road oils, asphalts and fuel oils*, in bulk, in tank trucks and tank trailers, from Norwalk, Los Angeles County, Calif., to points in Clark County, Nevada.

No. MC 118822, filed March 19, 1959. Applicant: Lymwood H. Felton, Schuyler Falls, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemical fertilizer materials and mixtures*, in bags, from the ports of entry on the international boundary line between the United States and Canada at or near Champlain and Roseveltown, N.Y., to Malone, N.Y., and points in Clinton County, N.Y.

No. MC 118823, filed March 16, 1959. Applicant: John C. Robinson, Essex Junction, Vt. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemical fertilizer materials and mixtures*, in bags, from the port of entry on the international boundary line between the United States and Canada at or near Highgate, Vt., to points in Chittenden County, Vt., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 118689 (Sub No. 2), filed March 25, 1959. Applicant: BRISTOL-JENKINS BUS LINE, INC., 116 Lee Street, Bristol, Va. Applicant's attorney: John C. Goddin, State Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail, and newspapers*, in the same vehicle with passengers, between Bristol, Va., and Jenkins, Ky., from Bristol over U.S. Highway 19 to Hansonville, Va., thence over Alternate U.S. Highway 58 to Norton, Va., thence over U.S. Highway 23 to Jenkins, and return over the same route, serving all intermediate points.

PETITION

No. MC 4483 (PETITION TO WAIVE RULE 101(e) AND FOR CONSTRUCTION AND AMENDMENT OF CERTIFICATE). Petitioner: MONSON DRAY LINE, INC., Zumbrota, Minn. Petitioner's representative: Edward J. McNonigal, 100 Warren Avenue, Zumbrota, Minn. Petitioner's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis 2, Minn. Certificate in MC 4483, dated November 15, 1940, authorizes the transportation of general commodities, with exceptions, (1) between Rochester, Minn., and Minneapolis, Minn., (2) between Fairbault, Minn., and Theilman, Minn., and (3) between Zumbrota, Minn., and Red Wing, Minn., over specified regular routes, serving certain named intermediate and off-route points. By the instant filing petitioner prays the Commission (1) construe its certificate No. MC 4483 as authorizing it (a) to serve Zumbrota on each and all of the routes described in said certificate

and (b) to operate from any and all points at which service is authorized on any of the routes described in said certificate, thence over said route to Zumbrota, thence over any other of said routes to any and all points at which service is authorized on such other route, and return over the same routes via Zumbrota; and (2) if the Commission construes said certificate as not now authorizing it to serve Zumbrota on each route described in said certificate or as not now authorizing it to operate from any and all points authorized for service on any of said routes via Zumbrota to any and all points authorized for service on any other of said routes, then to correct and amend said certificate to authorize such service and operations.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7111 (correction) (BLODGETT UNCRATED FURNITURE SERVICE, INC.—PURCHASE—SYRACUSE FURNITURE FORWARDING CO., INC.), published in the March 4, 1959, issue of the FEDERAL REGISTER on page 1624. It was erroneously stated that an application had been filed for temporary authority under section 210a(b).

No. MC-F 7148. Authority sought for purchase by DEAN VAN LINES INC., 18420 South Santa Fe Avenue, Long Beach, Calif., of a portion of the operating rights of H. L. DAVIDSON, doing business as LORAIN TRANSFER & STORAGE CO., 106 McNeil Street, Shreveport, La., and for acquisition by DEAN VAN & STORAGE, INC., and, in turn, by A. E. DEAN, both of Long Beach, of control of such rights through the purchase. Applicants' attorney: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between points in Louisiana, on the one hand, and, on the other, points in Mississippi. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7149. Authority sought for control by ACCELERATED TRANSPORT-PONY EXPRESS, INC., 23 and 61 West Lee Street, Hagerstown, Md., of DOWNING & PERKINS, INC., 2175 Berlin Turnpike, Newington, Conn., and for acquisition by HARRY G. MASSER, Blue Ridge Summit, Pa., and J. EDWARD DAVEY, 639 Oak Hill Avenue, Hagerstown, Md., of control of DOWNING & PERKINS, INC., through the acquisition by ACCELERATED TRANSPORT-PONY EXPRESS, INC. Applicant's attorneys: D. W. Markham, 2001 Massachusetts Avenue, Washington 6, D.C., and

H. M. Joseloff, 410 Asylum Street, Hartford, Conn. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Hartford, Conn., and Lancaster, Pa., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between points in Connecticut, Massachusetts, certain points in Rhode Island; certain points in New York, certain points in New Jersey, and certain points in Pennsylvania. ACCELERATED TRANSPORT-PONY EXPRESS, INC., is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Maryland, Virginia, West Virginia, Ohio, North Carolina, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7150. Authority sought for control by DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind., of G.M.S. TRUCKING, INC., Dawsett Road, Galion, Ohio, and for acquisition by PAUL A. MAVIS, also of South Bend, of control of G.M.S. TRUCKING, INC., through the acquisition by DALLAS & MAVIS FORWARDING CO., INC. Applicant's attorneys: Charles Pieroni, 523 Johnson Building, Muncie, Ind., and Vernon L. Stouffer, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be controlled: *Grave vaults, dump-truck bodies, hoists, coal conveyors, and parts* for such bodies, hoists, and conveyors, as a *contract carrier* over irregular routes, from Galion and Marion, Ohio, and points within five miles of each, to all points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *materials, supplies, and equipment* used in the manufacture of the commodities described above, and *damaged and used parts* for dump-truck bodies, hoists, and coal conveyors, from all points in the 34 States named above and the District of Columbia to Galion, Marion, and points within five miles of each; *dump-truck bodies, coal conveyors, hoists, tailgate lifts, chutes, farm machinery and equipment, and parts* for each, from Streator, Ill., and points within five miles of Streator, to points in Alabama, Arkansas, Arizona, Colorado, Connecticut, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of

Columbia; *dump-truck bodies, and hydraulic hoists, and parts* for each, from Marion, Ohio, and points within five miles of Marion, to points in Arizona, Colorado, Louisiana, Montana, New Mexico, Rhode Island, Utah, and Wyoming; *grave vaults, dump-truck bodies, hoists, coal conveyors, and parts* for such bodies, hoists, and conveyors, from Galion, Ohio, and points within five miles of Galion, to points in Arizona, Colorado, Louisiana, Montana, New Mexico, Rhode Island, Utah, and Wyoming; *tailgate lifts and parts* therefor, from Marion, Ohio, and points within five miles of Marion, to points in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming; *split shaft power take-offs, and parts* therefor, *farm machinery and equipment, and road building machinery and equipment*, from Galion, Ohio, and points within five miles of Galion, to points in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. DALLAS & MAVIS FORWARDING CO., INC., is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-2932; Filed Apr. 7, 1959; 8:50 a.m.]

[Notice 106]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 3, 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 61663. By order of March 30, 1959, the Transfer Board approved the transfer to B. F. Richter, doing business as Richter Trans., 215 Walnut Street, Atlantic, Iowa, of a certificate in No. MC 30043, issued September 9, 1949, to B. F. Richter and B. J. Richter, A Partnership doing business as Richter Bros., 215 Walnut Street, Atlantic, Iowa, authorizing the transportation of livestock, grain, seeds, feed, hay, agricultural implements, and building materials, over irregular routes, between Atlantic, Iowa, and points within 15 miles of Atlantic, on the one hand, and, on the other, Omaha, Nebraska.

No. MC-FC 61756. By order of March 30, 1959, Division 4, acting as an Appellate Division, approved the transfer to Mt. Airy Transportation Co., Inc., 127 Franklin Street, Mt. Airy, N.C., of certificate No. MC 89391, issued June 10, 1949, to Tommie Nixon, doing business as Orchard Gap Transportation Company, 127 Franklin Street, Mt. Airy, N.C., authorizing the transportation of: Passengers and their baggage, between Mount Airy, N.C., and an unnamed Virginia point located six miles north of the North Carolina-Virginia State line on Virginia Highway 679, serving all intermediate points.

No. MC-FC 61893. By order of March 30, 1959, the Transfer Board approved the transfer to J. C. Berry and C. J. DeLapp, doing business as Springfield-Mountain Home Bus Line, Springfield, Mo., of a portion of Certificate No. MC 52882, issued February 11, 1958, and acquired by Smitty's Bus Line, Inc., Springfield, Mo., authorizing the transportation of: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Springfield, Mo., and Ozark, Mo., and between Ozark, Mo., and Mountain Home, Ark., serving all intermediate points. Louis W. Cowan, Suite 512 Woodruff Building, Springfield, Mo., for applicants.

No. MC-FC 61982. By order of March 30, 1959, the Transfer Board approved the transfer to J. A. Robinson Sons, Inc., 606 South Main Street, Borger, Texas, of Certificate No. MC 105666, issued July 21, 1955, to Leon Robinson, Forrest E. Robinson, Maurice N. Robinson, Paul R. Robinson, and Claude P. Robinson, doing business as J. A. Robinson Sons, 606 South Main Street, Borger, Texas, authorizing the transportation of: Oil Field equipment, between points in Texas, Oklahoma, and Kansas within a designated territory; machinery, equipment, materials and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in

connection with main or trunk pipe lines, between points in Texas within a designated territory, on the one hand, and, on the other, points in Oklahoma within a designated area; and machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, man-

ufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, dismantling of pipe lines, including the

stringing and picking up thereof, between points in Oklahoma, Kansas, and Colorado.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-2933; Filed, Apr. 7, 1959; 8:50 a.m.]

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.

3 CFR	Page	9 CFR	Page	29 CFR	Page
<i>Proclamations:</i>		151	2643	526	2584
3280	2609	<i>Proposed rules:</i>		681	2585, 2680
5 CFR		201	2591	<i>Proposed rules:</i>	
6	2520, 2673	10 CFR		522	2591
325	2609, 2610	<i>Proposed rules:</i>		32A CFR	
6 CFR		2	2592	<i>OIA (Ch. X):</i>	
421	2673	14 CFR		Oil Import Reg. 1	2622
434	2611	249	2644	<i>OIAB (Ch. XI)</i>	2622
485	2676	408	2645	<i>NSA (Ch. XVII):</i>	
539	2637	514	2515, 2517	INS-1	2659
7 CFR		600	2645	33 CFR	
51	2581, 2640	601	2647	202	2527
301	2557	602	2649	204	2560
719	2642	608	2519	207	2680
725	2676	620	2519	36 CFR	
728	2520	<i>Proposed rules:</i>		13	2643
729	2677	399	2538	38 CFR	
730	2677	15 CFR		1	2527
904	2520	205	2526	36	2651
914	2611	230	2526	41 CFR	
922	2581, 2612	17 CFR		<i>Proposed rules:</i>	
930	2522	203	2678	202	2538
934	2522	240	2679	43 CFR	
953	2612	18 CFR		192	2560
996	2524	141	2526	<i>Proposed rules:</i>	
999	2525	19 CFR		244	2586
1015	2678	4	2559	<i>Public land orders:</i>	
1070	2678	8	2612	338	2681
<i>Proposed rules:</i>		14	2612	1485	2681
52	2587	20 CFR		1825	2528
319	2561, 2690	613	2679	1826	2680
904	2623	21 CFR		1827	2680
914	2660	17	2650	1828	2681
934	2623	121	2559	46 CFR	
996	2623	<i>Proposed rules:</i>		370	2681
999	2623	120	2538	47 CFR	
8 CFR		121	2561	1	2529
101	2583	24 CFR		16	2533
103	2583	200	2527	<i>Proposed rules:</i>	
211	2583	25 CFR		3	2534, 2561
235	2583	1	2650	31	2562
236	2584	3	2650	49 CFR	
239	2584	163	2559	10	2560
245	2584	26 (1954) CFR		193	2659
249	2584	1	2650	<i>Proposed rules:</i>	
299	2584	44	2613	156	2592
328	2584	<i>Proposed rules:</i>		170	2691
333	2584	1	2660, 2681	193	2660
335	2584	296	2688	50 CFR	
336	2584			33	2585
337	2584			<i>Proposed rules:</i>	
338	2584			33	2586
499	2584				
<i>Proposed rules:</i>					
245	2624				